

# Public Protection & Development Management

Andy Preston – Head of Public Protection & Development Management



DISTRICT COUNCIL  
NORTH OXFORDSHIRE

David Lock Associates  
Mr David Keene  
50 North Thirteenth Street  
Central Milton Keynes  
MK9 3BP

*Bodicote House  
Bodicote  
Banbury  
Oxfordshire  
OX15 4AA*

*www.cherwell.gov.uk*

---

Please ask for: Rebecca Horley  
Email: [rebecca.horley@cherwell-dc.gov.uk](mailto:rebecca.horley@cherwell-dc.gov.uk)

Direct Dial: 01295 221837  
Our Ref: RH/14/00009/SCOP

---

6 November 2014

Dear Sir

## **TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) (ENGLAND AND WALES) REGULATIONS 2011**

### **Request for a Scoping Opinion**

**Application Number: 14/00009/SCOP**

**Applicant's Name: David Lock Associates**

**Proposal: Residential development (including affordable housing) public open space, localised land remodelling, structure planting**

**Location: Land on the North East Side of Gavray Drive, Bicester**

**Parish(es): Bicester**

### **1. Introduction**

Further to your submission, including the Environmental Impact Assessment Scoping Report dated September 2014 titled 'Gavray Drive West', received by this department on 24<sup>th</sup> September 2014, I write to advise that I have consulted relevant colleagues both in Cherwell District Council and Oxfordshire County Council, together with other statutory authorities and consultation bodies. Their responses are set out below but can be found in full detail on public access available through the Council's website. If at any point following the issue of this letter that some late representations are received, the Council will endeavour to send them onto you with our opinion but you may wish to continue to monitor the public access information in any event. These responses below constitute the Council's opinion unless otherwise indicated.

The main change since the Gavray Drive site was last considered is that the site is to be separated into two sites – east and west. Each site will have its own EIA so are being scoped separately. This application has been submitted alongside a scoping opinion for the adjacent site 'Gavray Drive East' (14/00008/SCOP refers).

The request for a scoping opinion relates to a proposed planning application for residential development on approximately 6.91 hectares of undeveloped land between Birmingham London Rail Line and Gavray Drive situated to the east of Bicester town centre within the urban area ring road from where access is obtained. Outline planning permission was granted for, inter alia, residential development under application reference 04/02797/OUT. The extension of time application 10/01667/OUT decision was quashed by the High Court and remains with this Council for redetermination. To achieve this, further information has already been requested under Regulation 22 and the scoping opinion (13/00001/SCOP) which was issued on 26<sup>th</sup> April 2013, sought to ensure that all issues significant to that case were addressed in the revised Environmental Impact Assessment (EIA). Following that scoping opinion, a further scoping opinion was issued on 4<sup>th</sup> April (14/00001/SCOP refers) again addressing issues relating to the whole site (west and east). As a point of interest, this Council would wish to know whether or not this application (10/01667/OUT) is to be withdrawn now that you have stated in your para 1.6 that you have come to the view that two new outline planning applications should be submitted for the site.

This new scoping opinion is the result of further work undertaken with a view to your submitting an entirely separate outline application for the west of the site alongside a new ES. Although no formal application for a screening opinion has been made, it is agreed that as the proposal is a Schedule 2 development which exceeds the thresholds, as defined by the Regulations, it will be subject to an EIA as the development is likely to have significant effects on the environment by virtue of factors such as its nature, size or location.

## **2. Consultations**

**Bicester Town Council :** Strongly objects to the residential development on this site.

Taking both applications 14/00008/SCOP and 14/00009/SCOP together. The area concerned is unique to Bicester, having many species of flora and fauna that are endangered by the proposals put forward. This area must be protected against the encroachment of housing. Bicester Town Council is sympathetic to and strongly supports the views of local people that it is imperative that the area remains a site for wildlife and is protected as such. Bicester is an Eco Town, and must therefore have the conservation of areas such as this as a core principal with the protection of biodiversity as key. It is imperative that the provision of large numbers of new housing is balanced with the provision of green space.

There are wider issues that also affect the Town Council's views. On the Local Plan, this area is designated for 300 houses. This proposal suggests that 340 houses could be built across both sites (East and West of Langford Brook), 40 more than in the Local Plan. There are proposals in the Local Plan for B8 development on the Bicester 2 site which is close to the Gavray Drive wildlife site. This will affect the viability of species on the already threatened wildlife site.

**Launton Parish Council:** No comment received but in referring to the previous correspondence no objections were raised.

**Aylesbury Vale District Council:** Again no comment was received but the previous consultation response was that AVDC supported the proposal in making provision for the rail chord to enable provision of the Evergreen 3 rail link Oxford-London and the operation of the East-West Rail through Bicester. The Council does not anticipate in terms of EIA that other than possible increases in traffic on the A41 there would be wider environmental impacts from the proposed development. The Council may have further comments at the planning application stage.

**Ward Members:** no comments received

## **2.1 Internal Consultations**

### **Policy:**

Unfortunately no formal response has been received at the time of writing so I draw the following conclusions based on the documentation currently available. The adopted Cherwell Local Plan position remains unchanged but the Proposed Submission Local Plan (October 2014) is still evolving. The site is known as Bicester 13 and the latest position is attached as an enclosure to this letter from the Modifications document produced in October 2014. Also of significance is the proposed Conservation Target Area (Policy ESD11) which has not changed since the original submission version.

### **Anti-social Behaviour Manager:**

With regard 14/00009/SCOP I can confirm that the proposals contained within paragraphs 5.44 – 5.54 adequately address the noise issues associated with the application and will allow not only the assessment of noise from the proposed development but also the suitability of the site for development in noise terms. I note that the applicants consultants suggest that vibration from the railway line can be 'scoped out' due to the distance between the line and the nearest proposed dwelling. This position will need to be explained and justified in objective terms in the EIA report.

### **Environmental Protection Officer:**

I can confirm the outline air quality assessment proposals in paragraphs 5.7 to 5.12 of the David Lock Scoping Report (dated September 2014) are acceptable.

There is no reference in the scoping report of assessing how this development proposal may be affected by contamination in the scoping report. This **must** be addressed in any environmental statement submitted as part of a future planning application.

### **Ecology Officer:**

I have no objections to the proposed extent of the EIA on this part of the site.

### **Landscape Architect:**

The LVIA and arboricultural requirements in the Scoping report are appropriate. I think the western site is deemed to be less sensitive than the eastern site

### **Oxfordshire County Council**

The consultation response from the County Council received on 25<sup>th</sup> March includes the key service areas. Some of the responses received go beyond what would be required at this stage with regard to informing the ES because the role of the ES is to simply identify the significant impacts of the proposed development but nevertheless I report these officer comments as follows:

### **Highways:**

The key issues are highway safety, traffic impact and drainage:

Any application for planning permission must be accompanied by an appropriate Transport Assessment, as detailed but not necessarily limited to that outlined within the submission. The development will be required to incorporate Suds. Infiltration drainage methods are the preferred method of dealing with surface water on the site. Where infiltration methods are not viable, any run-off from the development would need to be restricted to green-field run-off rates.

### **Archaeology:**

The Scoping Report states that the cultural heritage chapter of the EIA prepared for the previous application will be updated to include any recent historic environment information. The EIA should therefore contain this updated chapter.

## 2.2 External

### **Environment Agency:**

With regard to flood risk, we are pleased to see that there is a section of the Scoping Report which specifically focuses on the Hydrology and Drainage. This mentions that a Flood Risk Assessment (FRA) will be carried out using the most up to date Environment Agency data for both Fluvial and Pluvial sources of flooding.

We are pleased that the above measures are being taken into consideration for the FRA but we will however like to highlight the following:

1. The FRA should be clear about the attenuation structures proposed for this development.
2. The SuDS hierarchy should be followed and attenuation structures should be sized to cater for events up to and including the 1 in 100 plus 30% allowance for climate change.
3. Accompanying calculations should be submitted demonstrating that there will be no flooding of pipes within the development and runoff from the development is not going to increase flood risk on or off site.
4. We would not want to see any built development in flood zones 2 and 3.
5. Discharge rates should be controlled at current greenfield rates or better still lower, to provide a betterment.

We look forward to receiving and commenting on the completed FRA.

With regard to nature conservation, we are pleased to see that there is a section of the Scoping Report which specifically focuses on the ecology. We would expect the following to be carried out in support of the chapter in the EIA.

1. We would expect a ten meter buffer zone along, both sides the Langford Brook and a management plan for the riparian habitat.
2. We would also require a full ecological survey of the Langford Brook and associated riparian habitat. Water voles have been recorded from the site, in the past.
3. We would expect that the EIA is used as an opportunity to enhance the ecology of Langford Brook, which could be focuses on providing water vole habitat and possible some in channel works, such as gravel/riffles.

### **Thames Water:**

The provision of water and waste water infrastructure is essential to any development.

It is unclear at this stage what the net increase in demand on our infrastructure will be as a result of the proposed development. Thames Water is concerned that the network in this area may be unable to support the demand anticipated from this development and the neighbouring development located on the North East Side of Gavray Side.

The developers need to consider the total net increase in water and waste water demand to serve both these developments and also any impact the developments may have off site further down the network, if no/low water pressure and internal/external sewage flooding of property is to be avoided

We would therefore recommend that any EIA report should be expanded to consider the impact of both development sites and should include the following.

- The developments demand for water supply and network infrastructure both on and off site and can it be met
- The developments demand for Sewage Treatment and network infrastructure both on and off site and can it be met
- The surface water drainage requirements and flood risk of the development both on and off site and can it be met
- There are sewers and water mains located within the development site area. The proposed EIA should include information on how these assets will be protected during construction.

Should the developer wish to obtain information on the above issues they should contact our Developer Services department on 0845 850 2777.

### **Natural England:**

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 scoping request is for a proposal that does not appear, from the information provided, to affect any nationally designated geological or ecological sites (Ramsar, SPA, SAC, SSSI, NNR) or landscapes (National Parks, AONBs, Heritage Coasts, National Trails), or have significant impacts on the protection of soils (particularly of sites over 20ha of best or most versatile land), nor is the development for a mineral or waste site of over 5ha.

At present therefore it is not a priority for Natural England to advise on the detail of this EIA. We would, however, like to draw your attention to some key points of advice, presented in annex to this letter, and we would expect the final Environmental Statement (ES) to include all necessary information as outlined in Schedule 4 of the Town & Country Planning (Environmental Impact Assessment) Regulations 2011. If you believe that the development does affect one of the features listed in para. 3 above, please contact Natural England at [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk), and we may be able to provide further information.

### **Berkshire Buckinghamshire Oxfordshire Wildlife Trust (BBOWT):**

As you are aware, we have been involved as consultees for this site for many years and would hope that this opportunity is taken to overcome some of the long running concerns that we and others have had in terms of the approach to ecology on this sensitive site. Please note that this response is to both 14/00008/SCOP and 14/00009/SCOP.

We welcome the additional surveys which have been carried out in 2013.

The EIA should be prepared following the CIEEM 'Guidelines for Ecological Impact Assessment in the United Kingdom' (2006). A data search should be requested from the Thames Valley Environmental Records Centre (TVERC) – we suggest that this is included as part of the desktop study to inform the scope of the EIA.

### Net gain in biodiversity

The EIA should demonstrate how the development will result in a net gain in biodiversity (in line with paragraph 109 of the NPPF). This is particularly relevant given the location of part of the proposed sites within the Ray Conservation Target Area, and Policy ESD 11 in the Submission Cherwell Local Plan. Proposed mitigation and enhancement measures for all identified receptors need to be included within the EIA.

### Assessment of receptors

We welcome the decision to scope in "the overall invertebrate assemblage" following our response to the previous application. However we remain concerned about the proposal to "scope out" the following by not considering them as "Valued Ecological Receptors":  
"the overall bird assemblage" (see paragraph 5.32)  
"harvest mouse"

In addition there are several other matters which will need addressing in the EIA as described below.

### Overall bird assemblage

Paragraph 5.32 includes "the overall bird assemblage" as "not currently considered to be a VER (Valued Ecological Receptor)". However the evaluation of the bird surveys considered the site to be of "*no more than district level*" value for breeding birds and of "*local to district to value for wintering birds*". As this is stating that the site is therefore a significant site for birds in the entire District then this value should be assessed in the EIA. There will clearly be impact on a number of priority species, and birds of conservation concern. Indeed the LWS citation quoted in the Ecology Scoping Report specifically mentions that the site is notable for both priority bird

species and Birds of Conservation Concern (see paragraph 3.6). In conclusion the overall bird assemblage should be assessed as a Valued Ecological Receptor in the EIA.

Since the original surveys were carried out across the whole site then it is not clear whether the above mentioned reference to the site being of "no more than district level" value for breeding birds and of "local to district to value for wintering birds" is referring more to the east or west site. The bird assemblage should be definitely assessed for 00008 (East) and the ecologists will need to assess whether should be included for 00009 (West).

#### Harvest Mouse

We welcome the submission of a survey for harvest mouse. There is clear evidence of a population being present on site. Harvest mouse is a priority species and of limited distribution in Oxfordshire. Therefore the impact on this population should be evaluated in the EIA by including harvest mouse as a Valued Ecological Receptor. Since the original surveys were carried out across the whole site then it is not clear whether it should be considered as a VER for both east and west or just east. Harvest mouse should be definitely assessed for 00008 (East) and the ecologists will need to assess whether should be included for 00009 (West).

#### Botanical survey

We welcome the submission of a detailed botanical survey with the Scoping Report. This notes that for a variety of reasons Field 2 was not able to be assessed in sufficient detail to be able to attribute a NVC community. Nevertheless, as this field still has unimproved grassland then its quality and the impact of development must be evaluated in the context of the EIA for 00008 (East)

#### Hydrological assessment

We welcome the note in paragraph 5.27 that the effects of localised raising of ground levels will be considered; any effect on the hydrology of the retained LWS needs to be taken into account in this assessment.

Development proposals should avoid impacts on the Local Wildlife Site, as per the NPPF, and the following extract from the Cherwell Submission Local Plan 2006-2031 Policy ESD10: *"Development which would result in damage to or loss of a site of biodiversity or geological value of regional or local importance including habitats of species of principal importance for biodiversity will not be permitted unless the benefits of the development clearly outweigh the harm it would cause to the site, and the loss can be mitigated to achieve a net gain in biodiversity / geodiversity."*

#### Net Gain in Biodiversity and Ecological Networks

The EIA should also identify opportunities to enhance biodiversity, to achieve a net-gain in biodiversity, in line with the NPPF and the following extract from the Cherwell Submission Local Plan 2006-2031 Policy ESD10: *"In considering proposals for development, a net gain in biodiversity will be sought by protecting, managing, enhancing and extending existing resources, and by creating new resources."* and *"Development proposals will be expected to incorporate features to encourage biodiversity, and retain and where possible enhance existing features of nature conservation value within the site. Existing ecological networks should be identified and maintained to avoid habitat fragmentation, and ecological corridors should form an essential component of green infrastructure provision in association with new development to ensure habitat connectivity."*

The application site partly lies within the Ray Conservation Target Area. Conservation Target Areas (CTAs) identify the most important areas for wildlife conservation in Oxfordshire, where targeted conservation action will have the greatest benefit. Opportunities should be taken to secure biodiversity enhancements that will help achieve the aims of the Ray CTA, which include lowland meadow management, restoration and creation and wet grassland restoration to improve the area for waders and wildfowl, as indicated by Paragraph B240 of the Cherwell Submission Local Plan 2006-2031 Policy ESD11 states: *"Biodiversity enhancements sought in association with development could include the restoration or maintenance of habitats through appropriate management, new habitat creation to link fragmented habitats, or a financial*

contribution towards biodiversity initiatives in the Conservation Target Area.” Further details of the aims and biodiversity targets for this CTA are available from:

<http://www.wildoxfordshire.org.uk/wp-content/uploads/2014/02/Ray-CTA.pdf>

A Biodiversity Mitigation and Enhancement Strategy would be needed as a supporting document for any planning application. This should be incorporated into the final scheme design and describe how biodiversity net gain will be achieved and maintained.

#### Avoidance of built development in the CTA

We have been consulted on the Draft Modifications to the Cherwell Local Plan and note the reference made to avoiding development in the CTA as follows:

*“That part of the site within the Conservation Target Area should be kept free from built development. Development must avoid adversely impacting on the Conservation Target Area and comply with the requirements of Policy ESD11 to secure a net biodiversity gain.”*

We have supported the inclusion of this text. We would point out that the entire area for the development proposed in 14/00008/SCOP (e.g. the eastern side of Langford Brook) lies within the Ray Conservation Target Area and that the development proposed in 14/00008/SCOP is therefore incompatible with the Draft Cherwell Local Plan.

#### Biodiversity in Green Infrastructure and the Built Environment

The plans should include green infrastructure within the built environment to retain and create a mosaic of habitats and linear features to ensure that structural diversity and habitat connectivity throughout the site is provided. This should include significant amounts of open space within residential areas, some of which should be earmarked specifically for biodiversity, and some for biodiversity combined with public access. The biodiversity value of recreational areas should also be maximised, for example by the provision of species-rich grassland with an appropriate infrequent mowing regime on the borders of sports pitches. A sensitive directional lighting scheme should be implemented to ensure that additional lighting does not impact on the green spaces across the site.

Biodiversity enhancements such as the creation of ponds, green roofs, creation of habitat for bats in buildings and bird boxes, creation of hibernacula for reptiles and amphibians and creation of wildflower grasslands should be included in the development design in line with planning policy (NPPF) and the NERC Act, which places a duty on local authorities to enhance biodiversity. Provision should be made for the long term management of these areas.

Further details on some of the above are contained in:

“Biodiversity Positive: Eco-Towns Biodiversity Worksheet, produced by the Town and Country Planning Association, Communities and Local Government, and Natural England.” This is downloadable from: <http://www.tcpa.org.uk/data/files/biodiversity.pdf>

#### Biodiversity benefits from SUDS

As well as providing flood control SUDS can provide significant biodiversity value if biodiversity is taken into account in the design, construction and management of SUDS features. This should be required of any development. Examples include:

- ☐ Green and brown roofs;
- ☐ Detention basins and swales that can be planted with wildflower rich grassland;
- ☐ Reinforced permeable surface for car parks and drives that can also provide wildflower habitat.

#### **Network Rail:**

Over the past few years there have been a couple of planning applications for the site which has NAJ3 to the north and OXD to the west. It appears that those proposals have fallen through, so now it he council are seeking views on a new proposal for 160 dwellings on the east section of the site and 180 dwellings on the west section of the site (total 340).

The site is approx a mile from Bicester North and Bicester Town stations so it would appear that there are no station related issues.

Network Rail understands from the previous consultation that there is also a pedestrian access point at (Neasden South Jc - Aynho Junction via Bicester North) NAJ3 8.0450 on the line right inside the boundary. Whilst rights of access fall outside material planning considerations we would flag this up to the developer as Network Rail will require unblocked access to the operational railway around the clock (24/7, 365) – any access point must remain open and unblocked to not only Network Rail vehicles but also emergency vehicles too. In light of this the developer is requested to contact the Network Rail Operational Property Services to discuss the issue of our right of access ([OperationalPropertyLNW@networkrail.co.uk](mailto:OperationalPropertyLNW@networkrail.co.uk))

There are also two level crossings in the area which Network Rail would be concerned about. We would be concerned that the proposals could result in an increase in the type and volume of user over the crossings. In light of this we would recommend that the developer contacts the Network Rail Level Crossings Manager for the area to discuss in more detail. Any traffic impact assessment should take into account any level crossings in the area.

The developer, before submitting a planning application should make contact with the Network Rail Asset Protection Team.

[AssetProtectionLNWSouth@networkrail.co.uk](mailto:AssetProtectionLNWSouth@networkrail.co.uk)

A BAPA may be required to facilitate works on site.

We would draw the councils attention to the following Rail Accident Investigation Branch report into '*Penetration and obstruction of a tunnel between Old Street and Essex Road stations, London 8 March 2013*', which concluded:

*5 The intent of this recommendation is to ensure that the planning approval process reduces the risk to railway infrastructure due to adjacent developments.*

The Department for Communities and Local Government should introduce a process to ensure that Railway Infrastructure Managers are made aware of all planning applications in the vicinity of railway infrastructure. This process should at least meet the intent of the statutory consultation process (paragraphs 97f and 101).

Network Rail has a statutory obligation to ensure the availability of safe train paths and as such we are required to take an active interest in any development adjacent to our infrastructure that potentially could affect the safe operation of the railway.

As these proposals are adjacent to the operational railway the works on site and as a permanent arrangement should not impact upon the safety, operation, integrity or performance of the railway.

## 2.3 Other

### **Bioscan (Dominic Woodfield):**

It is noted that little has changed from the single report submitted in support of scoping application 14/00001/SCOP in Spring 2014. The main change appears to be that Gallagher Estates have now decided, apparently in response to advice from CDC, to submit separate applications for the areas of the site west and east of the Langford Brook. The applicant also cites emerging policy support for the applications, despite the fact that the quantum of housing they propose exceeds the limit envisaged by the Council in the draft policy and the fact that the draft policy is itself the subject of formal examination, which may see it modified in line with the multiple objections it has elicited.

On the basis that relatively little else has changed other than the fission of one application into two, I need not repeat all of the comments I made in March 2014 in response to 14/00001/SCOP. It should be noted however that the following issues remain:

□ While the botanical survey information now presented remains a vast improvement on previous assessments, it remains disappointing that it still omits consideration of the remaining pockets of grassland within Field 2, as mapped on plan EDP1 submitted with the supporting EDP report, and which clearly have the same 'unimproved' origins as much of the grassland within the LWS, albeit badly affected by scrub invasion in recent years. This is an important point in assessing the merits of the latest masterplan.

□ On butterflies, as previously, I will defer to the national and local experts from Butterfly Conservation, but I would make the observation that a further section 41 species, grizzled



skipper, is inexplicably omitted from the baseline despite having been recorded by a local party last year and I believe despite photographic confirmation having been sent to EDP by that individual.

I note that the previous failure to conduct overnight moth-trapping surveys, despite these being specifically advised in many previous consultations dating back many years, is now stated as to be remedied in 2014. This is an important step forward as moths remain a significantly under-studied species on this site, and the recent discovery of the day-flying forester moth, also a priority species under section 41 of the NERC Act, clearly signposts that there could be substantial as yet undocumented interest associated with this group. This is an important point in assessing the merits of the proposed scope of the EIA and the latest masterplan. However if additional and remedial survey work on moths has now been completed, as it presumably must have been by this point in the year, it is unclear why this has not been included along with all the other surveys within the application documentation. Assuming the work has been carried out to an adequate standard, this will assist with correcting the flawed and inconsistent approach to evaluation of invertebrates as a collective group that was raised as a concern in the previous scoping report. Indeed I note that the applicant has responded to such criticism by raising the status of the overall invertebrate assemblage to a 'valued ecological receptor' in recognition of the previous oversight.

However the approach of 'scoping out' elements "not currently considered to be VER's" remains. I previously indicated that this is a non-standard approach that is inherently challengeable in EIA terms as it risks failing to alert decision makers to 'likely significant effects'. Despite the elevation of the 'District' level of importance receptor of invertebrates to a 'VER' in response to this criticism, the intention still appears to be to scope out other receptors valued at District level (e.g. the overall breeding bird assemblage). As previously stated, this could mean that District level impacts falling within the ambit of 'likely significant effects' in EIA terms, and which will be integral to the process of assessing local plan policy compliance in any event, will fail to be identified in the ES, and cannot then be taken into account by decision makers. This could undermine the validity and legal robustness of the EIA. As stated previously, I would strongly recommend that the approach advocated by the Chartered Institute of Ecology and Environmental Management (CIEEM) and as set out in their Guidelines for Ecological Impact Assessment is more fully and properly followed, as indeed it is stated will be the case elsewhere in the scoping report. This absolutely does not mean that every last receptor needs to be included in the assessment, but it does mean that receptors clearly identified as of conservation importance (e.g. species of Principal Importance further to sections 40 and 41 of the NERC Act, including several bird species and harvest mouse) should not be artificially set aside in the manner being proposed.

As previously stated, while the surveys for amphibians, breeding and wintering birds and bats presented in the 2013 report are subject to various omissions and/or limitations, on the whole these are minor and I am content that overall the work provides a reasonably representative baseline for these groups.

I therefore consider that, subject to the above comments, and seeing the methodology and results of the 2014 moth surveys in particular, the ecological baseline is broadly sufficient for EIA purposes. The approach to assessment, using this information, does however still need to be amended to be in line with minimum industry standards and I advise that the Council seeks confirmation on this point in order to avoid a flawed and legally challengeable EIA.

Turning aside from ecology, you will recall that in my responses to both 13/00001/SCOP and 14/00001/SCOP, I also offered comments on other EIA disciplines. The result of any further work on these disciplines is not included in the applicant's scoping report, although comments are provided on the approach that they intend to take to each. I repeat the comments on each of these as follows:

Air Quality – no comments to make

Arboriculture – I welcome the intention to map root protection zones for trees. I note that the stated intention is for RPZs for both trees and hedgerows to be respected in designing the development interface with retained hedgerow and tree features (see para 3.4 of the scoping

report). In this context I would observe that the arboricultural survey needs also to map RPZs for hedgerows as well as trees.

Archaeology and Heritage – I previously commented that the Environmental Statement submitted in support of a previous industrial proposal classed the relict Mediaeval hedge and green lane pattern in the eastern part of the site (including one hedgerow assessed to be of Saxon age), together with the extent of intact ridge and furrow, to be a 'regionally significant' historic landscape. In this context I welcome the statements at 5.20 and 5.25 which appear to recognise the presence of historic landscape receptors and commit to their inclusion in the assessment process.

Hydrology and Drainage – I am concerned that the statement at paragraph 5.38 suggests that all surface water drainage will be directed to the public sewer network, after appropriate attenuation. Although mention is now made of SUDS, there still does not appear to be any intention to make provision for upholding existing groundwater infiltration rates, which raises the possibility that the hydrological regime underpinning the grassland habitats of conservation importance on the site could be subject to derogation. The applicant previously commissioned a study from the Wetlands Advisory Service that established a good baseline understanding of the existing hydrological regime. It is crucially important to the future of the retained habitats that this existing regime is protected. My previous (2013) comments on this aspect of the EIA therefore still stand, so I repeat them here:

*"FRA should be carried out in accordance with the latest flood risk models adjusted for climate change and should include details of any compensation excavations proposed, including assessment of alternatives (e.g. to developing in the flood zone).*

*Details will need to be provided as to how on-site attenuation of surface water will be designed and managed in accordance with best practice SUDS principles to replicate existing Greenfield rates of run-off from the site to avoid increasing downstream flood risk (including within Langford Village, but also in respect of downstream SSSIs identified as a concern by Natural England).*

*Details will need to be provided as to how surface water quality will be upheld, including through use of interception and filtration systems and through biological treatment in 'open' SUDS systems.*

*The existing hydrological regimes supporting lowland flood meadow, retained hedgerows and ponds should be understood through appropriate survey information and details set out as to how these would be replicated, including compensatory provision for loss of inputs from hard development and/or from re-direction of established flows."*

Landscape and Visual Amenity – no comments to make

Noise – no comments to make

Services and Utilities – no comments to make

Socio-economics – no comments to make

Transportation and Access – I welcome the commitment to assess construction traffic movements to rectify the omission of this important potential impact source from the previous ES.

There are two other areas that I believe the EIA needs to cover, as set out in my response to 13/00001/SCOP, but for which there is no specific mention in the latest scoping report. I therefore repeat the comments here:

#### Sustainability

As well as 'locational' sustainability (including proximity to facilities and likely transport modes of residents), this section of the ES needs to cover matters such as the source of building materials – in particular the type and source of primary aggregate required for any land raising.

Details of the cut and fill balance, including in particular the likely requirements for export of surplus material from the site, also need to be provided (amongst other things to inform construction traffic assessments).

#### Cumulative Impacts and consideration of alternatives

The EIA process needs to include proper consideration of alternatives, including reduced scale or altered configuration of development within the site, over and above alternative sites and in the context of need. It is also crucial, in the context of the current rapid expansion of Bicester and pressure on the existing transport, drainage and sewerage infrastructure, that cumulative effects are considered – not only of recently completed developments but of those 'in planning' or envisaged as part of CDCs' Bicester masterplan.

#### Achieving 'not net loss' and compliance with national policy

I hope the above comments are helpful in terms of setting the scope for the forthcoming EIAs of the applicant's revised development proposals. I note that in terms of the progression of those proposals beyond the indicative masterplan stage, the 'split' masterplans provided do not take us further forward from the position in March this year. Indeed, the applicant's intended site yield appears to have gone up, despite the apparent acceptance that this is a site with particular and weighty constraints. Because the information base on ecology is now much better known, it is surprising that the applicants consider that 160 dwellings could be delivered on the land east of Langford Brook. The source of this conflict between the ambitions of the applicant and the need to achieve a form of development that is sustainable in the context of the NPPF, may well be continuing unaddressed flaws in the evaluation of the baseline survey information. Despite concerns having been raised about this issue previously in respect of 14/00001/SCOP, I note that the same problems remain.

To ensure national and local policy compliance the objective of the masterplan has to be to achieve 'no net loss' of biodiversity and 'net gain' where possible. On this sensitive site, this will only be achieved by a combination of retention of critical habitat resources, managing the tension between development proximity and optimal management, and putting the mechanisms in place as part of the development package to deliver and sustain the optimum management of the site into the long term.

There are no defined systems for 'measuring' net loss or net gain, but using the emerging Defra metrics that inform the pilot 'biodiversity offsetting' system, and assuming optimum management is delivered and sustained for retained habitats, the current indicative masterplan still indicates a small shortfall in equity of loss versus gain. Sensitivity testing suggests that this shortfall would be remedied by an element of further 'pull back' from the boundaries of the Local Wildlife Site in the eastern part of the site, in particular in terms of Fields 3 and 2, which have intrinsic interests complementing the LWS and which assist its connectivity eastwards to the wider River Ray Conservation Target Area. I note that these fields fall within the area subject to the CTA policy in any event. If optimum (grazing and hay-cutting) management of the retained LWS is to be achieved, there is also a need to ensure that such management is a viable proposition. In this context, there is a need for on-site areas of semi-improved grassland, such as that within Fields 8, 9 and 3, to be available as a place to rotate grazing animals. It is in no-one's interests to preclude public access and use of the retained habitats – at the end of the day this site is, and should remain, a fantastic asset for the people of Bicester. But in order for it to remain so, formal open space uses, or uses that are likely to generate pressure from future residents to manage the site in a certain way (e.g. informal kick-about areas) will not be compatible uses for the retained habitats. Conversely, the larger retained area relative to neighbouring development will, assuming the delivery of optimum management, improve the resilience of the retained LWS to informal uses, rendering jogging, dog-walking and passive recreation (e.g. around field edges on mown paths) able to be accommodated without significant detriment. Indeed the presence of this asset on the doorstep is likely to have a highly positive effect on values and by extension the sense of local ownership and stewardship and the motivation to sustain it.

#### **One letter has been received from a Town Councillor who is a local resident:**

I strongly object to any development of the land either for residential, employment or commercial purposes. This area is an almost unique landscape. Over the last few decades the amount of natural wetland in the UK has declined very significantly to beyond the verge of collapse. This is almost entirely due to drainage for building. Gavray Drive is one of the few remaining wetland habitats in the country. Wetlands are very important to flora, fauna and ecology and it is important that they are conserved and sustained.

I am sceptical because the emerging Local Plan set an allocation of 300 houses for Gavray Drive while the two applicants are already offering a Local Plan busting 340 houses. And allowing 2 applications to go forward could well obscure and distort the combined impact of the proposed development on the immediate and wider green environment.

Gavray Drive is already subject to environmental designations and part is designated Common Land that taken together should be sufficient to protect this important wetland from not only inappropriate but any development – such is its importance, especially to the well being of the rapidly expanding Bicester population. It is a green lung in what is rapidly becoming a very large town. None the less I am sceptical that these designations will not be given the weight that they warrant.

Bicester is designated as an Eco Town. It is supposed to be a pathfinder in setting standards for environmental living. Any development of Gavray Drive would link to the proposed strategic housing site at Wretchwich Way so blocking the important natural habitat corridor that links Gavray Wetland Meadows with the River Ray Conservation Target area. Both these areas have national biodiversity designations. In addition, in the now aged Cherwell Local Plan there is a reference to a linear park/nature reserve along Skimmingdish Lane to create biodiversity and habitat corridors protecting local wildlife. This is also under threat of residential development. The cumulative effect of this loss of green space is to seriously degrade the green environment of the established town of Bicester so undermining the principle and aspiration that “Bicester is the place to live, work and bring up your family”.

With the galloping demand for throwing up housing units on any green space in Bicester, it is essential that green space and biodiversity as well as the social and cultural welfare of Bicester is given priority to ensure that homes are delivered and communities developed without unwanted and unnecessary corrosion and erosion of our rapidly disappearing historic, sensitive and vitally important natural environment. Gavray Drive is of such importance to individual and community well being that it should undeveloped.

This marks the end of the public consultation responses.

### **3. Conclusion**

As envisaged, ongoing studies of this site continue to reveal sensitive environmental constraints with regard to legally protected species. The submission local plan designates this site as a housing site for 300 units and a Conservation Target Area is identified on the majority of this east site. I would recommend that you have in mind the letters sent to you on recent previous scoping opinions but in the meantime I trust that this letter is of assistance in properly informing this scoping decision and is sufficiently clear to enable you to progress the EIA.

Yours faithfully

Cherwell District Council  
Bodicote House  
Bodicote  
Banbury  
Oxon  
OX15 4AA

**Cherwell District Council**

Certified a true copy



Head of Public Protection &  
Development Management

Enc. Extract of CDC Proposed Main Mods to the Submission Local Plan

## **Cherwell District Council**

### **Proposed ~~Main~~ Modifications to the (Submission) Local Plan (Part 1)**

## **Schedule of Issues and Further Proposed Modifications October 2014**

Further Proposed Modifications (October 2014):

**Modified text - Deleted** text shown ~~as struck-through~~

**Additional text shown** underlined

Mod No.	Page No.	Policy Paragraph	Summary of Issues Raised in Representations	Further Proposed Modifications (STRIKETHROUGHS AND UNDERLINED TEXT)	Reason for Further Proposed Modification
				<ul style="list-style-type: none"> <li>The incorporation of SUDS (see Policy ESD 7: Sustainable Drainage Systems (SUDS)), taking account of the recommendations of the Council's Strategic Flood Risk Assessment. Detailed site specific analysis and ground investigation to determine whether infiltration SUDS techniques are acceptable; due to underlying geology and groundwater vulnerability attenuation techniques are likely to be required.</li> <li>Development that considers and addresses any potential amenity issues which may arise – including noise impact from the rail line to the far north. The introduction of buffers/barriers/screening and the location of uses should be carefully considered to mitigate potential nuisances</li> <li>The provision of a scheme, to be agreed with the Council, for the appropriate retention and re-use of existing farm buildings</li> <li>An assessment of whether the site contains best and most versatile agricultural land, including a detailed survey where necessary.</li> <li>A soil management plan may be required to be submitted with planning applications.</li> <li>An archaeological field evaluation to assess the impact of the development on archaeological features</li> </ul>	
89	130	<p>Bicester: New Policy Bicester 13 – Gavray Drive</p> <p>New para C.101a</p>	<p>Petition containing some 1,480 signatures received. Objection raised to the proposed allocation. The land at Gavray Drive has been recognised for many years to be of historical and ecological value and is part of the Ray Conservation Target Area as well as containing a Local Wildlife Site. The allocation of the site is as a result of the increased in housing figures from the SHMA. Most of the site is designated as a Conservation Target Area therefore the site cannot be both for housing and for conservation. It is now important that the land is correctly identified as</p>	<p>No further modification recommended.</p>	

Mod No.	Page No.	Policy Paragraph	Summary of Issues Raised in Representations	Further Proposed Modifications (STRIKETHROUGHS AND UNDERLINED TEXT)	Reason for Further Proposed Modification
			<p>a Local Wildlife Site, Gavray Meadows Local Wildlife Site is noted for its biodiversity. The site has been allocated without consulting with the local community.</p> <p>Land at Gavray Drive should be preserved and designated a Local Green Space.</p> <p>Concern over impact ecological, environmental and historical impact of development at Gavray Drive.</p> <p>The amount of land allocated at Gavray Drive should be reduced.</p> <p>Revised wording proposed.</p> <p>Lack of Infrastructure.</p> <p>Support for allocation from site promoter.</p>		
90	130	New para C.101b	<p>Petition containing some 1,480 signatures received. Objection raised to the proposed allocation. The land at Gavray Drive has been recognised for many years to be of historical and ecological value and is part of the Ray Conservation Target Area as well as containing a Local Wildlife Site. The allocation of the site is as a result of the increased in housing figures from the SHMA. Most of the site is designated as a Conservation Target Area therefore the site cannot be both for housing and for conservation. It is now important that the land is correctly identified as a Local Wildlife Site. Gavray Meadows Local</p>	<p>The western part of the site may include improved grassland (a BAP priority habitat). The central and eastern section of the site contains lowland meadow, <u>a</u> There is an additional BAP priority habitat which is a lowland meadow <u>in the centre of the site</u>. There are a number of protected species located towards the eastern part of the site. There are several ponds and a small stream, known as the Langford Brook, which runs from north to south through the middle of the site. A range of wildlife has been recorded including butterflies, great crested newts and other amphibians, reptiles, bats and birds.</p> <p>There are risks of flooding on some parts of the site therefore mitigation measures must be considered. There is also a risk of harming the large number of recorded protected species towards the eastern part of the site. Impacts need to be minimised by any proposal. Approximately a quarter of</p>	Clarification in response to representations



Mod No.	Page No.	Policy Paragraph	Summary of Issues Raised in Representations	Further Proposed Modifications (STRIKETHROUGHS AND UNDERLINED TEXT)	Reason for Further Proposed Modification
			<p>Wildlife Site is noted for its biodiversity. The site has been allocated without consulting with the local community.</p> <p>Concern over impact ecological, environmental and historical impact of development at Gavray Drive.</p> <p>The site could not be developed without a net impact on biodiversity. The development should be deleted.</p> <p>Land at Gavray Drive should be preserved and designated a Local Green Space.</p> <p>Lack of Infrastructure</p>	<p>the site is within Flood Zones 2 and 3 therefore any development would need to be directed away from this area.</p>	
81	130	Bicester: Policy Bicester 13 Gavray Drive	<p>Petition containing some 1,480 signatures received. Objection raised to the proposed allocation. The land at Gavray Drive has been recognised for many years to be of historical and ecological value and is part of the Ray Conservation Target Area as well as containing a Local Wildlife Site. The allocation of the site is as a result of the increased in housing figures from the SHMA. Most of the site is designated as a Conservation Target Area therefore the site cannot be both for housing and for conservation. It is now important that the land is correctly identified as a Local Wildlife Site. Gavray Meadows Local Wildlife Site is noted for its biodiversity. The site has been allocated without consulting with the local community.</p>	<p><b>Policy Bicester 13 – Gavray Drive</b></p> <p>Development Area: 23 hectares</p> <p><u>Development Description</u> - a housing site to the east of Bicester town centre. It is bounded by railway lines to the north and west and the A4421 to the east</p> <p><b>Housing</b></p> <ul style="list-style-type: none"> <li>• Number of homes - 300 dwellings</li> <li>• Affordable Housing - 30%</li> </ul> <p><b>Infrastructure Needs</b></p> <ul style="list-style-type: none"> <li>• Education – Contributions sought towards provision of primary and secondary school places;</li> <li>• Open Space – to include general greenspace; play space, allotments and sports provision as outlined in Policy BSC11: Local Standards of</li> </ul>	<p>In response to representations</p>



Mod No.	Page No.	Policy Paragraph	Summary of Issues Raised in Representations	Further Proposed Modifications (STRIKETHROUGHS AND UNDERLINED TEXT)	Reason for Further Proposed Modification
			<p>Concern over impact ecological, environmental and historical impact of development at Gavray Drive.</p> <p>Wording changes required to protect site.</p> <p>Land at Gavray Drive should be preserved and designated a Local Green Space.</p> <p>Number of houses should be reduced to 250.</p> <p>Wording changes including deleting reference to no development within the Conservation Target Area.</p> <p>Additional drainage infrastructure is likely to be required</p>	<p>Provision – Outdoor Recreation. A contribution to off-site formal sports provision will be required.</p> <ul style="list-style-type: none"> <li>Community – contributions towards community facilities</li> <li>Access and movement – from Gavray Drive.</li> </ul> <p><b>Key Site Specific Design and Place Shaping Principles</b></p> <ul style="list-style-type: none"> <li>Proposals should comply with Policy ESD16</li> <li>A high quality development that is locally distinctive in its form, materials and architecture. A well designed approach to the urban edge which relates to the road and rail corridors.</li> <li>That part of the site within the Conservation Target Area should be kept free from built development. Development must avoid adversely impacting on the Conservation Target Area and comply with the requirements of Policy ESD11 to secure a net biodiversity gain.</li> <li>Protection of the Local Wildlife Site and consideration of its relationship and interface with residential and other built development</li> <li>Detailed consideration of ecological impacts, wildlife mitigation and the creation, restoration and enhancement of wildlife corridors to protect and enhance biodiversity. The preparation and implementation of an Ecological Management Plan to ensure the long- term conservation of habitats and species within the site to be agreed with the Council in-consultation with local biodiversity interest groups:-</li> <li>Development proposals to be accompanied by a landscape and visual impact assessment together with a heritage assessment</li> <li>Development proposals to be accompanied and influenced by a landscape and visual impact assessment and a heritage impact assessment.</li> <li>The preparation of a structural landscaping scheme, which incorporates and enhances existing natural features and vegetation. The structural landscaping scheme should inform the design</li> </ul>	

Mod No.	Page No.	Policy Paragraph	Summary of Issues Raised in Representations	Further Proposed Modifications (STRIKETHROUGHS AND UNDERLINED TEXT)	Reason for Further Proposed Modification
				<p>principles for the site. Development should retain and enhance significant landscape features (e.g. hedgerows) which are or have the potential to be of ecological value. A central area of open space either side of Langford Brook, incorporating part of the Local Wildlife Site and with access appropriately managed to protect ecological value. No formal recreation within the Local Wildlife Site.</p> <ul style="list-style-type: none"> <li>• Provision of public open space to form a well connected network of green areas within the site, suitable for formal and informal recreation</li> <li>• Provision of Green Infrastructure links beyond the development site to the wider town and open countryside</li> <li>• Retention of Public Rights of Way and a layout that affords good access to the countryside</li> <li>• New footpaths and cycleways should be provided that link with existing networks, the wider urban area and schools and community facilities. Access should be provided over the railway to the town centre.</li> <li>• A linked network of footways which cross the central open space, and connect Langford Village, Stream Walk and Bicester Distribution Park.</li> <li>• <u>Ensure that there are no detrimental impacts on downstream Sites of Special Scientific Interest through hydrological, hydro chemical or sedimentation impacts</u></li> <li>• A layout that maximises the potential for walkable neighbourhoods and enables a high degree of integration and connectivity between new and existing communities</li> <li>• A legible hierarchy of routes to encourage sustainable modes of travel. Good accessibility to public transport services with local bus stops provided. Provision of a transport assessment and Travel Plan</li> <li>• <u>Additional bus stops on the A4421 Charbridge Lane will be provided, with connecting footpaths from the development. The developers will contribute towards the cost of improving bus services in the wider South East Bicester area.</u></li> <li>• Provision of appropriate lighting and the minimisation of light pollution based on appropriate technical assessment</li> </ul>	

Mod No.	Page No.	Policy Paragraph	Summary of Issues Raised in Representations	Further Proposed Modifications (STRIKETHROUGHS AND UNDERLINED TEXT)	Reason for Further Proposed Modification
				<ul style="list-style-type: none"> <li>Provision of public art to enhance the quality of the place, legibility and identity.</li> <li>Demonstration of climate change mitigation and adaptation measures including exemplary demonstration of compliance with the requirements of policies ESD 1 – 5</li> <li>Take account of the Council's Strategic Flood Risk Assessment for the site</li> <li>Consideration of flood risk from Langford Brook in a Flood Risk Assessment and provision of an appropriate buffer. Use of attenuation SuDS techniques (and infiltration techniques in the south eastern area of the site) in accordance with Policy ESD 7: Sustainable Drainage Systems (SuDS) and taking account of the Council's Strategic Flood Risk Assessment</li> <li><u>Housing must be located outside Flood Zone 3 and the principles set out in Policy ESD 6: Sustainable Flood Risk Management will be followed.</u></li> <li>The provision of extra-care housing and the opportunity for community self-build affordable housing</li> <li>An archaeological investigation to inform an archaeological mitigation scheme as required</li> <li><u>An archaeological field evaluation to assess the impact of the development on archaeological features</u></li> <li>A detailed survey of the agricultural land quality identifying the best and most versatile agricultural land and a soil management plan.</li> </ul>	
92	132	Banbury C.109	<p>Support for the allocation of employment land at junction 11 of the M40 from the site promoters.</p> <p>Concern from the Town Council about large scale class B8 development</p> <p>Concern from South Northamptonshire District Council about the landscape and transport</p>	No further modification recommended.	