

<b>Application No:</b> 10/01780/HYBRID	<b>Ward: Caversfield</b>	<b>Date Valid:</b> 23/12/2010
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<b>Applicant:</b>	A2 Dominion Group/ P3Eco (Bicester) Ltd
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<b>Site Address:</b>	Bicester Eco Town Exemplar Site Caversfield Oxfordshire
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**Proposal:** Development of Exemplar phase of NW Bicester Eco Town to secure full planning permission for 394 residential units and an energy centre (up to 400 square metres), means of access, car parking, landscape, amenity space and service infrastructure and outline permission for a nursery of up to 350 square metres (use class D2), a community centre of up to 350 square metres (sui generis), 3 retail units of up to 770 square metres (including but not exclusively a convenience store, a post office and a pharmacy (use class A1)), an Eco-Business Centre of up to 1,800 square metres (use class B1), office accommodation of up to 1,100 square metres (use class B1), an Eco-Pub of up to 190 square metres (use class A4), and a primary school site measuring up to 1.34 hectares with access and layout to be determined.

## **Amendments to the Report**

Following the deferral of this application at the planning committee on the 14th July the following amendments have been made to the report;

### **Representations:**

The inclusion of late representations from the 14 July 2011.

### **Revisions to the Main Report**

The following sections of the report have been revised or expanded following the consideration of the application at the July committee;

5.2 Environmental Statement

5.7.6 Carbon saving

5.11 Employment

5.14 Local Services

5.21 Masterplan

5.25.10 Design – HouseTypes

5.26 Community Infrastructure and Planning Obligation

**Revised Recommendation** (see end of report)

### **Heads of Terms**

The inclusion of Heads of Terms from the update sheet from 14 July 2011.

### **Conditions;**

In corporation of conditions from the update sheet from the 14th July 2011 committee, including adjustment of previous conditions to publication.

The addition of condition (14) to ensure the Panter Hudspeth architect designed properties are built to passivhaus standards as set out in the Design & Access Statement.

## **1. Site Description and Proposal**

- 1.1 The application site is located to the north of Bicester, it adjoins the B4100 on its eastern side and wraps around Home Farm Caversfield. The most southerly part of the site is approximately 120 metres north of the existing extent of development at Bicester (Bure Park).
- 1.2 The site is just over 21 ha and currently in agricultural use. The land is currently in use for grazing with native hedgerows dividing up the fields. A small stream transects the site running west to east and then south through the southern part of the site.
- 1.3 The application proposes 393 dwellings, 30% provided as affordable, together with an energy centre, open space and infrastructure for which full planning permission is sought. The application also seeks outline permission for a children's nursery, community centre, retail units, business centre, offices, public house for which outline planning permission is sought. A site for a primary school is also identified within the application site.

## **2. Application Publicity**

- 2.1 The application was publicised by way of press advert in the Oxford Times, site notices and neighbour notification letters on registration and following the receipt of amended plans and information in April 2011 and in receipt of further amendments by further notification letters May 2011. Further amendments in June and July 2011 have been subject of limited consultation to technical consultees.
- 2.2 Below are set out the consultation responses and representations received as a result of advertising the application. PPS 1 advises that *'The outcomes from planning affect everyone, and everyone must therefore have the opportunity to play a role in delivering effective and inclusive planning. Community involvement is vitally important to planning and the achievement of sustainable development.* In addition para 43 states; *Community involvement in planning should not be a*

*reactive, tick-box, process. It should enable the local community to say what sort of place they want to live in at a stage when this can make a difference.'* The Council has also produced a Statement of Community Involvement (SCI) setting out how consultation will be carried out. This encourages applicants of major proposals to undertake consultation whilst developing their proposals.

- 2.3 The applicants undertook consultation on their emerging proposals, prior to making the planning application. The details of the consultation and the outcomes are set out in a statement accompanying the application. Consultation has included an open planning week and two further periods of consultation prior to the application proposals being submitted. The Statement concludes that *'A good level of awareness of the proposals for NW Bicester has been established and a significant amount of interest shown in the information presented publicly. Primary concerns have centred on whether the development will reach the high expectations of sustainability and the impact of the additional population on traffic and other infrastructure.'*

### **3. Consultations**

- 3.1 **Bucknell Parish Council** object to the application and highlight the first phase of the development does not fall within their parish boundary. A summary of their concerns are listed below:
1. General Observations
    - Density is high as insufficient consideration has been given to land available for each property.
    - There is no variety in design of the properties and this has been disguised by using different types of cladding.
    - Shape of the land available has had a detrimental effect on the layout and 'community' principle.
  2. Traffic

Pleased to see no direct vehicular access to the Bucknell Road, however the issues of number of parking spaces was raised, that if the same 8% of parking spaces is applied to the masterplan a total of 8 800 parking spaces would be built and therefore it would undermine the eco concept and have a negative impact in traffic travelling through Bucknell. They question what provisions will be made to restrict the 'through Bucknell' vehicular traffic accessing junction 10 of the M40.
  3. Light Pollution

Very concerned over additional light pollution, how will this be addressed especially in view of the proposed high density housing.
  4. Noise

Parish Council wants to know what mitigating measures will be put in place to mitigate the unacceptable noise intrusion on the rural community.
  5. Buffer Zones

To help obviate some of the issues raised above the timing of the buffer zones needs careful consideration to protect rural Bucknell and the growth of biomass.

With regard to the revisions they raise the following additional comments;

#### General observations

- Design and layout of the proposal is cramped

#### Traffic

No apparent provisions to restrict through Bucknell vehicular traffic.

#### Light & Noise pollution

- Concerns over the light and noise pollution on the rural community, however well planned buffer zones can obviate some of the problems, so a thorough plan of all buffer zones and the types of vegetation proposed are essential.

#### Other concerns

- Use of the proposed Ardley incinerator as an energy source for the CHP is a complete contradiction to eco principles.
- To minimise the school traffic into Bicester, the infrastructure especially the primary needs to be built initially.
- Detailed master plan should be developed and agreed before making a start on the exemplar site, especially as an alternative brownfield site in Gravel Hill are now available for development.

3.2 **Chesterton Parish Council** makes no objections to the application but do make the following comments:

1. They fully support the comments made by Phillip Clarke (Vice chairman) in his 'Why Shops & Offices' letter. (Details of the letter are awaited).

With regard to the revisions they raise the following additional comments;

- The Parish council believe there has been no public consultation of the proposed development and believe because of the size of the development there should have been.
- Alternative sites should have been investigated.
- The need for the development is questioned as there is already 1500 homes due to be built in the Kingsmere development, are the proposed 5000 Eco homes needed.
- They believe that private car usage will still be the preferred mode of transport to access Bicester.
- The use of 850 acres of agricultural land for the development at a time when DEFRA is advocating for increased food production. Need to consider alternative brownfield sites.
- The exemplar development is not a viable entity at one point the two sections are only linked by a corridor 25m wide.
- At 1.6 parking spaces per household x 394 residential units will result in approx 600 more vehicles on already congested roads. Are road improvements proposed.
- Finally, the financial viability of the development is questioned.

3.3 **Middleton Stoney Parish Council** object to the planning application and they state that they were not consulted directly by CDC, but felt duty bound to communicate their views as the masterplan of 5,000 houses will eventually extend closer to the parish boundary.

The parish council also highlighted that the web-based planning application was very vast and highly technical and it was not conveniently accessible and therefore undermined the consultation process. A summary of their comments are below.

1. Masterplanning  
CDC must very carefully consider the longer term effect of any decision made in regards to the exemplar phase of NW Bicester, as this application cannot be considered in isolation, but as part of a masterplan. It is felt that if the exemplar application is granted permission it will most certainly mean that applications for further developments within the Eco town site may simply be 'rubber stamped' and that is not compatible with good planning practice.
2. Examination in Public  
There has been no examination in public of the proposed Eco town development, and due to the size and scope of the proposed project we believe there should have been. We question whether CDC should even accept the application for determination as it was only a small group of councillors who made a decision in regards to the use of this land not owned by CDC justified by the PPS. Alternative sites for this development should be examined.
3. Size of development  
Question the need for a development of the size of the Eco town, and whether CDC were just reacting to the now defunct SE Plan. As Bicester is already growing quickly with agreed housing development, how will the local infrastructure cope with a further 5000 houses on its outskirts. There is lack of planned infrastructure to serve the development, and a further transport study must be undertaken as the Halcrow study is out of date. Once the development is finished it will mean an extra 10,000 cars travelling on daily journeys to and from the development to work far outside both the Eco town and Bicester itself. The Eco town will become a dormitory town where even if 1 job per household is achieved there will be up to 10,000 extra people).
4. Location of development  
The site is detached from Bicester, approximately 2.0 miles from the centre of Bicester (Market Square) and it is set alone within open countryside, with green fields between it and the edge of Bicester. It claims that the town is easily accessed by cycling and public transport, we believe that private vehicles will be used for the majority of journeys. Real concerns that the exemplar and indeed the whole Eco town it's driven by expectations divorced from reality that people choosing to locate in the eco development will adopt the sustainable living ethos. No real solutions are considered here other than 'discussions with OCC and Highways Agency will continue'.
5. Loss of agricultural land  
The whole of the Eco town development will cover 850 acres of productive agricultural land that will be used for housing when DEFRA is already highlighting the need for a significant increase in food production. The existing

landowners which CDC or the developer are not, should be encouraged to continue making a significant contribution to the agricultural economy and not be insulted by dismissive statements in regards to the quality of the land.

6. Alternative sites for development

Alternative sites existing brownfield sites within Bicester should be used without destroying productive land. These sites include MOD land at Graven Hill proposing 1800 houses and SW Bicester Phase 2 land which is already under option by a potential developer. However the MOD option was dismissed by CDC on the basis that the Eco town would provide all of Bicester's housing needs until 2026.

7. Financial viability

Concerns have been raised over the financial viability of the development. The shortfall in central government funding has been raised as well as the funding need to provide three primary schools and one secondary school which would be in the region of £60m. Other issues raised were the land values and the uncertainty of where the funding will come from.

8. Prematurity

The submission of the planning application for the exemplar site is premature and we call for the Local planning authority to refuse this application, which will give an opportunity to assess the level of development Bicester need going forward and looking into the possibilities of development at Graven Hill and SW Bicester Phase 2.

With regard to the revisions they reiterate their earlier objection.

3.4 **Caversfield Parish Council** object on the following grounds;

- There is insufficient evidence that that PPS standards can be met
- Proximity to existing & planned employment and lack of clear indication where adequately paying jobs will be provided. Difficult to substantiate number of home workers
- Bicester's transport system is already congested with serious bottle necks for example the roundabout by Bicester Village. Extra traffic from the exemplar will impact the Bicester/Oxford Road, Bicester/Banbury Road and Bicester/Bucknell Road. These will be expensive to resolve and will result in rat running through villages.
- It is questioned if there is a timetable for delivery including the primary school
- The development is built on greenfield farmland at a time when food production is a key factor in sustainability
- There are more suitable sites around Bicester
- The approach has been top down and consultation did not take place until after plans to build one
- No bio mass converter is planned and
- No plans to build a factory to produce house frames as promised.

With regard to the revisions they raise the following additional comments;

- long-term sustainability of proposed bus service unconvincing;
- environmental impact on existing village of Caversfield – rural, non-suburban

nature of village altered as it becomes subsumed within Bicester urban sprawl;

- Traffic safety concerns with regard to B4100 from which traffic will access the Exemplar.

3.5 **Bicester Town Council** support the principle of the application, however they raise some concerns summarised below:

1. General concerns

- The improved social, economic and environmental infrastructures promised for Eco Bicester as a whole does not appear to be being considered as part of this application, although the Eco Town concept has been 'sold' to the residents with these benefits as part of the whole package.
- Again we stress that with the necessary incremental nature of the NW development over many years it is essential that wider educational, health, social, community and transport needs are built into a master plan for NW Bicester so they are part of planned development and not addressed as an emergency after thought.
- In addition this master plan should also dovetail with a wider blue print for New Bicester as a whole so that the whole community benefits from Eco town status.
- We appreciate that this is not the traditional planning approach but having Eco Town status is not about being traditional it's about being cutting edge and looking forward to showing how things can be done differently both by the applicant and the planning authority

2. Sustainable houses

- We would like to see opportunities for sustainable 'self build' housing in all applications for NW Bicester including this one. We believe that unless this is built in at the start it is unlikely to become part of the overall master planning for NW Bicester.
- Need to be satisfied that provision for home working has been fully considered in respect of impact on family life as well as providing the right tools such as effective high speed broadband.

3. Economy and job creation

- The Economic strategy accompanying the application does not sufficiently enlarge on its aspirations of providing one additional job per dwelling that is accessible by public transport, walking or cycling.
- This first phase would generate some 465 new local on-site jobs. The vast majority of these jobs are of the type that would be generated by any development of this size. They are not the high skilled or green technology or construction jobs that are intended to be derived from being an eco exemplar.
- Lack of any focus on when or how high skilled and green technology and industry jobs can be attracted to New Bicester. Nor is it necessary for the new jobs to be solely located in the new development. Bicester Town Council

wishes to see the employment and economic benefits of development being shared right across the town.

4. Education, health, social and community infrastructure

- The application outlines a site but gives no details about providing a primary school. Our expectation is that an on-site primary school will be available from the beginning of occupation of the first homes. We recognize that this is a major shift from the traditional approach but that is what being an exemplar is all about.
- The school and significant indoor community space should be located together to increase community identity and reduce the carbon footprint. The application proposes a community building above a commercially operated nursery in a local retail centre. There is no certainty when this would be provided and its isolation from the school is not in the best interests of community development. Bicester Town Council suggests that closer location of the school to the retail centre or vice versa would be advantageous.
- We are very concerned that no medical facilities and services are identified in the application. The assumption is that already available local surgeries will absorb the additional numbers and meet their medical needs. However, it appears that local doctors have not been engaged with to ascertain their views on existing availability.

5. Heat, light and power

- The application makes reference to using CHP and bio-mass systems.
- There is no mention of the Ardley Incinerator, which could offer heat and power benefit to NW Bicester and to Bicester as a whole. It has been promised that the incinerator would benefit the local community, and the development on the NW is geographically ideally positioned to best benefit and act as a conduit to the rest of Bicester. The incinerator at Ardley will be generating power to feed back to the National Grid and exhaust heat to the atmosphere so denying local people, the environmental and financial benefits of local heat and power. Bicester Town Council is perplexed that this is an opportunity lost and we strongly urge that this is further and fully examined.

6. Transport

- Transport continues to be an issue. The application does not address integration of the Phase 1, NW development with the rest of Bicester.
- Lords Lane is an obvious barrier but no real options are offered to reduce or overcome this physical barrier to greater integration with the rest of Bicester. To be integrated into the existing town, efforts need to be made to break through this barrier; otherwise, the development will remain segregated.
- The timing of the Primary School provision is also key, in order to encourage the first residents to be able to access education as soon as they move in, otherwise travel patterns will be established with children being driven offsite to access school facilities elsewhere. In addition it will form a social hub helping to stimulate community identity and cohesion.

With regard to the revisions they raise the following additional comments;

- Bicester Town Council is concerned that the 'eco concept is being diluted to satisfy the commercial viability of the development and will only continue to support the project if the eco concept remains strong.

Other concerns are;

- There is insufficient evidence to demonstrate how this development is significantly different from any other large scale development in the area.
- The design amendments do not go far enough to distinguish this development as an exemplar of eco design and principals.
- BTC is concerned that the energy strategy is still not thinking widely enough in terms of the benefits that the Ardley incinerator could offer re energy supply to the development.
- It is unclear how 40% green space is identified. Garden space should not be included.
- There is still no indication of where the construction of the house frames will take place. BTC urges that all possible steps are taken to ensure that this can be manufactured in Bicester or the close locality.

With regard to the revisions they raise the following additional comments;

3.6 **Oxfordshire County Council (OCC)** have the following comments on the planning application

Economic Strategy and job generation

- The Economic Strategy remains light on detail as to how it will be implemented.
- Although the applicant is willing to provide land for the Eco-Business Centre, it cannot be delivered without the public sector providing the funding to construct the Centre. Given that this is the first stage in a much bigger development it seems appropriate for the public sector to provide pump priming in this way on the basis that the pump-priming investment is recovered as later phases of the development come on-stream.
- The proposal to construct a good quality business building, supported by Oxford Innovation, a well-regarded organisation that provides innovation centres across the UK should help deliver high quality sustainable employment opportunities. However, a firm commitment will be needed for early delivery of the Centre to ensure that high-quality jobs are provided.
- The revised strategy includes more realistic levels of home-working (down to 50 from 105); this will need to be supported by the applicant providing high-speed broadband for every household and by business support and mentoring.

OCC support subject to full agreement between OCC and CDC of the eco town funding going forward and a mechanism being put in place to recover the initial investment.

Social and Community Infrastructure

**a) Primary School**

- Further detailed information is still needed to fix the size of the site, its shape and location.
- The applicant has submitted an earthworks plan, which would see a significant

change in levels in and around the proposed school site. Officers' initial assessment is that this will make the school site unacceptable. The application shows land for phase 2 of the school to the west of phase 1; we have previously stated our expectation for the extension to be to the south.

- Discussions are ongoing about the timing of the opening of the school in relation to the occupation of the first housing and the need for temporary provision of places at an existing school.
- Subject to advanced funding, it would be possible to accelerate the design, procurement and build programme so that a school could be operational within 12 months of occupation of first housing.
- The applicant's draft heads of terms offer land but no funding for the provision of the new one-form entry (1FE) school building with 2FE core facilities or the costs of temporary provision off-site, including transport.

OCC object unless the land is demonstrated to be acceptable and the S106 contributes to funding the provision of the new school, temporary education arrangements and transport.

**b) Community space**

- The new primary school will be designed to include an element of extended school space (the County Council's minimum standard is 90 sqm); additional community space will be required to meet the needs of a number of users, to create a thriving community.
- It has been the County Council's preference that the community space should be co-located with the school. The applicant has indicated a willingness to explore co-locating the community space with the school.
- The application is in outline only for the non-residential uses and there is no firm commitment to when the community facility would be delivered.

OCC support subject to an acceptable solution being found as to where and when the community facility is provided.

Transport

**a) Connection between the northern and southern fields**

- The link between the northern and southern fields will be for pedestrians, cyclists and public transport only (with provision for emergency vehicles).

**b) Bus frequency**

- It is essential that a high frequency bus service is provided from the to enabling the first phase to meet the target of 50% of generated movements being by non-car means.
- The amended application now commits to a half-hourly service from the 50<sup>th</sup> to the 200<sup>th</sup> occupation and a 15-minute frequency thereafter. This is an improved offer; however, officers remained concerned that the proposed provision is not sufficient to meet the agreed target.

OCC Support subject to an acceptable solution being proposed up to the 200<sup>th</sup> occupation.

**c) Parking**

- The issue of undersized garages has been met. Although it looks as if the number of parking spaces per property has increased, this is because the figure in the original application did not include the garages.
- The residential parking strategy is improved by these changes and previous

concerns are met.

**d) Rights of way**

- A general contribution will be required through the section 106 agreement towards the upgrading of and improvements to existing and new rights of way routes.

**e) Drainage**

- Following our initial comments on the drainage proposals, improvements have been made to the strategy. However, further information is required before the officers can assess whether it meets the standards for Sustainable Drainage System (SuDS). More detailed information is also required to be able to agree to the lighting proposals.

OCC object unless further information is submitted to ensure that the drainage proposals meet SUDs and Lighting standards

Section 106 package

- Agreement has yet to be reached on the population profile for the development on which infrastructure requirements are based or the off site transport and social and community transport.
- at this stage it is not possible to assess whether the proposal is viable. As a consequence there is a risk that the essential infrastructure required to support the development may not be affordable.
- Officers strongly advise that the planning application should not be determined until such time as the outcome of viability work is known.

Object on the basis that viability work is incomplete and that as a result it is not possible to take an informed view as to whether the scale of infrastructure requirements can be afforded.

Bio-diversity

- The proposed development still does not stand out as one that is demonstrating best practice by taking full account of the biodiversity present on the site or one by seizing the opportunity to maximise biodiversity within the proposed development.

Object unless further information is provided showing the development will deliver net biodiversity gain, encroachment into the river corridor is removed, off site compensation is provided.

Bridges Waste & Energy

Support these areas of the application subject to further details being provided.

**Oxfordshire County Council** continue to object on the following grounds

Over the course of the last two days we have been informed that the applicant is only prepared to fund:

- the on-site infrastructure, including the affordable housing units, the bus service, the entrances to the site;
- the new mini roundabout at the Bucknell Road/Lords Lane junction;
- contribution towards the primary school (although they are also questioning why they need a school on site, because they believe that there is available

spaces in existing primary schools).

We have been advised that the funding for these works will be underwritten by A2 Dominion as P3Eco appear unable to afford these items. We have also been advised that there is no prospect of the funds being secured through a bond, as is the normal practice for contributions towards County Council delivered services. While we are aware that the applicant is proposing to 'guarantee' the funds by means of a parent company guarantee, this would not give the County Council the security it requires. In addition, such an arrangement would be setting a precedent for future applications across the County that we are not prepared to accept.

We have also been advised that there is now NO funding from the applicant to contribute towards the cost of temporary primary school accommodation and transport, secondary school places, libraries or general transport contributions. In total this equates to over £4 million of contributions towards services that are needed as a consequence of the demand arising from the application. The complete absence of any contribution towards the delivery of these services cannot be made good by using County Council funds.

It is the County Council's clear policy that additional service needs arising from a development need to be funded by the proposal. In addition to leaving a substantial funding shortfall for services that are needed to support the application, the failure of the applicant to make an appropriate contribution towards those services sets, in our view, a dangerous precedent not only for future negotiations associated with any development in Bicester but more widely across the County.

It is on the basis of the above concerns that I must advise you the County Council OBJECTS to the application before the Planning Committee.

One of our common aims, agreed when we last met, was that the CLG funding should be spent for the eco-benefit of the whole of Bicester and not used to fund infrastructure for the eco-town. The sole exception was the temporary funding of the primary school funding but we were both looking for repayment of this sum by the developer as houses were built. We would not, therefore, feel able to agree that some of the CLG funding was used to plug the £4 million gap referred to above.

The discussions of the last few days with the applicant have served only to reinforce earlier concerns as to the financial soundness of what is being proposed. Indeed one might raise the question as to whether the promoter has the ability to deliver the longer-term aspiration for the North West Bicester site. As a County Council we remain committed to working with the District Council to realise long term housing plans for the town as part of a broader strategy that is jobs-led.

In what clearly continues to be a difficult market for developers, I believe it is increasingly important that we remain flexible in our approach to opportunities to secure the level of growth planned for the town.

**OCC** have provided a copy of their **draft School Site requirement document**. The transfer of the school site will need to provide the reasonable information identified in the document.

### **OCC as Highway Authority**

Advise that further research has been carried out by the County's Land and Highway Records Team. They can confirm the following:

The North Entrance Works can be accommodated within land classed as public highway i.e. highway boundary is up to the fence/stone wall boundary along the eastern side of the B4100. However these works will mean the removal of the hedge-line/vegetation along this section of the B4100. It is acknowledged the land available for the North Entrance Works is very tight and it is likely the boundary stone wall in the vicinity of the dwelling known as the Lodge will be affected – any associated damage from these works on the boundary wall/fence is the responsibility of the developer to address with a separate formal agreement with the owner of the Lodge. Such an agreement should be in place before work begins on this entrance.

There is an existing field/farm access within the North Entrance Works which serves a 3<sup>rd</sup> party and their agreement is required/must be secured for this access to be closed, otherwise the proposed north entrance arrangement is considered unacceptable. It is likely a replacement access to the field will be required at the developer's expense to replace the existing access - such a replacement access must meet the County Council's design & construction standards, be in an appropriate new location and have the formal agreement of the 3<sup>rd</sup> party affected.

In terms of the South Entrance Works investigations carried out by OCC's Land & Highway Records Team shows the majority of the South Entrance Works can be accommodated (again very tight) within land classed as public highway i.e. highway boundary and is up to the historic hedge line along the eastern side of the B4100 (including the ditch). This boundary was established from previous highway improvements.

However there is a large section of land/ditch (in the area of the existing field accesses) where there is no record of the land being classed as public highway land i.e. land is considered to be in the ownership/control of a third party. For these works to take place this section of the works needs the agreement of the third party/landowner so the works can be dedicated as public highway. If the developer can provide evidence the land is in fact public highway to the County Council's satisfaction this issue may be overcome.

**OCC Highways** advise with regard to travel plan monitoring the following fixed targets are proposed

Occupation of development	Expected build rates	Date if start on time	Target percentage of non-car trips	Target percentage of car trips	Indicator or target year
Year 1	50	2012			Indicator
Year 2	100	2013			Indicator
Year 3	100	2014			Indicator
Year 4	100	2015			Indicator
<b>Year 5</b>	<b>43</b>	<b>2016</b>	<b>45%</b>	<b>55%</b>	<b>Target</b>
Year 6		2017			Indicator
<b>Year 7</b>		<b>2018</b>	<b>46%</b>	<b>54%</b>	<b>Target</b>
Year 8		2019			Indicator
<b>Year 9</b>		<b>2020</b>	<b>47%</b>	<b>53%</b>	<b>Target</b>
Year 10		2021			Indicator
<b>Year 11</b>		<b>2022</b>	<b>48%</b>	<b>52%</b>	<b>Target</b>
Year 12		2023			Indicator
<b>Year 13</b>		<b>2024</b>	<b>49%</b>	<b>51%</b>	<b>Target</b>
Year 14		2025			Indicator
<b>Year 15</b>		<b>2026</b>	<b>50%</b>	<b>50%</b>	<b>Target</b>

The level of incentive payment - the payment should increase over the years as set out below.

<b>Year 5</b>	<b>£10,000</b>
<b>Year 7</b>	<b>£20,000</b>
<b>Year 9</b>	<b>£30,000</b>
<b>Year 11</b>	<b>£40,000</b>
<b>Year 13</b>	<b>£50,000</b>
<b>Year 15</b>	<b>£100,000</b>

Incentive money would be used for further enhancements to which ever modes are not meeting the targets. Would need to fully understand why the targets are not being met so that any incentive payment is properly targeted.

**OCC Street Lighting** advise;

We will ensure that any proposed and approved new street lighting design is in accordance with the Institute for Lighting Professionals' guidance notes for reducing the impact on bats and other protected species. We will also be specifying a low energy LED unit which can be dimmed later at night and a shield fitted if necessary.

**OCC summarise their current position as follows;**

Oxfordshire County Council (OCC) object to the planning application. Its objection relates to a concern that on the basis of the information in the planning application there is no commitment by the applicant to make an appropriate contribution to the infrastructure and service needs arising from the proposal. However, it accepts that the exemplar application forms part of a longer-term proposal. Accordingly, it accepts that further work on the viability of the overall project, as part of the work on the masterplan, will provide the opportunity to agree a way forward on this issue. It is therefore content to support a 'minded to' recommendation provided the applicant gives a commitment to make satisfactory progress on agreeing a way forward on how the longer-term proposal will fund the necessary service needs arising from it prior to the signing of the S106 Agreement.

3.7 **Thames Water** has provided the following comments on the application.

1. Waste
  - Thames Water has identified an inability of the existing waste water infrastructure to accommodate the needs of this application. Should the Local Planning Authority look to approve the application, Thames Water would like the following 'Grampian Style' condition imposed requiring a requirement for a drainage strategy.
2. Water
  - The existing water supply infrastructure has insufficient capacity to meet the additional demands for the proposed development. Thames Water therefore recommends a condition requiring impact studies to be undertaken and agreed.

With regard to the revisions they raise the following additional comments;

The studies should determine the magnitude of any new additional capacity required in the system and a suitable connection point.

Thames Water is taking undertaking wastewater impact study with flow monitoring and the hydraulic model is currently being updated. Flow and pressure tests are

also taking place on the Thames Water network.

- 3.8 **SEEDA (South East England Development Agency)** identified that the application did not meet their Regionally Significant Planning Application criteria, therefore no planning comments were made, however they welcomed the scheme and its eco credentials.
- 3.9 **Highways Agency** originally directed that the following condition be attached to any planning permission which may be granted. Subsequently the HA withdrew the direction and advised that they had no objection.
- 3.10 **Network Rail** has no objections to the application and would support the developer contributions towards railway/station improvements in the area as clearly stated in the transport assessment at £186 per dwelling.

With regard to the revisions they raise the following additional comments;

The amended plans reiterate comments made on 27 April 2011. Applicant clearly makes a reference to contributions in the resubmitted Travel Plan towards railway issues as part of the overall transport contribution; therefore Network Rail supports contributions towards railway station improvements in the area.

- 3.11 **Chiltern Rail** raise no objections but believe any rail contribution should be provided to them.
- 3.12 **Natural England** stated that this application does not have the feel of an exemplary Eco town site, not least in terms of biodiversity. Natural England's concerns relate to the delay in biodiversity survey information within the master planning process, a lack of survey data relating to wintering birds, a lack of evidence on the net gain of biodiversity, and a lack of evidence on the impact of air quality on Ardley Cutting and Quarry SSSI.
  - 1. Conservation Target Areas
    - 1.1 The development should endeavour to help meet the aims of the Conservation Target Areas, either on or off site, rather than show a lack of impact.
  - 2. Wintering Birds
    - 2.1 Concerned that a wintering birds survey has not been included in the Environmental Statement following from Arup's recommendation to produce one. This is so the applicant must be clear of the levels of loss that will occur.
  - 3. Net Gain in Biodiversity
    - 3.1 The current value of the hedgerows and the watercourses is related to their setting within the surrounding farmland and the species utilising them reflect this. Enhancements proposed, such as reduced cutting of the hedgerows and the provision of buffers will serve to mitigate the change in context, but not result in a gain in biodiversity.
    - 3.2 The construction of SuDS features are planned to create a network of wet and dry habitats throughout the site, which will be designed to be of value for wildlife. However there is no detail as to how these features will be created

and so Natural England remain unconvinced that this will be delivered. We are also disappointed that more wetland features have not been incorporated around the river corridors.

- 3.3 There is inconsistency in the detail of the habitats enhancement proposed for the site. For example on the landscape framework plan (drawing 3-2) there orchards to be planted on the wet grassland along the tributary of the River Bure. Orchards will not survive in wet grassland. However elsewhere in the document it is stated that these area may not in fact be wet, but actually quite dry. It need to be decided what habitats are planned for the proposal, and how this will be created and delivered before it can be decided what the biodiversity value will be.
  - 3.4 25% of the green space within the development is to be dedicated to nature conservation (page 61). These areas should be made clear in the plans, and access should be minimised in these areas in order to reduce disturbance. From the plans it appears that the areas considered to be important for nature conservation contain footpaths and cycle ways, and will probably make attractive dog walking areas. This will result in highly disturbed habitats which will not be of a high vale for nature conservation. One solution would be to incorporate carefully designed wetland features which will reduce permeability and hence disturbance. Where access is an essential part of the design then the value of these areas for biodiversity will be reduced and this should be taken into account when calculating biodiversity gains.
4. River Corridor/Bats
    - 4.1 Natural England is concerned that we have been unable to find any evidence or designs to show that the lighting of the site will allow a dark corridor along the River Bure. The lighting strategy in the Design and Access statement says that 'This has been accommodated, as far as practicable,' but there is no detail to show what the result of this is, and how much of the river corridor will remain dark at night time.
5. Bridge Design
    - 5.1 Natural England is concerned with the provision of box culverts as the bridge design for crossing the River Bure and its tributary. We believe that clear span bridges would allow for a more effective corridor for both continuity of habitat and movement of wildlife and people. This design would also retain a more open view along the river corridor, increasing the feeling of open space, and creating a more attractive landscape.
6. Long Term Management
    - 6.1 The applicant needs to demonstrate that the green infrastructure can be managed, maintained and monitored in the long term in order to guarantee that a net gain in biodiversity can be delivered. This includes the need to commit to a management option which can be proven to be viable in the development.
7. Green Infrastructure
    - 7.1 Natural England is pleased that 46% of the proposed development has been allocated as Green Space. (page 58 of ES). However we are concerned that the term multifunctional has been taken to mean that all areas of GI must serve more than one purpose. This does not have to be the case, and in some cases combinations of functions are not compatible.

8. Agriculture and Land Use

8.1 Natural England are happy that most if not all of the small area of best and most versatile land (Grade 3a) is being retained as part of the Green Infrastructure for the site, and that soils will be relocated to suitable locations, depending on the land use e.g. allotments and habitat creation.

9. Masterplanning

9.1 Natural England are disappointed that the design of this proposal was carried out without all of the relevant background information being available. Indeed the extended phase 1 habitat survey data was only received in November 2010, weeks before the application was submitted. Ecological surveys must be carried out first in order to inform the design as stated in PPS9. This must be the case for the wider eco-town master plan in order to prevent many of the problems that have been encountered here.

With regard to the revisions they raise the following additional comments;

Designated sites - NE request that the increase in traffic along Middleton Road (between Bucknell and Middleton Stoney) and Ardley Road/Station Road (B430, between Middleton Stoney and Ardley), is modelled and any impacts on the above SSSI assessed. Regardless of the distance of the SSSI from the development site, there is still the potential for an increase in traffic on this road which is less than 200 metres from the SSSI, to cause an impact on the designated site, due to the development.

River Bure corridor - Natural England are pleased that a 60m wide corridor of semi-natural habitat has been proposed to buffer the watercourse. However several elements of development seem to be encroaching, including the NEAP, the nursery garden, bungalow access and gabions, which all erode the value and effectiveness of the buffer. In particular the gabions and NEAP will alter the natural profile of the watercourse, and is less acceptable than the previous plans. It is still unclear as to how much lighting will be provided within the 60m corridor, in order to assess the suitability of a dark corridor for the bats travelling up and down the watercourse. This includes lighting of the bridges (both road and pedestrian), and of the adjoining NEAP, terrace and pub seating. Natural England still believes that a clear span bridge would be more beneficial for the continuity of habitat, bat flight paths and views along the watercourse.

Net Gain in Biodiversity

Natural England would like to see that the increase in species value calculated through the BREEAM guidance is backed up with qualitative explanations. This would help to see what the values of biodiversity are based on.

The management of the habitats to be created is essential in being able to show a net gain in biodiversity. Without this information, a net gain cannot be ensured. Natural England would need to see as a minimum that management objectives and prescriptions are provided at this stage in the Landscape and Ecology Conservation Management Plan.

Green infrastructure

Natural England are concerned with the lack of clarity on the calculations of the

green infrastructure within the development. It is difficult to work out from the drawings provided exactly what area home zones and green lanes, for example, consist of. Also the school green spaces appear to be made of anything that is not covered by the school buildings. However some of this area must consist of car parking and hard play areas and so may not count towards green infrastructure.

Although Natural England is supportive of green roofs as an element of GI on the development, where these are provided on private garages, information on the suitability of this should be included in the application. This includes the future necessary management that the owners would be expected to carry out including the costs.

3.13 **Berks, Bucks & Oxon Wildlife Trust (BBOWT)** has commented on the application and the comments are set out below.

1. Legislation and guidance

- In addition to the normal legislative and policy guidelines in relation to biodiversity, we are looking for this eco-town development to meet the guidelines of the supplement to PPS1 on eco-towns with regard to biodiversity and green infrastructure, as well as following the eco-town worksheets on biodiversity and green infrastructure published by the TCPA, CLG and Natural England. In light of the guidance available, I wish to submit the following comments.

2. Net Biodiversity Gain

- Overall, whilst the proposal is unlikely to be significantly detrimental to local biodiversity, it does not stand out as an exemplar in terms of biodiversity enhancements.
- Late provision of ecological survey information did not allow for ecology to be considered at initial stages of the design of this development. Further information is required in the Environmental Impact Assessment as it is considered that the level of information submitted is insufficient to determine whether the Eco-town will achieve the aim of a net gain in biodiversity, and as such whether it fulfils the requirements of the supplement to PPS1.
- Arrangements for the long term management of green spaces, including identification of a management body and funding, have yet to be secured. As a result it is unclear that the measures incorporated for biodiversity will be fully realised.

3. Environmental Impact Assessment

- The results of wintering bird surveys are not available to inform the ecological assessment, so any gains or losses with regards to this group cannot be taken into account.
- In relation to assessment of impacts on Ardley Quarry and Cutting SSSI, I note that it is reported that calcareous grasslands would not be enriched by nitrogen. Reference to the Air Pollution Information Service (APIS) website indicates that whilst this is often the case as phosphate is limiting, and critical loads for nitrogen deposition, for this habitat it is indicated that *B.pinnatum* (which currently occurs on the site) is tolerant of low phosphate and therefore an increase in this species may result from increased nitrogen, thus resulting in a change in species composition.
- It is suggested that further consideration needs to be given to this issue,

including assessment of contributions of nitrogen from increased traffic as well as the energy centre and with reference to the critical levels for nitrogen oxides.

- It should be noted that a systematic review of potential impacts on Local Wildlife Sites (LWSs) has not been included. Whilst many of the LWSs in the locality have been mentioned, I would expect to see an assessment of potential impacts on the specific features for which these sites have been selected as being of local value; this should include assessment of any likely recreational, air pollution or hydrological impacts.
  - Whilst impacts on Conservation Target Areas (CTAs) have been considered, the purpose of CTAs is in fact to identify areas of opportunity for biodiversity enhancements to help deliver the aims of the UK and local Biodiversity Action Plans (BAPs) through landscape scale conservation. Policy ET16.3 of the supplement to PS1 indicates that the Biodiversity Strategy should set out priority actions in line with Local Biodiversity Action Plans. In line with this policy, I would wish to see an assessment of opportunities for the development to contribute towards the aims of the Tusmore and Shewell CTA and the Ray CTA. Whilst a negative impact on the Ray CTA has been excluded due to its location upstream of tributaries feeding from the proposed development site, I would wish to see consideration of the impact on the Otmoor CTA, and designated sites, which lie downstream of the proposed development.
  - There is no mention of records for BAP priority butterflies in proximity to the proposed development, records were provided to Arup by Butterfly Conservation. These included brown letter hairstreak at Bure Park, and white letter hairstreak south of the application site. I would expect to see identification of opportunities to enhance the habitats for these species to encourage population expansion in line with Policy ET16.3 of the supplement to PPS1. Whilst I understand that hedgerow management is to be improved and may benefit brown hairstreak, the provision of elm for whiteletter hairstreak does not seem to have been considered (varieties resistant to Dutch elm disease are available). The EIA also reports water voles in the nearby area, consideration should be given to design of water features to provide appropriate habitat for this species.
4. Delivery of a 'net gain in local biodiversity'
- I welcome that a Biodiversity Strategy has been submitted with the application, as is required under Policy ET 16.3 of the supplement to PPS1. However, it is not clear that a net gain in biodiversity will be delivered. Policy ET 16.1 of the supplement to PPS1 makes it clear that 'Eco-towns should demonstrate a net gain in local biodiversity'.
  - Overall, it appears that it is intended that delivery of a net gain in biodiversity would be achieved through retention of existing features including hedgerows and watercourses, including management of these features, and habitat creation within corridors of open space.
  - The eco-towns biodiversity worksheet emphasises the need to integrate biodiversity within the built environment to create a high degree of permeability for wildlife. Whilst bird and bat boxes are to be provided, I am disappointed not to see more innovative design of the built environment to provide for biodiversity.
  - Whilst more sympathetic management of the hedgerows may well benefit certain species, particularly invertebrates, the setting of the hedgerows will

change, which in turn is likely to make them less attractive to some of the farmland bird species (for example yellowhammer) which currently use them. Therefore achievement of an overall net gain for this habitat and associated species is unclear.

- The main corridor of open space following the watercourses in the southern section of the site is divided by roads. I understand that the bridges which are planned to carry these roads will consist of a box culvert. This is likely to reduce the ability of wildlife to move along these corridors of open space. It also creates a series of small management units which severely limits the ability to manage these areas in a suitable way to achieve successful wet grassland and species rich meadow creation. A clear span bridge design would be preferable to allow better connectivity and management of these areas.
- Whilst the need to maintain dark corridors along the watercourses has been recognised in the submission, particularly with regard to provision of foraging corridors for bats, I have some concern that this will not be achieved particularly since there is likely to be demand to light pedestrian routes along these corridors. Consideration should be given to routing these paths along the edges of the corridors to maintain a larger proportion of unlit space and to aid management of these spaces.

5. Green Infrastructure

- I welcome that the development meets the PPS target for 40% Green Infrastructure, but the multi-functionality of this green space means that there are unlikely to be many areas undisturbed by the public, thus limiting the ability to achieve a net gain in biodiversity. Through planting design and use of wetland features (such as ponds, scrapes and fen habitats), it is possible to design areas of open space which allow for quiet areas for wildlife alongside those areas which are more accessible to the public, but currently the design appears to encourage access throughout most of the open space.
- It has been identified that wet grassland and species rich grassland will be created within the watercourse corridors, but it is unclear whether the hydrology and soils in these areas suit these habitats. If the soils are too enriched or too dry or wet then creation of the habitats suggested will not be achievable. Additionally, in order to successfully create these grassland habitats, appropriate ongoing management will be needed. Such habitats need to be cut and/or grazed; since the species rich grassland is also to be planted with trees it is unclear how this will allow for machinery to be used to cut the grassland.
- It does not appear that any fencing of these grassland areas has been identified, which would preclude the ability to graze. Grazing on such sites would provide the most effective management to achieve the desired habitats in terms of wildlife conservation and enhancement.
- Since a management body, and mechanisms for funding management work, have not yet been secured it is not clear that the biodiversity benefits of management of existing features will be realised, or the successful creation of wildlife habitats will be achieved.
- We would encourage the applicants to consider creative approaches to long term management involving the local community.

With regard to the revisions they raise the following additional comments;

**BBOWT** welcome some of the amendments that have been made to the application, including widening of the east-west river corridor, rerouting of footpaths to the edges of the river corridors, inclusion of further above ground SUDS features, further assessment of impact on wintering birds and BAP priority butterflies, and the provision of green roofs on some garages.

Whilst the proposal is unlikely to be significantly detrimental to local biodiversity, it still does not stand out as an exemplar in terms of biodiversity enhancements and it should.

Arrangements for the long term management of green spaces, including identification of a management body, and a process to ensure robust and sustainable community governance, funding, and infrastructure (including social and physical infrastructure such as: 'Friends of the Eco-town' groups, meeting places, equipment storage, eco-education centre, etc), have yet to be secured. As a result it is unclear that the measures incorporated for biodiversity will be fully realised and as a result it is uncertain that all the ecological enhancements proposed are likely to be achieved.

Links to the detail of design on later phases of the Eco-town development and some provision of finances for equipment and infrastructure to be provided with later phases will be crucial if the people and biodiversity provisions are to work well. This will need to be addressed from an early stage and it is not clear that this has been successfully achieved at this time.

**BBOWT** in response to further revisions they raise the following comments; In addition to the normal legislative and policy guidelines in relation to biodiversity, we would expect this eco-town development to meet the guidelines of the supplement to PPS1 on eco-towns with regard to biodiversity and green infrastructure, as well as following the eco-town worksheets on biodiversity and green infrastructure published by the TCPA, CLG and Natural England.

Overall, the fundamental opinion of the Trust is still that the proposals for the exemplar phase with incorporation of the planned ecological mitigation are unlikely to result in significant adverse impacts on local wildlife. However, the biodiversity enhancements within the scheme design remain uninspiring and there is little to justify the scheme's billing as an exemplar of eco-town development. Whilst recent amendments and refinements to the scheme design have been made in response to concerns raised by the various biodiversity stakeholders (such as additional ponds, improved lighting schemes and altered bridge designs), these amendments are essentially incremental tweaks to a master plan largely fixed early in the design process rather than substantial improvements to biodiversity provision and green infrastructure based on provided feedback.

It is their opinion that the ecological mitigation measures described and the green infrastructure designed into the proposed scheme are likely to ensure that there will be no significant net loss of biodiversity within the zone of influence. However, I consider that the level of prior and amended information submitted remains insufficient to satisfactorily demonstrate that the scheme will achieve the aim of a net gain in biodiversity, and therefore I am not confident that it fulfils the requirements of the supplement to PPS1. Although a draft Landscape and Ecology Conservation Management Plan for the exemplar phase has been submitted, it still

fails to provide sufficient details and assurances of how funding for habitat management and ecological monitoring post construction will be secured and delivered. As a result it remains unclear whether the measures incorporated for biodiversity are either adequate, or could be fully realised.

#### Environmental Impact Assessment

The issue of a systematic review of potential adverse hydrological, air quality and recreational impacts on Local Wildlife Sites (LWSs) was raised in previous BBOWT responses. The note of Supporting Information re Biodiversity, 10/06/11 attempts to summarise the reasoning for discounting significant adverse impacts on LWSs. Whilst I can accept that significant adverse impacts on sites in the locality are probably unlikely as a result of the proposed application, the assessment only considers the effects of the exemplar site, and not the potential impacts of the subsequent phases of the eco-town. It is reasonable to assume that potential impacts on LWS and other valued ecological features would be of a different magnitude when considering 5000 rather than 400 new dwellings.

#### Demonstration of a net gain in biodiversity

BBOWT continues to support the submission of a Biodiversity Strategy with the application, as required under policy ET 16.3 of the supplement to PPS1. However, policy ET 16.1 of the supplement to PPS1 makes it clear that 'Eco-towns should demonstrate a net gain in local biodiversity' and I am still not convinced that the proposed scheme in its present form could deliver this.

Despite the recent revisions to the scheme, it still appears that the retention of existing features including hedgerows and watercourses, with some buffering and limited habitat creation within corridors of open space, is intended to deliver a net biodiversity gain and satisfy the requirements of the PPS supplement. The eco-towns biodiversity worksheet emphasises the need to integrate biodiversity within the built environment to create a high degree of permeability for wildlife, and I am disappointed that consultation with, and feedback from, the biodiversity stakeholders has not resulted in a more innovative design of the built environment to incorporate provision for biodiversity. I am concerned that the BREEAM ecology calculator has been used as a means by the applicant to demonstrate that a net gain in biodiversity has been achieved. I believe that it is a system of limited value, and it is certainly not a suitable tool to reliably establish net gain in developments with more than the smallest and most basic change of land use. Simple calculations have been made based on approximate current floral species present within the application site and species numbers from proposed planting schemes to demonstrate that there would be a by area increase in floral diversity as a result of the proposed development. What is not considered is whether the species used would become established, whether the expected diversity of the habitats to be created can actually be maintained by appropriate maintenance, and whether viable populations of any species of conservation value would be supported as a result. The draft Landscape and Ecology Conservation Management Plan makes some initial attempt to set measurable targets that can be monitored post-construction, but far more considered qualitative information is required regarding the expected value of the habitats to be created for biodiversity gain. It is my opinion that the habitat areas within the green infrastructure proposed will be too small and physically constrained to manage optimally for conservation purposes, and will be subject to too much human disturbance to be of real value for wildlife other than species that adapt readily to urban environments. For example, it is unlikely that

farmland birds will return to nest in the retained hedgerows once they have become a network within a residential development. Furthermore, since a management body and mechanisms for funding management work have not yet been clearly defined within the draft Landscape and Ecology Conservation Management Plan, there is no certainty that the on-site enhancements proposed by the applicant can actually be delivered through implementation of the scheme.

Improved overall biodiversity provision in future phases of the eco-town  
There has been some inference that any perceived or accepted inadequacies in terms of biodiversity provision within the proposed exemplar phase could or would be overcome by an improved vision for the eco-town as a whole, and I would make the following comments. As the first phase of the proposed eco-town is intended to be an exemplar of what can be achieved, any physical constraints or housing delivery targets should not justify excessive compromises in ecological planning. Furthermore, the application is for the exemplar phase only and consent would not guarantee delivery of future planned phases of the eco-town, and thus the exemplar phase should be judged as a stand-alone development, as indeed should the adequacy of the proposed biodiversity provision.

Off-site contribution to net biodiversity gains

Given the difficulties in agreeing the achievement of net biodiversity gain to the satisfaction of all stakeholders, I would recommend that the developer is required to contribute to appropriate off-site wildlife conservation work elsewhere in the locality in order to compensate for residual impacts (such as the displacement of farmland bird species) and to clearly demonstrate that a net biodiversity gain would result from implementation of the proposed development, in compliance with PPS9 and policy ET 16.1 of the supplement to PPS1.

Whilst impacts on Conservation Target Areas (CTAs) have been considered in the EIA, the real purpose of CTAs is in fact to identify areas of opportunity for biodiversity enhancements to help deliver the aims of the UK and local Biodiversity Action Plans (BAPs) through landscape scale conservation. Policy ET 16.3 of the supplement to PPS1 indicates that the Biodiversity Strategy should set out priority actions in line with Local Biodiversity Action Plans. In line with this policy, I would wish to see an exploration of opportunities for the proposed development to contribute towards RSPB / BBOWT conservation work within the Otmoor CTA downstream of the application site, to be included as a condition to any planning consent.

3.14 **Sport England (SE)** objects to the application, the reasons for their objection are stated below; however SE would be willing to withdraw this objection should further details be provided which address their concerns:

- The developments site does not include any playing field land, as identified by Article 16(1) Schedule 5 of the Town and Country Planning (Development Management Procedure) (England ) Order 2010 or any other sporting provision. Consequently, Sport England does not have any comments to make on the principle of the proposed development.
- Due to the nature of the development Sport England would expect the application to ensure that
  - a) the demand for sporting provision generated by the development will be

- adequately met,
- b) The design of the development actively promotes participation in sport and physical activity, thereby enabling residents to lead active and healthy lifestyles.
- It is therefore essential that new developments, especially residential, provide for the additional demand they will generate for sporting provision as supported by PPG17.
  - No information is provided on how the demand for sporting provision that will be generated from the development will be adequately met. The planning Statement under the 'leisure' heading refers only to green infrastructure provision rather than wider leisure facilities such as those for formal sports.
  - The Social Infrastructure Provision (SIP) paper does include information on leisure and recreation facilities in Bicester, but concludes that the development will not generate the level of demand necessary to support a wider range of facilities beyond those local and neighbourhood facilities already proposed for the site.
  - Due to the size of the development Sport England accepts that it may not be appropriate to provide formal sporting provision on site. However the information supporting the application does not provide any assessment of the likely demand that will be generated by the development and how this demand may be met by existing provisions.
  - Details regarding a contribution towards meeting this demand off site through new and/or enhanced provision are also not included. Work is currently being undertaken to look at the likely demand that will be generated from the wider Eco town proposal for sporting provision. Using Sport England's Sports Facility Calculator it was found that for the 1,000 population included within the SIP the demand that will be generated from the exemplar site for certain facilities types: Sports Halls – 0.31 courts at a cost of £219, 799, Swimming Pools – 11.01 Sqm at a cost of £123,396 and Artificial Grass Pitches – 0.03 pitches at £25,427 (3G Surface) & £20,517 (Sand Based surface).
  - The design of the proposed primary school site should ensure that it lends itself to community use. Providing this new facility offers the opportunity to design in ease of access to ancillary provision (changing rooms and toilets) and an appropriate pitch specification to ensure local sports clubs could benefit from the provision at the site (e.g. playing field land) outside school hours. In addition a community use agreement should be secured to ensure the maximum benefit to sport of the school facilities. These points could be secured by way of condition to any forthcoming planning permission.

3.15 **Campaign to Protect Rural England (CPRE)** raised some concerns regarding the application, however they support the aspiration that if Bicester is to grow significantly, it should be achieved in a more innovative and eco-friendly way so that any new development truly minimises its impact on the natural environment, and indeed can be demonstrated to enhance that environment. Their main concern is the potential loss of 850 acres of "greenfield" land, which is currently productively farmed, should the whole eco-town plan go ahead. Therefore demonstration of special circumstances prevailing and appropriate mitigating features applicable to such a development are of prime importance.

1. Planning process

- The application is premature and driven by the PPA. An overall strategy needs to be approved instead of starting in a piecemeal manner. There need

to be far more certainty over the financial viability and deliverability of the whole Eco town before embarking on the exemplar. At the same time the overall need and timing for building 5,000 additional dwellings at Bicester should be scrutinised and justified in the context of the changing national scene with the expected abolition of RSS 9, the removal of the Government's housing targets and a much less buoyant housing sector.

2. Alternatives

- The specific question of alternative sites needs to be reviewed in light of the possibility of development in the MOD Graven Hill area. Having attended your workshop on "how Bicester might grow in future", on balance we are of the opinion that the development envisaged to the North West is the most appropriate given the assumed housing pressures and the other alternatives. Whether this has been altered by the possibility of at the MOD's Graven Hill "previously developed" site becoming available is hard to judge at this stage. Certainly initial proposals from the MOD do not appear to carry any eco credentials.

3. Eco aims

- We should like to applaud in general Dominion group/P3ECO's commitment to making this extension as eco friendly as possible. If Bicester has to grow, let it be in as eco friendly way as possible, and, if at all feasible, let such development influence the rest of the town so that Bicester can be held up as an example of what in future towns can achieve in their sensitivity to the local environment.

4. The Exemplar

- The development is very piecemeal, strung out and detached – which may be a function of opportunistic land acquisition.
- It is not at all clear how the local job formation will occur, and therefore how the new development's residents will be prevented from joining the vast majority of existing Bicester inhabitants in commuting by car to their work.
- We concur with OCC's view that the transport plan needs tightening up if sustainable travel from, to and within the site is to be the norm. In addition the overall effect of the new development on Bicester's existing traffic patterns remains unclear. We are reminded of Councillor Barry Wood's insistence that the long term problems at Junction 9 of the M40 need to be solved to make the NW Bicester eco-town viable. It is unclear what progress is being made with the Highway Agency on this major project.
- We are particularly concerned that given its overall eco-credentials that the proposed development does not appear to have made a full survey of the existing biodiversity on the site, and more importantly does not spell out how, under the terms of PPS 1 and 9, the developers intend to meet their statutory duty to enhance that biodiversity.
- Is there any sound reason why the Exemplar site should not achieve the Council's proposed policy (NWB1) of Level 6 of the Code for Sustainable Homes? Surely by definition an "Exemplar" should set the highest standard aspired to?
- The new eco village at Milton Keynes though the dwellings and gardens were sympathetic, however the community had no pivotal point or fulcrum. This may be a function of scale or timing, but we would echo OCC's concerns that there is no certainty as to when the proposed community building will be

delivered. Somehow the outcome of a soulless, piecemeal estate must be avoided even at this embryo stage.

With regard to the revisions they raise the following additional comments;

- (i) They are strongly of the view that the Exemplar scheme should not proceed before a viable Masterplan for NW Bicester Eco –development has been agreed in the context of a plan for all of Bicester.
- (ii) Also remain to be convinced as to how local job formation on a long term basis will occur.
- (iii) However they support the aspiration that if Bicester is to grow significantly, it should be achieved in a more innovative and eco – friendly way, and for this reason, it is essential that the proposals should achieve Level 6 of the Code for Sustainable Homes.
- (iv) They also believe that it will be very difficult to demonstrate that the Exemplar phase and eco development as a whole will be sustainable in transport terms – which must be a key criterion. Factors militating against green travel patterns include:
  - Physical location of the development on the periphery of a small market town.
  - New residents tend to be from outside the area, and are likely to commute by car given Bicester’s location in relation to concentrations of employment. (Currently only 85% of Bicester’s workers work at or from home – amongst those who commute 78% of journeys are by car).
  - Car usage is still likely to be very attractive despite improved rail services at Bicester.
  - Public transport is simply not viable for many journeys from Bicester.
  - There seems little prospect of the necessary changes and improvements to transport networks being implemented in the subregion in the foreseeable future.

3.16 The Environment Agency object to this planning application, however they do support elements of the scheme and it should be noted that their concerns may be overcome through revisions to the development and further information being provided. Their concerns are listed below:

1. Water Cycle Study (WCS)
  - The submitted WCS is a good outline investigation. To fully demonstrate the likely impact the exemplar development may have on the water environment, certain elements of the study need to be expanded.
2. Water supply
  - We support the proposal to limit potable water use to 80 litres, per person, per day through the use of water efficient devices and rainwater harvesting. This would ensure the development meets level 5 of the Code for Sustainable Homes. We support this commitment.
3. Foul drainage
  - The foul drainage for the exemplar site will connect to the existing Bicester sewage treatment works. The study concludes that capacity at the works is sufficient for the exemplar but the network is likely to require upgrading and a proposal has been outlined to identify what would be required. It is essential that a development phasing arrangement is agreed to ensure that the

upgrades are implemented prior to, or in line with the development to avoid pollution. There should be no occupation of the homes until the necessary upgrades are in place.

- Including water efficient devices within the development will reduce the volume of water going to the sewer network. However, we recommend a margin of error is built in to the network so there is no risk of overloading in the future by any changes that may be made within the houses.
4. Water quality
- The Eco-town development must not result in deterioration in water quality and should take steps to ensure water quality is improved. Further work is required on this element to ensure the likely impacts of the development are fully understood and there is confidence that it is feasible to address them.
  - In addition, there should be an outline of the steps that will be taken towards water neutrality. There is currently insufficient detail to show how this development can contribute to this aspiration.
5. Fluvial flood risk
- We have reviewed the fluvial flood model to inform the Flood Risk Assessment (FRA) and while there are no significant issues with it, we do require some further explanation as to how the hydrology used within the model has influenced the outputs.
  - we are supportive of the FRA objectives which identifies that all development will be located in Flood Zone 1 (low risk) and therefore the risk of fluvial flooding will not be increased.
  - As a precautionary measure, we recommend that the internal floor levels of all buildings are set no lower than 300mm above the 1 in 100 year climate change flood level. This will ensure the development is resilient to any future changes in flood risk. It is not clear from the details of the application whether this is feasible within the current design parameters of the development.
6. Surface water drainage
- It is proposed that surface water will discharge via soakaway wherever feasible and the remaining runoff managed through attenuation features with a controlled discharge to local watercourses.
  - We welcome the commitment within the drainage strategy to limit surface water discharges from the site to the Greenfield runoff rate of 40 l/s for all rainfall events up to and including the 1 in 100 year (including a 30% allowance for climate change).
  - Both the FRA and the drainage strategy have concluded that a certain number of properties will be able to drain via soakaway. However, there have been only 3 drainage tests carried out and these conclude that there is variable infiltration potential across the site. We are concerned that the size of the attenuation features relies on those property numbers being drained by soakaway but there is no clear explanation or evidence to show that level of soakaway is feasible. If the required volume of storage needs to be increased, the size of the attenuation features may need to increase and we are concerned that there will not be sufficient space to allow this within the current layout.
  - Although the proposed discharge rate is to be limited to Greenfield rates,

discharged from the site will increase as a result of the development, a volume has not been stated. This presents a risk of increasing flooding downstream, particularly at the confluence of the River Bure (to which the site will discharge), the Pingle Stream and Langford Brook.

- Any increase in the rate or volume of water leaving the site should be avoided or mitigated on site through storage, re-use and infiltration
7. Sustainable Drainage (SuDS)
- We are very disappointed to see the inclusion of sub-surface attenuation in the form of tanks as part of the design. Although tanks will attenuate surface water, they do not deliver any further benefits that other SuDS features can. They also have the disadvantage of traditional drainage systems as they are below ground, which can lead to maintenance difficulties and hide any potential blockages and failures within the system. We would not wish, or expect, to see tanks within the drainage system of an exemplar environmental development on a greenfield site of this size and would like to see them replaced.
  - We also note the proposal includes decking and walkways over a number of the SuDS ponds. This also can hinder maintenance through the accumulation of litter, debris and silt. We advise that access to the ponds be limited to the edge so not to obstruct maintenance access.
8. Ground Water flooding
- The FRA identifies that parts of the site may be at high risk from groundwater flooding and that mitigation measures will be required to manage this risk. However, it does not identify which parts of the developments will be at risk, quantify the level of risk or detail the mitigation required beyond generic examples. Without understanding and mitigating this risk the development could be susceptible to prolonged periods of flooding. Any mitigation must be designed with consideration of other environmental factors such as avoiding surface water and fluvial flood risk, and not depleting groundwater levels.
  - The conclusion of the FRA is misleading as it states the risk from groundwater flooding is low, this is only the case if suitable mitigation is provided.
9. Bridges – flood risk
- To ensure no obstruction to the flow of the watercourse and maintain a natural watercourse corridor we would wish to see bridges on this site be of clear span design and not culverted as shown on the plan.
  - The culvert is shown to be undersized, impinging on the natural banks of the watercourse. This will restrict flows on the watercourse especially during flood events, increasing flood risk upstream. The large heavily engineered headwalls also reduce the aesthetic value of the watercourse corridor through what is meant to be an environmentally sensitive development.
  - The erection of flow control structures or any culverting of a watercourse requires the prior written approval of the Environment Agency under s.23 of the Land Drainage Act 1991 or s.109 of the Water Resources Act 1991. As we have concerns with the current design, we may refuse this consent.
10. Biodiversity
- The assessment of risks to nature conservation is inadequate by virtue of being incomplete and the mitigation measures do not ensure the achievement

- of net biodiversity gain.
  - Although there has been a significant range of ecological surveys to support the development, a number of these (i.e. wintering bird survey) were completed too late to substantially influence the design of the scheme. The results of the wintering bird survey must therefore be integral to the assessment of the impacts on the local biodiversity resource, and also to the appropriate design of mitigation measures, and is therefore pertinent to support the overall conclusion of net biodiversity gain.
  - Without a more robust design of a mosaic of wet features in the stream corridor, carefully designed to allow some access but with areas which are less permeable to people and are therefore less disturbed, it is not clear how the stated claim for net biodiversity gain can be secured in the Exemplar site.
  - The achievement of this net gain is also predicated in the Biodiversity Strategy on the future management of the habitats to be established, but although the Strategy sets out options to achieve this management, none of this has been secured nor demonstrated to be viable.
11. Development close to watercourse
- An adequate buffer between the development and watercourse is essential to support biodiversity and link spaces to allow wildlife to move between suitable habitats, currently it is shown to be inadequate.
  - The stream corridors in the Exemplar site are an essential component in the Biodiversity Strategy for securing net biodiversity gain. The current design shows built development, a NEAP and access routes in close proximity to the Bure which all serve to reduce the potential for the stream corridor to achieve the objective of net biodiversity gain.
  - The development claims 40% GI, with 20.5% claimed as 'enhancement' to provide biodiversity net gain, which in principle we support. However, the design does not demonstrate an imaginative use of the stream corridor to provide the multiple benefits of GI to biodiversity, flood risk management and amenity which will allow all these objectives to be achieved successfully. .
  - Of particular concern is the requirement for the stream corridor to provide a dark foraging and transit route for bats – although this is acknowledged as an important design element, the proximity of the development and the lack of clarity in the lighting strategy as to whether access routes through and across the corridor may be lit, provides no confidence that this objective can be achieved.
12. Bridge design – biodiversity
- Culverting of the River Bure will have a damaging impact on nature conservation and landscape; in particular it deteriorates the river and bankside habitat while interrupting the wildlife corridor.
  - The current proposal for a box culvert with concrete wingwalls and earth embankments severs this corridor, compromising its value for wildlife movement in general and in particular disrupting the flight path corridor for bats, an attribute recognised as important by the developers. The current design also detracts significantly from the natural landscape characteristics of the stream corridor.

13. Waste

- We support the use of a Site Waste Management Plan (SWMP) linked to a Sustainable Resource Management Plan and the high recycling targets outlined.
- We accept that some materials may need to be placed in landfill, provided that this is the best environmental option.

14. Contaminated land & Groundwater quality

- We agree with the indication that levels of contamination on the exemplar site are low and therefore unlikely to impact groundwater quality. However, section 3.2 of the Interpretative report it states that the full results of the gas and groundwater monitoring will be issued as a separate addendum to this interpretative report, then Section 6.4 of the same report concludes that no remedial action is required. However, it is not clear how this conclusion is reached because no results for water analysis are included within that report. The interpretative report refers to a Factual Report which perhaps includes some groundwater quality data which has not been included within the application documents.
- This is particularly relevant because of the proposal to drain surface water via soakaway. We would not want to see any infiltration through contaminated soils as this would present an unacceptable risk to groundwater quality. The developer will need to demonstrate that this risk does not exist.

With regard to the revisions they raise the following additional comments;

Water cycle study

- The study has been updated since the previous submission. Reference to water quality and the Water Framework Directive (WFD) is made as is water neutrality as previously requested.
- A number of statements have not been fully investigated and assessed and it is therefore impossible to determine how effective and successful they will be in meeting WFD objectives and water neutrality.
- We support the four options outlined on water neutrality, however there needs to be more clarity. Support is given to any further feasibility analysis along with inclusion in any S106 negotiations to secure the contribution.
- There is no evidence to prove to what extent they can achieve for effluent options which indicate that any water could be used for keeping green features wet through dry periods and not for reuse in houses. There is an indication that following the implementation of water efficiency measures and re-use mechanisms, the water neutrality gap would be 82m<sup>3</sup> per day.
- The site is situated on the Bicester Otmoor cornbrash which is failing standards for Phosphorus and should ideally be referred to as well.
- Although it is technically true that the entire Eco-Town site will lead to a reduction in agricultural runoff, there is no evidence included to show whether there is currently a significant input and how much of a reduction will be seen alongside how much this will contribute to water quality improvements. A statement of this nature needs to be supported by suitable evidence and assessment.
- We have also previously requested that an investigation into the possibility of be carried out. The study refers to the opportunity to improve flows within local watercourses to improve their ecological status but no assessment of the

potential has been made. It is also very concerning that it is likely that there will be a reduction in flow due to restricted discharge rates, therefore so will the chance of water quality deterioration.

- While not relevant to the exemplar site, we have also noticed that there is no reference to an Integrated Constructed Wetland option for sewage treatment. We would like to see this option pursued for consideration for partial or full treatment of sewage. If not pursued or proven to be unfeasible for this situation we would like to see evidence why.

#### Land re-profiling & bridge design

- The Flood Risk Assessment (FRA) shows where ground re-contouring will take place. This includes areas of land which are at risk of flooding in the South Field and areas along the river corridor
- The infilling along the river corridor is shown to be significantly greater than previously shown. This infilling will reduce the cross-sectional area of the river corridor which will in fact reduce conveyance, reduce biodiversity value and necessitates the bank protection and steeper profiles which are proposed at certain locations. Although not specifically stated within the text, it appears the infilling is taking place with an intention to increase the development footprint and is very likely to have driven the current bridge design.
- In terms of flood risk, it is not clear whether the proposed contour changes means land is being raised or lowered. In order to advise you on the impact of these changes, we will need to know whether there will be a loss or an increase in flood water storage. If there is an expected loss of flood water storage, we will need to see details of how this will be compensated for.
- Raising land within the floodplain to reduce the level of risk goes against the objectives of the Eco-Town PPS which stipulates that development should be located within Flood Zone 1, as it is clear that plots 278 and 288 in the South Field, along with footpaths and access routes are being raised to remove them from Flood Zone 2.
- We disagree that the proposed bridges (culverts) will cause no restriction to the watercourse. This is proven in further paragraphs of the FRA which discuss backing up of flood water and increased velocities within the rivers.
- Both land raising and the bridge design will increase flood velocity. This increases the risk of erosion. Although mitigation is proposed in the form of willow spiling and stone gabions we do not consider this approach appropriate or sustainable. The development should fully accommodate the watercourses within their current form avoiding the need for mitigation which is being created by the current design.
- Also, the bridge designs (culverts) as proposed creates an informal flood defence. This is obviously not the applicants intention but as an informal defence they would need to show how these structures are going to be maintained and by whom.
- If the current design were progressed, the culverts will offer flood risk reduction downstream and so a full assessment of benefits and impacts should be undertaken. All associated structures including the bund (road embankment) must be appropriately designed to reduce the risk of failure.
- All of this seems to be completely unnecessary. If the river channel and bridge are designed to be sympathetic to the existing topography then no flood risk mitigation involving substantial engineering and significant cost would be needed.

- In terms of biodiversity interests, the bridge designs only offer a relatively small aperture in the context of the river corridor, particular for bats using this corridor for foraging and as a flyway. Given the importance of this flyway to retain the integrity of the site for bats, the bridges should be re-designed to provide a clear- or wider-span structure which maximises the connectivity through the bridge opening to the landscape of the watercourse on either side. The ground raising and re-profiling of the river corridor provides an unnecessary constraint to the bridge design options.
- We are also concerned that board walking is still shown over a SuDs pond. We recommend access is limited to the edges of the pond as structures across the pond will hinder maintenance.

#### Biodiversity net-gain

- We acknowledge that the revised submission includes a number of improvements on the original application. However, the assessment of net gain has been calculated largely on the basis of the proposed planting schedules and the increase in plant species which will result, should establishment be successful. Knock-on benefits for other species have been assumed to follow on from this.
- It is necessary for the applicant to fully demonstrate that they are able to secure this net gain by showing that they have robust prescriptions in place. They should also provide qualitative information on the suites of species and communities they expect to become established, over and above just relying on the planting schedule and a list of gross species numbers to demonstrate that net gain will be achieved.
- The achievement of the biodiversity objectives and the successful integration of multiple uses of Green Infrastructure requires a robust and appropriate landscape management plan. Given the juxtaposition of housing, people, access routes and green space, the applicant should provide an outline set of objectives with accompanying management prescriptions to show how biodiversity gain will be achievable.

#### Encroachment of the river corridor

- We support the provision of an increased width in the buffer zone along the river corridors. We remain concerned that the river corridor NEAP will negatively impact on the integrity of the river. Due to the size, location and the proposal to raise the level of the NEAP, bank protection is required and shown in the form of a gabion wall.
- This reduction in size of the river reduces the quality of the environment for wildlife and is contrary to the development objectives.
- The impact of the NEAP would appear to be significantly exacerbated by the re-profiling of the river corridor.

#### Suds wetland features

- There has been an improvement in the number of surface wetland features associated with the Exemplar site; however, there is no detailed information available as to how the different SuDs features will be designed to achieve this range of habitats, where the more semi-permanent water features will be, and how they will relate to the other habitats on the site.

### Ecological monitoring regime

- The success of the development in safeguarding populations of protected species present and in achieving the net gain in biodiversity will depend on a robust monitoring regime. This should be sufficiently outlined prior to determination so that it is clear the developers understand what is required to demonstrate they have achieved the ecological requirements for an Eco-town, are prepared to resource this monitoring, and can demonstrate that they have a process in place to provide a feedback mechanism to inform management prescriptions as the site develops

### Contaminated land and groundwater quality.

- No further information has been submitted in response to our previous request for further information. The applicant previously identified that further groundwater monitoring was taking place and in order to fully and properly consider the risk to groundwater, we will need to see the results of this ongoing work. This is particularly relevant as we would not wish to see any infiltration of surface water through areas of contaminated soils.

**Environment Agency** have removed their objection and further comment as set out below;

#### Water Cycle Study

We have reviewed the letter from Hyder dated 13 June 2011 ref. 7520-UA001881-02 and accompanying Technical Note dated 01 June 2011.

The note provides further clarity on the options and requirements to meet Water Neutrality. If these measures can be successfully implemented, in combination with high water efficiency measures within non-residential building then we advise that this development could become water neutral.

The note confirms that 2,030 existing homes within the Bicester area would need to be fitted with water efficient devices such as variable flush toilets and low flow showers and taps in order to meet the gap of 82m<sup>3</sup> per day. Hyder have indicated the likely contributions that Thames Water will require in order to achieve this. While we have no reason to question this, it is essential for this to be incorporated into the S106 agreement to which Thames Water should agree to.

#### Land re-profiling, bridge design & encroachment of the river corridor

We have reviewed the Revised Flood Risk Assessment (FRA) reference 3501-UA001881-UU41R-03 June 2011.

The FRA now confirms to our satisfaction that flood risk will not be increased either on site or in the surrounding area as flooding within and arising from the development can be entirely mitigated and managed.

We welcome the revised design of the two watercourse main bridges which now incorporate an increased span. The amount of re-contouring has also been reduced which again we welcome.

If areas of more than 10,000m<sup>3</sup> of storage are being created through this development then it may still be necessary for those areas to be designated under the Reservoirs Act 1975.

In terms of biodiversity interests, the increased bridge span, mammal tunnel and reduced re-contouring (around the NEAP) has addressed our previous concerns. Although it would be preferable to move the NEAP further away from the river corridor to restrict the level of human interaction within the watercourse corridor, we note that this is not feasible within the current layout. The revised vertical profile of this corridor is an improvement on the previous design.

We can also confirm that the proposed bridge lighting is agreeable and sympathetic for bats.

#### Biodiversity net-gain

We have reviewed the submitted plans 8001 Masterplan, 8002 biodiversity net-gain, 8003 – 8005 landscape planting & 8045 GI Typology.

It is clear that the required net-gain could be achieved through the proposed development. We are pleased that a proposal to incorporate a number of wetland features has now been included as shown on the Masterplan. Due to the overall layout of the development and the level of human activity we anticipate across the whole site, it is clear that the success of this net-gain achievement is heavily reliant on proper management and maintenance. At present, the current management plan is not robust enough to give us confidence that this can be achieved. However, we consider that this could be addressed through further discussion and amendments.

While we welcome the inclusion of the new pond complex, there is no detailed planting schedule provided for these areas. As landscaping is being sought for approval we would expect planting plans for these ponds would be required. However, we are confident that a planting scheme could be agreed through a suitable planning condition.

#### SUDs wetland features

There has been an improvement in the number of wetland features and some detail has been given as to how they are to be secured. This goes some way to resolve our concerns as to how these features will contribute to the net-gain in biodiversity. We are satisfied that a reasonable level of improved wetland biodiversity potential has been incorporated within the development.

Final details on the design of these features should be agreed through a suitable

planning condition.

#### Contaminated Land and groundwater quality

In our previous responses to this application, we requested sight of the further groundwater monitoring investigations that were being undertaken. Hyder kindly supplied us with further information but there seems to have been some minor misunderstanding of what we wanted to see.

We wished to see the results of all the groundwater quality monitoring data which is summarised in Section 3 of the Technical Memorandum dated 02 June 2011 ref. UA001881 but instead we were given details of groundwater depth. We continue to conclude that the risk of degradation to groundwater quality as a result of contaminated land is low. However, we would still wish to see this groundwater quality monitoring data particularly in relation to informing the surface water drainage scheme.

Conditions are recommended as set out below.

3.17 **Commission for Architecture of the Built Environment** cannot support the application as they comment that the execution of the first phase is disappointing and that the eco-credentials of the scheme are limited and that there is little deviation from the standard suburban housing model. They highlight that as this application needs to set a precedent for development in the area over the next 20 to 30 years it is crucial that the first phase sets high standards for the future, therefore the proposals must be more visionary in their approach if the requirements of the PPS1 Eco towns supplement are to be met. Details of their comments are below:

1. Masterplan

- It is unfortunate that the planning application for the exemplar phase has been submitted prior to the submission for approval of the overall masterplan. This is a back to front approach and makes it more difficult for the exemplar phase to be considered as an integrated part of the masterplan development, given that the masterplan is still yet to be finalised and agreed.

2. Site layout

- Convincing work has been undertaken to consider the flexibility of the landscape and to incorporate the existing field pattern into the site plan. This could successfully deal with the co-existence of the developed and undeveloped plots, by providing clear boundaries. It is inevitable that the phasing of the development will result in changes to the co-existence of different land uses, with fields directly adjacent to new homes when initial plots are developed, which overtime will be built upon.
- We are encouraged that thought has been given to how the phases will link to one another by providing lanes that can continue into adjacent phases and not constrained dead ends. However we think that this work should be taken further. It is essential to the success of the masterplan that individual phases are not designed in isolation and we suggest that site layout plans are put together for adjacent plots from the outset in order to ensure that the design of different phases fit together. In light of this point, we question whether it is desirable to build right up to the site boundaries, which could lead the next phase to do the same which would then blur the development boundaries and lose sight of the

- original ethos of the site plan.
  - We find that the arrangement of clusters provides a structure to the development which is more manageable than the whole. We suggest that different clusters could create different characters or types of development, providing choices for the future community. However we query how the different clusters relate to each other and how the clusters relate to individual plots.
  - We find the layout of streets and spaces interesting, such as the single carriageway streets with passing places that could add interest and variety to the public realm. It needs to be demonstrated that sufficient access will be provided for emergency services and refuse trucks. We question whether the levels of maintenance required for this form of street design can be sustained, or will these spaces be adopted and maintained by the local highways authority?
3. Density
- We think that the density of the development is too low, lower indeed than that of the nearest areas of existing development. The idea behind an eco-town development is to provide an efficient and intensive scheme layout, however this scheme does not meet these requirements generated by the imperative of efficient use of infrastructure. The team has not demonstrated why such a low density development is being proposed as we see no reason why a higher density scheme would not be viable in this location. We are concerned that the low density will militate against the principles of the EcoTowns PPS principally greater resource efficiency and the reduction of car use.
4. Architecture
- We are encouraged to see that three different architects are working on the housing designs, but are disappointed that a greater variety of house types is not emerging to provide a greater choice for buyers. All the clusters of development are the same in terms of building typologies and architecture, and that there is limited variety in terms of the size of dwellings.
5. Conclusion
- For the exemplar site, we would expect to see a proposal that captures the essential aspirations of an eco-town: the current proposals fall short of that mark.

With regard to the revisions they raise the following additional comments;

Site Layout

- Convincing work has been undertaken to consider the flexibility of the landscape and to incorporate the existing field pattern into the site plan. The geometry of the site layout is welcomed in the northern part of the proposal as it responds well to the character of the countryside around Bicester. CABE also support the proposed connection for buses only between the northern and the southern part of the development. Thought has been given to how the phases will link to one another by providing lanes that can continue into adjacent phases and not constrained dead ends.
- Dominance of cars across the site parked cars on both sides of the dwellings will have a detrimental impact on the quality of the development. The amount of surface given to roads, parking and tarmac appears excessive for an eco-town proposal.

Density

- The large amount of open space will have an impact on maintenance cost,

and a management strategy needs to be in place to look after those areas. Greater density would also help reduce the cost for each household.

- Density of the development could increase to provide an efficient and intensive scheme layout as the idea behind the eco-town developments intended.
- There are concerns that the low density will militate against the principle of the eco-town PPS principally greater resource efficiency and the reduction of car use.

#### Character

- It is welcomed that different architects are working on the housing designs, but it is disappointing that the proposal does not use the opportunity to create a characterful eco-town community to set it apart from standard volume house builders' estates.
- The local centre has some character, but it is questioned whether the scale and choice of urban arcades are appropriate and viable financially. Locating the local centre at the entry on the ring road might increase accessibility and encourage integration of the new with the existing community.

#### Landscape

- It is important that the connections to future phases are established as part of the infrastructure of the first phase and structural planting is carried out so that the trees and hedges will have grown by the time the development gets to them.
- The provision of water is welcomed; however the watercourse and the village green could be integrated in a more meaningful way to offer a more interesting village experience and to provide a usable and magic resource to children.

#### Governance

- The extensive provision of landscape raises the question of community ownership and management of common parts and we would recommend that establishment of a community group that also includes members of the existing adjacent community.

#### Sustainability

- Proposed targets for the development are impressive and the Local authority is urged to ensure themselves that the environmental targets will be delivered and to condition them as appropriate and to make the proposal work successfully on a larger scale and to integrate it with the existing town of Bicester and the energy from waste facility nearby.

It was expected to see a proposal that captures the essential aspirations of an eco-town; the current proposal does not make the most of this ambition.

3.18 **Thames Valley Police Authority (TVP)** fully supports the identification of the North West Bicester Eco town, however they wish for the Local Authority to consider the issues below when determining the application.

- The location for the whole North West Bicester Eco town has not been subject to SEA as is required by the EU Directive and Government legislation.
- This speculative application has no adopted development plan, area action or masterplan basis that should similarly be subject of SEA.

- The location for this first phase of the eco town is based purely on land ownership and would not be the first choice for a sustainable development by any sensible town planner and indeed there has been no appraisal of alternative first phase locations to inform this choice.
- In an unfavourable economic climate, there is a danger that this development could remain an island of inappropriate development for some time in the future.
- The application proposals fall short of the PPS Eco town supplement to PPS1 in many respects and on a number of issues.
- TVP has developed a formula for calculating the level of contributions required from new developments in Cherwell to fund the additional police infrastructure needs generated by population growth arising from planned residential and business/commercial developments. Using the methodology, the proposed development of 394 dwellings and other proposed development subject to this application, would generated a financial contribution of £202,910, less the cost of any permanent on-site office provision. TVP see this as a starting point, based as it is on a national formula for new housing development, as it is recognised that this may be the first phase of a larger and fairly unique development. Unfortunately, there is no masterplan or outline application for the whole Eco town development to allow TVP to confirm the level of development it needs to police and how it would do so from an operational view.

The **Thames Valley Police Crime Prevention Design Advisor** requests that a condition is imposed requiring that properties meet secured by design standards.

3.19 **Countryside Properties (Bicester) Ltd** does not object to the planning application and cognises the eco credentials of the proposal along with the history to the site but they do raise the following concerns:

1. Planning Justification
  - The key justification for the planning application therefore lies in the supplement to PPS1 on Eco-towns as the planning application documents clearly state throughout that the application is a departure from the adopted development plan, consisting of the saved policies within the Cherwell District Local Plan and the South East Plan.
  - The application is significantly below the level set out in the PPS of a minimum 5,000 and 5,000 new jobs at 394 dwellings with an equivalent level of employment generating development. This is without greater certainty over the ability to deliver the remainder of the 5,000 dwellings and jobs, it is surely inappropriate to rely upon the PPS as justification for the development of this site at this time. Also if the development is being bought forward in a piecemeal manner it is not allowing the Bicester Eco town concept to be tested.
  - The eco town concept appears to be becoming outdated and liable to change as national policy thinking evolves over months and years. Within the Localism Bill there continues to be a need for LDF documents to be tested for 'soundness' and deliverability (PPS3) and at no point in the application does it state that developers have control of the wider land required to bring forward 5,000 residential units.
  - The development should only be viewed as acceptable if it represents the first part of the Eco Town the Council may consider it appropriate to use planning

conditions/legal agreements to ensure that an application does indeed come forward within a reasonable timescale for the remaining 4,606 residential units, employment uses and infrastructure.

- We consider it premature to bring a site forward on the basis of that draft allocation. The core strategy, along with the associated evidence base, has not yet been tested through public examination and remains open to potentially significant change.
- We have raised through the Core Strategy consultation some fundamental concerns over the evidence base supporting the strategic allocation of NW Bicester. These concerns still stand, and are reinforced by the fact that the Council is having to re-visit its evidence base for district-wide housing requirements, in the light of the forthcoming revocation of Regional Plans.

## 2. EIA

- The Local authority needs to have environmental information available for the whole site as part of the Environmental Statement (ES) so the whole NW Bicester development can be assessed as the planning documents clearly identify that the exemplar site forms part of the wider Eco town proposal. The point is raised again that the PPS1 states a minimum of 5,000 homes for an Eco town, therefore the application should be assessed as a whole development, because currently the validity of the submitted ES is questionable when the development is clearly part of a larger scheme.
- If this Exemplar Development proposal were to be permitted on the assumption that it is the initial phase of the wider Eco-Town, and it is this assumption that makes it acceptable, then the decision cannot be made in the absence of environmental information about the consequences of the entire Eco-Town project. Therefore the scope of the submitted ES would need to encompass the entire Eco-Town masterplan.
- It is accepted that the ES considers the potential cumulative environmental effects of the Exemplar development alongside the wider Eco-town scheme. This concludes that there would be little or no cumulative impact, as a range of mitigation measures will be put forward for the wider Eco-town scheme to alleviate any potential issues.
- The assessment has been done on a very broad basis, which means that many key elements, such as traffic issues, have not been considered in a level of detail to provide any degree of certainty with regards the assumptions made in the cumulative assessment.
- As the applicant is also promoting the wider site, and goes as far as including a detailed master plan within the application documents, that in this instance a more detailed cumulative assessment should have been undertaken and that if the wider scheme is key to the planning argument then the entire development should have been assessed in an EIA context.

## 3. Transport

- WSP reviewed the transport assessment submitted in support of the exemplar proposal and a summary can be found below.
- The location of the 'exemplar' site is not conducive to sustainable modes of transport.
- All connections between the northern and southern site are channelled through the centre of the site. This is not permeable as per Manual for Street principles.
- The applicant makes a case for mixed-use to support internalisation but

admits that significant employment provision to achieve this could only be realised with the wider NW Bicester Eco-town. This undermines the 'establishing mindset early' arguments made in the TA.

- It is unclear how modal shift assumptions can be achieved within the context of a stand-alone development when there is no certainty that the Eco-town would be deliverable/viable.
  - Only local junctions have been assessed with no reference to whether the improvements are incremental or abortive in the long-term.
  - No agreement has been reached with OCC/HA on wider impacts, these are described simply as 'subject to further discussion'. This is not considered sufficient for a site with such potentially far reaching transport implications.
  - The majority of parking is off-plot, leading to uncertainty over how parking levels across the site will be enforced. This leads into further uncertainty over how the travel plan will be monitored and enforced.
4. General comments
- In the absence of vigorous testing and meaningful examination could result in what would be an incomplete development in an unsustainable location.
  - They do not consider that the level of consultation carried out is sufficient for the proposals of this scale.

#### Further representation on behalf of **Countryside Properties**

The submitted information fails to address the fundamental issues with the scheme identified in their letter of 26<sup>th</sup> January 2011.

Countryside have ongoing concerns that the eco town scheme is seemingly being pursued without vigorous testing and meaningful consideration of the overall impacts of the wider scheme. If a decision is taken to approve the application based on the information currently before the Council it is difficult to see how it is considered sound.

3.20 **Defence Estates** raise an objection to the planning application; they ask for the application to be refused on the following grounds:

- The application is premature in that its determination would have a prejudicial pre-determination impact upon the draft Core Strategy in contravention of the guidance set out in PPS1.
- The application does not have a current allocation and has no approved masterplan in contravention of guidance as set out in PPS1, PPS12, the Eco-Town supplement to PPS1, and policy NWB1 of the draft Core Strategy. Furthermore, in its development the local community has not been afforded adequate opportunity to shape the proposal through well managed community consultation which does not comply with the guidance, also set out in PPS1.
- The application fails to protect the natural environment by proposing unnecessary use of productive green field land, and housing development in an unsuitable and unsustainable location in contravention of the guidance as set out in PPS1 and PPS3.
- The application does not offer sufficient evidence that the proposed development can comply with the guidance set out for Eco-Towns in the supplement to PPS1 in terms of employment or transport modal shift;

- The eco-credentials proposed have not been sufficiently demonstrated, in particular, with the lack of a Water Cycle Study or a Sustainable Waste Resources Plan, and
  - The application does not comply with policy R12 of the adopted Local Plan, Policies I3 or I4 in the draft Core Strategy, or guidance as set out in PPS3 or the Eco-Town supplement to PPS1 in regard to sufficient levels of sports and play provision;
1. Assessment of Prematurity
    - The proposal is not in accordance with current development plans.
    - It is of such a significant scale that it is likely to prejudice the outcome of the Core Strategy.
    - The emerging Core Strategy is only at draft stage and there have been objections to the Eco-Town proposal contained within it.
    - Alternative strategic housing sites have been put forward for consideration but have not yet been tested through the examination process, the application is considered to be premature.
  2. Case for the principle of an Eco-Town to be progressed as a Supplementary Planning Document
    - The proposed application has been submitted without the benefit of an allocation in the LDF and in the absence of any approval for a wider masterplan.
    - A 4.5 year supply of housing has been identified. Sufficient time is available for the principle of an Eco-Town to be considered properly, and delivered in an achievable timeframe, if the principle of the proposed eco-town is determined by the local community as desirable and necessary.
    - The proposed development does not:
      - a) Comply with an approved masterplan as set out in Policy NWB1 of the draft Core Strategy
      - b) Comply with an approved masterplan as set out in paragraphs ET20.1 and 20.2 of the supplement to PPS1; or
      - c) Set out clearly, in a draft Section 106 legal document, how the proposed development would progress in order to support the 394 dwellings proposed, in line with paragraph ET21.1, 22.1 or 22.2.
  3. General Policy Considerations
    - The proposed development does not comply with the policies in the SE Plan:
      - a) SP3 in that it does not support the urban focus;
      - b) CC1 as it does not constitute sustainable development; or
      - c) H5 in that it does not comply with the minimum density of 40 dph.
    - The proposed development does not comply with the following policies in the adopted local plan:
      - a) EMP1 or EMP4 in that it is not an existing or allocated employment site;
      - b) C8 in that it constitutes sporadic development in the countryside; and
      - c) C28 and C30 in that there is no adopted design code, brief or masterplan for this development.
    - The proposed development does not comply with the following policies in the non-statutory local plan:
      - a) H3 in that it does not constitute efficient use of land at less than 30dph;

- b) H8 in that it is not a rural exception site;
  - c) H11 and H19 in that it is not within the built up limits of Bicester; and
  - d) S1 in that it is not located following the sequential approach.
- The proposed development does not comply with PPS1 in that it does not:
    - a) Protect or enhance the natural environment;
    - b) Make efficient use of previously developed land;
    - c) Take advantage of significant economies of scale; or
    - d) Demonstrate evidence of sustainability and deliverability of infrastructure.
  - The application does not comply with the Eco-Town supplement to PPS1 in that it does not:
    - a) Set out facilities to support job creation...(of) one employment opportunity per new dwelling that is easily reached by walking, cycling and/or public transport;
    - b) Demonstrate evidence of sustainability and deliverability, including infrastructure;
    - c) Re-use land that has been previously developed; or
    - d) Safeguard wider policy objectives.
  - The application does not comply with PPS3 in that it does not offer:
    - a) A range of community facilities
    - b) Good access to jobs, key services or infrastructure; or
    - c) Housing in a suitable location.
4. Community Consultation
- The proposed development does not comply with policy CC6 in the South East Plan in that it does not develop or implement a local shared vision as it is not an allocated site and is not in compliance with an approved masterplan.
  - The proposed development does not comply with PPS1 in that the community consultation carried out has not:
    - a) Been an essential part in delivering sustainable development;
    - b) Enabled the local community to say what sort of place they want to live in at a stage when it can make a difference;
    - c) Enabled the community to put forward ideas and suggestions and participate in developing proposals and options – it has simply invited people to comment on proposals that have already been worked up; or
    - d) Provided or sought feedback.
5. Transport
- The application does not comply with the following policies in the non-statutory local plan:
    - a. TR1 in that it does not contribute to achieving the objectives of the local transport plan
    - b. TR2 in that it is not located in an existing centre
    - c. TR4 in that it does not include all appropriate mitigation measures required to support the development in an implementation strategy.
  - The application does not comply with the policy set out in the Eco-Town supplement to PPS1 in that it does not provide walking and cycling connections at anything above the standard required in an attempt to overcome the sites isolated location. It would not provide a sufficient level of public transport provision in order to promote and encourage modal shift from private cars. The proposal does not go beyond national standards with the

exception of a reduction in parking provision. Without sufficient public transport provision this is likely to be problematic. As car based travel is likely to be the dominant mode. The proposal does not comply with guidance as set out in the Eco-Towns supplement to PPS1 in paragraphs 11.1, 11.2 or 11.3.

6. Eco Standards

- All new dwellings will be carbon neutral by 2016. The building standards proposed do not outweigh the significant detrimental impact that would occur in building 394 dwellings on productive agricultural land, in an isolated location, in the absence of a demonstrable and pressing housing need.
- The application is not accompanied by a full Water Cycle Strategy or a Sustainable Waste Resources Plan which does not comply with the policy in the supplement to PPS1.

7. Public Open Space

- No sports provision is proposed to serve a 394 house development. This is in direct contravention of policy contained within PPS3 and paragraph ET14.1 of the Eco-Town supplement to PPS1 and does not comply with policy R12 of the adopted Local Plan. The proposed playspace does not comply with the minimum standards contained within policy I4 of the draft CS.
- The proposed allotment provision meets minimum standards only and does not appear to have been planned in an integral manner, but located in the left over spaces in the development.

With regard to the revisions they raise the following additional comments;

- The application is premature in that its determination would have a prejudicial pre-determination impact upon the draft Core Strategy in contravention of the guidance set out in PPS1
- The application does not have a current allocation and has no approved masterplan in contravention of guidance as set out in PPS1, PPS12, the Eco-Town supplement to PPS1, and policy NWB1 of the draft Core Strategy. Furthermore, in its development the local community has not been afforded adequate opportunity to shape the proposal through well managed community consultation which does not comply with the guidance, also set out in PPS1
- The application fails to protect the natural environment by proposing unnecessary use of productive green field land, and housing development in an unsuitable and unsustainable location in contravention of the guidance as set out in PPS1 and PPS3;
- The application does not offer sufficient evidence that the proposed development can comply with the guidance set out for Eco-Towns in the supplement to PPS1 in terms of employment or transport modal shift;
- The eco-credentials proposed have not been sufficiently demonstrated, in particular, with the lack of a detailed Water Cycle Study, and
- The application does not comply with policy R12 of the adopted Local Plan, Policies I3 or I4 in the draft Core Strategy, or guidance as set out in PPS3 or the Eco-Town supplement to PPS1 in regard to sufficient levels of sports and play provision;
- The recently submitted information does nothing to address the fundamentally important points raised in the first representation (appended), and as such the application should be refused or withdrawn to allow the proper democratic

process of the assessment of the proposal eco town via the local development framework.

DIO again take the opportunity to urge Cherwell DC to take advantage of the democratic process and not seek to approve an application which does not comply with either local or national policy, and does not demonstrate sufficient gains to the local populace to justify such a departure. Cherwell DC should enable the local population to objectively assess how development needs should be met and determine the future shape of Bicester via the appropriate application of the Local Development Framework.

Further representation has been received from DIO's legal advisors commenting on the process through which proposals for Graven Hill could be progressed and making the following comments on the current application;

- The proposals do not constitute the first phase of an eco town and can not be considered as such as it does not relate to a wider approved masterplan. Reference is made to the Head of Planning Policy's comments that the outcome for the whole site can not be pre determined. There is no national or development plan support for an isolated development. The draft Core Strategy does not support the approach.
- The form and nature of the development has seemingly been driven not by sound planning or environmental considerations but by land ownership.
- No masterplan has been developed for an eco-town at north west Bicester. Both the draft Core Strategy policy NWB-1 and the Eco-town Supplement require an overall masterplan to demonstrate how the eco-town standards will be achieved.
- All the Eco-towns Supplement indicates is that Councils, where appropriate, should give consideration to identifying suitable locations for eco-towns in the context of the distribution of housing within their area. They refer in particular to paragraph ET4.2
- In the context of the above, it is incumbent upon the Council as a matter of law to determine this application in the context of section 38(6) of the Town and Country Planning Act 1990 (as amended), namely: "*If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan, unless material considerations indicate otherwise*". There is, as stated, no development plan policy either adopted or emerging to give support for these proposals. In the context of any other material considerations it would be entirely inappropriate to justify these proposals with reference to the Eco-towns Supplement when clearly proposals for 394 dwellings and related development do not constitute an eco-town since there is a minimum requirement of 5,000 homes
- There is no support for these proposals in the context of PPS3 and the delivery and supply of housing. The planning policy response of 12 May 2011 to the amended proposals, this response makes it clear that at the present time the Council has a five year housing land supply.
- The Application itself does not bring forward development of "exemplar standards" despite its title. A number of consultees have objected to the Application quite rightly highlighting issues surrounding the standards set to be achieved by the Application.

- The proposal would not meet the standards set out in policy NWB-1 of the draft Core Strategy because the houses proposed to be built will not meet Level 6 of the Code for Sustainable Homes and, due to its position and distance from Bicester it is highly unlikely to meet requirements for transport and access to sites.
- In relation to the determination of the Application, it would, in their considered view, be perverse for the Council to approve this application in the absence of support from either the development plan or other material considerations. Any approval given by the Council would in our view make such a decision susceptible to challenge by way of judicial review.
- The determination of the Application would be premature in the context of the relevant advice contained within PPS1. Any eco-town proposals should be considered at the examination in public to the draft Core Strategy against any reasonable alternative proposals
- The Council through the preparation of its draft Core Strategy needs to consider whether or not the most appropriate strategy is to provide for the scale of housing envisaged by an eco-town at this location when judged against reasonable alternatives. The need to consider reasonable alternatives is provided for within the requirements for the preparation of development plans in accordance with regulation 12(2) of the Environmental Assessment of Plans and Programmes Regulations 2004. The need to consider reasonable alternatives has also been endorsed and emphasised by the Court of Appeal in the case of *Hertfordshire County Council & St Albans District Council v The Secretary of State and Environment [2009]EWHC 1280 (Admin)*.
- A review of the sustainability appraisal prepared in relation to the draft Core Strategy has highlighted that reasonable alternatives have not been properly considered.
- the principles enshrined within the supplement to PPS 1 entitled 'The Planning System: General Principles' at paragraph 17 dealing with prematurity is relevant. This states as follows: "*In some circumstances, it may be justifiable to refuse planning permission on grounds of prematurity where a DPD is being prepared or is under review, but it has not yet been adopted. This may be appropriate where a proposed development is so substantial, or where the cumulative effect would be so significant, that granting permission could prejudice the DPD by predetermining decisions about the scale, location or phasing of new development which are being addressed in the policy in the DPD*". Any proposals for upwards of 5,000 dwellings plus associated development must be seen in any context as substantial. The proposals, as outlined in the draft Core Strategy, have been the subject of significant opposition (upwards of 40 objections including several from local parish councils). To allow the present application, which is being put forward as "phase 1" of a much wider eco-town proposal, would in effect and by implication be prejudging the location of the eco-town at this location.

3.21 **BioRegional** are working as part of the project team on sustainability and outline some concerns that need to be resolved:

1. Density
  - On the exemplar, far too much space is taken up by roads, driveways, parking and garages. It results in really low density without the sense of ample quality space.

- The exemplar design is short on play space. The biodiversity areas have been squeezed. Net biodiversity gain has not been demonstrated.
- The draft travel plan has fallen short of demonstrating the modal shift needed. A higher density of homes would help make the bus, the car club and all the services at the village hub more viable.
- The majority of Milton Keynes has a density of 27dph and they have found bus services to be unviable without prohibitive subsidy. The newer parts of the city are 50dph and can support a good bus service.
- The energy solution put forward in this application opts for a district heating system, allowing for renewable centralised technologies. Energy Saving Trust and CHPA recommend at least 55dph for district heating to be financially viable.
- The home zones would be far more successful at an increased density as they would have the critical mass of households to be populated and vibrant.

## 2. Sustainability Statement

- Even though on p3 reference is made to enabling low carbon footprints, there is no mention of any analysis or strategy for achieving this either in the vision or in any of the Hyder Heartbeat headings. Whilst individual measures such as zero carbon buildings will help to deliver this aspiration, the Sustainability Statement should follow through and demonstrate how this core aspiration will be achieved and to what degree.
- P25 – Construction – best practice in minimising embodied impacts of construction materials should go beyond the use of the BRE Green Guide. Embodied CO2 should be monitored and managed and reduced.
- 1046 NW BICESTER Masterplan report 23-11-10 part 1
- Says all homes are within 800m walking distance of local centres. This is not true of the exemplar.
- It is questioned if there will be green roofs on all garages? (Document BIMP2\_PA\_05\_200\_GARAGES)

## 3. Design and access statement

- P56 Viewpoint 3 looks terrible and uninspiring.
- P131 – Lighting – says “request for dark corridors has been accommodated as far as possible.” What does this mean?
- No details is provided on street design or the degree to which junctions and street textures have been designed to prioritise walking and cycling

## 4. Environmental Statement Vol 1 Main Text p66

- The report suggests that the construction phase of the development will have no residual impact on the biodiversity of the site. This cannot be correct. Most birds and other animals will leave due to the noise and disturbance.
- What measures are in place to oversee good ecological practice during the construction phase?
- Need details on the construction phase lighting with a plan showing lighting free zones
- Need details on post occupancy lighting – plan showing lighting strategy

## 5. Economic Strategy

- What evidence is there that the eco business centre, office space, nursery and retail units will be viable and taken up?

- What measures are being proposed in order to promote and facilitate home working?
6. Bridge
- The box culvert bridge is ugly and it disrupts large areas of the supposed watercourse corridor.
7. Draft Travel Plan
- It is a technically robust report as far as it goes with a wide menu of sensible, intelligent and some novel measures, however the measures in this Travel Plan do not go far enough to deliver the targets or meet the PPS.
  - A detailed table (also submitted by BioRegional), shows the list of measures proposed, the associated trip reductions and modal shifts due to each measure. If Hyder's individual mode targets for walking, cycling, bus and train are achieved, then a modal shift of 49% (just short of the target 50%) is achieved. However, there are questions over whether each mode target is achievable. Targets for all 4 modes are ambitious and measures to deliver them are falling short.
  - When specific key journeys are examined, the travel plan shows that unless the resident is a cyclist (some 1-2% of UK population cycle regularly and some 5-8% cycle occasionally), then the measures proposed do not offer a quicker, easier alternative to the car. The alternative travel options for non cyclists therefore need to be improved.
  - The plan rightly proposes to place a lot of emphasis on promoting cycling and positively attracting cyclists to live there, some of the ideas in this section are potentially exemplary and could be a UK showcase. However, detailed plans showing how cycle friendly the site is are missing. Bicycle storage facilities are nothing special and not particularly convenient.
  - The density of the scheme is not sufficiently high to support the services needed to really deliver modal shift. Campaign for Better Transport recommend 100dph.
  - The carbon reduction target, T5 is fine but from the work done to date, it is not possible to even start to assess the degree to which the travel plan delivers against this target. Some analysis of baseline transport related carbon emissions and potential reductions through modal shift and low carbon vehicles is needed.
  - Measures to promote and incentivise low carbon motoring are not at all developed in this plan. There is a lot of potential for this scheme to pioneer alternative fuels and super efficient cars. A strategy and commitments to resource and promote these alternatives would be a good addition to this report.
  - The Travel Plan relies heavily on travel behaviour work, travel planning, branding, marketing and promotion. It is not clear how well resourced these activities will be.

With regard to the revisions they raise the following additional comments;

The most notable credentials of the scheme are:

1. zero carbon through on site solutions
2. best practice in water efficiency
3. we believe this to be the largest Code 5 application in the country
4. comprehensive Travel Plan which includes a commitment to one of the first

semi rural car clubs in the country

5. possibly the largest residential PV array in the country

The scheme offers a semi-rural interpretation of sustainable living that is different from its urban equivalent. The green space for leisure, food growing, wildlife and natural drainage is more extensive. The ratio of roof area to people is much higher than an urban scheme and so solar technologies and rainwater harvesting become a meaningful resource as opposed to tokenistic references. Sustainable transport is more challenging on this sort of scheme. It is also more difficult to demonstrate net biodiversity gain when the ecology baseline is high. The challenge of sustainable living in semi rural locations is one faced all around the world and BioRegional welcome this attempt to address it. The scheme will certainly achieve higher sustainability standards than any typical current developments and also most existing towns and cities.

Of a typical carbon footprint of 16tCO<sub>2</sub>, residents will reduce their carbon footprint by at least 2tCO<sub>2</sub> because of the zero carbon homes. They can save a further 1tCO<sub>2</sub> by taking advantage of the sustainable travel measures and reducing their car use. Beyond that, further reductions in carbon footprint will be dependent on personal choices.

The application currently lacks any reference to or analysis of environmental limits or carbon footprint reduction. However, we believe the intention is to look at this comprehensively during the master planning process. The water strategy addresses adaptation to water stress. The potential for overheating in buildings due to increased heat waves still needs to be addressed through building physics modelling at detailed design stage.

The submitted energy strategy, in combination with subsequent revisions to energy and carbon balance tables, delivers this definition of zero carbon in the PPS. The strategy is set apart from other “carbon neutral” housing schemes around the country because it deals with all of its carbon emissions, both regulated and unregulated, through on site solutions.

BioRegional believe the zero carbon electricity provision is designed right to the limit of the site’s generating capacity and there is no margin of error. If the electricity provision were to fall short after detailed design is complete or if it consistently falls short in practice, then a mechanism for making up the difference should be agreed, installing additional PV on other roofs in Bicester.

BioRegional came to this scheme hoping to see reduced parking provision, car free areas and higher housing density of 50dph. We would have been delighted to see new ideas for remote parking provision tested out along the lines of the Freiburg model where cars are parked in one secure area away from the homes. The scheme has no plans for charging for parking spaces and therefore has no mechanism for disincentivising car ownership. However the scheme is supported on the grounds that; they have found no examples elsewhere where lower parking has been delivered, the masterplan will provide further opportunities around higher densities, that the applicants advise the parking is necessary to market the dwellings; that restriction of parking at the destination is the first step in reducing car use and the local centre has a restricted parking, lower parking risks inappropriate parking, the draft travel plan is comprehensive, a higher density scheme may mean less solar pv and the bus only link and road design will make walking & cycling

attractive.

The biodiversity strategy and the design proposals work hard to retain, protect and enhance all of this and to introduce new habitats of value. A wide area along the watercourse has been left open with water features and a range of habitats proposed. It would seem to be extremely challenging to introduce 400 homes, 1000 people with all their cats and dogs and 5 years worth of construction activity to a few fields and still deliver a net benefit to wildlife. Conflicting pressures on the different green spaces bring the net gain into question. The developer team have been working hard to address these concerns and new information has only recently been submitted. If it were to be decided that the proposals fall short on net gain, there are many opportunities for addressing residual impacts off site and we hope these will be agreed and secured.

A town wide travel plan delivering town wide modal shift would be in keeping with the Eco Bicester Shared Vision and it would also make the travel plan for this scheme far more likely to succeed.

The following areas remain a concern; achievement of biodiversity, if the scheme falls short in terms of zero carbon off site solutions should be secured, measures to take action if the modal shift is not achieved are required, remaining design issues should be resolved, low emission vehicles should be encouraged and there is a lack of a stated vision for low carbon lifestyles.

3.22 Cherwell's **Building Control Manager** has highlighted there is some information outstanding from the application that has made it difficult to give a complete set of comments. However his comments are below:

1. Communal Area (River Corridor) Dwr No. 8010-UA001881 & UP23D-01 and 8011-UA (etc)  
Lack of 'spot' levels relating to the proposal; no details relating to the materials/surface finishes are available. Ramps are referred to a 'DDA compliant' which is meaningless. Also very little in the way of 'furniture' is provided which would be suitable for older or disabled individuals to watch or part take in activities.
2. Specific comments on 'access' section of DAS
  - No mention of - consultation/involvement conducted with user groups
  - Imminent demographic change specially age profiles and aging population (as well as those with impairments).
  - Lifetime, home and neighbourhood standards within the DAS.

The DAS makes vague and meaningless reference to compliance with the Disability Discrimination Act and 'relevant guidelines'. It's not clear what provision has been made for visually impaired individuals relating to way finding in and around 'shared spaces'. Reference is made in regards to refuse collection, however how will the designer ensure the bins do not become obstacles and barriers for those with sight limitations? Also how will the bins be moved for occupants with mobility restrictions?

It does state that all integrated walking and cycling routes will be segregated.

Over all not convinced that the 'access' part of the DAS clearly demonstrates that

the philosophy of the 'social model' of disability has been adopted as the design goal.

3. General comments relating to the application

Application should a) establish from the onset the appropriate technical standards which have been adopted as part of the access strategy b) justify any intended departures/variations from the national guidance relating to 'inclusive design' and c) aim to demonstrate that the 'social model' of disability has been adopted.

4. Specific comments relating to the application

- Housing should be no greater than 500m from primary and 800m from secondary services.
- All pedestrian footways should have gentle gradients not exceeding 1:20.
- Bicycle lanes should be separate from footways and clearly marked (already mentioned in DAS).
- Lifetime homes provide 'improved access' to dwellings for wheelchair users but does not make them fully accessible. It is recommended that 10% of all houses are built to 'Wheelchair Housing Standards' (which exceed LTH criteria).
- With respect to external information the house plans do not provide sufficient detail to conclude whether the proposals satisfy criteria 1 of the Lifetime Home Standards': (Also there appears to be conflict between the planning strategy of a reduction in vehicular use/ownership and the requirement of LTH's to provide a parking space (2.400m wide which has the potential to be increased in width to 3.300m) for every house (as all houses are required to meet the LTH criteria as required by the PPS1 supplement).

3.23 Cherwell's **Ecology officer** comments that the application has not made the most of opportunities enhance and conserve biodiversity within the development as might be expected in an Eco town exemplar.

- Low levels of space given to the more natural areas is disappointing when taking into account the pressures these areas are likely to experience in terms of disturbance.
- Not clear if the Eco town PPS is and PPS9 requirements for 'net biodiversity gain' will be achieved as incorporating designs to benefit wildlife have not been maximised.
- Retainment of hedgerows is welcomed; however the value of the translocated hedgerowns will be reduced once removed from the agricultural context, this could to some extent be mitigated for with large buffers adjacent to the hedgerows limiting disturbance.
- The Environmental Strategy outlines that the 'majority' of hedgerows will have a buffer of 3m. However for those hedgerows which may have less of a buffer than this their value to wildlife will probably be less than current, despite the intended sympathetic management. I note the hedgerow survey undertaken by Arups recommends buffers of at least 10m either side of the hedgerows managed for biodiversity not amenity in order to retain value which does not appear to have been taken into account.
- If the habitat creation and retention proposed along the riparian corridors are achieved in their entirety these are likely to be beneficial in terms of biodiversity. However there seems insufficient proof and inadequate detail and clarity which make its achievability uncertain.

- There is little information on how the hydrology may be manipulated to achieve the wetter areas along the Bure corridor for the proposed wet grassland and the inclusion of orchard planting within these areas seems inconsistent. Even if it is achieved there is potential that the value of these habitats will be reduced by other impacts i.e. lighting strategy on road, footpaths and play areas within and adjacent to the river corridors which is not fully detailed.
- The design of the bridges which currently do not appear sympathetic to wildlife movement and are likely to fragment the corridor. There should be some strategies in place to discourage high intensity usage of these areas for recreation and dog-walking etc in order to provide some level of refuge and space for wildlife.
- There is little mitigation for the loss of habitat for farmland birds. I understand the wintering bird survey is still ongoing, the results of which should determine the value of the site in this respect. As it is not possible to mitigate for the loss of open space and foraging ground for birds on site compensation for this aspect off-site should be sought.
- The proposals for biodiversity enhancements within the built areas of the development should deliver some benefits for wildlife if carried out – green walls, green roofs on garages, higher levels of planting, suds features (lack of detail)
- The ‘classic homezones’ appear to deliver comparatively little of benefit to biodiversity or green connections. Could the enhancement proposals not be carried through these as well?
- The Environmental Statement that allotment areas can achieve some of the biodiversity aims on site forming quite an extensive area of transitional habitat in parts. It is unclear whether this is achievable when such areas are to be managed by residents and therefore cannot be guaranteed to be managed in a wildlife friendly way.
- The mechanism for management of the created and retained habitats is not yet agreed nor have the viability of the various options in terms of achieving the funding and management required been outlined. The long-term management and monitoring of the green spaces on site is critical for the successful delivery of the biodiversity enhancement objectives and to prevent deterioration of the retained habitats. This needs to be fully outlined before it can be assessed whether there will be clear gain in biodiversity on site.

### **Comments from Cherwell District Council’s Rural and Countryside Service & Ecologist on revisions to the scheme**

The additional information received has been largely welcome from an ecological viewpoint, in particular the inclusion of further pond complexes to increase biodiversity interest and the provision of some further details of the proposed management plan.

However, the lack of a full management plan in terms of details of secured funding matched to the costs of proposed management prescriptions in order to demonstrate the deliverability of the various biodiversity enhancements throughout the exemplar site threatens its ability to achieve the overall net biodiversity gain claimed and in accordance with PPS1 (ecotown supplement). This should be put in

place in its entirety prior to any works commencing on site.

In addition (and particularly if the above is not satisfactorily achieved such that delivered net gain remains questionable), consideration must be given to contributions for off-site compensation (projects on downstream sites such as RSPB Otmoor or BBOWT's Ray area would be appropriate candidates). Whilst not a replacement for the value of enhancements on site, if such off-site compensation is achieved then I believe the development could claim clear overall biodiversity gain such as would be expected from an ecotown exemplar.

A full Ecological Construction and Method Statement or equivalent should be produced and agreed in writing with the LPA prior to the commencement of any works on site. This should include statements on the protection of retained biodiversity interests on site including mitigation for protected/priority and other species, hedgerows and trees from the commencement of works, during construction and the initial post construction period. Statements on the appropriate time of year for various works, e.g. clearance of woody vegetation only outside of the bird nesting season, are also required. In addition it should include an overall timetable of delivery of the green spaces and biodiversity enhancements as required as part of an ecotown application by ET21.1 PPS1.

Should more than 12 months elapse between the commencement of works on site and the protected species surveys already in place update surveys should be carried out in order to assess whether species have moved on to the site in the interim and therefore the need for further consideration. The results of these surveys should be submitted to the LPA and any actions agreed.

Although there is no stated intention to light the pedestrian footways crossing the river corridors or the NEAP area, it is accepted that this may realistically be required in the future. Therefore a lighting strategy for these areas to include designs which would not be detrimental to the use of the river corridor by bats should be agreed by condition, such that there can be certainty that the future value of the corridor for bats and other nocturnal species will not be compromised.

The changes to the NEAP design in terms of altered earthworks and removal of the need for gabions is welcome. It should be noted that the design suggestions made by the CDC Landscape Officer intended to lessen the encroachment of the more heavily disturbed areas of the NEAP into the 60m buffer of the river corridor and make it more sympathetic to its location would be a significant benefit to biodiversity in this area and should be given full consideration. Environmental interpretation boards should be included at the footbridges or in a similar location near the river corridor to inform the users of the objectives of that area and its importance to biodiversity.

There is some lack of visual clarity within the plans as to the location of the retained and translocated hedgerows at the boundaries and their buffer zones. Some of the plans suggest tree planting within these buffer zones (this is particularly unclear in

the Northern fields section). In order to maintain their functionality any additional planting should be made outside these zones. Clarification of this point would be appreciated.

Production of detailed plans of the proposed pond complexes (which are not intended to be within the SUDS system) in terms of linings, cross sections etc should be conditioned and agreed prior to commencement of works.

3.24 Cherwell's **Strategic Housing Officer** provided their comments and submitted draft Heads of Terms. Details can be found below:

1. Affordable housing mix and tenure

- Although 30% affordable housing is being offered in line with current policy this is not at CDC's current policy mix –a suggested mix has been put forward. A total of 102 units, 18 of which would be for affordable rent and 120 for shared ownership (Table of detailed mixture was submitted).
- The mix of size and types has been agreed. Affordable rents (including eligible service charges) will need to be set at a level that is deemed affordable against local market rents.
- There are particular concerns with regard to service charge costs and the affordability of these which will need to be addressed.
- We will need to determine an approach to fixed term tenancies.
- We would expect shared ownership units to be sold at a variety of shares between 25 and 75% with an average share across the scheme of between 40 and 50%. We believe there is a healthy market for shared ownership units within Bicester and would like the number of units available as shared ownership to be increased on the wider application.
- A block of 2 bed flats is to be kept for special downsizing units for older people releasing family homes. This will be of a higher spec than the other blocks and age restricted to 55 years. The majority of flats in this block should be for rent.
- One of the 2 bed terrace and an adjoining 3 bed terrace will be set aside for the re- provision of Lucan House, teenage parent's project and leased to Stonham for that purpose. This will have an exit strategy for reconversion to general needs and a separate referrals procedure.

2. Location

- CDC policy is for a well integrated mix of tenures and we have not generally accepted clusters of more than 15 units, with the rented and intermediate housing mixed in each cluster. We would prefer to see the affordable housing more integrated throughout the development than the current plan shows to achieve a mixed and sustainable community and a consistent stream of delivery.

3. Standards and Design

- PPS 1 lays down standards for the new build which this application achieves. Standards include:
  - a) Code level 5 and Carbon Neutral
  - b) CABE –Building for Life –silver level
  - c) Lifetimes Homes Standard
- Wheelchair units are to be designed to standards laid down in the Habinteg design guide (2<sup>nd</sup> Ed) but agreed at internal design stage with CDC Housing

- team as these may be tailored to individual needs.
  - Lucan House internal layout is to be agreed with CDC and Stonham Housing.
  - The affordable housing should be tenure blind in design.
  - Housing Services would like sight of the revised plans to be able to comment further on the wider design issues.
4. Delivery triggers
- These will need to be set in line with the build programme but would want to see the affordable housing come forward simultaneously with the private sale units.
5. Nominations and Local Lettings Plan
- All housing will be subject to our standard nominations agreement and processes but will also benefit from a local lettings plan both of which will be attached to the planning agreement. The lettings plan will give priority to Bicester applicants and seek that new residents have a pre-tenancy qualification which covers residents being in work or training or actively involved in community work and their intention to embrace a greener living agenda.

3.25 Cherwell's **Design and Conservation** has made the following comments on the application:

1. Local distinctiveness / appropriate to context
- The palette of elements of construction, elevational detailing, windows and doors is not derived from local architectural styles. Given the very contemporary elevational treatment, the untraditional roof profiles, the buff brick and the timber proposed for elevations and the particularly regimented approach to layout, the design does not appear appropriate to its context.
  - It is the role of the DAS to explain the design rationale behind the proposal and how this has been informed by an analysis of context etc. There is little in the submitted DAS to explain these matters.
2. High Quality Inclusive Design
- The architecture of the housing relies very heavily on very similar floor plans with repetitive pattern of openings and three elevational treatments. The effect is repetitive with a risk of monotony and many dwellings and terraces are visually unappealing, particularly the affordable bungalows and flats. The gabled elevations, particularly those with differential widths and heights or asymmetrical pitches or extended roofs, create a discordant image.
  - Some of the "enriched" house types are visually stimulating but have little in common with their neighbours. This does not appear to constitute high quality design.
  - The house types are grouped into enclaves, with streets composed of single house types. This does not constitute inclusive design that creates well mixed and integrated development which avoids segregation. Although the 2 and 3 bedroomed houses are tenure blind, the affordable bungalows and flats are distinctively different by virtue of their scale and appearance and thus their design could not be described as inclusive.
  - There is a rigidity of building line, a lack of variety, a lack of change of scale, a lack of public spaces within the housing areas, a lack of landmarks, lack of

successful corner buildings, etc and the resultant places do not create high quality streets, open space, public realm or places to inspire and delight.

- The layout does not offer continuity and enclosure, consistent with local character, because the perimeter blocks are too small. The distorted grid layout has high permeability but movement for pedestrians and cyclists and legibility through recognisable routes is not clear due to the repetitive layout and a lack of landmarks to help people find their way around. All dwellings outside the High Street centre are designed for residential use without opportunities for other uses, even working at home for most, included, and no expressed adaptability through building types that enables their use for different purposes over time.
- The development is designed to meet Code 5 but the layout of the street grids does not maximise solar gain through layout and orientation of buildings. The PV panels on the gable fronted terraces results in asymmetrical pitches and the requirement to lift the PV panels above the shadow line to increase their efficiency results in an aggressive roofscape.
- The housing layout is inefficient, with a high proportion of highway to dwellings. Despite the resultant relatively low density, the size of private gardens attached to the terraced houses is small and some of the gardens of the affordable homes will be dominated by cycle and bin stores and their sheds.
- The inefficient layout compromises the amount of green space.
- The size of some private gardens result in some dwellings having a very small area of private amenity space, some north facing.
- The master plan for the whole site is in preparation. It is not clear that the detailed design of this layout has been considered in relation to the interface with subsequent adjacent phases. As the aspiration for the non residential elements on the High Street is very specific in terms of height, elevational treatment, order, symmetry etc and is to be delivered by different developers at different times, a design code will be needed to ensure consistency.

### 3. Density / efficiency of layout

- The layout of the housing is inefficient, with small perimeter blocks and a high proportion of road to dwelling. This results in a relatively low density development, which is inefficient in terms of district heating and encouraging measures such as the provision of a viable public transport service, car clubs etc to encourage modal shift.
- The pattern of field boundaries has been followed in the layout of streets such that the orientation of buildings does not maximise solar gain. The reliance of PVs as a significant source of electricity has required a high proportion of gable fronted terraces and the pitches of some are asymmetrical and others need to be extended to ensure sufficient solar gain. Not only does this produce a visually discordant street scene but it also conflicts with policy requirements for locally distinctive development.

### 4. Green Infrastructure

- 44.92% of the whole exemplar site is to be Green Infrastructure and 37.69% of the exemplar site is to be public Green Infrastructure, but this largely comprises hedgerow buffers (27.72% of total GI and 33.04% of public GI) and water course corridors of high biodiversity value (18% of total GI and 21.47% of public GI), where development is not possible.

- The buffers are linear features, mainly around the edges of the site and, although they incorporate some amenity planting and allotments, are of little value to the whole community because of their peripheral location. The water course corridor is required to accommodate a range of potentially conflicting uses, which could compromise biodiversity and existing vegetation.
  - There are no amenity green spaces within the net housing areas and this is a loss to residential amenity and successful place making. A further 21.26% of the total GI (25.22% of the public GI) is due to come from the Home Zones but information on this has not been provided.
5. Car parking
- Oxfordshire County Council and the District Councils across the County have worked together to develop residential parking standards, taking account of empirical evidence about actual levels of car ownership in recent housing developments in the County. The parking provision proposed is higher than the local standards.
  - All dwellings are provided with a garage, but the dimensions of these are intended to ensure they do not count towards parking provision so additional parking spaces are also provided. All spaces appear to be allocated, although there might be the intention to enable visitor parking within Home Zones. It is unlikely to discourage the use of the private car in favour of public transport, walking or cycling and so is unlikely to contribute to modal shift.
6. Design and Access Statement
- The DAS submitted with the application was lacking in many respects and additional subject areas were requested to enable the application to be registered. A contents list for a further, fully revised DAS was agreed and the revised document is awaited.

With regard to the revisions they raise the following additional comments;

- There are some interesting aspects to this proposal, not least in achieving Code Level 5, in some of the architecture, in some of the potential Home Zone style living environments and in some of the use of green infrastructure. However, there are also areas where the proposals under-perform, for example relating to the rigid choice and application of house types, the approach to parking provision, inefficiencies in the layout and some of the house types.
- There are lost opportunities to create a really ground-breaking exemplar scheme and this is frustrating and disappointing. Some of these, such as inefficiencies in the layout, could potentially be resolved with more time for discussion. Others, however, such as the approach to house types and parking, would need a more radical change of approach on behalf of the developer, which we have been advised will not be forthcoming, and so these shortcomings will remain.

3.26 The **Head of Planning Policy and Estates** comments as follows;

- This is to be the first phase, as an Exemplar project, of the proposed NW Bicester Eco-Town development. Were it not for this proposed Eco-Town there would arguably be no context for the proposed 394 dwellings and this

proposal would not be coming forward. This phase is not therefore a 'self contained' development. At the same time, the outcome of the proposal for the whole site cannot be pre-determined and so, as this first phase is coming forward in advance of either the Core Strategy or consideration by outline application of the whole site, it also needs to demonstrate that it has potential and justification to form an isolated development if it is to be determined before the proposal for the whole site has been fully assessed.

- The council has committed support for the concept of an Ecotown in NW Bicester through various Executive decisions since 2009. The site was put forward by the Council as an alternative to Weston Otmoor site (on government's initial shortlist of potential ecotowns April 2008), which it strongly opposed. A concept study was commissioned in December 2008 to explore its potential and at the 30<sup>th</sup> March 2009 Executive a resolution was agreed that the council "*supports the inclusion of the NW Bicester location (as defined and presented through the Council's Eco Town Concept Study-Draft February 2009) in the Government's Eco Town Programme and Planning Policy Statement*" (although this was with the proviso that ten caveats set by the council were recognised by the government first). Furthermore the Council endorsed the Eco Bicester One Shared Vision document, as informal planning guidance for development control purposes at the 6<sup>th</sup> Decemeber 2010 Executive.

#### General Comments

- There are several general comments which relate to the planning application and supporting information. There is a general lack of clarity, consistency and detail within and between documents. The means and the mechanisms by which a range of factors will be addressed and/or delivered is often simply deferred to external agencies and organisations with no information on who, how or when those factors will be addressed or delivered.

#### Planning Policy Review

- There are currently no local plan allocations for the site; The Draft Core Strategy contains a proposed policy for NW Bicester, however it is still at draft stage and therefore it carries little weight. The site is identified as a potential location within Annex A of the PPS Ecotowns, A supplement to Planning Policy Statement 1.
- in the absence of an up to date local development plan policy, an application for an Eco-town should be determined in accordance with legislative requirements and on it's merits. This application does not relate to and allow consideration of the merits of the Eco-town as a whole. The requirements/standards for an Eco-town are set out between ET7-ET22; these should be satisfactorily met before permitting the scheme.

#### Housing Requirements

- The development of an eco-town at Bicester is in general conformity with the direction of South East Plan policies for the distribution of housing. Indeed, the Draft Core Strategy proposes an increase in Bicester's figure partly in the interest's of accommodating an eco-development and would be in keeping with the thrust of the South-East Plan's sub-regional strategy for Central Oxfordshire.
- The current residual requirement for Bicester 2,393 (2,793 without the

exemplar) is less than the 3,000 homes anticipated by 2026, but the proposed local adjustment of the Bicester housing requirement is being considered through the emerging Core Strategy.

- Policy H2 of the South East Plan states that LPAs ‘*will work in partnership to allocate and manage a land supply to deliver*’ the required housing provision, while ensuring appropriate regard to environmental and infrastructure issues and a number of considerations including, “*the need to facilitate any proposals that are agreed for Growth Points and eco-towns to be assessed through the next review*”. There is, now, no plan to review the South East Plan. However, the reference to eco-towns in the final version of the South East Plan, reflects the expectation that eco-towns could have a role in meeting future housing needs.
- On 14 October 2009, the Council was advised by the Department for Communities and Local Government that homes built as part of an eco-town by 2026 could be considered as part of the district’s South East Plan housing requirements. The Council’s Draft Core Strategy (in February 2010) proposes for an eco-development at North West Bicester of 3,000 new homes by 31 March 2026. The proposed allocation at North West Bicester reflects the Council’s commitment to delivering major housing growth at Bicester through the eco-towns initiative.
- 

### 5 Year Housing Land Supply and Phasing

- Notwithstanding comments elsewhere in this response, delivery of Phase 1 of the Eco-Town from 2012 to 2017 would broadly be consistent with the expectations of the Draft Core Strategy (Table 18, p.134) which suggested that 500 homes could be provided at North West Bicester by 2016

### Size and Type of Housing

- Policy H4 of the South East Plan requires local authorities to identify the full range of existing and future housing needs and to seek an appropriate range and mix of housing opportunities by identifying the likely profile of housing types and the size and type of affordable housing required. A 2009 assessment of the type and size of housing needed in Cherwell informs Draft Core Strategy policy H6. Although, at this stage the policy carries little weight, it does set out the size and type of housing expected to be required to meet the needs of Cherwell’s future population having regard to a ‘Household Projections and Current Market Position Model’. It does not however, take account of the profile of the existing housing stock. A comparison with the type and size proposed in the application is provided below:

<b>Draft Core Strategy (Policy H6)</b>	<b>Exemplar Application</b>
1 bed flats (4%)	8 one bed’ flats / maisonettes (2%)
2 bed upsizing flats (8%)	20 two bed’ flats / maisonettes (5.1%)
2 bed houses (19%) 2 bed retirement / downsizing homes (23%)	118 two bed’ houses (29.9%)
3+ bed houses (35%)	141 three bed’ houses (35.8%) 107 4+ bed’ houses (27.2%)
3 bed flats / cluster homes (2%)	None
1/2 bed extra care homes (9%)	None

- consideration should be given as to how a range of housing closer to that in draft policy H6 might be achieved across the wider development. There appears to be no evidence provided for the proposed housing mix included in this planning application.

#### **Affordable Housing**

- The Strategic Housing Market Assessment (2009) and Local Housing Needs Estimates (2009) show that there is a demonstrable lack of affordable housing to meet local needs. In these circumstances, the Non-Statutory Cherwell Local Plan and supplementary planning guidance require the proposed development to provide 30% of the proposed housing as affordable homes. Policy CO3 of the South East Plan requires at least 40% of all new housing in the Central Oxfordshire sub-region to be affordable, including housing for key workers. Policy H3 seeks 25% of all housing across the region as social rented and 10% as intermediate (policy CO3 takes precedence). The Draft Core Strategy proposes a requirement of 30% for qualifying sites in Bicester, having regard to a viability study. The PPS1 supplement requires at least 30%.
- The planning application states that 120 units (30.5%) would be provided. This is appropriate in the context of existing and emerging policy.

#### **Housing Density**

- The scheme has an average of 27.1 dph and is, regardless of the removal of PPS3's national indicative minimum of 30 dph, a relatively low figure in view of PPS1 and PPS3 aims of making efficient use of land and the expectation that eco-towns should be seeking the most sustainable use of natural resources.

#### **Comments specific to other submitted documents**

Very detailed comments are made with regard to the submitted documents these can be viewed in full via the Council's web site.

With regard the revised submission the following comments are made;

#### **Housing**

- The Council is in the process of developing an evidence base to identify a local housing target in view of the expectation that the legislation regarding the preparation of Regional Spatial Strategies will in time be repealed. However, the South East Plan currently remains part of the Development Plan. Nevertheless, a report on emerging work presented to the Executive on 07 March 2011 considered that a figure of approximately 12,750 households may be able to be justified in terms of meeting potential need in the district.
- The current residual requirement for Bicester 2,393 (2,793 without the exemplar) is less than the 3,000 homes proposed by 2026, but a local adjustment to the South East Plan to increase growth at Bicester is being proposed through the emerging Core Strategy and would be in keeping with the general direction of the South-East Plan's sub-regional strategy for Central Oxfordshire.
- Housing delivery projections in the 2010 AMR (as amended in February 2011)

show that the district presently has a 5.7 year supply of deliverable sites for the five year period 2011-2016 (rising from 4.9 years for the period 2010-2015 and including the Phase 1 Eco-Town site). On this basis, at this time it is considered that there is not a shortfall in the district's supply of deliverable sites.

- If the site was ultimately shown not to be deliverable, it would need to be removed from the district's current assessment of deliverable sites. Under current circumstances, this would mean that the district would not be able to demonstrate a 5 year land supply for the period 2010 to 2015. However, the district would continue to have a 5 year land supply for the 5 year period beginning in April 2011 (2011-2016). Under current circumstances, this would mean that the district would have a 5.1 year supply for the period 2011 to 2016, an acceptable but more marginal position. A refusal of permission on a detailed matter may not in itself alter the assessment of the site as being deliverable in principle.

#### *Size and Type of Housing*

- it is understood that the mix of housing is unchanged. It is noted that the mix and type for the affordable housing component has been agreed with the Strategic Housing team. In the absence of information about how the wider eco-town will meet changing household needs, there remain concerns about the proposed mix for the Phase 1 application without further justification. The Draft Core Strategy envisages that the North West Bicester development will be the only new strategic site for meeting Bicester's needs to 2026. It is therefore particularly important that household needs as well as demand are being addressed. The simple trend based analysis, may not be sufficient to justify the proposed mix housing in the context of delivering a major eco-town development that aims to meet a new vision for the town and its longer term housing needs particularly as no new build Greenfield housing has been completed in the town since 2004/5. The report does not consider how household profile and demand may change over the build-time of the whole development and may be influenced by the eco-town itself. Further justification is required.

#### **Comments specific to other submitted documents**

Very detailed comments are again made with regard to the submitted documents these can be viewed in full via the Council's web site.

- 3.27 The Council's **Arboricultural Officer** has commented in detail on the street tree planting proposals;
- The 1.0m sq planting pit provides an inadequate space to promote initial fibrous root development and should be increased to a minimum of 1.8m sq, a load-bearing foundation comprising of soil/root cells or trenches should be constructed thus facilitating good root development, root cells/trenches should be installed adjacent to the improved planting pits, resin bonded surface around the tree pit at ground level provides a good porous surface for the tree pit and is preferred over tree grills, irrigation (including storm water management) should also be extended to incorporate the root cells/trenches recommended for good root development, porous surfacing or an engineered irrigation system should be applied to the above ground surfacing above the load-bearing foundation system for tree roots.

- It may be advisable to assess the structural stability of the SUDS channel design and consider re-reinforcement or alternative designs to protect from tree roots. I think it necessary to evaluate the design and the positioning of the planting areas and SUDS. It may be advisable to consider as to whether or not the two separate systems (tree pits and SUDS) can both be accommodated within a single design specification which provides appropriate below ground rooting areas, suitable irrigation/stormwater systems and SUDS.

**The Council's Anti Social Behaviour Manager** advises that there are no significant issues re traffic noise affecting the site and suggests revised wording for the noise condition for the energy centre

**The Council's Environmental Protection Officer** advises that the risk to human health from land contamination has been addressed and the condition to deal with any unexpected contamination encountered is acceptable.

3.27 **Thomas Eggar on behalf of Mr and Mrs Kleiman of Caversfield House** object to the application on the following grounds;

- An exemplar site should set the standard for the whole development and should, if anything be built to a higher standard so that it can truly call itself exemplary, in this case the applicant has tried to argue that the exemplar site is the first phase of the proposed eco town, it should be held to lower standards than would otherwise apply under local and national policy.
- The proposal falls well short of the government's minimum requirements for eco towns and cannot, therefore take advantage of the policy concessions applying to eco towns.
- Under national policy eco towns should provide for a minimum of 5,000 new homes. The application should not be assessed under national policy applying to eco towns because;
  - The applicant has failed to demonstrate how it will bring forward the remainder of the site for development;
  - It fails to provide the number of jobs required under national policy; and
  - It fails to achieve the modal shift to non-private car means of transport required under national policy.
- The applicant's inability to explain how the remainder of the site will come forward for development, there is a real risk that if approved, attractive and productive countryside will be lost to an unsustainable and poor designed development that fall short of the standards required of the eco towns.

3.28 6 Letters have been received with regard to the planning application. These letters comprise 5 objections to the proposals and 1 letter which neither state support or objection but that raise interesting and specific points regarding issues in the application. The main points of the letters have been summarised below.

3.29 Traffic

- Bicester already has the Kingsmere development being built, and if this development is also built, I do not see how the roads in Bicester will cope with major increase in traffic.
- Lords lane is already heavily used 7 days a week,

- Bicester Village traffic brings the roads around it to a standstill in the weekend.
- A41 & A34 are gridlocked on a daily basis, and not sure if the widening of J9 will help with this.
- Will new residents at the development be enforced to walk and cycle everywhere?
- Appalling conditions of many major and minor roads within Bicester and the surrounding local area is where the money should be spent.
- Increase in traffic will increase traffic pollution and noise to houses backing on to Southwold Lane. This is already a problem and will only be exacerbated by heavy lorries during the building stage. What will the council plan to protect these houses?

#### Environment

- The farmland and wildlife that the development will be built on will be demolished and the surrounding villages will be engulfed.
- loss of valuable rural land & agricultural land and how it will be lost forever while the land is in such desperate need for an ever growing UK population.

#### Location

- possibility of alternative brown field sites in Gravel Hill, Bicester RAF and former US Air Force base at Heyford.

#### Planning policies

- the application does not accord with the development plan and that no material considerations have been put forward to the residents of Bicester.

#### Funding

- How much taxpayers money has already been spent on this ecotown?

#### Local services

- Money used to fund this development should be used to improve local road infrastructure, General Hospital and Secondary/Academy schools for the current population. It should also be spent on the local police and libraries with threats of closure.

#### Growth of the town

- There were too many building projects occurring in Bicester, such as Kingsmere. Bicester should retain its rural status and not become another Milton Keynes.

#### Masterplanning

- the masterplan seemed to be put together as the proposed development evolves.

#### Materials to be used

- Will materials to be used on the development be organically grown?

With regard to the revisions two letters have been received reaffirming the previous objection, and one letter raised the issue of rural land which is unique and should be protected against development, especially around the village of Bucknell as it is a very small and old village. The other letter raises the following issues;

- Deprived of normal planning procedure through the local plan, this bolt from the blue has been ushered through with undignified haste. It is shameful.
- It is the wrong side of town for access to roads etc.
- That A2 Dominion personally told me that all they are interested in is houses, and numbers are more important than anything else.. The Eco bit is an inconvenience to them.
- Why was Upper Heyford ignored in your figures you published a couple of years ago that justified these sort of numbers being built in Cherwell?
- Sustainability with respect to cars, working from home, etc is nowhere near the Continental models,
- When, if ever, will the green infrastructure ever be built. After 10 homes? 100 homes? 1000 homes? If ever?
- Will the green technology on energy production ever work? Is there any serious credibility to this, or is it a sop to get planning?
- Do the people of Bicester support this scheme? I feel that is unlikely.

**A2 Dominion** (the applicants) have confirmed that the access road to the school would be the first phase of the development and although they would endeavour to meet the 6 month deadline that OCC are seeking they could not guarantee to do so due to the time it will take to construct the bridge. They have offered further discussions with OCC regarding the timing to deliver the works.

With regard to **Bonds A2Dominion comment;**

A2 Dominion own and manage over 30,000 homes and have a strong covenant. We are committing over 80m to the exemplar phase and have the means to deliver it. In the current market, Bonds are treated as loans by banks, and they therefore attract high interest per annum. If we are asked to Bond, for example, 4.9m, this will attract interest of, for example 7%, and this is per annum. This would put a huge cost burden onto a project that is already at the margins of normal profit levels as set out by our own financial consultants (Hayes Houghton) and also yours (Bruton Knowles). This is not acceptable to us.

Also, not only does it attract interest, we also have to put up security to get the Bond in the first place, as a charitable housing provider we only charge our properties to provide the funds to carry out our core activities, and therefore this would actually stop us using scarce resources on other projects.

We are completely committed to this scheme, and are a large organisation with a strong covenant, who builds in excess of 1,000 homes a year, so by offering to underwrite the S106 contribution for essential infrastructure, it is not on the basis of incurring significant financial penalties for doing so.

**Barton Wilmore on behalf of P3 & A2 Dominion advise;**

Further to our discussions re the underwriting of the essential infrastructure, I understand that the District Solicitor has expressed concern as to reference to future phases in any s106 relating to the exemplar phase.

I appreciate that the Council cannot bind nor fetter any future committee or determination of a future application.

Our current thinking on the wider master plan is that it will be accompanied by a site wide infrastructure plan. This will relate to the entire master plan area (i.e. 5000 dwellings) and will identify the phasing of infrastructure and generate a 'charging schedule' or similar to be charged on a per dwelling basis. The payments could be paid into a 'Eco Town fund', where forward payment or gap funding is required, then any forward funding would be made up in subsequent phases. This approach is consistent with the County's agreement to forward fund the 'over-provision' of the school (i.e. that element over and above the needs generated by the exemplar phase itself).

The wider master plan will of course be subject to a financial model and I appreciate, that at this stage, the level of contribution sought at the exemplar phase may be consistent or even above or below the master plan. This will be determined at the appropriate stage. In any event, if equalisation does not occur nor overage, the terms provided yesterday provide for the developer to underwrite the essential infrastructure generated by the exemplar phase.

I would hope that the above is consistent with Officers' current thinking. The issue is then how the above is reflected, if at all, in any s106 relating to the exemplar? This we can discuss. It may be that the obligations are 'reversed', to provide for the underwriting mechanism, but to provide for 'nothing shall prevent' the infrastructure contributions being addressed through the wider master plan and s106 agreements which may or may not be agreed'.

Further details have been received from **A2Dominion with regard to community governance**. The progress regarding community governance is described by the Local Authority project lead on this work below;

"Good progress has been made on how we set up a Local Management Organisation (LMO) for NW Bicester. Consensus between the local authorities and the site promoters has focussed on a staged approach so that the LMO evolves over 3 stages. These are:

Stage 1: This will take place around the time when the first homes on site start to be occupied. A2 Dominion will take on the early management and service delivery role of the LMO and start to engage with the new community, carry out community development work and capacity building work so that they could eventually manage their own affairs if they choose to do so.

Stage 2: The next stage will occur after 200 dwellings have been occupied. An Interim Partnership Board will be formed - a precursor to the LMO - which will contain representatives from all the key partner organisations (BTC/CDC/OCC) as well as representatives from the wider Bicester community and from the NW Bicester community plus A2 / P3. New residents will have the opportunity to learn about governance without taking on sole

responsibility or ownership of assets. As the NW Bicester community grows and as and when there is increased interest from newcomers in governing their community, this will be reflected in the changing composition of the Board so that eventually the Board will get to a stage where the NW Bicester representatives start to outnumber the representatives from other bodies. It is at this point work can be commissioned to establish the legal structure of the nascent organisation and a detailed Business Plan for its operations.

Stage 3: This will take place when there is a critical mass of new occupants who want to sit on the LMO Board and it will be at this stage that the full transfer of assets and responsibilities takes place. This will not happen during the exemplar build out phase but during the development of the wider 5000 homes. It may not happen for many years as it will depend on the appetite of the new community to take on the entire governance of their community.

A2 Dominion are currently working up detailed proposals with guidance from CDC officers as to how they will engage with the existing stakeholders and other community groups in NW Bicester on this issue to develop options and build consensus on how the LMO could work.

In terms of financial resources to support the setting up of an LMO, it is essential that the S106 for the exemplar application secures a £100,000 financial contribution towards the business planning and legal work that the IPB will need to commission to ensure that the setting up of the LMO proceeds on a financially and legally secure basis and that in excess of £100,000 is dedicated by A2 towards the resourcing of their early Community Development, Community Engagement and Governance Capacity Building activities so that CDC have the assurance that these activities will be carried out to defined agreed outcomes and high standards".

#### 4. Relevant Planning Policies

National Policy Guidance -	Documents	PPS1 and supplements, PPS3 as amended, PPS4, PPS5, PPS7, PPS9, PPS10, PPG13, PPG17, PPS22, PPS23, PPG24, PPS25.
South East Plan 2009 -	Policies	SP1, SP3, CC1, CC2, CC4, CC6, CC7, CC8, RE5, H1, H2, H3, H4, H5, T6, NRM1, NRM2, NRM4, NRM5, NRM9, NRM10, NRM11, NRM12, NRM16, W2, W8, C4, C6, BE1, BE4, S2, S3, S5, CO1, CO2, CO3, CO5.
Adopted Cherwell Local Plan 1996	Saved Policies	H5, S28, TR1, R12, C1, C4, C7, C9, C28, C30.
<b>Other Policy Considerations</b>		
Non-Statutory Cherwell Local Plan 2011	Policies	H1a, H2, H3, H4, H5, H7, TR1, TR3, TR4, TR5, TR6, TR9, TR11, TR19, TR19a, R4, R8, R9, R10a, R11, EN1, EN5, EN6, EN11, EN13, EN15, EN16, EN21, EN22, EN24, EN27,

LDF draft Core Strategy	Policies	EN30, EN34, EN35, D1, D2, D3, D4, D5, D9, SD1, SD2, SD3, SD4, SD5, SD6, SD8, SD11, SD13, NWB1, H1, H2, H3, H4, H5, H6, I1, I3, I4, I5, BIC6
One Shared Vision for Bicester	Document	The document sets out the aspiration for Bicester and includes development standards that reflect those contained in the Eco Towns supplement to PPS1.
Emerging Local Transport Plan Ministerial Statements & emerging national policy	Document	

## 5. Appraisal

### 5.1 Issues raised by the application

5.1.1 This application raises a number of significant issues. These include the compliance with Development Plan policies, National Planning Policy Guidance, Statements (PPGs and PPS's) and emerging policy, housing delivery, environmental impacts, design and community infrastructure.

### 5.2 Environmental Statement

5.2.1 The application is accompanied by an Environmental Statement (ES). The ES covers the application site and contains information describing the project, outlining the main alternatives considered, aspects of the environment likely to be significantly affected by the development and measures to prevent or mitigate any identified impacts. Where an ES has been submitted with an application the Local Planning Authority must have regard to it in determining the application and can only approve the application if they are satisfied that the ES provides adequate information.

5.2.2 Circular 02/99 provides advise on Environmental Impact Assessment and provides the following advice in paragraph 45 with regard to developments that may be carried out under more than one application.

*'For the purposes of determining whether EIA is required, a particular planning application should not be considered in isolation if, in reality, it is properly to be regarded as an integral part of an inevitably more substantial development (see*

*endnote12). In such cases, the need for EIA (including the applicability of any indicative thresholds) must be considered in respect of the total development. This is not to say that all applications which form part of some wider scheme must be considered together. In this context, it will be important to establish whether each of the proposed developments could proceed independently and whether the aims of the Regulations and Directive are being frustrated by the submission of multiple planning applications.'*

Paragraph 47 goes on to advise;

*'It should be noted that a developer can be asked to provide an Environmental Statement only in respect of the specific development he has proposed, though the statement will need to address not only direct, but also indirect effects of the development. Any wider implications would be for the local planning authority to consider, although it is open to developers to assist the local planning authority by supplying any additional information relevant to this consideration.'*

In this case the current application development is capable of standing alone and the ES addresses the specific development proposed.

- 5.2.3 The applicants submitted an application for a scoping opinion prior to submitting the current application. The ES accompanying the application covers the areas identified in the scoping report. The areas covered are landscape and visual assessment, ecology, flood risk and hydrology, air quality, noise & vibration, built heritage and archaeology, contaminated land, agriculture and land use, human health, socio economics and community, waste, traffic and transport and cumulative effects. An addendum to the ES was submitted in April 2011 providing information on air quality and assessing the impact of design changes to the plans against the areas previously assessed.
- 5.2.4 Since the Addendum there has been further correspondence in the form of notes from the applicants consultants with regard to; impact on Sites of Special Scientific Interest (SSSIs) and County Wildlife Sites (CWS) in the locality of proposed development, setting out how earth movement has been considered in the ES, further correspondence with the Environment Agency with regard to contaminated land, technical notes in relation to flood risk and water neutrality. These notes do not form an addendum to the ES but do provide further clarification in respect to the

matters it also covers.

5.2.5 The ES & Addendum for each chapter considers the impacts and the significance as well as the cumulative effects. It is not possible within this report to set out all of the impacts identified but below is a summary of the areas covered. The full report can be viewed via the web site.

5.2.6 **Landscape & Visual Amenity** – Over all the significance of landscape effects is considered neutral and the significance of visual effects is considered slight adverse.

**Ecology** – the proposed development will ensure that features of value to wildlife (stream corridor and hedges) will be retained and new habitats will be created to achieve net biodiversity gain. No significant impacts were identified.

**Flood Risk & Hydrology** – Identifies slight adverse impacts from construction dust but no permanent residual impacts associated with traffic as the over all rating is negligible. Energy centre emissions are predicted to be between slight adverse and negligible

**Noise** – Minor adverse effects may arise from construction noise. Majority of the site falls within noise category NEC A and therefore noise is not a determining factor in considering the development. Construction noise impacts will depend on proximity, operational traffic noise effects are identified as negligible. There may be potential for adverse cumulative effects from traffic to sensitive receptors. Further assessment is required of operational plant to be installed.

**Built Heritage & Archaeology** – Neutral impacts on archaeology, slight adverse effect on high and medium value assets (St Lawrence's Church & Home farm House) and the development will change the landscape from rural to urban and this has been identified as slight adverse.

**Contaminated Land** – The contamination risks associated with the exemplar are considered very low although naturally occurring radon gas will require dwellings to have radon protection. Construction impacts are neutral to minor adverse.

**Agriculture and Land use** – 95.1% of the land is classified as 3b and the remainder is 3a. Approximately 1ha is best and most versatile land and the proposals are considered slight adverse. The main potential impact identified is disturbance to livestock.

**Human Health** – During construction health impacts were assessed as positive due to the employment opportunities. Impacts on health determinants are neutral. Positive health effects are predicted from the design of the development.

**Socio Economics and Community** – Positive impacts are identified relating to job creation, local expenditure, tourism, open space. Significant negative effects are identified during the construction phase with regard to cumulative development taking place in the town.

**Waste**- Waste from construction is identified as slight adverse but other effects are neutral.

**Transport** – Exemplar traffic is considered to have a negligible impact on severance, pedestrian delay and amenity, fear and intimidation, hazardous loads dust and dirt. Impacts on driver delay, accidents and safety will be negligible with mitigation measures.

5.2.7 The ES also looks at the cumulative effects of the development, both the cumulative effects of different developments and the cumulative effects of different environmental features. The main adverse cumulative effects that have been identified are the construction phase around traffic, noise and dust. Potential positive effects are identified for human health and socio economics.

5.2.8 All new development has some impacts. The ES has not identified major adverse impacts and where impacts, for example from construction, have been identified mitigation measures are proposed. The proposed mitigation measures are secured through conditions and the planning obligation. The ES is considered to contain 'adequate information' to enable the determination of the application.

### **5.3 Principle of Development**

5.3.1 The development plan for Cherwell comprises the saved policies in the adopted Cherwell Local Plan 1996 and the South East Plan 2009 (the Regional Spatial Strategy) Section 70(2) of the Town and Country Planning Act 1990 provides that in dealing with applications for planning permission the local planning authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations. Section 38(6) of the Planning & Compulsory Purchase Act 2004 requires that if regard is to be had to the

development plan for the purpose of any determination to be made under the planning Acts, the determination must be made in accordance with the development plan unless material planning considerations indicate otherwise.

### 5.3.2 **Cherwell Local Plan**

5.3.3 The adopted Cherwell Local Plan dates from 1996 and planned for growth up to 2001 and therefore does not identify the application site for development. As such the proposal is a departure from the adopted local plan. . In terms of housing land requirements and allocations the Plan is now dated and government advice in *The Planning System:General Principles* advises at paragraph 10 that whether plan policies are up to date is a material consideration and where there is a conflict between policies in a Regional Spatial Strategy (RSS) and Development Plan Document (DPD) the most recent policy will take precedence. In this case the South East Plan, the RSS, contains the more recent policies. These are discussed further below.

5.3.4 The adopted Cherwell Local Plan does however contain some relevant policies relating to affordable housing, retail provision, transport, open space and biodiversity, landscape character and design. These are considered together with other relevant policies relating to these areas later in the report.

5.3.5 Policy C9 of the Cherwell Local Plan seeks to resist incompatible development beyond the existing or planned limits of a settlement as set out in that Plan, but whilst the principle contained in this policy is still relevant, the definition of “planned limits of a settlement” now needs to be considered in the context of a more up to date assessment of land requirements and allocations. The draft LDF Core Strategy provides this by looking at the growth needed up to 2026 (see below). It includes proposed new land allocations and consequential revised planned boundaries for the town.

### 5.3.6 **The Non Statutory Cherwell Local Plan**

5.3.7 The adopted Cherwell Local Plan was due to have been replaced by the Non Statutory Cherwell Local Plan (NSCLP) but the plan was never formally adopted due to changes to the planning system. The plan has however been approved by

the Council for development control purposes. This plan was produced to cover the period up to 2011 and identifies the land at SW Bicester as the primary site to meet housing need in Bicester for that plan period. That site now has planning permission and is being developed. The proposed development departs from this aspect of the NSCLP. The general policies remain relevant and are considered in relation to the issues they relate to below.

#### 5.3.8 **South East Plan**

5.3.9 The South East Plan was published in 2009 and is the regional spatial strategy (RSS) up to 2026. RSS's are to be removed under provisions within the Localism Bill to abolish them. In the mean time they remain part of the development plan. The Court of Appeal recently considered the weight to be given to the intention to remove RSS in *R (CALA Homes (South) Ltd) v Secretary of State for Communities and Local Government (No2)*; Ref: EWCA Civ 639; Date: 27 May 2011. The Court rejected CALA's claim that the Government's abolition plans could never be a material consideration. The weight to be given to the Government's abolition plans is a matter for the local planning authority as decision maker. The Localism Bill is not yet at an advanced stage through the legislative and environmental assessment process, which affects the weight to be given to the Government's abolition plans. The RSS remains part of the development plan and therefore decisions should be in conformity with it unless other material considerations outweigh its policies.

5.3.10 The RSS contains a number of relevant policies in particular identifying the Central Oxfordshire sub region area for growth and Bicester as one of the main locations within it to accommodate that growth. The RSS also seeks sustainable and distinctive communities and the delivery of 6,400 new dwellings within that part of Cherwell falling within the sub region. The RSS leaves local development documents to identify the location for growth. The RSS had been through its examination before the Eco Town proposals were finalised. Therefore RSS policy H2 requires that in planning for housing delivery local planning authorities will take account of considerations including the need to facilitate any proposals that are agreed for growth points and eco towns to be assessed through the next review. Other relevant RSS policies are considered in respect of further issues later in the

report.

- 5.3.11 Although the application proposals are a departure from the Cherwell Local Plan they do reflect the growth requirements of RSS policy for Central Oxfordshire and Bicester.
- 5.3.12 However, crucially in this case, assessment of the Development Plan and policy background must give particular weight to the national planning policy origin of the Eco Towns programme and the designation of NW Bicester as an Eco Town location. Material considerations arising from relevant government policy in Planning Policy Guidance and Statements (PPGs & PPSs), and the emerging LDF Core Strategy are considered in detail below.

#### **5.4 Supplement to Planning Policy Statement 1:Eco Towns**

- 5.4.1 A number of the planning policy guidance and statements issued by the government are relevant to the current proposals. Of particular relevance to the principle of development is the Eco Towns supplement to PPS1. This PPS issued in 2009 and identifies NW Bicester as one of four locations nationally for an Eco Town. It is unusual for government guidance to identify locations for growth in this way. All the identified locations in the PPS Supplement were subject to a detailed strategic environmental assessment (SEA) process and the preparation of the national policy came through a full consultation process. Where endorsed by the Local Planning Authority under the terms of the PPS (see below) the national designations are a significant material consideration.
- 5.4.2 The PPS advises '*The policies set out in this PPS should be taken into account by regional planning bodies in the preparation of revisions to regional spatial strategies<sup>1</sup>, by the Mayor of London in relation to the spatial development strategy for London, and by local planning authorities in the preparation of local development documents. The policies may also be material, depending on the particular circumstances of the case, to decisions on individual planning applications.*' The PPS goes on to advise when considering planning applications
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that *'This PPS including the list of locations set out in Annex A will be material considerations that should be given weight in determining planning applications for eco-towns.'* Nevertheless the PPS does indicate where there is an up to date development plan that makes provision for adequate housing applications can be refused. As set out above the District does not currently have an up to date development plan and therefore the PPS is a central material consideration in determining the application.

## **5.5 Local Development Framework draft Core Strategy**

5.5.1 The LDF draft Core Strategy sets out broadly how the district will grow and change over the period to 2026. The draft Core Strategy was published in February 2010 and has been the subject of public consultation. The draft Core Strategy will now be amended to take account of the changed circumstances such as the proposed abolition of the RSS before a submission draft Core Strategy is published and in due course be considered at an examination in public before formal adoption. The draft Core Strategy as an emerging document can not carry the weight of adopted policy but does set out the Council's strategy for growth within the District.

5.5.2 The draft Core Strategy identifies NW Bicester as the strategic direction of growth for Bicester (policy NWB1). The policy requires development in accordance with the standards set out in the Eco Towns supplement to PPS1. Delivery of the exemplar scheme from 2012 to 2017 would broadly be consistent with the expectations of the Draft Core Strategy (Table 18, p.134) which suggested that 500 homes could be provided at North West Bicester by 2016. The Draft Core Strategy thus indicates the Council's clear commitment to implementation of the national Eco Towns policy.

5.5.3 At its meetings in 19 July 2010 Full Council considered the emerging planning strategy afresh in the light of the Government's intent to abolish the RSS. The resolution confirmed the council's commitment that the nationally designated eco town site would be a central part of the development strategy stating:

*'This Council welcomes the letter from Eric Pickles MP signalling a clear intent to release us from the constraints of the SE Plan. The Council instructs Officers to continue work on a Local Development Core Strategy, but to progress on the basis*

*of meeting the locally proposed housing target originally endorsed by Councillors and included in the submission of the draft plan to the Government (11,800 to 2026). In general terms the Council anticipates this may result in a Core Strategy that creates less pressure on Banbury to expand beyond its natural boundaries, less pressure on Rural Areas to accept housing growth, and a firming up of housing growth for Bicester in line with its Eco Town status.* More recently (7 March and 23rd May 2011) the Council's Executive gave more detailed consideration to local population and household change projections and confirmed revised figures for growth within the District and agreed an updated development strategy. The revised draft Core Strategy (particularly the new local work on population, household change and housing growth needs for the District) will be subject to a consultation over the summer of this year, prior to Council decisions on a submission of the Core Strategy for Examination.

- 5.5.4 Although further work has been done on the housing need for the District to provide a robust position in the LDF when the RSS is abolished. This still identifies the need for significant growth in the District and supports the strategic allocation at Bicester already identified. Without prejudice to consideration of the application, the exemplar site has been included as a deliverable site in the district's 5 year housing land supply (see the 2010 AMR). This in itself carries no weight. Nevertheless, if the site was ultimately shown not to be deliverable, then it would need to be removed from the district's land supply. (see section on PPS 3).

## **5.6 PPS 3 & Housing Delivery**

- 5.6.1 PPS 3 requires at paragraph 57 *'the supply of land should be managed in a way that ensures that a continuous five year supply of deliverable sites is maintained ie at least enough sites to deliver the housing requirements over the next five years of the housing trajectory'* Members will be aware from other applications that recently the District has not been able to demonstrate sufficient housing delivery to meet housing targets. However the AMR for 2010 does show that the position on housing delivery improves during 2011/12 and exceeds targets in 2012/13. The AMR identifies 400 houses at NW Bicester delivering from 2012 as one of the deliverable sites that contributes to the five year housing land supply.

5.6.2 Paragraph 71 of PPS3 requires favourable consideration of planning applications for housing (subject to other policy considerations) where a 5 year supply of deliverable housing land is not being maintained. Although, at the present time, the District would continue to have a 5 year land supply for the period 2011-2016 without the exemplar scheme (5.1 years), a significant change in circumstances, such as a delay in a large site coming forward, could leave the district with a less favourable housing supply position.

5.6.3 A number of the representations received have suggested that the application should not be considered until the Core Strategy is adopted. The government publication *The Planning System: General Principles* advises at para 17; *'In some circumstances, it may be justifiable to refuse planning permission on grounds of prematurity where a DPD is being prepared or is under review, but it has not been adopted. This may be appropriate where a development is so substantial, or where the cumulative effect would be so significant, that granting planning permission could prejudice the DPD by predetermining decisions about the scale, location and phasing of new development which are being addressed by a policy in the DPD. A proposal for new development which has an impact on only a small area would rarely come into this category.'*

However if the proposal falls within the description in paragraph 17 it is also necessary to consider how much delay would be caused by waiting for the issues of scale, location, and phasing to be resolved through the DPD process. The advice in paragraph 18 of *The Planning System General Principles* is that: *"where a DPD is at the consultation stage, with no early prospect of submission for examination, then refusal on prematurity grounds would seldom be justified because of the delay which this would impose in determining the future use of the land in question"*.

The proposed changes to the planning system have caused some delay to progressing the draft Core Strategy. As a result of changes in response to the proposed abolition of the RSS, amongst other matters, further consultation is to be carried out. Whilst it is hoped this will not cause undue delay, no date is yet identified for an examination, and as such to await the outcome of the DPD is not considered reasonable particularly in the light of advice in PPS 3 at para 72 that;

*'Local Planning Authorities should not refuse applications solely on the grounds of Prematurity'.*

This advice is contained in the latest revisions to the PPS which was published in June 2011 and post dates that in The Planning System: General Principles.

The current application relates only to a part of the housing required to meet housing need in Bicester identified in the RSS and revised draft Core Strategy . Whilst the applicants intend to bring forward a further application for the remainder of the identified NW Bicester site identified in the Eco Towns PPS, the current application does not commit the Council to approving such an application, particularly as the proposed scheme meets nearly all the PPS requirements without further development, see below. The application is therefore not considered prejudicial to the emerging draft Core Strategy.

5.6.4 Representations have suggested other sites should be considered to accommodate the necessary growth and formulating the draft Core Strategy a number of sites were also put forward and considered. Latterly the MOD site at Graven Hill has also been promoted for development. The issue of prematurity has therefore been carefully considered. The Eco Towns PPS should not be overlooked and the process through which it was formulated, considering a range of sites before identifying eco town locations, including NW Bicester. The PPS states at ET5.1 *This PPS including the list of locations set out in Annex A will be material considerations that should be given weight in determining planning applications for eco towns.* The PPS goes on to advise that where there is an up to date development plan local planning authorities may refuse applications on the grounds that they had already planned for their housing need. This is not the case in relation to Bicester. The PPS also advises that there are circumstances where authorities can justify going against the development plan which includes where a plan is out of date. In these circumstances an application should be considered on its merits taking account of material considerations. Given the advice set out above it is not considered that refusal of the application on the grounds of prematurity could be sustained.

5.6.6 In considering a planning application Para 69 of PPS 3 is relevant and states;  
*'In general, in deciding planning applications, Local Planning Authorities should have regard to:*

- *Achieving high quality housing.*
- *Ensuring developments achieve a good mix of housing reflecting the accommodation requirements of specific groups, in particular, families and older people.*
- *The suitability of a site for housing, including its environmental sustainability.*
- *Using land effectively and efficiently.*
- *Ensuring the proposed development is in line with planning for housing objectives, reflecting the need and demand for housing in, and the spatial vision for, the area and does not undermine wider policy objectives eg addressing housing market renewal issues.'*

Although the five year housing land supply is improving there remains a need to deliver housing land allocations and planning permissions that meet identified housing needs. It is not considered that a refusal reason relating solely to prematurity could not be successfully defended, given the time it will take for the Core Strategy to be adopted and the identification of NW Bicester in the Eco Towns PPS and the advice in PPS3 re prematurity. In seeking to achieve the standards in the Eco Town PPS the application will address the issues around quality and mix of housing, environmental sustainability, effective and efficient use of land and these issues are considered further below.

- 5.6.7 In summary although the proposal is a departure to the adopted Cherwell Local Plan the identification of the location in the Eco Towns PPS and as the Council's strategic allocation in Bicester for growth in the emerging LDF Core Strategy, as well as the need to deliver houses to meet local needs supports the consideration of development proposals on the site at the present time. Furthermore, although the South East Plan is unlikely to be reviewed now to consider the inclusion of eco towns, the growth of Bicester, as part of the Central Oxfordshire sub region is consistent with the RSS.

## **5.7 Eco Town Standards**

- 5.7.1 The Eco Town PPS sets out the government's objectives for eco towns as achieving sustainability standards significantly above equivalent levels of development in existing towns. PPS 1 also sets out that sustainability is the core principle underpinning the planning system and the climate change supplement to PPS 1 sets out that planning should contribute to reducing emissions and stabilising climate change and take into account the unavoidable consequences. The RSS Policy CC1 sets out that *'The principle objective of the Plan is to achieve*

*and to maintain sustainable development in the region.'*

- 5.7.2 The PPS also advises that eco towns should develop unique characteristics by responding to the opportunities and challenges of their location and community aspiration. The PPS also requires the standards set out to be met. These standards have also been incorporated in the Eco Bicester One Shared Vision for the town which has been approved by Bicester Town Council, Cherwell and Oxfordshire County Council. These standards and the response of the current proposals to them are central to assessment of the application. This is considered further below.
- 5.7.3 The PPS at ET 2 sets out the locational criteria for eco towns and advises that eco towns should have the *functional characteristics of a new settlement* which is defined as *being of sufficient size and have the necessary services to establish their own character and identity and so have the critical mass necessary to be capable of self containment whilst delivering much higher standards of sustainability*. At Bicester the approach has been to propose new development that is to be part of the existing town, rather than a free standing settlement. This provides greater opportunities for sustainable development as it enables the proposed development to take advantage of the wider range of facilities that the town, with its existing population of nearly 30,000, provides. In addition new development is being sought that benefits the town and provides additional support for facilities such as the development taking place to expand the town centre, through an increase in population. The proposed application does however demonstrate that the new development will have its own character, not least because the design to meet the PPS standards that are considered further below and this will distinguish the area from other development. The approach of extending the existing town was accepted by the government in identifying the location for an eco town and is consistent with ET2.2 (d).
- 5.7.4 The PPS advises that consideration should be given to *'the area of development needed which should be able to make provision for a minimum of 5000 homes'* (ET2.2 (a)). The current application is for a much smaller level of development but is accompanied by an indicative masterplan that shows how a development of

5000 houses could be accommodated on land at NW Bicester. Furthermore the application shows how the proposed development can meet the PPS standards in advance of further development on the site and this is considered in more detail below.

5.7.5 The PPS sets out that the governments objectives are to promote sustainable development and reduce carbon footprint. The promotion of sustainable development is identified by ensuring eco towns acheive standards of sustainability significantly above equivalent levels of development in existing towns by setting challenging targets. These are considered further below. With regard to reducing carbon footprint the PPS advises this should be done by ensuring households and individuals reduce their carbon foot print to a low level and acheive a more sustainable way of living.

5.7.6 Bio Regional have done some work looking at the potential carbon saving from the proposed development compared with a standard development. They have calculated a total carbon saving 2,184 t CO<sub>2</sub>/year , 48, 680 tCO<sub>2</sub> over 20 years. To put this in context the Zero Carbon Hub (public/private partnership established to take day-to-day operational responsibility for co-ordinating delivery of low and zero carbon new homes to meet government targets) values carbon at £46/tonne and as such the value of the carbon saving over 20 years is over £2m.

## 5.8 **ET7 Zero Carbon**

5.8.1 The PPS defines zero carbon as ‘that over a year the net carbon dioxide emissions from all energy use within buildings on the eco town development as a whole are zero or below’. This is an ambitious target. The planning application is accompanied by an energy statement. In summary the statement proposes Solar PV on all residential properties as well as non residential buildings together with heat and power generation by gas CHP (combined heat and power system) and bio mass boiler. These latter elements would be located within the proposed energy centre.

5.8.2 The energy strategy shows reduced demand through energy efficiency measures. It then meets the demand through on site renewable and low carbon technologies. The strategy is set apart from other “carbon neutral” housing schemes around the

country because it deals with all of its carbon emissions, both regulated and unregulated, through on site solutions. At a time when national policy is moving away from such ambitious zero carbon definitions, this scheme has made use of the assets of the site and is believed to be proposing to deliver the largest truly zero carbon scheme in the country.

5.8.3 Bio Regional believes the zero carbon electricity provision is designed right to the limit of the site's generating capacity and there is no margin of error. The strategy relies on careful detailed design of the roofs and careful detailed PV design to avoid shading losses and maximise PV output. The scheme relies on reasonably energy efficient behaviour of residents and so an energy efficiency programme of education should be included in long term governance plans. The submission of the detailed design of the energy system is therefore proposed through the planning agreement and should it fall short in electricity provision at that stage that off site provision is made to ensure zero carbon development is achieved. The monitoring of the energy generation and use is also proposed, together with other monitoring of the eco towns standards, as part of the agreement.

5.8.4 Queries have been raised as to whether waste heat from the proposed incinerator at Ardley could or should be used for this application. However the grant of planning permission for the incinerator is subject to a judicial review and there is therefore no certainty regarding the development at present. Should the incinerator go ahead a condition of that permission would require the consideration of the use of waste heat and this could be an option for future development at NW Bicester . However the current application is accompanied by an energy strategy that identifies an approach to energy generation that achieves the ambitious PPS standard of delivering zero carbon development without waste heat from Ardley.

## 5.9 **ET8 Climate Change Adaptation**

5.9.1 The PPS requires eco town developments to be designed to minimise future vulnerability in a changing climate. Work being undertaken by Oxford Brooks on climate change adaptation has highlighted a range of issues including how wind driven rain or temperature change might affect durability of buildings, how soil

condition might be affected, urban heat island effects and many more. But the two that show up as being critical are water stress and over heating in buildings. The application addresses this in considering impacts of rainfall on the scheme. In considering the impacts of rainfall on flooding and drainage an allowance has been made for climate change. Consideration has been given to the use of most up to date data that is available at a sufficient level of detail and the Environment Agency are satisfied the data used is the most appropriate.

5.9.2 The design of buildings takes account of the need to reduce water use and reduce the need for energy, see further details below. The one area that has not directly been dealt with is the issue of potential over heating of buildings during warmer weather. Whilst the Code for Sustainable Homes deals with retaining warmth it does not address over heating. A condition is therefore proposed to ensure construction design addresses this issue.

#### 5.10 **ET9 Homes**

5.10.1 The PPS requires developments to achieve Building for Life Silver Standard and Level 4 for the Code for Sustainable Homes as a minimum, meet Life Time Homes Standards, have real time energy and public transport monitors, high speed broadband, potential digital access to support assisted living, 30% affordable housing, demonstrate high levels of energy efficiency, achieve carbon reductions of at least 70% relative to current building regulations. These requirements are reflected in the One Shared Vision although that seeks Code for Sustainable Homes Level 5.

5.10.2 **Building for Life** is a method for assessing housing schemes and recognising good design. The application proposals submitted were assessed and fell short of the Silver Standard required. The scheme has since been redesigned to address a range of concerns that have arisen in respect of the layout and design. This redesign has brought the scheme closer to achieving the silver standard when assessed by the HCA on behalf of the Council. An assessor appointed by the applicants concluded the scheme did achieve the silver standard. It is anticipated that the difference in the assessments rests with the weight that is given to proposed facilities and infrastructure. With the conclusion of negotiations on the

heads of terms and therefore greater certainty over details of the scheme and delivery of the infrastructure the scheme is being reassessed and it is anticipated that it will reach silver standard. A verbal update will be given at the meeting.

- 5.10.3 **Life Time Homes Standards** have been designed to ensure dwellings can be adapted to accommodate the changing needs of the occupants over their lifetime if for example they become less mobile. It means that the properties are capable of adaptation with minimal disruption. The application states all properties will be to lifetime homes standard and it is proposed that this is secured by a condition.
- 5.10.4 The application states that **real time energy monitors and high speed broadband** will be provided to all homes and real time public transport information will be provided at bus stops. However to achieve a change in the way people travel and reduce car use it is important that real time public transport information is available in peoples homes, as set out in the PPS, as well as at bus stops. The applicants have agreed to provide real time information for transport for each dwelling and it is proposed that real time information and the provision of high speed broadband are secured by a condition.
- 5.10.5 **Code for Sustainable Homes** level 4 is required as a minimum in the Eco Towns PPS. RSS policy H5 encourages positive measures to raise the quality of new housing, reduce its impact and facilitate future adaptation. The draft Core Strategy policy NWB 1 states homes should achieve code level 6. Policy SD5 requires Code level 3 rising to 4 in 2012 and continuing to rise to Code 6 in 2016.
- 5.10.6 The application proposes housing to Code level 5 and it is proposed that this is secured through the planning obligation. The application is accompanied by a completed Code for Sustainable Homes Pre Assessment Estimator form. The Code for Sustainable Homes covers levels from 1 to 6 with 6 being the highest. A development is scored against the requirements of the code which cover a wide range of issues including energy, water, materials, surface water, waste, pollution, health & well being, management and ecology. The pre assessment indicates the scheme achieves a Level 5. Although this is below the level included in NWB1 of the draft Core Strategy, achieving Code 5 and delivering zero carbon

development is beyond the requirements of the PPS and significantly beyond other large scale development in the district. Bio Regional suggest it would be the largest Code 5 development in the country. In addition it has been agreed that non residential development would be to BREEAM Excellent and that infrastructure provision would be to CEEQUAL Excellent. Taken together the achievement of these sustainability standards would provide a very sustainable built form.

- 5.10.7 **30% affordable housing** is proposed as part of the application (120 dwellings). The affordable housing is a mixture of affordable rented properties and shared ownership and includes flats, bungalows and houses. The RSS Policy H3 identifies that a substantial increase in affordable housing in the region will be delivered and sets an over all regional target of 25% social rented housing and 10% intermediate affordable housing. However the policy also recognises the need for decisions to be based on sound evidence and targets that take account of financial viability. The Cherwell Local Plan policy H5 looks for affordable housing to be delivered through substantial new residential development schemes. The NSCLP policy H7 seeks affordable housing through residential schemes. The emerging draft Core Strategy policy H5 sets out the expectation of at least 30% affordable housing as part of new residential development in Bicester.
- 5.10.8 Given that bringing forward a scheme to meet the Eco Town PPS standards results in additional costs at a time when the market for housing is not as strong as it has been in the past, the delivery of 30% affordable housing to meet local housing needs would be a significant benefit arising from the scheme and the Homes and Communities Agency (HCA) have committed grant support to help deliver the affordable housing on the site. Although affordable rented properties are proposed as opposed to social rent this is consistent with the government's new approach to the delivery of affordable housing and is supported by the Head of Housing.
- 5.10.9 The buildings will have high levels of **energy efficiency** and together with the energy generation on site will deliver the carbon reductions sought. This would be

delivered through by achieving Zero Carbon and meeting Code for Sustainable Homes level 5 (100% improvement on CO2 emissions rate over building regs) as set out above.

5.10.10 Although the Eco Towns PPS does not address the mix of housing to be provided, the draft Core Strategy Policy H6 states that '*New Residential development will be expected to provide a mix of homes to meet current and expected future requirements*'. A table is included in the policy as a guide to decision making. The mix proposed in the application does not match the guide table although the affordable housing mix proposed has been developed in conjunction with the Head of Housing to meet local needs and includes wheel chair accessible housing and some other specialist housing provision as a result. The addendum to the planning statement advises '*the proposed private housing mix has been chosen to meet the needs and requirements of A2 Dominion in response to current market trends.*' (para 6.6). The draft Core Strategy advises that it is proposed to use the table in considering individual proposals to help develop mixed communities. It is considered that the application proposals would deliver a mixed community in terms of tenure and the variation in the size of dwellings proposed.

## 5.11 **ET 10 Employment**

5.11.1 The PPS identifies the importance of creating mixed use communities and minimising unsustainable commuting. RSS policy BE1 requires new development to provide significant improvements to the built environment including support for mixed use development. RSS Policy RE5 encourages '*smart economic growth*'. RSS policy CO1 identifies the ambition for the central Oxfordshire sub region in education, science and technology and identifies Bicester as one of the main locations for growth. PPS4 advises at para EC10.1; '*Local planning authorities should adopt a positive and constructive approach towards planning applications for economic development. Planning applications that secure sustainable economic growth should be treated favourably.*' More recently Government Minister Greg Clark in his statement of 23 March 2011 stated;

*When deciding whether to grant planning permission, local planning authorities should support enterprise and facilitate housing, economic and other forms of sustainable development. Where relevant - and consistent with their statutory obligations - they should therefore:*

*(i) consider fully the importance of national planning policies aimed at fostering economic growth and employment, given the need to ensure a return to robust growth after the recent recession;*

*(ii) take into account the need to maintain a flexible and responsive supply of land for key sectors, including housing;*

*(iii) consider the range of likely economic, environmental and social benefits of proposals; including long term or indirect benefits such as increased consumer choice, more viable communities and more robust local economies (which may, where relevant, include matters such as job creation and business productivity);*

*(iv) be sensitive to the fact that local economies are subject to change and so take a positive approach to development where new economic data suggest that prior assessments of needs are no longer up-to-date;*

*(v) ensure that they do not impose unnecessary burdens on development. In determining planning applications, local planning authorities are obliged to have regard to all relevant considerations. They should ensure that they give appropriate weight to the need to support economic recovery, that applications that secure sustainable growth are treated favourably (consistent with policy in PPS4), and that they can give clear reasons for their decisions.*

The government is providing a strong steer in support of growth and economic and employment development to ensure a return to robust growth after the recent recession.

- 5.11.2 The application proposals include a mix of uses including B1 business floorspace, local retail provision, public house, children's nursery and community hall. This is a greater level of mixed use provision than is normally provided with an application for this number of homes and reflects the PPS requirement for mixed use and the need to encourage sustainable lifestyles and reduce the need to travel through the provision of local facilities. Although the non residential elements of the scheme are in outline the Heads of Terms set out as part of the recommendation link the progress of residential delivery with the provision of the non residential elements to ensure a mixed use scheme.
- 5.11.3 The PPS requires an Economic Strategy to accompany planning applications but does not comment on the type of jobs to be created. The strategy should set out facilities to support job creation to achieve as a minimum access to one job per

new dwelling that is easily reached by walking cycling and/or public transport. The application is accompanied by an employment base line report and strategy. The strategy identifies employment in the non residential elements of the scheme (eco business centre, office, retail, nursery, community facilities and visitor centre). In addition jobs are identified through home working. The largest employers are the Eco Business Centre (110-140 jobs) and other office provision (90 -110). In total between 320 and an upper range of 445 jobs on site are identified. The strategy also identifies in addition off site jobs (50-70) and construction jobs (50-70). An action plan is identified to implement the strategy. Not all the measures are identified to be delivered by the applicants and it is not clear to what extent other parties are signed up to deliver the actions.

5.11.3 The creation of jobs is not a straight forward matter. The application creates a very good opportunity for employment to develop as part of the proposed development. The proposed Eco Business Centre is to deliver managed workspaces and hot desk space for homeworkers. It is also suggested the building could accommodate a cafe, visitor centre and exhibition space, conference and meeting rooms. The Eco Business Centre would provide approximately a third of the jobs proposed for the site with a further third in the proposed office accommodation within the local centre. The Eco Business Centre would provide a real impetus to new business and provide a valuable focus for employment on the site. The Eco Bicester Strategic Delivery Board (SDB) has therefore agreed to set aside £4million from Eco Town Growth funding to support the delivery of the business centre. The Heads of Terms therefore require the transfer of the land for the Eco Business Centre to Cherwell District Council. Discussions are ongoing regarding the delivery and management of the building but, with the transfer of the land and the funding identified, the Council could deliver a business centre on the site. Therefore there is reasonable certainty over this element of the scheme.

5.11.4 There are opportunities for on site employment, although the figures in the Employment Strategy are optimistic. Highspeed broadband will facilitate working from home and the application is accompanied by a plan demonstrating how a computer work station could be accommodated within the properties. Larger

properties have the potential for the conversion of garages and some roof spaces, in smaller properties the opportunities are more limited and commensurate with other properties built elsewhere.

5.11.5 Jobs in construction would not normally be included in job creation totals as the employment is not permanent but only remains whilst development is taking place. Never the less with the amount of building work taking place and planned around Bicester it is important that the opportunities for employment arising from construction are recognised. The Heads of Terms for the planning agreement therefore include provision for apprenticeships, working with the job club and promoting the use of local companies to support local employment.

## 5.12 **ET 11 Transport**

5.12.1 The PPS identifies the need to support people's desire for mobility whilst achieving the goal of low carbon living and design to give priority for walking cycling and public transport and reducing the reliance on the private car. The PPS therefore advises all homes should be within ten minutes walk of frequent public transport and neighbourhood services. Travel plans are to be provided which demonstrate how the town's design will enable at least 50% of trips originating in eco towns to be made by non car means with the potential to increase to 60% over time, good design principles and how transport choice messages, infrastructure and services will be provided from day one and how carbon impact of transport will be monitored. The PPS goes on to identify that where an eco town is close to an existing higher order settlement, planning applications should also demonstrate options for ensuring key connections do not become congested and include significantly more ambitious targets for modal share than the 50%. The PPS also seeks sufficient headroom in energy generation where schemes for electric vehicles are proposed, that private vehicles will not cause congestion and that the maximum walking distance to primary schools is 800m.

- 5.12.2 The adopted Cherwell Local Plan Policy TRI requires transport measures to serve new development to be provided. RSS policy T1 seeks proposals that are supported by appropriate mobility management measures, achieve the rebalancing of the transport system in favour of sustainable modes as a means of access to services and facilities and encourage development that is located and designed to reduce average journey lengths. There are limited opportunities for further growth within the town and therefore major new developments, required to deliver necessary growth to meet RSS targets, will have to be accommodated beyond the existing built up limits. The area identified for NW Bicester abuts the existing built edge to the town. The application proposals are situated north of the existing town and separated from it by a field, approximately 120m measured along the Banbury Road. The location of the development therefore presents a challenge in delivering the PPS standards with regard to modal shift and the measures proposed are set out further below.
- 5.12.3 PPG13 provides the governments guidance on transport. The objectives set out are to promote more sustainable transport choices for both people and for moving freight, promote accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling and reduce the need to travel, especially by car. New development should help to create places that connect with each other sustainably, providing the right conditions to encourage walking, cycling and the use of public transport. The Local Transport Plan contains a separate chapter on Bicester which recognises the Eco Town allocation and the aspiration to encourage more sustainable patterns of travel within the town.
- 5.12.4 The application is accompanied by a Transport Assessment (TA) and a draft Travel Plan. The TA does not indicate any off site impacts from the proposal that could not be mitigated. The off site measures identified are the improvement of the Howes Lane/Bucknell Road junction and some improvements to the Banbury Road roundabout and the requirement for these is proposed to be dealt with in the planning obligation as set out in the attached Heads of Terms.
- 5.12.5 The design of the application proposals includes footpath/cyclepaths and a crossing along the Banbury Road and crossing to Lords Lane to link the proposed

development to Bicester and Caversfield. Importantly this links into the existing footpath/cyclepath network through Bure Park. Two vehicular accesses are proposed from Banbury Road and this will enable the bus service to run through the development. Centrally the scheme includes a link for walking cycling and public transport between the northern and southern sections of the site and therefore give advantage to these modes over the use of the car in this respect. Within the development there is a number of roads that are to be designed to be homezones where traffic will not have priority, other roads will be designed to slow the speed of traffic (15 or 20 mph).

- 5.12.6 The proposals include local facilities (see below) and a school site centrally located and accessible by walking. The bus service will run through the site so that all properties will have access to convenient bus stops. It has been agreed that the bus service will run between the site, the stations and the town centre at least every 30 mins up until the construction of 200 dwellings and every 15 minutes thereafter. The travel plan also identifies other measures to encourage modal shift including a travel plan co ordinator, marketing the site, cycling incentives, travel plans for non residential elements, electric vehicle charging points on request and promotion of car share and provision of a car club. The scheme also includes cycle storage for all residential properties. However the scheme also includes parking for private cars of at least 2 spaces per dwelling apart from the proposed affordable flats. The applicants have argued that the private parking provision is necessary to successfully market the properties. The design of the scheme and the measures in the travel plan therefore provide significant encouragement and opportunity for residents not to need to use private cars for journeys within the site and the town but do not prevent the ownership of the car and for many journeys the car would remain the most convenient method of travel. The travel plan measures, to be secured through the planning obligation, therefore include monitoring and additional measures if targets for modal shift are not achieved.
- 5.12.7 The draft travel plan shows 45% of trips originating the eco town being by non car modes by 2016 and 50% by 2026. This meets the general requirement but is below the target for eco town sites adjacent to higher order settlement. This does

reflect the ambitious and challenging nature of the target for modal shift and the high levels of car ownership and use within the area. As part of the masterplan for NW Bicester a wider range of facilities would be included, for example secondary school provision therefore providing greater opportunity for the containment of trips within the site. However the application travel plan proposals do predict a significant modal shift away from travel by the private car and would provide a number of measures that haven't been available previously in the town such as car clubs and specific provisions to encourage cycling as well as a frequent bus service and real time information. Therefore it is considered that the application complies with ET11.2 but is unlikely to meet ET11.3 of the PPS. The proposals do meet development plan and PPG13 requirements to provide access to services by means other than the private car.

**5.13 ET12 Healthy Life Styles**

5.13.1 The PPS advises that Eco Towns should be designed and planned to support healthy and sustainable environments and enable residents to make healthy choices easily. The scheme includes mixed use facilities to meet basic everyday needs of residents, measures to encourage walking and cycling and green infrastructure including provision for play, informal recreation and allotments. The Primary Care Trust has not formally responded to the application but in discussions have advised that no new provision is required for a doctor's surgery in relation to the proposed development. Provision would be required in connection with the wider NW Bicester proposals.

**5.14 ET 13 Local Services**

5.14.1 The PPS advises applications should include a good level of service provision, proportionate to the size of the development. Policy S28 of the Cherwell Local Plan indicates that favourable consideration will be given to small shops to meet local needs. The mixed use nature of the current application providing local retail, nursery, employment, community hall and public house is welcomed and provides a wider range of facilities than would normally be supported by a development of the size proposed. The proposals also include play facilities.

5.14.2 One key local facility, to reduce the need to travel and support the community, is

the provision of a primary school. A scheme the size of that proposed will not generate enough primary age pupils to require a new primary school. However rather than accommodate the pupils arising from the development in existing schools (through expansion) the decision has been taken to seek to deliver the first phase of a new school. This requires the provision of an appropriate site and funding to reflect the number of primary age children estimated to arise from the proposed development. The gap in funding for the first phase would be bridged through the use of Eco Town Growth funding to enable early delivery of the school. The Heads of Terms identify the requirements for the transfer of the school site and include financial contributions necessary to provide the school with the identified gap funding. Should further development take place adjacent to this phase in due course education contributions would be required to repay the Eco Town growth funding used to pump prime the delivery of the school as well as to allow the expansion of the school to two form entry when required.

5.14.3 Discussions have taken place with the developers to ensure that access to the school site is available as early as possible within the development. The developers have therefore agreed that the first works on site will be the provision of the access road at least as far as the school site to enable works to commence on the building of the school as soon as possible.

5.14.4 In considering the wider infrastructure necessary to support increased population in the town a number of contributions have been sought to provide or support local facilities off site such as the library, resource centre and sports provision. It is unlikely to be viable for all the off site contributions to be met (see Planning Obligation below). It is proposed that financial contributions are not allocated at the present time but that an infrastructure fund is developed where the priorities for funding can be identified when the level of funding available is established and as the development progresses.

The application proposals, through their mixed use nature and measures to allow for early delivery of the school delivers a good range of local services, will deliver a range of local services to serve the residents. Some of the areas suggested in the PPS like health facilities and indoor sport already exist in the town and it

would not be appropriate to provide further provision on site. The improvement of other areas of off site facilities is dependent on the availability of funding and although highly desirable are not sufficient to prevent the development going ahead. Over all it is considered that the planning application does provide 'a good level of service provision' as required by the PPS.

## 5.15 **ET14 Green Infrastructure**

5.15.1 The PPS seeks 40% of an eco town's total area to be green space of which at least half should be public. The PPS advises that a range of green space should be provided, that it should be multifunctional and particular attention should be given to local food production. The Cherwell Local Plan contains a policy R12 which requires a minimum of 2.43ha of open space per 1000 population as part of new developments. The draft Core Strategy policy I4 seeks 3.73 ha of open space per 1000 population. The Core Strategy standard derives from by studies carried out to develop local standards as required by PPG17.

5.15.2 Following the original submission of the application the scheme has been redesigned to provide a larger space along the stream corridor and to introduce central areas of green space within the two northern fields. Further details have been provided of the homezones proposed within the scheme.

5.15.3 The application proposals include a plan showing over 40% green infrastructure (45.16% of the site, approx 11.5ha). The plan suggests over 30% of this is public (6.7ha). The Eco Towns PPS does not define 'green space' although it gives examples of community forests, wetland areas and public parks. The Town & Country Planning Association (TCPA) Eco Town Work Sheets, published to help inform the design of eco towns, suggests a much wider definition including green roofs, hedges, highway trees and verges, civic squares and road corridors for example. Domestic gardens are also included. The green infrastructure figures accompanying the application do not include domestic gardens as this has not been accepted by the local authority team as part of the green infrastructure as there is no control over whether these private spaces remain green. Other areas have also led to debates in particular the extent to which homezones and green lanes contribute to green space. It has been accepted that a number of the

proposed homezones will provide sufficient green space and be of a multifunctional nature to be counted as green space although it is not agreed that the green lanes will. However the exclusion of the green lanes from the calculation still results in over 40% green space.

- 5.15.4 Establishing that the application delivers at least 20% public green space has been important. The applicants calculation includes areas like the homezones, hedges and swales that it is accepted fall within the public domain but would not normally be counted towards open space provision. A calculation has therefore been done of the areas that would normally be recognised as open space including the stream corridor, open space within the northern parcels, amenity space at the entrances to the site and the local centre square. This calculation demonstrates over 20% green space ( over 4ha) and in addition a further 2.5% of the site (0.5ha) is to be provided for allotments. The proposals therefore meet the requirements of the PPS.
- 5.15.5 Cherwell Local Plan policy R12 seeks provision of 2.43ha of space per 1000 population and the application proposals exceed this. The text supporting the policy suggests this is broken down between amenity space, playspace and sports grounds. The draft Core Strategy policy I 4 seeks 4.52ha per 1000 population which is broken down between general green space/ semi natural amenity space, playspace, outdoor sports and allotments. Again the application meets the overall areas specified. The scheme exceeds the greenspace requirement, meets the play space required (although some allowance has been made for play within the homezones as opposed to in dedicated areas), and meets the requirement for allotments. The scheme does not make provision for outdoor sport and Sport England have raised an objection on this basis, although they do recognise that given the size of the development off site provision could be appropriate. Although no formal consultation response has been received regarding sports pitch provision, the advice of the Head of Recreation and Health has been that a commuted sum should be sought for off site provision. Much of the open space provision is along the stream corridor which would not be suitable for sports pitch provision as it slopes but does have potential for bio diversity gain and informal recreation provision, see below.

5.15.6 The public green spaces will be multifunctional in that they will address play, informal recreation, biodiversity and drainage functions as well as make provision for allotments for local food growing. The scheme makes adequate provision for green space to meet the PPS standard and has the potential to provide attractive informal green spaces for the residents.

5.15.7 The long term success of green spaces is dependent on their long term maintenance and management. An Ecological and Landscape Management Plan is proposed to ensure appropriate management. It has been the Council's normal practice to seek the transfer of public open space areas to the District Council or the Town or Parish Council with a commuted sum for maintenance. In this case it is proposed that a local management organisation will be set up in the long term and is likely to take ownership and management responsibility for public open space. In the meantime A2 Dominion propose to maintain ownership and carry out the management and maintenance of the area. Subject to suitable safeguards this is considered acceptable by the SDPHE and reflected in the Heads of Terms set out below.

5.16 **ET 15 Landscape & Historic Environment**

5.16.1 Planning applications should demonstrate that they have adequately considered the implications for the local landscape and historic environment. Cherwell Local Plan Policy Policy C7 seeks to protect the topography and character of the landscape. NSCLP policy EN34 seeks to conserve and enhance the character and appearance of the landscape and advises proposals will not be permitted where they cause harm or are incompatible with the landscape character. RSS policy BE6 supports proposals that protect, conserve and where appropriate enhance the historic environment. NSCLP policy EN39 seeks the preservation of the setting of listed buildings. PPS 5 provides advice on planning for the historic environment and advises with regard to the setting of heritage assets that;

*HE10.1 When considering applications for development that affect the setting of a heritage asset, local planning authorities should treat favourably applications that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset. When considering applications that do*

*not do this, local planning authorities should weigh any such harm against the wider benefits of the application. The greater the negative impact on the significance of the heritage asset, the greater the benefits that will be needed to justify approval.*

PPS7 sets out two of the governments objectives as;

*iv) New building development in the open countryside away from existing settlements, or outside areas allocated for development in development plans, should be strictly controlled; the Government's overall aim is to protect the countryside for the sake of its intrinsic character and beauty, the diversity of its landscapes, heritage and wildlife, the wealth of its natural resources and so it may be enjoyed by all.'* and

*vi) All development in rural areas should be well designed and inclusive, in keeping and scale with its location, and sensitive to the character of the countryside and local distinctiveness.*

5.16.2 The ES accompanying the application includes the assessment of Landscape and Visual Impact, Built Heritage and Archaeology. The application site is not subject of any landscape designation but is an attractive stretch of countryside. The ES concludes that *'The visual influence of the proposed development is in keeping with landscape character through carefully considered design, with the retention of open land and/or provision of planted landscape buffers, around heritage features, safeguarding the majority of existing vegetation , extensive green infrastructure proposals, and proposed built form in response to local settlement'*. In assessing the proposals it is clear that development around the perimeter of the site will be visible in local views to the site and, despite some screening, the regular form of the development proposed would not blend with the existing landscape character or reflect local settlements and their relationship with the surrounding landscape. The revisions to the design of the scheme have reduced the regularity of siting of properties in views to the site, which is an improvement, but, the use of similar detached housetypes along significant stretches of the boundary means the concerns regarding the appearance remain, although it is accepted that views to the site are limited.

5.16.3 There are no listed buildings within the site but Home Farmhouse, to the west of

the B4100 and separated from the site by fields, is listed as well as St Lawrence's Church, grade II\*, that lies to the east of the B4100. The development would inevitably have some impact on the settings of these buildings given the development is on existing farmland. However the Church is separated from the site by the B4100 and existing boundary enclosures, which will remain, and Home Farmhouse will remain within the existing buildings at the farm, which form its immediate setting, and with the retention of the surrounding fields it is not considered that the settings will be so adversely impacted as to make the development unacceptable. The ES advises that the impact is slightly adverse. An archaeological field investigation including trial trenching has been carried out on the site. There is considered to be low potential for archaeological remains within the site, based on the evidence from the investigation that has been carried out.

5.16.4 Whilst the design of the development edge is disappointing it is not considered so harmful to the character of the countryside, due to the limited views and landscape planting proposed, as to merit refusal of the application. The proposal is considered to conserve the historic environment and in that respect complies with the PPS.

#### 5.17 **ET 16 Biodiversity**

5.17.1 The Eco Towns PPS advises eco towns should show a net gain in bio diversity. A strategy for conserving and enhancing local bio diversity should be produced to accompany planning applications for Eco Towns. Cherwell Local Plan policy C1 seeks to promote the interests of nature conservation and protect sites of local nature conservation interest. Policy C4 seeks to promote the interests of nature conservation within the context of new development. The RSS policy NRMA 5 advises that net loss of biodiversity should be avoided and local planning authorities should actively pursue net gain. PPS 9 contains key principles including that; *planning decisions should aim to maintain, and enhance, restore or add to biodiversity and geological conservation interests. and the aim of planning decisions should be to prevent harm to biodiversity and geological conservation interests.* The PPS goes on to advise at par 14 14. *Development proposals provide many opportunities for building-in beneficial biodiversity or geological features as part of good design. When considering proposals, local planning*

*authorities should maximise such opportunities in and around developments, using planning obligations where appropriate.* Circular 06/05 provides further advice and par 98 advises with regard to protected species;

*The presence of a protected species is a material consideration when a planning authority is considering a development proposal that, if carried out, would be likely to result in harm to the species or its habitat. Local authorities should consult English Nature before granting planning permission. They should consider attaching appropriate planning conditions or entering into planning obligations under which the developer would take steps to secure the long-term protection of the species.*

5.17.2 The site has no designated sites within it or particularly sensitive areas identified within the ecological assessments. The hedges and stream corridors have been identified as the areas of greatest bio diversity value. The hedges are retained except where access is required and translocation is proposed where the hedges have to be set back to allow for vision splays. Amendments to the application have increased the width of the stream corridors excluded from development, as they have been the area identified as having the greatest potential for developing bio diversity gain.

5.17.3 The site is used by protected species, for example the stream corridor is an important route for bats and badger sets exist on the site. The Natural Environment and Rural Communities (NERC) Act (2006) imposes a duty to conserve biodiversity:

*“Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity.”* (Section 40(1))

Bats are european protected species and the Conservation of Habitats and Species Regulations 2010 place duties on the LPA with regard to the protection of species. These include prohibitions against the deliberate capturing, killing or disturbance and against the damage or destruction of a breeding site or resting place of such an animal. Where such works are proposed three tests are applied; the proposed development must meet a purpose of *‘preserving public health or public safety or other imperative reasons of overriding public interest including*

*those of a social or economic nature and beneficial consequences of primary importance for the environment*'. In addition the competent authority must be satisfied that, (a) *'that there is no satisfactory alternative'* and (b) *'that the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range'*.

- 5.17.4 No direct harm is proposed to protected species. The development has been designed to retain the badger sett. Ecological Surveys have shown that the stream corridor is used by bats. Natural England, the Environment Agency, Wildlife Trust, District and County Ecologists have been involved in discussions to ensure the stream corridor is protected as a route used by bats. As a result the design of the proposed stream corridor and bridge has been carefully considered. The latest amendments have included widening the bridge span, moving the proposed play area further from the stream and providing lighting details to the bridge. These alterations reduce the impact of the development on the stream corridor and protect it as a route for bats. Furthermore it is necessary to cross the stream corridor to link the parts of the proposed development and enable access to local facilities to deliver a cohesive community and support proposals for modal shift.
- 5.17.5 The applicant's ecologist has also made a case that the scheme will deliver net bio diversity gain but Natural England, the Environment Agency, Wildlife Trust and District and County Ecologists were not convinced (see representations). The site will be lost to farmland birds but measures are proposed to provide a broader range of new habitat to that which exist at present. Further comments received on the latest amendments, which do provide for greater potential for bio diversity gain, have led to the Environment Agency's ecologists being satisfied whilst others remain concerned about the ability to secure the gains identified. A draft ecological and landscape management plan (ELMP) has also been produced to demonstrate long term maintenance and management will secure the bio diversity gain planned. The final version of the plan and on going management are recommended to be secured through the S106 agreement to address the ecologists terms about its implication. The scheme avoids harm to habitats of importance and protected species and includes measures to enhance bio diversity

as required by the PPS.

**5.18 ET 17 Water**

5.18.1 Eco Town are required to be ambitious in terms of water efficiency and to ensure water quality in their localities. A water cycle strategy is required and eco towns in areas of serious water stress should aspire to water neutrality. The incorporation of sustainable urban drainage (SUDs) systems and proposals for its long term maintenance and management. RSS policy NRN3 advises that *'There is a demonstrable need for new water resources and increased demand management over the period of the plan to cater for water supply needs of current and future development and the protection of the environment.'*

5.18.2 Bicester lies within an area of water stress and the application is accompanied by a drainage strategy and water cycle strategy. Code for Sustainable Homes also includes requirements regarding efficient water use and the target is to achieve a level of use of 80 liters per person a day. The application includes proposals for rainwater harvesting and water efficient appliances for all the residential properties to reduce water use. SUDs are incorporated within the scheme and have been revised following comments on the initial submission. The water cycle strategy has been revised and now also includes a proposal to contribute to Thames Water campaign to enhance water efficiency other measures could include retrofitting existing homes with more efficient fittings, expanding metering, introducing innovative tariffs that reward efficient use of water and leakage reduction.

5.18.3 The provision of rainwater harvesting is proposed to be secured by a condition. The compliance with the Code level 5 is proposed to be required through the proposed planning obligation. A financial contribution to water neutrality would form part of the infrastructure fund (see below) and the extent to which this can be met will depend on the extent of the fund.

**5.19 ET18 Flood Risk Management**

5.19.1 The PPS advises that Eco Towns should reduce and avoid flood risk. PPS25 provides advice on dealing with flood risk and seeks to ensure it is taken into

account in considering development proposals. It aims to direct development away from areas of flood risk and encourages the use of SUDs. RSS policy NRM4 supports the sequential approach to flood risk.

5.19.2 The application site is mainly free from flood risk except for areas along side the water courses that run through the site. These areas are to be left free from built development and form part of the green infrastructure. Revisions have taken place to the design of the two proposed bridges over the water course, increasing the spans, to prevent them from impeding flood flows. The Environment Agency raised a number of concerns regarding the details of the original flood risk assessment. Revised comments are awaited.

## 5.20 **ET 19 Waste**

5.20.1 The PPS advises that applications should include a sustainable waste and resources plan which sets targets for residual waste levels, recycling levels and landfill diversion which are substantially more ambitious than the 2007 National Waste Strategy targets for 2020. The design of development needs to facilitate the achievements of targets, consideration of the use of waste for CHP is required and no construction waste should be sent to landfill unless this is the least environmentally damaging option. PPS 10 provides advice on sustainable waste management and seeks to move the management of waste up the 'waste hierarchy' of prevention, preparing for reuse, recycling, other recovery, and disposing only as a last resort. The PPS has the objective to; '*ensure the design and layout of new development supports sustainable waste management*'. RSS policies W1, W2, W5 and W6 seek to reduce waste, minimise construction waste, divert waste from land fill and provides targets for recycling and composting.

5.20.2 The application is accompanied by a waste strategy which proposes that the existing district waste collection is extended to the proposed residential development with a target for recycling of 70 % and a residual waste target of 330 kg per household. A number of measures are suggested to help to achieve targets including a reuse repair centre, community composting project and incentivising the residents. A revised site waste management plan has also been submitted to deal with construction waste.

5.20.3 Whilst the waste target is welcome and a range of measures have been identified to deliver the targets, there is a lack of detail on delivery. As a result this is a matter that it is proposed is dealt with through the proposed planning obligation.

## 5.21 **ET 20 Master Planning**

5.21.1 The PPS advises that all Eco Town applications should be accompanied by a masterplan and demonstrate how eco town standards will be met. Design codes are identified as an approach to deliver high quality design and a high level of engagement and consultation is sought.

5.21.2 The term 'masterplan' can cause some confusion. In the PPS context it is a reference to a plan that shows how new development is to be provided, in terms of Bicester this would be a plan for the whole of the proposed NW development. There has been suggestions that a masterplan should be provided for the whole of the town of Bicester. However it is the role of the LDF Core Strategy to provide the policies and plans that will guide development in the town as a whole and it is the appropriate planning document to do so, as, once adopted, it will carry significant weight in planning decisions. The Shared Vision for Bicester sets out the wider aspirations for change in the town. The draft Core Strategy identifies NW Bicester as a strategic allocation for development. It is the role of a masterplan for NW Bicester to provide detail on the arrangement of land uses and other necessary information regarding the NW site to guide future development.

5.21.3 The current application is for just a part of the eco town site identified in the draft Core Strategy. It has to be recognised that the application in itself would not be the whole eco town envisaged by the Eco Towns PPS. It is unusual to consider an application for part of a large site without first having an agreed masterplan to guide the over all development. In this case an emerging masterplan accompanies the application and shows how the application scheme could link into further development on the NW Bicester site. The masterplan is also compatible with the draft LDF Core Strategy which will provide the overarching planning policy for the town.

- 5.21.4 The masterplan has been included in the consultation that has been carried out prior to the submission of the application. However the emerging masterplan requires further work before it could be accepted and this is progressing with regard to issues such as energy, water and waste, transport modelling and archaeological investigations for example. It is anticipated that the masterplan will be submitted accompanying an outline application early next year. Never the less the masterplan accompanying the current application provides a framework that shows how the current application could link to further development at NW Bicester in an acceptable fashion. It also provides reassurance that the layout of the first phase will not prejudice future decisions as it retains flexibility with regard to connection to later stages.
- 5.21.5 It should also be recognised that the national Eco Town programme envisages a need to innovate and experiment. Early work by government on the eco towns programme encouraged the Local Planning Authorities involved to bring forward demonstration and exemplar schemes at the earliest possible date, as this was seen as a way of creating confidence that eco town objectives could be achieved and encouraging further development to eco town standards in other locations than those designated in the PPS.
- 5.21.6 Although normally a masterplan is necessary to ensure a large development comes forward in a co ordinated manner the current application has been designed within the framework of an emerging masterplan. This has identified that there is sufficient land to accommodate the required development and identifies an approach to the layout of that development, in a series of linked neighbourhoods, that maximises access to facilities within each area. The emerging masterplan shows the potential road links to the application proposals. The application proposals retain flexibility to link with future phases of development. Work on the redesign of the northern fields has included consideration of how the adjoining two fields could be integrated and similarly routes through the southern section of the site have been identified that could link to further development in the future. Never the less should future development not come forward for some time, the application proposals are sufficiently self contained to provide local facilities and services, beyond what might be anticipated

in a development of just less than 400 dwellings, to serve the population and as such are not reliant on future development. The lessons learnt from the current application in developing it to meet the PPS standards will also inform future proposals, although these will be subject to separate planning applications which will control the details of any further development. It is therefore considered reasonable to consider the current application in advance of the completion of masterplanning work.

## 5.22 **ET 21 Transition**

5.22.1 The PPS advises that planning applications for Eco Towns should set out a detailed timetable for the delivery of neighbourhoods, facilities and services. This is to include delivery of services to underpin low levels of carbon emissions, health and social care, support for formation and growth of community, encouragement of environmentally responsible behaviour, annual monitoring, how carbon emissions from construction will be limited managed and monitored.

5.22.2 The level and timing of services and community infrastructure to be provided as part of the current application is set out in the planning obligation heads of terms (see recommendation). At the present time there is some knowledge of the infrastructure requirements for the wider NW Bicester site but further work is necessary on timing and phasing of development and the necessary infrastructure.

5.22.3 The Department of Communities and Local Government has funded the development of a monitoring tool for eco towns. This has been trialled using the current application and is available for use. Monitoring all of the eco town standards is potentially a significant area of work and provision to undertake this is proposed within the planning obligation heads of terms as set out below.

## 5.23 **ET 22 Community and governance**

5.23.1 The PPS advises that a long term approach is necessary to ensure that the integrity of an eco town is maintained and is able to manage change in a planned way. A long term governance structure is therefore required. The application is accompanied by an outline of an approach to governance and further discussions

are on going to establish the most appropriate short and long term approach to governance of the new development.

5.23.2 The initial approach for the current application area is for much of the responsibility for managing the area to remain with A2 Dominion (the developer of the residential portion of the site). An interim partnership board is proposed, with representatives of the developers, local authorities and residents, once the development has progressed to a sufficient level (no later than the occupation of 200 dwellings) to take over the responsibilities and to progress proposals to a fully developed local management organisation. At present no decision has been made over the nature of the long term local management organisation as its form will need to reflect its eventual functions and interests as well as issues as the most appropriate structure to deal with issues such as tax efficiency.

## 5.24 **Conclusion of the PPS Standards**

5.24.1 The PPS and Shared Vision Standards provide a comprehensive framework against which to assess the application proposals and in meeting them ensure that a scheme is produced that goes beyond the approach that is otherwise likely to be taken and to ensure the delivery of a much more sustainable development. The policies in the development plan, non statutory local plan and in other national policy statements that are also addressed above reflect much of the approach of the Eco Towns PPS but the PPS standards are generally higher and more specific standards. As set out above all the PPS standards have been addressed in the application and all have been met with the exception possibly of the provision of a masterplan. The PPS does not indicate the status that a masterplan is required to have, although it does state there should be a presumption in favour of the first permitted master plan. In the current application steps have been taken to demonstrate how the current site can fit within the framework of a masterplan for a wider area and it demonstrates how eco town standards can be met. The advantage of dealing with the current proposals at the present time also has to be recognised, particularly the ability to demonstrate that the higher standards set out in the PPS are achievable.

## 5.25 **Design**

- 5.25.1 The Eco Town PPS advises that *'The design of eco towns should take full account of the impact on local eco systems mitigating negative impacts as far as possible and maximising opportunities to enhance their local environment.'*(para 3). PPS 1 states *'High quality and inclusive design should be the aim of all those involved in the development process.'* The PPS also highlights the importance of design in creating attractive and robust environments. PPS 3 also identifies the objective of delivering *'High quality housing that is well-designed and built to a high standard'*(para 10) and at para 12 and 13 that *' Good design is fundamental to the development of high quality new housing, which contributes to the creation of sustainable, mixed communities. Reflecting policy in PPS1, good design should contribute positively to making places better for people. Design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted.'*
- 5.25.2 Policies C28 and C30 of the Cherwell Local Plan advise that control will be exercised over new development to ensure that it is sympathetic to the context and provides standards of amenity and privacy acceptable to the local planning authority. RSS policy BE1 seeks for new development to help provide improvements to the built environment. NSCLP policy D1 seeks local distinctiveness, continuity and enclosure, attractive and safe public routes and spaces, permeability, legibility, adaptability and diversity. Policy D3 looks to permit development that reflects or interprets the locally distinctive character, whilst policy D4 seeks high quality contemporary architecture and policy D5 sets out requirements for the public realm.
- 5.25.3 The importance given to good design in the development plan and also in national planning policy statements highlights how important it is that new development meets this requirement. The Council's Design & Conservation Team Leader has provided detailed comments on the scheme (which are available in full on the web site). This report provides a summary of the design issues below.
- 5.25.4 The Design and Access Statement (DAS) accompanying the application has been revised and should explain the design rationale for the scheme. Given the unusual

nature of the scheme the DAS could have been used to provide a better explanation and understanding of the emerging scheme. That it does not do so is disappointing, however, the DAS does not form part of the application and it is not considered so deficient as to prevent the application being determined.

#### 5.25.5 **Layout**

##### **Northern Fields**

Following comments on the original submission the northern fields have been completely redesigned. This has introduced a central open space with swales to each of the housing parcels as well as providing a more efficient layout and better orientation of routes, although concerns remain regarding some of the details of the routing of paths particularly in relation to the car parking areas and where the paths are sited awkwardly in relation to buildings. Larger perimeter blocks result in more coherent street scenes. However there remain examples where parking and buildings have a poor relationship within the street. Some problems stem from the applicants' approach which has been to provide large numbers of similar detached properties together for example the grouping of four bedroomed detached houses and the location of five bedroomed detached houses around the perimeter of the site. This is unfortunate, resulting in a less efficient layout and uninspiring streets and detracts from the scheme. Bike and bin stores are also poorly located on some plots. There is a lack of detail on street design including front boundary treatments, albeit it is proposed that this is dealt with through a planning condition.

#### 5.25.6 **Central Fields**

Some changes have resulted in improvements but the route of the spine road leaves quite awkward parcels of development. Levels have need to be adjusted through this section to meet the bridge requirements and to deliver level sites for the primary school and access to wheel chair accessible bungalows. Access to some housing is through parking areas which is unfortunate, particularly where the parking is prominent, and again repetitive use of detached properties to the boundary is regrettable in terms of both the street scene and views to the site. Again bike and bin stores and street design are awaiting further details as above.

#### 5.25.7 **Southern Fields**

The entrance to the southern section of the development has been amended and this is an improvement. Much of the remainder of the southern portion of the site retains the small perimeter blocks, resulting in a lot of road space to serve relatively few dwellings, some properties with small rear gardens and some having awkward relationships. Nevertheless this is the part of the site which will have the majority of the homezones which could, if well designed, be a positive feature of the development. The main street through the southern section has been referred to as a boulevard but has a wide variety of house types and little continuity and therefore even with tree planting this is unlikely to be a strong feature.

#### 5.25.8 **Local Centre**

The primary street runs into the local centre and forms a High Street, with all the main uses located off the street. Although this part of the application is in outline the indicative plans show a strong design with arcaded frontages and towers at each end. This has the potential to be an attractive place provided the design is carried through to the eventual development. Conditions and notes are proposed to ensure development is of high quality.

#### 5.25.9 **Density**

The density of the scheme is a matter that has been raised with regard to the original submission. The revised scheme has a slightly more efficient layout and more green space and achieves a net density of just under 30 dwellings per hectare (dph). Higher densities are often promoted to support local facilities like public transport (bringing more people within easy reach of transport hubs) and to make combined heat power (CHP) schemes more economical as well as to make best use of land. The current scheme has a relatively low density but the scheme achieves a 15 minute bus service and CHP. A local centre is proposed with a range of facilities as well and therefore the density proposed has not limited the facilities that are to be delivered. Some of the site would be the long term edge of the town and therefore the lower densities might be appropriate in these locations. Furthermore the scheme achieves the green space requirement of the Eco Towns PPS and therefore, whilst it would undoubtedly be possible to design a higher density scheme, the proposed scheme is considered acceptable in terms of the

density it achieves.

#### 5.25.10 **Housetypes**

There are 5 house types, 3 of which are presented in one of 3 generic elevational styles (described as horizontal emphasis, framed elevations, repetitive fenestration) and constructed in one of a mix of 4 materials (brick, timber, render, stone), with 3 alternative roof types (linear, gabled and asymmetrical gables).

Floor plans were designed for

- 1 and 2 bedroomed affordable flats
- 2 and 3 bedroomed affordable bungalows
- 2 and 3 bedroomed private and affordable terraced houses
- 4 bedroomed detached private and 4 bedroomed terraced affordable houses
- 5 bedroomed private detached houses

Certain plots were identified as “special” and the dwellings on these plots were offered to other architectural practices to design, albeit utilising and amending the basic floor plan, and called “Enriched type 1” and “Enriched type 2”. Further additional “Enriched Type 1” houses have now been included and the designs of these have been amended.

5.25.11 The approach to the design of housetypes is therefore complex and some are more successful than others. It is disappointing that all are two storey except the affordable flats and bungalows and some rooms in the roof space of enriched housetypes. The use of standard floor plans compromises the layout in a number of locations, for example through the lack of housetypes that turn corners and lack of flexibility to address different aspects and plot locations. Never the less the floor plans show that the dwellings have more generous floor plans, providing additional space for occupants than many comparable standard developer housetypes. The regimented approach to elevational treatment also results in some strange features such as full length windows in groundfloor bathrooms in some house types. The distribution of housetypes, despite some amendment, still largely groups houses of similar types together. In places, such as around the perimeter of the site, this results in edge treatment that lacks interest, although along some areas, for example parts of the swales in the northern section of the site, the terraces result in a strong design feature. The lack of integration of

different housetypes is unfortunate both visually and in terms of social inclusion. The 'specials' designed by different architects are welcome although the distribution does not maximise the potential benefits of legibility that they could bring.

5.25.12 There has been no expectation that the appearance of the dwellings will be traditional. Indeed, as an Eco Exemplar project, it is entirely appropriate for the appearance of the dwellings to reflect and promote the Eco credentials. As well as orientation in relation to solar gain, the extensive use of solar PV has determined roof form in particular, with a high proportion of gable fronted dwellings and even asymmetrical gables, albeit the design of these has been rationalised from the original application to produce a somewhat more sympathetic roofscape. As a result, the appearance of some of the house types is very contemporary and the design of the "enriched" house types in particular could be visually stunning. Additionally, a move away from vernacular materials to promote sustainable construction, including using timber externally, is also acceptable, albeit local sourcing of materials needs to be secured. The DAS claims that the design source for the housing is the traditional and the familiar, which is somewhat at odds with the outcomes above. Where this design approach has been used, an uncomfortable compromise between the imposition of non-vernacular "traditional" design base and a contemporary approach results. It is not the case that all house types exhibit high quality design, notably some of the terraces, the affordable flats and the affordable bungalows. Where traditional design is proposed it should be informed by the local vernacular. There are some areas where the design of the housetypes requires further work and as a result a condition is proposed to deal with the redesign of these plots. However since the consideration of the application in July further sketch designs have been received that look to address the concerns regarding the designs. Whilst these require further work it is encouraging that they show ways the designs can be improved.

#### 5.25.13 **Parking**

The scheme proposes at least 2 parking spaces per dwelling apart from the affordable flats. The travel plan indicates that, where the parking is off plot that

only one space will be allocated and details are sought through a condition. All the five bedroomed properties have a double garage, although half is proposed for storage, and all four bedroomed market properties have a single garage and driveway space. The result is that the scheme has no less parking than other housing schemes. Oxfordshire has high levels of car ownership and therefore the reduction in car parking has to be considered carefully. However if residents are to be encouraged to use private cars less, having a car immediately outside the door provides little incentive to use other modes. The applicants have argued that they require car parking to be able to successfully market the scheme. This is an important consideration but it is disappointing that the scheme has not been used to test a range of different solutions to reducing car parking provision. The high level of car parking has meant that a wider range of incentives will be required to encourage travel by other means and it is proposed that these are secured via the planning obligation.

5.25.14 In conclusion the design has some locations and architecture that will be pleasing and in some cases exciting. However, this does not apply to all the scheme and some areas require further work. This is covered either by conditions requiring further details or where this is not possible further amendments are awaited.

## **5.26 Community Infrastructure & Planning Obligations**

5.26.1 All large scale development, with the resulting increase in population, would put pressure on existing facilities. Some facilities may have spare capacity but others will require expansion, improvement or new provision to enable them to accommodate the increase in population from a proposed development. Work has been undertaken to identify the necessary community infrastructure to support the application proposals and mitigate its impact. This has identified a mixture of on site and off site provision, direct provision of facilities and financial payments. The application includes a supporting statement on social infrastructure provision. However this document does not directly address the additional issues arising in this case around the PPS standards and the need to produce sustainable development and address travel behaviour.

5.26.2 Section 106 of the Town & Country Planning Act allows for planning obligations to

be entered into in connection with development. Circular 05/05 provides guidance relating to the use of planning obligations. More recently specific regulations (linked to the introduction of Community Infrastructure Levy) introduced in 2010 & 2011 make it unlawful for a planning obligation to be taken into account when determining a planning application if the obligation does not meet the following tests;

- (a) necessary to make the development acceptable in planning terms
- (b) directly related to the development
- (c) fairly and reasonably related in scale and kind to the development

5.26.3 The community infrastructure identified as necessary, meeting the tests set out above, covers a wide range of items, some the development could not go ahead without, for example the need to provide safe highway access, whilst others are necessary to meet PPS requirements, for example the measures to achieve bio diversity gain. Some, whilst necessary, are not as directly related to the on site development for example the contributions to the Bicester Integrated Transport and Land Use study which are pooled to deliver general transport improvement measures in the town in response to growth.

5.26.4 It has to be recognised that there are additional development costs associated with achieving some of the PPS standards such as the development of homes to high Code for Sustainable Homes levels. It also has to be recognised that the housing market is not as robust as it has been in previous years. There are considerable risks for the developers in bringing forward a form of development that seeks to innovate and is different from previous developments. The applicants have therefore been unable to meet the full range of contributions that have been sought but have agreed to an open book approach to the assessment of viability of the scheme and to identify the level of contributions the scheme can reasonably afford to support. Viability assessment work has been undertaken by a consultant appointed by the Councils. The out come of that work and the negotiations with the applicants is the agreed Heads of Terms set out in the recommendation below.

5.26.5 The Heads of Terms set out a range of on site measures that have been agreed and the applicants will commit to deliver. These include;

- 30% affordable housing,
- establishment of a management body,
- community development,
- provision of play areas, open space, allotments and arrangements to manage them to include the delivery of biodiversity gain,
- delivery of the local retail store and community hall
- marketing of site for further retail, office, childrens nursery and public house,
- Provide land for the eco business centre
- Provide a bus service (1/2 hourly until 200 dwellings,a 15 minute bus service thereafter)
- Funding for a travel plan co ordinator
- Establishment of a car club
- Funding for cycling incentives
- Provision of electric vehicle infrastructure
- Off site highway works
- Provision of the school site and education contribution
- Provision of funding for waste reduction measures
- Provision of job club support, training and apprenticeships
- Provision of the energy centre
- Provision and management of sustainable urban drainage

This is an extensive package of on site measures to meet the needs of the residents and meet PPS standards as discussed above. The cost of the above measures is in excess of £7m. In addition the applicants have offered a provision within the agreement that any developer profit over and above that necessary for the development to go ahead will be shared with the local authorities.

5.26.6 A2Dominion have offered to guarantee the funding will be available for the contributions agreed. Normal practice has been to require bonds to ensure significant payments will be paid. However bonds have become more difficult to secure and are expensive. A2Dominion advise;

*'A2 Dominion own and manage over 30,000 homes and have a strong covenant.'*

*We are committing over 80m to the exemplar phase and have the means to deliver it.*

*In the current market, Bonds are treated as loans by banks, and they therefore attract high interest per annum. If we are asked to Bond, for example, 4.9m, this will attract interest of, for example 7%, and this is per annum. This would put a huge cost burden onto a project that is already at the margins of normal profit levels as set out by our own financial consultants (Hayes Houghton) and also yours (Bruton Knowles). This is not acceptable to us.*

*Also, not only does it attract interest, we also have to put up security to get the Bond in the first place, as a charitable housing provider we only charge our properties to provide the funds to carry out our core activities, and therefore this would actually stop us using scarce resources on other projects.'*

The Head of Legal Services has advised that there are risks in enforcing positive covenants such as that proposed. In particular if A2 were to cease to trade in the future secured creditors would take priority which is why a bond is preferable. A2 are a large provider of affordable housing who maintain they have a strong covenant, which reduces the risk. Nevertheless there is always a risk in successfully enforcing a covenant to pay which is not linked to restrictions on occupations. The detail of how payments agreed will be guaranteed will need to be resolved through the detailed drafting of any S106 agreement but if bonds are required the cost is likely to significantly and reduce the measures that can be funded on site by the same amount.

5.26.7 The proposed planning agreement is dealt with in 2 parts. The first securing the on site measures and required highway improvements and the second dealing with the financial contributions. The financial contributions would be to mitigate the needs arising from the development but it is proposed to leave the allocation of these flexible. This would enable the needs to be prioritised and the most pressing needs met.

5.26.7 The final extent of the infrastructure fund has not yet been established as it requires the conclusion of the detailed assessment of the build costs to confirm the conclusions of the viability report. It is anticipated that this will be available in time for the committee meeting. In addition the overage clause (share of

increased profit) has been agreed that will mean that should the market improve and the scheme achieves a higher level of profit than currently anticipated, the increased profit would be shared between the two developers, the Homes & Communities Agency (HCA) (through the development and HCA funding agreement) and the Councils (through the mechanism of the planning obligations).

5.26.8 This approach fits well with the nature of this development as part of the national eco towns programme. Through that programme CLG Eco Town growth funding has allowed establishment of a dedicated Eco Bicester project fund to be used where public money is needed to pump prime aspects of the development. Formally, priorities for the eco town funding will be established, and funding allocated to relevant projects, by decision of the Council's Chief Executive in consultation with the Leader of the Council (previous decision of Executive). However, in practice, the funding allocation will be made through achieving consensus with partner organisations including the County Council on the Eco Bicester Strategic Delivery Board. An important objective in use of this funding will be to support the more difficult start up phases of the development (especially to advance projects that it would be impossible for the developer alone to fund on the basis of the scale of development currently proposed), but to try where possible to invest in ways that can provide a future return on investment, or be repaid through future planning agreements. This will then allow recycling of at least some of the funding for future projects. The support for the provision of the first primary school and Eco Business Centre in the development have provisionally been identified by the Strategic Delivery Board as projects to be handled in this way.

5.26.9 The money in the proposed infrastructure fund, secured through the S106 agreement, would be specifically to mitigate the impacts of the development currently proposed. As Cherwell District Council and Oxfordshire County Council are to be signatories to the proposed agreement they will ultimately be responsible for decisions regarding the use of the infrastructure fund, although as with the CLG money, the Strategic Delivery Board will also be included in the decision making process.

5.26.10 Although very significant provision is being made on site the viability work has shown (subject to confirmation of build costs) that the scheme would not be able to afford all the contributions that have been identified as necessary to mitigate the impact of the development. The following contributions have been sought and unless the development makes additional profit to that predicted they could not be funded through the development. These items are contribution to library (£84.9k), adult learning centre (£11.3k), Changing places toilet (0.6k), policing provision (£6.3k), fire and rescue (£5.5k), youth bus (£58.5k), youth service (£20k), outdoor sport provision (£345.2k), indoor sport provision (£241.7k), public art (58k), Museum Resource centre (£5.2k), Registration Service (£11.8k), strategic waste recycling (£58.9k), cemetery (£4.6k), Childrens centres (£46.5k), secondary school (£2,460k), Special educational needs (£90k), Bicester Integrated Transport schemes ( 731.5k) , Rights of Way matters (£155k), Water neutrality measures (cost of retrofitting 2000 homes) and bins and recycling banks (£28.6k). The applicants agent has not accepted all the contributions sought are reasonably and fairly related to the development but in the light of the viability issues this has not been pursued.

5.26.11 Increasingly planning agreements are being used to look for an expanding range of contributions to support local service delivery for a growing population. In crude terms the value of contributions that the developers have agreed to fund (in addition to building to higher standards) is over £18k per dwelling (in addition to the affordable housing). A further sum in excess of £11k per dwelling would be required to fund all the contributions identified above. This is a very significant level of contributions and it is unsurprising that together with the increased costs of building to Code for Sustainable Homes level 5, delivering zero carbon development and meeting the PPS standards that this relatively small development can not meet all the requirements identified. In recent years the economic conditions have been difficult and developers across the country have sought to reduce the level of S106 contributions to enable them to bring development forward. The Ministerial Statement of 23 March 2011 by Greg Clark advises that;

*'To further ensure that development can go ahead, all local authorities should*

*reconsider, at developers' request, existing section 106 agreements that currently render schemes unviable, and where possible modify those obligations to allow development to proceed; provided this continues to ensure that the development remains acceptable in planning terms.'*

Although this advice is in respect of existing permissions the same principle would apply to new proposals which will not go ahead if the level of contributions required make them unviable.

- 5.26.12 Historically land values have been high in this area, particularly for residential development, and therefore it was anticipated that the cost of the S106 would come off the land price but still leave the landowner with a significant return, sufficient to sell land for development. In the case of the development at NW Bicester the Councils viability consultant has advised that the land price agreed was reasonable and that a lower price would generally be unlikely to be sufficient to encourage a landowner to release their land for development.
- 5.26.13 Oxfordshire County Council objected to the application at the committee on the 14 July raising concerns about the lack of funds to meet the full level of obligations they have sought to address the needs of the population of the development. The delivery of community infrastructure is a concern for all the public bodies that have sought contributions that may not be able to be met. Most public bodies are facing reduced resources at the current time making it particularly important that new development mitigates the impact of the increased population that it brings about. There is therefore a need to balance the reasonable requirements for funding for community infrastructure and the need to ensure that development, that in other respects is acceptable and will bring benefits through investment, employment and homes to meet identified needs, can go ahead. In the case of the current application as a first phase of a development it is potentially carrying higher costs than later phases may need to and therefore it is envisaged that current concerns around funding may be addressed through the masterplan and an outline application for the whole of the NW Bicester site. It is proposed, with the applicants agreement, to commence work on identifying the necessary development to serve the whole site and the mechanism for delivery of the necessary infrastructure in parallel with the completion of the drafting of the S106

agreement for this application. Oxfordshire County Council would want to see that there has been progress on the masterplanning and funding for infrastructure before they would complete the a joint S106 Agreement.

- 5.26.14 The scheme will deliver 30% affordable housing, school site, frequent bus service, open space and land for eco business centre which not only meet the needs of the development but deliver wider benefits for the town (see the Heads of Terms of the proposed planning agreement are set out above and below). Given the development is designed to meet higher standards than other developments currently acheive and includes innovations such as the delivery of zero carbon, the level of on site contributions acheived is considered an reasonable and this is supported by the viability work that has been undertaken.

## **5.27 Conclusions**

- 5.27.1 The development of a sustainable extension on land identified at NW Bicester is part of the Council's strategy for accommodating necessary growth within the District, although it currently remains a departure from the development plan. It is therefore necessary for there to be material considerations in favour of grant palnning permission contary to the development plan. In this case there are a number of material considerations.
- 5.27.2 The Eco Towns PPS is unusual in identifying locations for development. The PPS itself draws attention to the fact that it is a material consideration in determining applications. Although the current application is not for a whole eco town, it meets almost all of the standards in their entirety and is an important first step in establishing that moe sustainable development can be delivered.
- 5.27.3 Whilst the application site is not immediately contiguous with the existing built development in the town it is within easy walking and cycling distance and over time it is anticipated that further development will take place between the site and the existing edge of the town to join the proposed development. It is also unusual to consider an application for part of a larger site allocated for development before an outline application has been granted as a whole. However in this case the application proposals were, following consideration with Government, after the

publication of the PPS, invited as an exemplar for a wider development. The proposals are capable of delivering a scheme that can stand alone and provide the opportunity to test development and the deliverability of a scheme to the PPS standards which has not previously been done on a large scale scheme. This will be able to inform other development proposals that also seek to meet standards.

- 5.27.3 Never the less achieving the PPS standards and delivering the high standard of development sought is challenging and the application proposals, as originally submitted, have drawn a number of criticisms and comments. Revisions to the proposals and supporting documents have been made to address the concerns raised. In almost all respects the application meets the Eco Town PPS standards. This therefore will genuinely deliver a form of development that achieves higher standards of sustainability on a scale that has not been achieved elsewhere.
- 5.27.4 The One Shared Vision for the town sets out the aspiration is to integrate growth and to lever wider benefits for the town, reducing the impact of development on the environment, whilst creating a vibrant place where people will choose to live, work and spend their leisure time. The identification of NW Bicester as an eco town location has already resulted in the receipt of significant government grant funding which is currently helping to fund demonstration projects in the town. The proposal has also brought visitors to the town from the UK and internationally. There has therefore been a number of benefits already arising from the identification of an eco town and the application would contribute towards meeting the aims of the Vision.
- 5.27.5 The SDPHE therefore considers that there are strong material considerations as set out within the report for granting planning permission for the proposed development. The application will deliver housing and affordable housing, employment opportunities, new community infrastructure, zero carbon energy provision, an ambitious package of measures to influence travel behaviour, open space and homezone streets. Therefore the application is recommended for approval subject to the matters outlined below.

## 6. Recommendation

The applicant will note that concerns around funding for infrastructure and service needs must be addressed through the masterplan and an outline application for the whole of the NW Bicester site. Prior to the completion of the s106 agreement satisfactory progress on the masterplan must have been made including an agreed way forward for the wider development to fund the necessary service needs arising from the increase in population from the NW Development as a whole.

Approval subject to;

- Confirmation that the scheme meets building for life Silver Standard
- The conclusion of a review of the viability work (carried out on an open book basis)
- Completion of a S106 agreement (in accordance with the Heads of Terms set out below but subject to the clarification of the infrastructure fund as identified above)
- The following conditions

### It is further recommended

That in accordance with the provisions of Regulation 21 of the Town & Country Planning (Environmental Assessment) (England & Wales) Regulations 1999 that this report is approved as setting out the main reasons, considerations and measures proposed with regard to the ES.

<b>Heads of Terms of Planning Obligation</b>	
<b>Requirement</b>	<b>Terms</b>
Provide phasing plan	<ul style="list-style-type: none"> <li>• Provide plan of agreed phasing</li> <li>• Build in accordance with the phasing unless otherwise agreed.</li> </ul>
Affordable Housing	<ul style="list-style-type: none"> <li>• Provide 96 dwellings for rent and 23 for shared ownership in accordance with the agreed mix.</li> <li>• Build the affordable housing in each phase , as identified on the plans, prior to the occupation of 50</li> </ul>

	<ul style="list-style-type: none"> <li>• % of market phasing</li> <li>• Construct to HCA Design Quality Standards</li> <li>• Construct as Lifetimes Homes Standard</li> <li>• Properties let in accordance with a nominations agreement and local lettings plan.</li> </ul>
Community Governance	<ul style="list-style-type: none"> <li>• Agree the form of the initial management body (for the avoidance of doubt it may comprise employees of A2) and form and constitution of interim partnership board, provide the programme of activity of the management body and define list of functions the body will be responsible for prior to commencing work</li> <li>• Provide accommodation on site for the management body/partnership board and their employees</li> <li>• Establish the management body prior to the first occupation of a dwelling</li> <li>• Establish the interim partnership board at the request of identified partners or no later than the occupation of 200 dwellings.</li> <li>• Provide and agree details of the funding for the running of the management body and interim partnership board and the carrying out of its functions as identified</li> <li>• Provide £100k to enable the partnership board and other stake holders to assess and develop the options for the Local Management Organisation.</li> </ul>
Community Engagement, Development & Capacity Building	<ul style="list-style-type: none"> <li>• Agree a programme for the local management body to deliver community engagement, development and support for sustainable lifestyles or pay CDC the sum of £100k prior to the occupation of the first dwelling.</li> </ul>
Ecological & Landscape Management and play areas	<ul style="list-style-type: none"> <li>• Provide and agree an Ecological and Landscape Management Plan prior to implementation</li> <li>• ELMP to cover objectives for management, management body, management regime, monitoring, funding, process for agreeing variations to plan, proposals for community involvement and phased implementations.</li> <li>• Where the ELMP comprises various elements in different ownership or control, the compatibility between elements is to be demonstrated;</li> <li>• Implement the agreed ELMP</li> <li>• Either put in place agreed ring fenced fund for maintenance by the management body or transfer the open space to CDC with a commuted sum based on CDC's standard rates. Unless otherwise agreed in writing</li> <li>• Fence each area of open space prior to work starting on the adjacent building phase</li> <li>• Complete laying out of open space in the first</li> </ul>

	<p>planting season following commencement on a building phase</p> <ul style="list-style-type: none"> <li>• Provide allotments and incidental open space &amp; play areas prior to the occupation of any dwelling within 30m</li> <li>• That the open space shall be available to the public in perpetuity</li> <li>• That the open space shall be retained in a single ownership by A2 Dominion, the local management organisation or the Local Authority unless otherwise agreed.</li> <li>• Maintain all areas to meet ELMP or attached specification as a minimum</li> <li>• No services through open space and landscape areas unless agreed in writing by LPA</li> </ul>
Non Residential retail/office/nursery/community hall	<ul style="list-style-type: none"> <li>• Planning application for the retail store and community hall to be submitted within 12 months of grant of planning permission or occupation of 100 dwellings whichever ever is the sooner.</li> <li>• Marketing strategy to be agreed and implemented</li> <li>• Store &amp; Hall to be provided prior to occupation of 250 dwellings, unless an interim scheme for local retail provision to meet the day to day needs of the residents and programme for permanent provision of the Store and Hall have been agreed.</li> <li>• Prior to the occupation of the 50th dwelling provide a temporary community meeting place. Retain until permanent provision is available.</li> <li>• Application for remaining facilities to be made prior to the occupation of 250 dwellings</li> <li>• No more than 350 dwellings to be occupied until the offices, nursery and further retail premises have been provided unless a suitable alternative provision has been agreed and implemented prior to that date.</li> <li>• Make the public house site available and market until developed or 5 years post completion of the development.</li> <li>• Transfer the hall to management body with a commuted sum for maintenance &amp; management for the benefit of residents on the site</li> <li>• Agree details of measures to make available food produced locally</li> </ul>
Eco Business Centre	<ul style="list-style-type: none"> <li>• Transfer fully remediated / serviced site to CDC prior to 100 dwellings being completed (at nominal sum of £1)</li> </ul>
Employment, Skills & Training	<ul style="list-style-type: none"> <li>• Set up and maintain until all development is complete on application site web site to attract local suppliers and enable them to compete for work on the construction of the development</li> <li>• Agree details of local supply chain events to</li> </ul>

	<p>promote opportunities for local companies shall be provided and such opportunities shall be made available during construction works on site.</p> <ul style="list-style-type: none"> <li>• Provide details of commitments to provide apprenticeships (minimum 10) to people with local connections (5 mile radius)</li> <li>• Agree details and provide sustainable skills training for local people.</li> <li>• Prior to the commencement of development agree a scheme to market home working on the site.</li> <li>• Prior to commencement of development, agree and implement a programme with Bicester Job Club to identify employment opportunities related to construction work on the site and skills and training to assist local people to access the job opportunities. The programme to include the delivery of workshops to introduce opportunities to job seekers and assist employers to recruit.</li> <li>• Work with the Bicester Job Club to ensure local people are aware and have access to all job vacancies arising from construction on site.</li> </ul>
Transport & Access	<ul style="list-style-type: none"> <li>• No residential or non residential occupations until travel plan agreed</li> <li>• Monitor mode share annually but with agreed residents survey after five years post commencement then biannually until 10 years post completion</li> <li>• Monitor carbon from transport from the occupation of the 50<sup>th</sup> dwelling until 10 years post completion.</li> <li>• Monitor mode share in accordance with agreed details</li> <li>• If targets are not achieved pay the following sums; Year 5 £10,000, Year 7 £20,000, Year 9 £30,000, Year 11 £40,000, Year 13 £50,000, Year 15 £100,000.</li> <li>• Appoint/fund a travel plan co-ordinator to implement the travel plan</li> <li>• Provide £100k to fund cycling incentives and agree the use of the fund to deliver the cycling incentives in the travel plan including feasibility for cycle hire scheme.</li> <li>• Agree a management scheme for un-allocated residential parking and neighbourhood centre parking prior to first occupations</li> <li>• Prior to commencement agree an electric vehicle scheme including the provision of car charging points for individual residents and for visitors to the site and incentives to use electric vehicles</li> <li>• Prior to occupation of the first dwelling agree a car</li> </ul>

	<p>club scheme including identifying parking bays and funding to support the scheme. Occupy no more than 200 dwellings until the scheme is in place.</p> <ul style="list-style-type: none"> <li>• Provide the bus service from the first occupation in accordance with an agreed timetable, to provide at least a ½ hourly service, after 200 dwellings deliver a 15 min service until 10 years post completion.</li> <li>• No development to commence until off site highway works identified are secured including an agreed timetable for delivery.</li> <li>• No occupations until Banbury Road footpaths, cycleway and pedestrian crossing have been provided.</li> <li>• Fund transport order for Banbury Road</li> </ul>
HGV routeing agreement	<ul style="list-style-type: none"> <li>• No development to commence until the a Routeing Agreement is in place for construction traffic</li> <li>• No occupation of non residential buildings until Routeing Agreement is in place</li> </ul>
Education	<ul style="list-style-type: none"> <li>• Within 12 months of commencement of construction or occupation of 50 dwellings which ever is the sooner, offer transfer to OCC or in default CDC for £1 a fully remediated, serviced site of 1.34 ha of developable land in accordance with the boundaries and levels shown on drawing no 7170-UA001881-03</li> <li>• Transfer to be completed within 3 months of acceptance of offer;</li> <li>• Transfer of land to comply with the terms of the OCC School Site Requirements for Residential Development (draft) document unless otherwise agreed.</li> <li>• Provide a plan to show service connections to the site in accordance with the attached specification</li> <li>• Safeguard land for the extension of the school</li> </ul>
Waste	<ul style="list-style-type: none"> <li>• Agreed site for a recycling banks in the local centre shall be provided prior to the occupation of 50 dwellings. If it is not possible to secure the permanent site by this stage of a development temporary provision shall be made in accordance with agreed details until such time as permanent provision has been made.</li> <li>• Agree and Implement a construction waste management plan (zero waste to landfill) and monitor compliance.</li> <li>• Prior to implementation identify space and programme to deliver community swap shop days.</li> <li>• Prior to implementation provide the Sustainable Waste Management Plan identifying waste reduction measures to ensure waste targets are</li> </ul>

	<p>met, their implementation, monitoring and measures to be implemented should waste from the development exceed targets.</p>
Energy Centre	<ul style="list-style-type: none"> <li>• Provide a detailed scheme, including phasing and amount of PV, for the delivery of the energy strategy. In the event that zero carbon development to PPS1 definition can not be delivered on site agree a scheme for off site allowable solutions in Bicester for the benefit of the community.</li> <li>• Deliver the energy centre building and centralised heat and power distribution in accordance with the agreed scheme</li> <li>• Prior to occupation each dwelling shall have the PV provided and connected</li> <li>• Maintain energy centre in operation for 25 years</li> </ul>
Construction Standards to achieve Eco Town Requirements	<ul style="list-style-type: none"> <li>• Provide code for sustainable homes design assessment demonstrating that each dwelling meets Code for Sustainable Homes level 5 or higher prior to commencement of construction of each phase.</li> <li>• Prior to occupation provide post construction certificate demonstrating each dwelling is built to Code 5</li> <li>• Provide BREEAM design assessment prior to commencement of construction demonstrating that each non residential building is designed to BREEAM excellent</li> <li>• Prior to occupation provide post construction certificate demonstrating each building has achieved BREEAM excellent</li> <li>• Prior to any relevant infrastructure works taking place provide a CEEQUAL excellent certificate for the works</li> <li>• Agree scheme for local sourcing of materials</li> <li>• All building control procedures shall be undertaken by Local Authority Building Control to allow appropriate public verification and learning process for construction innovation on the site. This shall not prevent the seeking of an NHBC guarantee in addition to LABC.</li> <li>• Ensure all contractors register for Considerate Contractor scheme</li> </ul>
SUDs	<ul style="list-style-type: none"> <li>• Provide SUDs to adoptable standard</li> <li>• Provide a scheme and funding for secure future maintenance</li> </ul>
Monitoring of Eco Town Standards	<ul style="list-style-type: none"> <li>• Agree a monitoring scheme and fund the monitoring of the eco town standards in accordance with the attached schedule until completion of the whole of the NW Bicester site.</li> </ul>
Overage	<ul style="list-style-type: none"> <li>• Provide 25% of any additional profit over that used as a baseline in agreed HCA viability assessment</li> </ul>

	as a contribution to Infrastructure fund (see above) (after 23%) then 50% to P3)
Financial Contributions to Infrastructure Fund	<ul style="list-style-type: none"> <li>• To pay the Council in staged payments to be agreed a sum of no less than £3.5m index linked.</li> <li>• The infrastructure fund to be used solely for the delivery of infrastructure related to the development of the site.</li> <li>• The sum of £3.5m and the cost of delivering the bus service ( £1,000,000) to be underwritten such that there is certainty over delivery of the funding.</li> </ul>
Indexation & bonds	<ul style="list-style-type: none"> <li>• Agree indexation and security of payments</li> </ul>
Obligation Monitoring	<ul style="list-style-type: none"> <li>• Pay on completion to CDC the sum to monitor the legal agreement</li> </ul>

	Conditions
	<p><b>Full Permission</b> – 393 dwellings, Energy Centre,</p> <ol style="list-style-type: none"> <li>1. SC1.4A Standard Time Limit</li> </ol> <p><b>Outline Permission Time Limits</b></p> <ol style="list-style-type: none"> <li>2. SC1.0A Standard time Limit</li> <li>3. SC1.1</li> <li>4. SC1.2</li> <li>5. SC1.3 measures to achieve zero carbon energy use as defined in PPS 1Eco Towns, through on site solutions. 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 Policy contained in PPS1.</li> <li>6. Prior to work commencing on the non residential elements of the development, a design code shall be provided covering the distribution of land uses, form of buildings, street frontage, materials, servicing, parking, sustainability features. The Design Code shall be approved in writing prior to the submission of reserved matters for any element of the local centre and thereafter the reserved matters shall be made in accordance with the agreed Code. Reason: To ensure high quality development in accordance with the advice in Planning Policy Statement 1 and the Planning Policy Statement 1:Eco Towns</li> </ol>

7. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the attached schedule of plans and documents received 1/7/11.  
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 Policy contained in PPS1.

### **Housing Standards**

8. All dwellings shall be constructed to meet Joseph Rowntree Foundation Life Time Homes standard.  
Reason : To deliver flexible housing to meet the diverse and changing needs of the population and in accordance with Planning Policy Statement 1:Eco Towns
9. Each building shall be provided with high speed broadband (no less than 100mbs)  
Reason:To facilitate homeworking and information delivery in accordance with Planning Policy Statement 1: Eco Towns
10. Prior to occupation each dwelling shall be provided with a real time information system in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.  
Reason:To facilitate information delivery and travel information to properties in accordance with Planning Policy Statement 1: Eco Towns
11. Prior to work commencing on each phase details of how each dwelling achieves good day lighting by achieving at least 2 points of the Code for Sustainable Homes level 5 for day lighting shall be submitted to and approved in writing by the LPA. The development shall thereafter be carried out in accordance with the approved details and such that each dwelling achieves good day lighting.  
Reason: to prevent increased energy use and to enable zero carbon development to be achieved in accordance with Planning Policy Statement 1:Eco Towns
12. Prior to commencement of development on each phase a study , by a suitably qualified person, shall be submitted to and approved in writing by the local planning authority, demonstrating that the design of the buildings is such that over heating will not occur and that heat island effects have been minimised. The development shall thereafter be carried out in accordance with the agreed details.  
Reason: To address the impacts of climate change in accordance with Planning Policy Statement 1:Eco Towns
13. All properties shall be constructed to meet Secured by Design standards unless otherwise agreed in writing by the Local Planning Authority.  
Reason: to ensure that crime and the fear of crime are addressed and to meet the requirements of Planning Policy Statement 1.
14. The Panter Hudspeth house designs shall be constructed with the passive

ventilation and thermally massive floors as set out in the Design and Access Statement accompanying the application.

Reason: to test the delivery of innovative energy efficient houses as supported by Planning Policy Statement 1:Eco Towns

### **Energy Strategy**

15. Each dwelling shall be provided with solar PV prior to occupation.

Reason:To deliver zero carbon development in accordance with Planning Policy Statement 1:Eco Towns

16. The pipework to deliver the district heating system shall be provided to each dwelling prior to occupation.

Reason:To deliver zero carbon development in accordance with Planning Policy Statement 1:Eco Towns.

### **Notwithstanding Conditions**

17. Notwithstanding the details submitted details of the positioning of bicycle and bin stores on each phase shall be submitted to and approved in writing by the LPA prior to the commencement of the construction of any dwelling on the phase. The development shall thereafter be carried out in accordance with the approved details.

Reason: to ensure convenient bicycle and bin stores to encourage cycling and sorting of waste and a high standard of design to comply with policy C28 of the Cherwell Local Plan and to deliver the standards of Planning Policy Statement 1:Eco Towns.

18. Full details of the boundary enclosures for each dwelling shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development on each phase forming part of the site. The approved boundary enclosures shall thereafter be provided prior to the dwelling they serve being occupied.

Reason:RC12AA

19. Notwithstanding the details submitted details of the fenestration, roof verge and eaves, cills, lintols and infill panels for each phase will be submitted to and approved in writing by the Local Planning Authority prior to work commencing on that phase. Thereafter the buildings shall be constructed in accordance with the approved details.

Reason: to ensure a high quality development in accordance with Cherwell Local Plan policy C28 & C30

20. Notwithstanding the details submitted, details of revised designs of Plots 16, 139- 142, 195, 276, 277, 288, 289, 292, 319, 355, 356, 376, 319, 296 – 299 and the detailing of the terraces 240-2, 262-4, 258-261 to ensure the creation of an acceptable street scene shall be submitted to and approved in writing by the local authority prior to work commencing on the plots. The plots shall be constructed in accordance with the revised approved details.

Reason: To ensure the delivery of satisfactory streets with a high quality of design to accord with a high standard of design to comply with policy C28 of the Cherwell Local Plan and PPS 1.

21. Notwithstanding the details submitted a parking scheme for each phase shall be submitted to and approved in writing by the local planning authority prior to work commencing on the agreed phase. The approved parking shall thereafter be provided in accordance with the approved plan.

Reason – In the interests of highway safety and to comply with Government advice contained in PPG13: Transport and to ensure that there is a satisfactory appearance to the development in accordance with Cherwell Local Plan policies C28 and C30.

22. Prior to work commencing on any phase, details of the streetscape, including front boundary treatment to any buildings, treatment of street parking, street landscape, hard and soft landscape details, street furniture and play features in homezones shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the details approved.

Reason :To ensure the delivery of satisfactory streets that deliver the green infrastructure, play and other features necessary to create a successful place and to accord with a high standard of design to comply with policy C28 of the Cherwell Local Plan.

### **Construction Details**

23. SC2.10A floor levels 'dwelling'

24. A Construction Environment Management Plan shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with approved CEMP.

Reason: To ensure the environment is protected during construction in accordance with policy ENV1 of the Cherwell Local Plan.

25. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.

Reason: To ensure that if any contamination is encountered during site development, it is suitably assessed and dealt with, such that it does not pose a threat to controlled waters.

26. SC9.1 services underground

27. Prior to work commencing a report shall be submitted outlining how carbon emissions from the construction process and embodied carbon have been minimised. No work shall commence until the report has been approved in writing by the Local Planning Authority. The development shall thereafter be

carried out in accordance with the plan.

Reason: To ensure the development achieves a reduced carbon footprint in accordance with Planning Policy Statement 1: Eco Towns

### **Materials**

28. SC2.0 Non Residential

29. SC2.1A dwellings

30. Details of the construction and planting of the green roofs and details of the maintenance programme that will ensure the delivery and long term maintenance of the roofs shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of construction of any dwellings. The green roof shall then be constructed and maintained in accordance with the approved details.

Reason: To ensure the delivery on green infrastructure and bio diversity gain in accordance with Planning Policy Statement 1: Eco Towns

### **Highway Conditions**

31. No development shall commence on site for the Exemplar development until a Construction Management Travel Plan providing full details of the phasing of the development and addressing each construction activity within each phase has been submitted to and approved in writing by the Local Planning Authority (in consultation with the Local Highway Authority) prior to the commencement of development. This plan is to include wheel washing facilities, a restriction on construction & delivery traffic during and routes to the Exemplar development site. The approved Plan shall be implemented in full during the entire construction phase and shall reflect the measures included in the Construction Method Statement received.

Reason – In the interests of highway safety and to mitigate the impacts of the development during the construction phase and to protect the amenities of the Bicester and Caversfield during the construction period and to comply with Policy ENV1 of the adopted Cherwell Local Plan.

32. Notwithstanding the details shown on drawing no.s 7154 -UA001881-3 & 7155- UA001881-3 a revised plan of adoptable highways including vision splays shall be submitted to and approved in writing prior to the commencement of development on any phase. The roads, lanes and homezones shall thereafter be constructed in accordance with the proposed details.

Reason: To ensure an adequate construction and maintenance of roads, lanes and homezones in accordance with the advice in PPG13 and TRI of the Cherwell Local Plan.

33. That prior to the commencement of work on the Exemplar development the proposed South Entrance Works between the land and the highway and the off site cycle links shall be formed, laid out and constructed strictly in accordance with the Local Highway Authority's specifications and that all

ancillary works specified shall be undertaken.

Reason – In the interests of highway safety and to comply with Government advice contained in PPG13: Transport.

34. Prior to any dwelling being on the northern fields the access from the B4100 shall be formed laid out and constructed strictly in accordance with Oxfordshire County Council's specification and be available for use.  
Reason : To ensure safe access to the site in accordance with Cherwell Local Plan policy TR1
35. Before the proposed North and South Entrances are first used the existing accesses serving the Exemplar site onto the B4100 (Banbury Road) shall be permanently stopped up by the means of full face kerbing (where appropriate), the reinstatement of the highway verge, ditch and hedge/boundary structures (fence or stone wall) and shall not be used by any vehicular traffic whatsoever.  
*Reason – In the interests of highway safety and to comply with Government advice contained in PPG13: Transport.*
36. Notwithstanding the details shown details of the locations and facilities to be provided at each bus stop including Real Time Information shall be submitted to and be approved in writing by the Local Planning Authority prior to the occupation of the first dwelling on the site. The bus stops and facilities s21hall thereafter be provided in accordance with the approved details.  
Reason: To ensure facilities to enable convenient use of public transport to achieve the requirements of Planning Policy Statement 1: Eco Towns
37. No development shall commence on any phase of the development until the full design and construction details, including vision splays, bridge details, surfacing, planting, traffic calming of the roads, paths, bridges and other parts of the access routes are submitted to and approved in writing by the Local Planning Authority. The phase shall thereafter be constructed in accordance with the approved details.  
Reason – In the interests of highway safety and the appearance of the area in accordance with Cherwell Local Plan policy C28 & C30.
38. Details of the final surface treatment of each road shall be submitted to and approved in writing by the LPA prior to the construction of each road, lane, homezone or public footpath .The road, lane, homezone or path shall thereafter be constructed in accordance with the approved details.  
Reason RC12AA
39. That, before any of the dwellings are first occupied, the proposed vehicular accesses, driveways, parking courts, parking areas and turning areas that serve those dwellings shall be constructed, laid out, surfaced and in accordance with specification details to be submitted to and approved in writing by the Local Planning Authority (in consultation with the Local Highway Authority) prior to the commencement of development.  
Reason – In the interests of highway safety, to ensure a satisfactory standard of construction and layout for the development and to comply with Government advice contained in PPG13: Transport.

40. No development shall commence on any phase until a lighting scheme for the pedestrian, cycle and vehicle routes are submitted to and approved in writing by the Local Planning Authority and the Local Highway Authority. Such lighting shall be formed, laid out and constructed strictly in accordance with the Local Highway Authority's specifications and that all ancillary works specified shall be undertaken unless otherwise approved in writing.  
Reason – In the interests of highway safety.
41. Details of the bus only link shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development of the northern fields.  
Reason: To ensure facilities to enable convenient use of public transport, walking and cycling to achieve the requirements of Planning Policy Statement 1: Eco Towns
42. That before any dwelling is first occupied the estate roads and footpaths between that dwelling and the B4100 shall be laid out, constructed, lit and drained to the Oxfordshire County Council's 'Conditions and Specifications for the Construction of Roads'. No dwelling shall be occupied in the northern fields until the bus only link has been provided.  
Reason; RC13 BB
43. That no surface water from the Exemplar development shall be discharged onto the adjoining highway and a scheme to prevent this occurrence shall be submitted to and approved in writing by the Local Planning Authority and constructed prior to the commencement of building operations.  
Reason – In the interests of highway safety and to comply with Government advice in PPG13: Transport and PPS25: Development and Flood Risk.
44. SC 4.13CD (Parking & turning areas) after approved insert 'except as modified by condition 13'
- Drainage**
45. All properties shall be provided with rainwater harvesting in accordance with the details shown on drawing no. 7163-UA001881-03.  
Reason: To reduce the use of water to achieve the requirements of Planning Policy Statement 1: Eco Towns
46. Development should not be commenced until: Impact studies of the existing water supply infrastructure have been submitted to, and approved in writing by the local planning authority (in consultation with Thames Water). The studies should determine the magnitude of any new additional capacity required in the system and a suitable connection point.  
Reason: To ensure the water supply infrastructure has sufficient capacity to cope with the additional demand.
47. Development shall not commence until a drainage strategy detailing any on or off site drainage works has been submitted to and approved in writing by the local planning authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the

public system until the drainage works referred to in the strategy have been completed.

Reason : The development may lead to sewerage flooding to ensure that sufficient capacity is made available to cope with the new development and in order to avoid adverse environmental impact upon the community.

48. SC9.7 Hyder Consulting and received 24 June 2011.

Reason: To prevent the risk of flooding and to meet the requirements of PPS25

49. No development approved by this permission shall begin until a scheme to avoid the risk of ground water flooding in accordance with Section 2.4.3 of the Flood Risk Assessment 3501-UA001881-UU41R-03 (Hyder, June 2011) has been submitted to, and approved in writing by, the local planning authority.

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To reduce the risk of flooding to the proposed development and future occupants.

50. No development approved by this permission shall begin until a scheme to provide level for level floodplain compensation in accordance with Section 3.5 of the Flood Risk Assessment 3501-UA001881-UU41R-03 (Hyder, June 2011) has been submitted to, and approved in writing by, the local planning authority. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To reduce the risk of flooding to the proposed development and future occupants.

51. No development approved by this permission shall begin until a surface water drainage scheme for the site, based on sustainable drainage principles and to OCC adoptable standards, and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall also include:

Capacity to contain the 1 in 30 year storm event with the drainage attenuation and conveyance features.

- the ability to manage storm events up to and including the 1 in 100 year storm event (with a 30% allowance for climate change) safely on site, while avoiding risk to properties and others.
- A range of best practice sustainable drainage techniques including permeable paving, swales, basins, ponds and wetlands in accordance with the drainage strategy ref. 7501-UA001881-UP21R-02 and Section 4

of the Flood Risk Assessment 3501-UA001881-UU41R-03 (Hyder, June 2011).

- Measures to increase discharges into the local watercourses to improve local biodiversity.
- Full planting schedules utilising species of native and local provenance of each SUDs feature including proposed wetland features.
- No infiltration of surface water into the ground where there is a presence of contaminated land unless it has been demonstrated that there is no resultant unacceptable risk to controlled waters.

Reason: The drainage strategy and FRA shows that a successful scheme can be designed into this development to effectively manage and reduce flood risk, to improve water quality and improve habitat and amenity. Plans ref. 7161-03 and 7160 -03 in the FRA show Surface Water pipe runs. These are indicative plans and where feasible pipe runs should be omitted in favour of ditches and swales.

#### **Landscaping & Open Space**

52. SC3.4 AA Hedge/tree protection delete' boundaries' 2m

53. The translocation of hedges as shown on drawing no.s 8003-UA001881-04, 8004 UA001881-04, 8005 UA001881-04 shall commence in the first planting season following the commencement of development and completed within 12 months of the commencement of works. No dwelling within 30m of the translocated hedgerow shall be occupied until such time as the hedge has been translocated.

Reason: RC11A

54. Should any translocated hedgerow die or be removed within 5 years of the works being carried out a replacement hedge shall be planted in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. The replacement hedge shall be properly maintained for a minimum of five years from planting.

Reason: RC11A

55. Prior to the commencement of construction the open space either side of the streams shall be fenced in accordance with BS 5837 to prevent the incursion of construction vehicles working elsewhere on the site or damage during construction. No service trenches, drains or other excavations shall take place within the open space. Where works are necessary within the open space areas relating to the adjustment of ground levels, construction of bridges, footpaths and swales, details of construction areas and adjustment of the fencing to accommodate works shall be submitted to and approved in writing prior to any work taking place within the open space area. The fencing shall thereafter be moved in accordance with the approved details and on the completion of the works the fencing shall be reinstated in the original position.

Reason: RC10A

56. Prior to the commencement of construction the hedge buffers and allotments shall be fenced in accordance with BS 5837 to prevent the incursion of vehicles or damage during construction. No service trenches, drains or other

excavations shall take place within the hedge buffers or allotments.  
Reason:RC10A

57. SC3.3A

58. SC3.5A

59. SC3.16

60. SC3.12

61. SC3.14

62. The development hereby permitted shall be carried out in accordance with the recommendations and specifications set out in the Arboricultural Method Statement (AMS) and/or the Tree Protection Plan (TPP) submitted by Hyder Consulting (UK) Ltd dated 19/11/2010 unless otherwise agreed in writing by the Local Planning Authority.

Reason - To ensure that no proposed operations impair the health of any retained trees in the interests of the visual amenity of the area, and to comply with Policy C4 of the South east Plan 2009 and Policy C28 of the adopted Cherwell Local Plan.

63. That prior to the commencement of any development on the site, notwithstanding the details submitted, full details, specification and construction methods for all purpose built tree pits and associated ground level surfacing materials shall be approved in writing by the Local Planning Authority. Details must also include specifications for the installation of associated below ground, load-bearing root pits and trenches and soil type required to accommodate the planting and future development of the proposed trees. The works shall be implemented in accordance with the approved details.

Reason - To ensure that the trees are retained and maintained in a safe and healthy condition and to ensure that the adjacent roads, pavements, screen walls and any other structures are not adversely affected by the tree roots and in the interests of the visual amenities of the development and to comply with Policies BE1 and C4 of the South East Plan 2009 and Policy C28 of the Adopted Cherwell Local Plan.

64. That no development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping the site which shall include:-

(a) details of the proposed tree and shrub planting including their species, number, sizes, positions and planting densities (where appropriate), together

with grass seeded/turfed areas,

(b) details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation,

(c) details of the hard surface areas, pavements, pedestrian areas, crossing points and steps including the final surfacing there of.

(d) details of SUDs features including proposals for lining features to retain water

(e) details of any proposed changes in levels

(f) details of the design and construction of bridges within areas of open space

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy C28 of the adopted Cherwell Local Plan.

Reason: RC 10A

65. That all planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of a building(s) within a phase or on the completion of the ground works within the river corridor, and that any trees and shrubs which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent for any variation.

Reason RC10A

66. SC3.10

67. Details of the rainwater harvesting for the allotment sites shall be submitted to and approved in writing by the Local Planning Authority prior to the  
Reason: To reduce the use of water to achieve the requirements of Planning Policy Statement 1: Eco Towns

68. Prior to first occupation of any residential property a scheme to enable each new resident to choose a fruit tree for their garden or to be provided elsewhere on the site shall be submitted to and approved in writing by the LPA. The scheme shall thereafter be implemented in accordance with the agreed details.

Reason: To mitigate the impact of the development and provide biodiversity gain in accordance with Planning Policy Statement 9: Biodiversity and Planning Policy Statement 1:Eco Towns and the Sustainability Statement accompanying the application.

69. Details of the laying out and management of the allotments shall be submitted

to and approved in writing by the Local Planning Authority prior to the occupation of any dwellings. The allotments shall thereafter be provided and managed in accordance with the approved scheme.

Reason: to ensure the delivery and management of allotments for local people in accordance with draft Cherwell District Council draft Core Strategy Policy I4 and Planning Policy Statement 1:Eco Towns

### **Ecology**

70. Prior to the commencement of construction on each field the site shall be checked by a suitably qualified ecologist to ensure that there is no presence of protected species that have moved on to the site since previous surveys have taken place and could be harmed by the development. Should protected species be found details of mitigation measures to prevent their harm shall be submitted to and approved in writing by the Local Planning Authority. The development shall not commence in each existing field until the field has been confirmed to be clear of protected species.

Reason: To mitigate the impact of the development in accordance with Planning Policy Statement 9: Biodiversity and Planning Policy Statement 1:Eco Towns and the Sustainability Statement accompanying the application.

71. Prior to work commencing details of a scheme for the location of bat, bird, Owl and invertebrate boxes in each phase of development will be submitted to and approved in writing by the Local Planning Authority. Prior to work commencing on any phase the location of the bat, bird, owl and invertebrate boxes shall be submitted to and approved in writing by the local planning authority. The bat, bird, owl and invertebrate boxes shall be installed in accordance with the approved scheme and prior to the occupation of any building on which they are agreed to be located.

Reason: To mitigate the impact of the development and provide biodiversity gain in accordance with Planning Policy Statement 9: Biodiversity and Planning Policy Statement 1:Eco Towns

72. An Ecological Construction Method Statement shall be submitted to the local planning authority and approved in writing prior to work commencing. The method statement shall address potential impacts of development on bio diversity to ensure no net loss and ensure the net gain identified is delivered. The approved Ecological Construction Method Statement shall thereafter be implemented in accordance with the approved details.

Reason: to protect bio diversity of the site and the delivery of bio diversity gain in accordance with Planning Policy Statement: Eco Towns

73. No development approved by this permission shall begin until details of pedestrian and cycle watercourse crossings have been submitted to, and approved in writing by, the local planning authority. The approved design shall be implemented as agreed.

Reason:Plan ref. 7152 UA001881-02 shows where footpaths/cycle paths are intended to cross the watercourses on site. The bridges will need to be designed so as to avoid increased flood risk and erosion.

74. No lighting shall be provide within the stream corridor, except that necessary across the road bridges, and no external lighting shall be provided immediately adjacent that creates light overspill to the stream corridor, unless it has first been submitted to and approved in writing by the Local Planning Authority.

Reason: to maintain a dark corridor for bats and protect the bio diversity of the stream corridor in accordance with NRM5 of the South East Plan and Planning Policy Statement: Eco Towns

75. No development approved by this permission shall begin until a scheme for the provision and management of the compensatory habitat pond complex as shown on plan ref. 8001 UA001881 04 has been submitted to and agreed in writing by the local planning authority and implemented as approved.

Thereafter the development shall be implemented in accordance with the approved scheme prior to the completion of phase 1.

Reason: no detailed design proposal has been submitted for the pond complex.

76. The translocation of hedgerows shall take place outside of the bird breeding season and prior to any work commencing on the translocation of hedgerows they shall be checked by an ecologist for the presence of hedgehogs and reptiles. Should these species be present they shall be removed in accordance with the mitigation set out in the environmental statement.

Reason: To mitigate the impact of the development in accordance with Planning Policy Statement 9: Biodiversity and Planning Policy Statement 1:Eco Towns and the Sustainability Statement accompanying the application.

### **Waste**

77. A Site Waste Management Plan, which shall demonstrate how zero construction waste will be sent to landfill, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of construction.

Reason: To ensure no waste is sent to landfill to meet the requirements of the Planning Policy Statement 1:Eco Towns

### **Other**

78. Details of an assessment of the rated level of noise emitted from the energy centre against background noise levels measured 3.5m from the front façade of plot 359, demonstrating that rated level of noise from the energy centre is at least 5dB below background noise levels, when measured in accordance with BS4142 1997, shall be submitted to the local planning authority and approved in writing prior to work commencing on the construction of any building on the site. The energy centre shall thereafter be built with any acoustic measures outlined in the report and necessary to achieve the stipulated noise level. Reason RC84

79. Within 6 months of the implementation of the planning permission an Employment Implementation Plan to deliver the employment identified in the Employment Strategy shall be produced and submitted to and approved in writing by the Local Planning Authority. Thereafter the approved plan shall be

implemented.

Reason: To ensure the creation of employment to achieve the requirements of Planning Policy Statement 1: Eco Towns

80. Details of the marketing of properties on the site including details of how they will be marketed to encourage home working and to promote sustainable transport shall be submitted to and approved in writing by the Local Planning Authority prior to the sale of properties on any phase. The marketing with regard to home working and sustainable transport shall thereafter be in accordance with the approved details unless otherwise approved in writing by the Local Planning Authority.

Reason: To support the creation of a low carbon community to achieve the requirements of Planning Policy Statement 1: Eco Towns

### **Construction Standards for Non Residential**

81. Reserved matters for the non residential buildings shall closely follow the design approach for the local centre outlined at pages 48-50 of the design and access statement.

Reason: To ensure the delivery of high quality development in accordance with the requirements of PPS 1 and Cherwell Local Plan policies C28 and C30.

82. All non residential buildings shall be constructed to BREEAM EXCELLENT.

Reason: To support the creation of a low carbon community to achieve the requirements of Planning Policy Statement 1: Eco Towns

83. Details of the provision of highspeed broadband for the proposed offices, eco business centre and community hall shall be submitted to and approved in writing by the LPA prior to the commencement of construction.

Reason: To support the creation of a low carbon community to achieve the requirements of Planning Policy Statement 1: Eco Towns

84. Details of the cycle parking and facilities such as lockers and showers to facilitate cycling shall be submitted with each Reserved Matter submission relating to a building.

Reason: To support the delivery of modal shift to achieve the requirements of Planning Policy Statement 1: Eco Towns

85. Details of the cycle parking and facilities such as lockers and showers to facilitate cycling shall be submitted with each Reserved Matter submission relating to a building.

Reason: To support the delivery of modal shift to achieve the requirements of Planning Policy Statement 1: Eco Towns

86. Details of the cycle parking and facilities such as lockers and showers to facilitate cycling shall be submitted with each Reserved Matter submission relating to a building.

Reason: To support the delivery of modal shift to achieve the requirements of Planning Policy Statement 1: Eco Towns

87. All buildings shall be constructed with rainwater harvesting.  
Reason: To support reduction in water use and to achieve the requirements of Planning Policy Statement 1: Eco Towns

**Restriction of Use**

88. The maximum size of any one retail premises shall be 400m<sup>2</sup> and all other retail units shall be a maximum size of 150m<sup>2</sup>. The retail units shall not be amalgamated.

Reason: To ensure the scheme serves the needs of the local residents but does not compete with the Town Centre and to comply with South East Plan policy BE1, Cherwell Local Plan Policy C28.

89. The Eco Business centre shall be used for B1 purposes only and no other use within the Town & Country Planning Use Classes Order.

Reason: RC49A

**Drainage**

90. Surface water shall be dealt with through the use of sustainable urban drainage techniques in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.

Reason: To ensure satisfactory treatment of surface water and to achieve the requirements of Planning Policy Statement 1: Eco Towns and comply with the advice in PPS25.

**Informatives**

Thames Water will aim to provide customers with minimum pressure of 10m head ( approx 1bar) and a flow rate of 9/liters per minute at the point where it leaves Thames Water's pipes. The developer should take account of this minimum pressure in the design of the proposed development.

1. The construction or alteration of any culverting or dam or weir like structure on a watercourse, such as those on this site, requires the prior written approval of the Agency under the terms of the Land Drainage Act 1991 or Water Resources Act 1991. The Environment Agency resists culverting on conservation and other grounds, and consent for such works will not normally be granted except for access crossings.
2. Flood risk modelling undertaken by a third party has been used in support of this application and the Environment Agency has applied a risk based approach to assessment of this model. The Environment Agency has not undertaken a full assessment of the fitness for purpose of the modelling and can accept no liability for any errors or inadequacies in the model.
3. Investigations by OCC's Land & Highway Records Team shows the majority of the South Entrance Works can be accommodated (again very tight) within

	<p>land classed as public highway i.e. highway boundary is up to the historic hedge line along the eastern side of the B4100 (including the ditch). This boundary was established from previous highway improvements. However there is a large section of land/ditch where there is no record of the land being classed as public highway land i.e. land is in ownership/control of a third party. For the works to take place this section of the works needs the agreement of the third party/landowner so the works can be dedicated as public highway.</p> <p>4. Please note the field/farm access within the North Entrance Works serves a 3<sup>rd</sup> party and their agreement is required/must be secured for the access closure to go ahead. It is likely require a replacement access will be required at the developer's expense – which must meet the appropriate standards and an appropriate new location.</p> <p>5. The North Entrance Works can be accommodated within land classed as public highway i.e. highway boundary is up to the fence/stone wall boundary along the eastern side of the B4100. However these works will mean the removal of the hedge-line/vegetation along this section of the B4100. It is acknowledged the land available for the North Entrance Works is very tight and it is likely the boundary stone wall in the vicinity of the dwelling known as the Lodge will be affected – any associated damage associated with these works is the responsibility of the developer.</p> <p><b>Summary of Reason for Grant of Permission</b></p> <p>The Council, as local planning authority, has determined this application in accordance with the development plan unless material considerations indicated otherwise. Although contrary to the Cherwell Local Plan the development is in accordance the South East Plan 2009, policies H1 and CO1, Supplement to PPS 1:Eco Towns and the emerging draft Core Strategy policy NWB1 and would provide a sustainable form of development. For the reasons given above and having regard to all other matters raised, the Council considers that the application should be approved and planning permission granted subject to appropriate conditions set out above.</p>

<b>CONTACT OFFICER:</b> Jenny Barker	<b>TELEPHONE NO:</b> 01295 221828
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