

Date: 13 December 2012  
Our ref: 66945  
Your ref: 12/00234/DISC



planning@cherwell-dc.gov.uk  
**BY EMAIL ONLY**

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

T 0300 060 3900

Dear Rebecca Horley

**Planning consultation:** Discharge of conditions 9 and 12 of 10/01667/OUT

**Location:** Land between Birmingham London Rail Line and Gavray Drive, Bicester

Thank you for your consultation on the above dated 03 October 2012 which was received by Natural England on 08 October 2012.

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

## **THE CONSERVATION OF SPECIES AND HABITATS REGULATIONS 2010**

### **Condition 12**

The Favourable Conservation Status of the local population of great crested newts needs to be maintained. The current plan involves 8.4 ha of high/medium quality habitat being replaced by 0.15 ha of wetland, and all of the newts being moved to a set of ponds close together, which are also close to the main road, and the recreational hub. Since this population is already isolated from other great crested newt populations, the current proposals do not seem to maximise the chances of favourable conservation status being maintained into the medium or long term.

### **Condition 9**

Since the above matters relating to condition 12 are yet to be resolved, it is unclear how the Masterplan can be approved. In is Natural England's advice that once the mitigation for protected species, and the rest of the strategy for best maintaining and enhancing biodiversity has been designed, then the Masterplan can be designed around this, and also around other elements such as flood storage.

The National Planning Policy Framework (NPPF), paragraph 109 states that:

'The planning system should contribute to and enhance the natural and local environment by... minimising impacts on biodiversity and providing net gains in biodiversity where possible...'

In the case of Land Between Birmingham London Rail Line and Gavray Drive Bicester, the opportunities for this to happen have not yet been maximised. Rather there will be a residual loss in biodiversity which cannot be compensated for on site. It seems that it would be possible to vastly improve on the provision for biodiversity both within the current plans and also by providing compensation elements off site.

We therefore recommend that all of the above is resolved prior to the discharge of condition 9.

We would be happy to comment further should the need arise but if in the meantime you have any

queries please do not hesitate to contact us.

For any queries relating to the specific advice in this letter only please contact Charlotte Frizzell on 0300 060 1925. For any new consultations, or to provide further information on this consultation please send your correspondences to [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk).

We really value your feedback to help us improve the service we offer. We have attached a feedback form to this letter and welcome any comments you might have about our service.

Yours sincerely

Charlotte Frizzell  
Lead Adviser, Land Use Operations, Winchester