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Our ref: 130284
Your ref: 14/01384/OUT



Jenny Barker
Cherwell District Council

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BY EMAIL ONLY

Dear Ms Barker

Planning consultation: Development comprising redevelopment to provide up to 2600 residential dwellings (Class C3), commercial floorspace (Class A1 - A5, B1 and B2), social and community facilities (Class D1), land to accommodate one energy centre, land to accommodate one new primary school (Up to 2FE) (Class D1) and land to accommodate the extension of the primary school permitted pursuant to application (reference 10/01780/HYBRID). Such development to include provision of strategic landscape, provision of new vehicular, cycle and pedestrian access routes, infrastructure, ancillary engineering and other operations

Location: Bicester Eco Town Exemplar Site Banbury Road B4100 Caversfield

Thank you for your consultation on the above dated 22 August 2014 which was received by Natural England on the same day.

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.

WILDLIFE AND COUNTRYSIDE ACT 1981 (AS AMENDED)

No objection – with conditions

This application is near to, and possibly hydrologically linked to Wendlebury Meads and Mansmoor Closes Site of Special Scientific Interest (SSSI), and Otmoor SSSI. Having reviewed the Flood Risk chapter of the Environmental Statement (ES) and the Flood Risk Assessment (FRA), we have the following comments to make:

The ES chapter gives more detail of possible impacts on Wendlebury Meads and Mansmoor Closes SSSI, but does not mention impacts on Otmoor SSSI in detail. It talks about water quality affecting the SSSI's, and concludes no impacts on water quality to the SSSI's. Natural England accepts this conclusion. However, changes in flows resulting in water quantity to the SSSIs changing is not discussed in the ES chapter.

The FRA does not mention impacts on the SSSI's at all, however, it does discuss flows out of the development, and concludes that outputs will be kept at Greenfield rates.

Given the nature and scale of this proposal, Natural England is satisfied that there is not likely to be an adverse effect on these sites as a result of the proposal being carried out in strict accordance with the details of the application as submitted. We therefore advise your authority that these SSSIs do not represent a constraint in determining this application. Should the details of this application change, Natural England draws your attention to Section 28(I) of the *Wildlife and Countryside Act 1981* (as amended), requiring your authority to re-consult Natural England.



Conditions

Details of SuDS and the Drainage Strategy from the Flood Risk Assessment to be adhered to in full, and constructed prior to other construction works on the site taking place, in order to protect downstream SSSIs.

These conditions are required to ensure that the development, as submitted, will not impact upon the features of special interest for which Wendlebury Meads and Mansmoor Closes SSSI and Otmoor SSSI are notified.

If your Authority is minded to grant consent for this application without the conditions recommended above, we refer you to Section 281 (6) of the *Wildlife and Countryside Act 1981* (as amended), specifically the duty placed upon your authority, requiring that your Authority;

- Provide notice to Natural England of the permission, and of its terms, the notice to include a statement of how (if at all) your authority has taken account of Natural England's advice; and
- Shall not grant a permission which would allow the operations to start before the end of a period of 21 days beginning with the date of that notice.

Biodiversity Strategy

Natural England commends the progress made with the Biodiversity Strategy, and the fact that many suggestions made by the conservation consultees have been taken on in the design of the ecological mitigation and enhancements.

The costs of securing the farmland bird off-site work does not seem to include the cost of a project officer to help make the connections with local landowners. This would be helpful in the set-up of such a scheme. We would suggest that, although full details of the mechanisms are not laid out in the documents, there may be a better way to go about securing the farmland bird enhancements in perpetuity.

It is stated in the Biodiversity Strategy that there is not an intention to manage the nature reserve with grazing, but that this will be kept under review. Grazing is a method of management which can be very cost-effective for managing some of the habitats proposed, and also helps to create a higher quality habitat in some cases, than would be achieved with other methods of management.

Reference is made to nest boxes in the built structures. RSPB and others advise that nesting sites within built structures are highly desirable as they are longer lasting. We advise these are considered for inclusion. For an eco-town, specifying a rate of 1 per dwelling seems eminently reasonable, and a cost-effective way of delivering gain.

We would recommend that thought is given to long term monitoring of the success of the various bits of habitat creation and enhancement for biodiversity, and that a plan should be put in place for how this is to be funded and carried out. Long term management also needs to be planned for and secured across the site.

The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the NPPF. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that '*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(3) of the same Act also states that '*conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat*'.

Other advice

We would expect the Local Planning Authority (LPA) to assess and consider the other possible impacts resulting from this proposal on the following when determining this application:

- local sites (biodiversity and geodiversity);
- local landscape character; and
- local or national biodiversity priority habitats and species.

Natural England does not hold locally specific information relating to the above. These remain material considerations in the determination of this planning application and we recommend that you seek further information from the appropriate bodies (which may include the local records centre, your local wildlife trust, local geoconservation group or other recording society and a local landscape characterisation document) in order to ensure the LPA has sufficient information to fully understand the impact of the proposal before it determines the application. A more comprehensive list of local groups can be found at [Wildlife and Countryside link](#).

Protected Species

We have not assessed this application and associated documents for impacts on protected species.

Natural England has published [Standing Advice](#) on protected species. The Standing Advice includes a habitat decision tree which provides advice to planners on deciding if there is a 'reasonable likelihood' of protected species being present. It also provides detailed advice on the protected species most often affected by development, including flow charts for individual species to enable an assessment to be made of a protected species survey and mitigation strategy.

You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.

The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence may be granted.

If you have any specific questions on aspects that are not covered by our Standing Advice for European Protected Species or have difficulty in applying it to this application please contact us with details at consultations@naturalengland.org.uk.

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 Olivia Euesden on 0300 060 4924. For any new consultations, or to provide further information on this consultation please send your correspondences to 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

Olivia Euesden
Sustainable Development, Thames Valley.