

Appendix 4B

Scoping opinion

Public Protection & Development Management

Andy Preston – Head of Public Protection & Development Management



DISTRICT COUNCIL
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Our Ref: 14/00005/SCOP

14 July 2014

Dear Ms Georgieva

TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) (ENGLAND AND WALES) REGULATIONS 2011 – REQUEST FOR SCOPING OPINION

Application: 14/00005/SCOP

Applicant: Hyder Consulting (UK) Ltd

Proposal: Scoping opinion for development to provide residential dwellings, commercial floorspace, leisure facilities, social and community facilities, a primary school, extra care housing, water treatment plant and energy centre, amenity space and service infrastructure

Location: Various Parcel of Land North of Lords Farm and South of Hawkwell Farm, Bucknell Road, Bicester

I write to you in response to your request for a Scoping Opinion which was validated on 29 May 2014. I have consulted with relevant colleagues within the Council, at Oxfordshire County Council and with statutory consultees. Their responses are set out below together with the Council's view on what the Environmental Statement should address; therefore please accept this letter as the Council's formal Scoping Opinion made under Regulation 13 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011.

We agree that the development falls within Schedule 2 10 (b) and that due to its size, significance and potential to affect sensitive areas, it constitutes EIA development as indicated in the scoping report. The Environmental Statement to accompany the planning application needs to include all the necessary information outlined in Schedule 4 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011.

In terms of site constraints, this part of the wider site is situated adjacent to Principal roads and within an area where protected species have been recorded within the vicinity. The site has a high potential for archaeological interest, it has potential to be contaminated and is situated within a zone 2/3 flood plain.

The general scope of the topic areas to be considered within the Environmental Statement are considered to be appropriate as well as the broad approach to the assessment. However, please ensure that the characteristics of the potential impact (set out at point 3 of Schedule 3) and the information for inclusion in environmental statements (set out at Schedule 4) of the Town and County Planning (Environmental Impact Assessment) Regulations 2011 are included and fully considered through the Environmental Statement.

Turning to each topic area, please see attached detailed comments:

Air Quality

The Anti-Social Behaviour Manager has not provided specific comments in relation to this topic area and comments are still awaited from the Environmental Protection Officer, therefore these comments will be provided separately.

Noise

CDC Anti-Social Behaviour Manager has provided the following comments:

Considering first the road traffic noise implications I would consider it appropriate for the road traffic noise from the three proposals to be dealt with as one showing the cumulative effect. Each development will need to be assessed separately and then the cumulative effect determined. This reflects the interrelated nature of the three proposals. He has spoken with the applicant's noise consultants in advance of this response and has agreed this approach and data presentation with them. In relation to proposals 14/00005/SCOP and 14/00006/SCOP reference needs to be made to the potential the commercial elements of the proposed development will have on the existing and proposed dwellings within the developments scope itself.

Landscape and Visual Impact

CDC Landscape Architect has provided the following comments:

- Both landscape visual impact assessments are to be implemented in accordance with the current *Guidelines for Landscape and Visual Impact Assessment, Third Edition, 2013, published by the Landscape Institute and Institute of Environmental Management and Assessment*.
- The quality of the landscape character to be evaluated and tested against the *restoration and repair* description of *Cherwell District Council Landscape Assessment 1995*
- Consider landscape mitigation of development proposals and enhancement of landscape/urban/POS character for amenity, legibility, wildlife habitat, buffer zones and public surveillance, etc.
- An explanation of the aforementioned mitigation and enhancements through the use of photomontage techniques (i.e. the highway alignment/Lords Lane)
- An Arboricultural survey of existing individual trees, woodland, water corridor and hedgerows along with landscape management objectives, influence on mitigation, enhancement and visual amenity
- Viewpoint proposals/locations: a photographic representation of current site conditions in accordance. Current Landscape Institute guidelines on photographic representation to be consulted.

CDC Arboricultural Officer has provided the following comments:

At this stage, the main Arboricultural requirement would be the need to provide 1 No Arboricultural survey and Impact Assessment in accordance with BS5837:2012.

Archaeology and Cultural Heritage

No comments have yet been received from the Council's Conservation Officer.

English Heritage has provided the following comments:

This development could, potentially have an impact upon designated heritage assets and their settings in the area around the site. We would expect the Environmental Statement to contain a thorough assessment of the likely effects which the proposed development might have upon those elements which contribute to the significance of these assets.

We would also expect the environmental statement to consider the potential impacts which the proposals might have upon those heritage assets which are not designated. These should also be included as heritage assets, designated or otherwise as they are valued components of the historic environment. This information is available via the Local Authority Historic Environment Record (www.heritagegateway.org.uk) and relevant local authority staff.

The assessment should also take account of the potential impact which associated activities (such as construction, servicing and maintenance, and associated traffic) might have upon perceptions, understanding and appreciation of the heritage assets in the area. The assessment should also consider, where appropriate, the likelihood of alterations to drainage patterns that might lead to in situ decomposition or destruction of below ground archaeological remains and deposits, and can also lead to subsidence of buildings and monuments.

OCC Archaeologist has provided the following comments:

The site is located in an area of archaeological interest identified through a desk based assessment, geophysical survey and a trenched evaluation. The archaeological evaluation recorded a range of features across the site dating to the Neolithic through to the Roman period. A programme of mitigation will be required ahead of any development.

The Environmental Impact Assessment will need to contain this desk based assessment as well as the reports for the geophysical survey and trenched evaluation.

Human Health

Sport England

The site is not considered to form part of, or constitute a playing field as defined The Town and Country Planning (Development Management Procedure) (England) Order 2010 (Statutory Instrument 2010 No.2184).

Therefore, Sport England would assess a forthcoming application for planning permission against its adopted planning policy objectives. The focus of these objectives is that a planned approach to the provision of facilities and opportunities for sport is necessary in order to meet the needs of local communities. The occupiers of any new development, especially residential, will generate demand for sporting provision. The existing provision within an area may not be able to accommodate this increased demand without exacerbating existing and/or predicted future deficiencies. Consequently, Sport England considers that new developments should be required to contribute towards meeting the demand they generate through the provision of on-site facilities and/or providing additional capacity off-site. The level and nature of any provision should be informed by a robust evidence base such as an up to date Sports Facility Strategy, Playing Pitch Strategy or other relevant needs assessment.

This requirement is supported by the Governments National Planning Policy Framework (NPPF). Paragraph 17 sets out 12 land-use planning principles that should underpin both plan-making and decision-taking. One of the 12 principles is a requirement to:

“Take account of and support local strategies to improve health, social, and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.”

Paragraph 70 states:

“To deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:

- Plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses, and places of

worship) and other local services to enhance the sustainability of communities and residential environments...

- Ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.”

The population of the proposed development will generate additional demand for sports facilities. If this demand is not adequately met then it may place additional pressure on existing sports facilities, thereby creating deficiencies in facility provision. Sport England will therefore seek to ensure that the proposal meets any new sports facility needs arising as a result of the development.

You may be aware that Sport England’s Sports Facilities Calculator (SFC) can help to provide an indication of the likely demand that will be generated by a development for certain facility types. Details can be found at:

<http://www.sportengland.org/facilities-planning/planning-for-sport/planning-tools-and-guidance/sports-facility-calculator/>

Any new facilities should be built in accordance with Sport England’s design guidance notes, copies of which can be found at:

<http://www.sportengland.org/facilities-planning/tools-guidance/design-and-cost-guidance/>

Sport England would expect any forthcoming application for planning permission to demonstrate how the above requirements of the NPPF have been met. This should be clearly set out in an environmental assessment or within other documents submitted formally as part of the application (e.g. Design and Access Statement, Planning Statement etc.)

Agriculture and Land Use

Comments awaited from the Environmental Protection Officer in relation to land contamination issues. Drainage and ecology comments are included elsewhere within this response. In relation to the loss of agricultural land, you will need to ensure that it is clear why this land has been chosen and what the implications are of the loss of best and most versatile agriculture land.

Ecology

CDC Ecologist:

The EIA scoping report proposes no new ecological data collection. Since development on the site is not expected to commence until 2018, I would expect updated bat roosting and badger surveys to have been included, since these species are mobile and frequently move between sites, and this could affect the planned mitigation strategies. Therefore bat roosting and badger surveys should be carried out no more than a year before the expected development starts, and the results of these and any consequent changes to the mitigation that are necessary need to be submitted for approval.

BBOWT:

Impact of proposed development

The EIAs should assess the impacts on Priority Habitats and Species, in addition to protected species (in line with paragraph 117 of the National Planning Policy Framework). The EIAs should also assess impacts on Local Wildlife Sites as well as statutory sites. Impacts at Local and Site level should be assessed in addition to those at District level and above.

The applicant would need to demonstrate that a net gain in biodiversity would be delivered (in line with the National Planning Policy Framework) using an accepted biodiversity metric in the EIAs.

The EIAs should be prepared following the CIEEM ‘Guidelines for Ecological Impact Assessment in the United Kingdom’ (2006). A data search from the Thames Valley Environmental Records Centre (TVERC) should be included as part of the desktop study to inform the scope of the EIAs.

The EIAs should take into account indirect impacts of development at this site on biodiversity in the wider area, including hydrological and air pollution impacts.

The EIAs must show how lighting across the whole site is designed to minimise the impact on wildlife, and in particular so as not to shine into wildlife corridors.

Appropriate management and monitoring of the site is crucial to whether the proposed development is able to succeed in delivering a net gain in biodiversity. The public areas of the site would need to be managed for biodiversity in perpetuity to avoid the loss of potential benefits from the mitigation and enhancement measures. Ecological monitoring is important to ensure that the management is successful in meeting its objectives for biodiversity and to enable remedial action to be identified, if necessary. The EIAs should provide an outline of the proposed management and monitoring.

All EIAs should include an assessment of cumulative impacts on ecology, both direct and non-direct impacts within the site and off-site.

Delivery of biodiversity enhancements

Enhancements in biodiversity should be built into the design from an early stage on various scales, including individual house design. Features for biodiversity within the site should be planned to link up to habitats and features in the surrounding landscape. The EIA should demonstrate whether best practice has been followed, as suggested in the Oxfordshire Biodiversity & Planning Guidance.

Opportunities to include biodiversity within the built development should be maximised. In addition to green spaces this should include as many as possible of the following:

- SUDS schemes/balancing ponds to be designed so as to maximise their biodiversity value
- Bat and/or bird boxes within the fabric of buildings
- Green rooves on buildings where possible
- Street trees, and fruit trees in gardens
- Native wildflower meadows and other wildlife habitats within the street environment, ideally within gardens and also within the grounds of any public buildings.

Contribution to ecological networks (see NPPF paragraph 109)

The outcomes of the ecological surveys should be used to inform and develop appropriate biodiversity enhancements, in addition to any compensation that is necessary. One source of information that should be used to inform the location of any off-site biodiversity compensation and enhancements is the Conservation Target Areas (CTAs). In Oxfordshire CTAs have been identified by the Biodiversity Partnership. These are considered to be the most important areas for wildlife conservation in Oxfordshire Keynes where targeted conservation action will have the greatest benefit. The main aim within CTAs is to restore biodiversity at a landscape-scale through the maintenance, restoration and creation of priority habitats. CTAs provide a key focus for delivery of the Oxfordshire Biodiversity Action Plan (BAP).

The proposed development lies close to several CTAs. Further details and maps are available from: <http://www.oncf.org.uk/biodiversity/cta.html>

Scope of Surveys

The selection of appropriate surveys should be informed by a desk-top survey, including a request for existing records from the Thames Valley Environmental Records Centre (TVERC), and other local groups who may hold existing information (BBOWT submits all its records to TVERC). The phase 1 habitat survey, which we understand has already been undertaken, should also inform the need for further survey work.

The scope of surveys should not only include features receiving statutory protection, but should also pick up on species and habitats listed by the Secretary of State as being of principal importance under section 41 of the NERC Act 2006. As such, botanical surveys should identify habitats of principal importance. Further assessment may be needed to determine the value of some habitats on site, especially any habitat where the defining features are not only botanical.

Species surveys should be designed to identify species of principal importance using the site, in addition to protected species. The need to conserve species and habitats of principal importance is stated in paragraph 117 of the NPPF as follows:

“promote the preservation, restoration and re-creation of priority habitats, ecological networks and the protection and recovery of priority species populations, linked to national and local targets”

Timing of surveys: it is important that all potential biodiversity impacts and enhancement opportunities are informed by full survey information. Surveys should be undertaken at the optimal time of year for each species using the best practice methodology. It would be particularly useful for surveys to identify any existing wildlife corridors connecting to features within the wider countryside, for example watercourses, ditches, hedgerows and railway embankments so that these can be taken into account in the design of the restoration and aftercare schemes.

Environment Agency (Ecology):

The ‘existing site description’ suggests that there is only one pond on the Masterplan site. This is not correct.

- It is suggested that no great crested newts were recorded on the site and that any breeding sites are sufficiently far removed to the minimise risk of their presence. However, they do breed in other ponds on the Masterplan site and we would suggest it is not correct to assume that they may not use other terrestrial habitats.
- The presence of bullhead on the site suggests that the watercourses do not quite fit the ephemeral description given to them.
- With respect to further data collection, it is suggested that none is planned. It should be clarified whether this refers to the preparation stage for the EIA and Environmental Statement only. There will be a requirement for further monitoring and assessment to inform stages of development over time.
- The ‘mitigation and opportunities for enhancement’ section suggests that new areas of open space will offset any adverse effects on invertebrates, reptiles and birds etc. This cannot be the case for all species. All of these mitigation proposals, which have been discussed in principle for some time, will need to be demonstrated in the outline and detailed designs at the appropriate times to show that they are achievable within the context of the infrastructure and uses of the site.
- The proposed assessment methodology makes no mention of the measures to demonstrate the achievement of a net gain for biodiversity. This is a requirement of the Eco Town Planning Policy Statement supplement and subject to considerable discussion with the developers. We are surprised that it has not been included as a measure of assessment and suggest that it should be included.

Natural England:

Advice related to EIA Scoping Requirements

1. General Principles

Schedule 4 of the Town & Country Planning (Environmental Impact Assessment) Regulations 2011, sets out the necessary information to assess impacts on the natural environment to be included in an ES, specifically:

- A description of the development – including physical characteristics and the full land use requirements of the site during construction and operational phases.
- Expected residues and emissions (water, air and soil pollution, noise, vibration, light, heat, radiation, etc.) resulting from the operation of the proposed development.
- An assessment of alternatives and clear reasoning as to why the preferred option has been chosen.

- A description of the aspects of the environment likely to be significantly affected by the development, including, in particular, population, fauna, flora, soil, water, air, climatic factors, material assets, including the architectural and archaeological heritage, landscape and the interrelationship between the above factors.
- A description of the likely significant effects of the development on the environment – this should cover direct effects but also any indirect, secondary, cumulative, short, medium and long term, permanent and temporary, positive and negative effects. Effects should relate to the existence of the development, the use of natural resources and the emissions from pollutants. This should also include a description of the forecasting methods to predict the likely effects on the environment.
- A description of the measures envisaged to prevent, reduce and where possible offset any significant adverse effects on the environment.
- A non-technical summary of the information.
- An indication of any difficulties (technical deficiencies or lack of know-how) encountered by the applicant in compiling the required information.

It will be important for any assessment to consider the potential cumulative effects of this proposal, including all supporting infrastructure, with other similar proposals and a thorough assessment of the 'in combination' effects of the proposed development with any existing developments and current applications. A full consideration of the implications of the whole scheme should be included in the ES. All supporting infrastructure should be included within the assessment.

2. Biodiversity and Geology

2.1 Ecological Aspects of an Environmental Statement

Natural England advises that the potential impact of the proposal upon features of nature conservation interest and opportunities for habitat creation/enhancement should be included within this assessment in accordance with appropriate guidance on such matters. Guidelines for Ecological Impact Assessment (EclA) have been developed by the Chartered Institute of Ecology and Environmental Management (CIEEM) and are available on their website.

EclA is the process of identifying, quantifying and evaluating the potential impacts of defined actions on ecosystems or their components. EclA may be carried out as part of the EIA process or to support other forms of environmental assessment or appraisal.

The National Planning Policy Framework sets out guidance in S.118 on how to take account of biodiversity interests in planning decisions and the framework that local authorities should provide to assist developers.

2.2 Internationally and Nationally Designated Sites

The ES should thoroughly assess the potential for the proposal to affect designated sites.

Sites of Special Scientific Interest (SSSIs) and sites of European or international importance

The development sites are adjacent to the following designated nature conservation site:

- Ardley Cutting and Quarry Site of Special Scientific Interest (SSSI)
- Further information on the SSSI and its special interest features can be found at www.natureonthemap.naturalengland.org.uk. The Environmental Statement should include a full assessment of the direct and indirect effects of the development on the features of special interest within Ardley Cutting and Quarry SSSI and should identify such mitigation measures as may be required in order to avoid, minimise or reduce any adverse significant effects.
- It should be noted that Great Crested Newts are a feature of the SSSI. This should be taken into account when considering protected species (see section 2.4 below)

2.3 Regionally and Locally Important Sites

The EIA will need to consider any impacts upon local wildlife and geological sites. Local Sites are identified by the local wildlife trust, geoconservation group or a local forum established for the purposes of identifying and selecting local sites. They are of county importance for wildlife or geodiversity. The Environmental Statement should therefore include an assessment of the likely impacts on the wildlife and geodiversity interests of such sites. The assessment should include proposals for mitigation of any impacts and if appropriate, compensation measures. Contact the local wildlife trust, geoconservation group or local sites body in this area for further information.

2.4 Protected Species - Species protected by the Wildlife and Countryside Act 1981 (as amended) and by the Conservation of Habitats and Species Regulations 2010

The ES should assess the impact of all phases of the proposal on protected species (including, for example, great crested newts, reptiles, birds, water voles, badgers and bats). Natural England does not hold comprehensive information regarding the locations of species protected by law, but advises on the procedures and legislation relevant to such species. Records of protected species should be sought from appropriate local biological record centres, nature conservation organisations, groups and individuals; and consideration should be given to the wider context of the site for example in terms of habitat linkages and protected species populations in the wider area, to assist in the impact assessment.

The conservation of species protected by law is explained in Part IV and Annex A of Government Circular 06/2005 *Biodiversity and Geological Conservation: Statutory Obligations and their Impact within the Planning System*. The area likely to be affected by the proposal should be thoroughly surveyed by competent ecologists at appropriate times of year for relevant species and the survey results, impact assessments and appropriate accompanying mitigation strategies included as part of the ES.

In order to provide this information there may be a requirement for a survey at a particular time of year. Surveys should always be carried out in optimal survey time periods and to current guidance by suitably qualified and where necessary, licensed, consultants. Natural England has adopted standing advice for protected species which includes links to guidance on survey and mitigation.

2.5 Habitats and Species of Principal Importance

The ES should thoroughly assess the impact of the proposals on habitats and/or species listed as 'Habitats and Species of Principal Importance' within the England Biodiversity List, published under the requirements of S41 of the Natural Environment and Rural Communities (NERC) Act 2006. Section 40 of the NERC Act 2006 places a general duty on all public authorities, including local planning authorities, to conserve and enhance biodiversity. Further information on this duty is available in the Defra publication 'Guidance for Local Authorities on Implementing the Biodiversity Duty'.

Government Circular 06/2005 states that Biodiversity Action Plan (BAP) species and habitats, 'are capable of being a material consideration...in the making of planning decisions'. Natural England therefore advises that survey, impact assessment and mitigation proposals for Habitats and Species of Principal Importance should be included in the ES. Consideration should also be given to those species and habitats included in the relevant Local BAP.

Natural England advises that a habitat survey (equivalent to Phase 2) is carried out on the site, in order to identify any important habitats present. In addition, ornithological, botanical and invertebrate surveys should be carried out at appropriate times in the year, to establish whether any scarce or priority species are present. The Environmental Statement should include details of:

- Any historical data for the site affected by the proposal (eg from previous surveys);
- Additional surveys carried out as part of this proposal;
- The habitats and species present;

- The status of these habitats and species (eg whether priority species or habitat);
- The direct and indirect effects of the development upon those habitats and species;
- Full details of any mitigation or compensation that might be required.

The development should seek if possible to avoid adverse impact on sensitive areas for wildlife within the site, and if possible provide opportunities for overall wildlife gain.

The record centre for the relevant Local Authorities should be able to provide the relevant information on the location and type of priority habitat for the area under consideration.

2.6 Contacts for Local Records

Natural England does not hold local information on local sites, local landscape character and local or national biodiversity priority habitats and species. We recommend that you seek further information from the appropriate bodies (which may include the local records centre, the local wildlife trust, local geoconservation group or other recording society and a local landscape characterisation document).

3. Landscape Character

Landscape and visual impacts

Natural England would wish to see details of local landscape character areas mapped at a scale appropriate to the development site as well as any relevant management plans or strategies pertaining to the area. The EIA should include assessments of visual effects on the surrounding area and landscape together with any physical effects of the development, such as changes in topography. The European Landscape Convention places a duty on Local Planning Authorities to consider the impacts of landscape when exercising their functions.

The EIA should include a full assessment of the potential impacts of the development on local landscape character using landscape assessment methodologies. We encourage the use of Landscape Character Assessment (LCA), based on the good practice guidelines produced jointly by the Landscape Institute and Institute of Environmental Assessment in 2013. LCA provides a sound basis for guiding, informing and understanding the ability of any location to accommodate change and to make positive proposals for conserving, enhancing or regenerating character, as detailed proposals are developed.

Natural England supports the publication *Guidelines for Landscape and Visual Impact Assessment*, produced by the Landscape Institute and the Institute of Environmental Assessment and Management in 2013 (3rd edition). The methodology set out is almost universally used for landscape and visual impact assessment.

In order to foster high quality development that respects, maintains, or enhances, local landscape character and distinctiveness, Natural England encourages all new development to consider the character and distinctiveness of the area, with the siting and design of the proposed development reflecting local design characteristics and, wherever possible, using local materials. The Environmental Impact Assessment process should detail the measures to be taken to ensure the building design will be of a high standard, as well as detail of layout alternatives together with justification of the selected option in terms of landscape impact and benefit.

The assessment should also include the cumulative effect of the development with other relevant existing or proposed developments in the area. In this context Natural England advises that the cumulative impact assessment should include other proposals currently at Scoping stage. Due to the overlapping timescale of their progress through the planning system, cumulative impact of the proposed development with those proposals currently at Scoping stage would be likely to be a material consideration at the time of determination of the planning application.

The assessment should refer to the relevant National Character Areas which can be found on our website. Links for Landscape Character Assessment at a local level are also available on the same page.

4. Access and Recreation

Natural England encourages any proposal to incorporate measures to help encourage people to access the countryside for quiet enjoyment. Measures such as reinstating existing footpaths together with the creation of new footpaths and bridleways are to be encouraged. Links to other green networks and, where appropriate, urban fringe areas should also be explored to help promote the creation of wider green infrastructure. Relevant aspects of local authority green infrastructure strategies should be incorporated where appropriate.

Rights of Way, Access land, Coastal access and National Trails

The EIA should consider potential impacts on access land, public open land, rights of way and coastal access routes in the vicinity of the development. Consideration should also be given to the potential impacts on the adjacent/nearby [Click here to enter text](#). National Trail. The National Trails website www.nationaltrail.co.uk provides information including contact details for the National Trail Officer. Appropriate mitigation measures should be incorporated for any adverse impacts. We also recommend reference to the relevant Right of Way Improvement Plans (ROWIP) to identify public rights of way within or adjacent to the proposed site that should be maintained or enhanced.

5. Air Quality

Air quality in the UK has improved over recent decades but air pollution remains a significant issue; for example over 97% of sensitive habitat area in England is predicted to exceed the critical loads for ecosystem protection from atmospheric nitrogen deposition (England Biodiversity Strategy, Defra 2011). A priority action in the England Biodiversity Strategy is to reduce air pollution impacts on biodiversity. The planning system plays a key role in determining the location of developments which may give rise to pollution, either directly or from traffic generation, and hence planning decisions can have a significant impact on the quality of air, water and land. The assessment should take account of the risks of air pollution and how these can be managed or reduced. Further information on air pollution impacts and the sensitivity of different habitats/designated sites can be found on the Air Pollution Information System (www.apis.ac.uk). Further information on air pollution modelling and assessment can be found on the Environment Agency website.

6. Climate Change Adaptation

The England Biodiversity Strategy published by Defra establishes principles for the consideration of biodiversity and the effects of climate change. The ES should reflect these principles and identify how the development's effects on the natural environment will be influenced by climate change, and how ecological networks will be maintained. The NPPF requires that the planning system should contribute to the enhancement of the natural environment 'by establishing coherent ecological networks that are more resilient to current and future pressures' (NPPF Para 109), which should be demonstrated through the ES.

7. Contribution to local environmental initiatives and priorities

The development sites lie within a Green Infrastructure Zone and close to several Biodiversity Opportunity Areas. Natural England views the incorporation of Green Infrastructure, at a local and sub-regional level, as a *'multifunctional resource capable of delivering those ecological services and quality of life benefits required by the communities it serves and needed to underpin sustainability. Its design and management should also respect and enhance the character and distinctiveness of an area with regard to habitats and landscape types'*. Green Infrastructure should further *'thread through and surround the built environment and connect the urban area to its wider rural hinterland'*.

8. Cumulative and in-combination effects

A full consideration of the implications of the whole scheme should be included in the ES. All supporting infrastructure should be included within the assessment.

The ES should include an impact assessment to identify, describe and evaluate the effects that are likely to result from the project in combination with other projects and activities that are being, have been or will be carried out. The following types of projects should be included in such an assessment, (subject to available information):

- a. existing completed projects;
- b. approved but uncompleted projects;
- c. ongoing activities;
- d. plans or projects for which an application has been made and which are under consideration by the consenting authorities; and
- e. plans and projects which are reasonably foreseeable, ie projects for which an application has not yet been submitted, but which are likely to progress before completion of the development and for which sufficient information is available to assess the likelihood of cumulative and in-combination effects.

OCC Ecology:

Appropriate management and monitoring of the site could be crucial to whether the proposed development is able to succeed in delivering a net gain in biodiversity. The public areas of the site would need to be managed for biodiversity in perpetuity to avoid the loss of potential benefits from the mitigation and enhancement measures. Ecological monitoring is important to ensure that the management is successful in meeting its objectives for biodiversity and to enable remedial action to be identified, if necessary. The EIA should provide an outline of the proposed management and monitoring.

The applicant would need to demonstrate that a net gain in biodiversity would be delivered (in line with the National Planning Policy Framework) using an accepted biodiversity metric in the EIA. All EIAs should include an assessment of cumulative impacts on ecology, both direct and non-direct impacts within the site and off-site.

EIAs should assess the impacts on Priority Habitats and Species, in addition to protected species (in line with paragraph 117 of the National Planning Policy Framework). Assessment of impacts on species and habitats should include at a site and local level. EIAs should also assess impacts on Local Wildlife Sites as well as statutory sites.

Enhancements in biodiversity should be built into the design from an early stage on various scales, from individual house design to the masterplanning work. Features for biodiversity within the site should be planned to link up to habitats and features in the surrounding landscape. The EIA should demonstrate whether best practice has been followed, as suggested in the Oxfordshire Biodiversity & Planning Guidance.

Socio Economics and Community

OCC Economy and skills

The Economy & Skills team has had significant input into the Eco Towns Economic Development Strategy that will accompany the Masterplan.

Waste – Operation and construction

No comments have been received relating to this topic area from consultees; however the general scope of this topic appears appropriate.

Flood risk and Hydrology

Environment Agency

This section should be expanded to consider the impacts of the development on water resources. The development will represent a large potable water demand and impacts of this demand on the

environment and the infrastructure required should be considered. The Eco Town Planning Policy Statement requires water demand management with an aspiration of achieving water neutrality once the development is complete.

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. The developer needs to consider the net increase in water and waste water demand to serve the development and also any impact the development may have off site further down the network, if no/low water pressure and internal/external sewage flooding of property is to be avoided.

It is also unclear as to how the buildings will be constructed, Thames water is concerned that water mains and sewers immediately adjacent to the site may be affected by vibration as a result of piling, possibly leading to water main bursts and or sewer collapses.

We would therefore recommend that any EIA report should be expanded to consider 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.

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

OCC Drainage Team

“The development is large in scale and would have a significant impact on surface water drainage. No drainage information has been given due to the nature of the application.

Should a formal application be submitted a drainage strategy should be submitted which needs to include a Flood Risk Assessment and an indicative surface water drainage proposal at the very least.

The development needs to adhere to the requirements of the Flood and water Management Act 2010”.

Contaminated Land

No comments have been received from the CDC Environmental Protection Officer with regard to this topic area.

Environment Agency have provided the following comments:

In this section under the ‘Mitigation and Opportunities for Enhancement’ we expect that the development size could require some larger oil tanks for refueling etc. Oil storage on site may therefore need to be considered and should be in-line with best practice and if appropriate oil storage regulations.

Transport

OCC Highways:

The submitted scoping opinion is one of three (14/00005/SCOP, 14/00006/SCOP and 14/00007/SCOP) which have been submitted to the Local Planning Authority for consideration promoting the North West Bicester development site.

The submitted scoping opinion contents proposed for the northern section of the overall development site does not appear to include some of the items expected. Please see the comments below:

Transport Strategy Comments

“No key issues with this EIA scoping from a strategy point of view as long as Boundary Way is included within the assessment area. Financial contributions towards the area strategy for Bicester are to be sought”.

Public Transport Comments

“There have been several discussions regarding principles of bus routing and service levels. There would appear to be outstanding issues regarding future service provision to the ‘exemplar’ part of the site, as there is a clear tension between the principles of direct routing and serving all parts of the site.

It should be conditional that the developer funds the agreed level of bus service provision until full commercial viability is achieved.

The developer must produce a robust plan to deliver the agreed proportion of journeys by public transport. Effective delivery of a good public transport service will reduce the number of car trips on the wider Bicester highway network.

The developer will produce a highways layout which maximises the attractiveness of the bus, through facilitating direct journeys which avoiding deviation as far as possible. High quality bus stops will be identified on the highways layout, located in places which have excellent footway connectivity to the wider site.

The delivery of an eventual commercially viable bus service is of the greatest importance. The developer will be expected to fund the cost of bus service provision until such time as the service can be operated on a fully commercial basis.”

Rights of Way comments

“Unlike the EIA application for area 3 (Howes Lane) section 3.2.12, this EIA application does not appear to consider impacts in Transport for pedestrians, cyclists and equestrians. This needs to be addressed as the site includes Bicester Bridleway 4 (via Aldershot Farm) which is a key strategic walking, cycling and equestrian route.

The EIA must assess the impacts on this particular route, especially any severance caused by the new road/building construction, and proposals for mitigation and assessment should include a controlled crossing of the new road for walkers, cyclists and equestrians and means to provide an integrated network to and through the development site. Other current rights of way as well as those planned for the Eco-Town area and surrounds should also be included”.

Travel Plan comments

“A framework travel plan is produce and agreed with the Oxfordshire County Council Travel plan team prior to work starting on this development and supplementary travel plans are produce in accordance with OCC’s adopted guidance document, Transport for New Developments: Transport Assessments and Travel Plans (March 2014)

As part of the master plan submission a framework travel plan will be required for the whole site setting out how the Eco town travel targets will be meet and any mitigation action that will be taken by the developers if these targets are not achieved.

A supplementary travel plan and monitoring fees will be required for each of the different land use, giving details of how they will mitigate the travel impact from them and how these travel plans will be monitored”.

Masterplan/Layout comments

While layout details are not expected to be within an EIA scoping opinion it is essential that as part of a future planning submission(s) the following issues are considered (not a robust list):

- Pedestrian and cyclist links both internal and external throughout the overall development site;

- Location of vehicle access points and their impact on the overall road and street hierarchy for the overall development;
- Parking levels for both car and cycle parking (all land uses);
- Location of Public Transport links/connections/infrastructure;
- Materials, street lighting requirements/design, landscaping/tree types, utility/service requirements;
- Coach dropping off areas for pupils for primary and secondary schools.

Highway Agency:

The HA is an executive agency of the Department for Transport (DfT). We are responsible for operating, maintaining and improving England's strategic road network (SRN) on behalf of the Secretary of State for Transport. In this case it relates to the M40, A34 and A43.

The HA will be concerned with proposals that have the potential to impact the safe and efficient operation of the SRN. From the information provided, we would recommend that the cumulative effects of any proposed development at this location should be considered at M40 Junction 9 and Junction 10, this would likely be in the context of Cherwell District Council's Local Plan and its supporting evidence, together with the North West Bicester Masterplan (and subsequent Supplementary Planning Document (SPD)). An assessment would be required to demonstrate the potential impact of the type and scale proposed development at this location, together with identified deliverable mitigation measures. The overall forecast demand should be compared to the existing network to accommodate traffic over a period up to ten years after the date of registration of a planning application or the end of the Local Plan.

The HA expects the promoters of development to put forward initiatives that manage down the demand of traffic proposals to support the promotion of sustainable transport and the development of accessible sites. This is particularly necessary where the potential impact is on sections of the SRN that could experience capacity problems in the short or medium term. We would be concerned if any material increase in traffic were to occur on the SRN as a result of planned growth without careful consideration of mitigation measures. It is important that the Local Plan provides the planning policy framework to ensure development cannot progress without the appropriate infrastructure in place. We are currently reviewing North West Bicester Masterplan which will inform the subsequent SPD.

Network Rail:

It is noted that the proposed development includes a proposed new road under bridge and pedestrian/cycle under pass which will affect Network Rail's operational railway line between Bicester North and Banbury. Whilst the applicant A2Dominion Group held an initial meeting with Network Rail representatives from our LNW Route and Property on 9th July 2014, further discussions will be necessary over the design and implementation of the proposed two new under bridges as they will have a material impact on Network Rail's operational railway. In this regard the applicant should contact Network Rail's Construction Manager Mike Lightwing, The Quadrant, Elder Gate, Milton Keynes Bucks MK9 1EN to discuss the design and construction of the under bridges and the Asset Protection Agreements required. In addition there will be the need for completion of a Works Agreement relating to the construction and future maintenance of the under bridge and the adoption of the roadway there under.

In addition the applicant should contact Rob Turner, Network Rail Property, Development Surveyor (North), 11th Floor, The Mailbox, 100 Wharfside Street, Birmingham B1 1RT to outline in detail the development proposals and discuss the Heads of Terms for any bridge rights/agreement required over Network Rail's property, which would be subject to railway and regulatory approvals.

This large development may impact on nearby existing level crossings due to proposed new highway movements and additional or diverted traffic. In addition if a new under bridge is proposed in close vicinity to existing level crossings then Network Rail would require the closure of the existing level crossings and the use over the railway to be transferred to the under bridge instead.

General comments

Environment Agency

We are generally satisfied with the 'EIA Topics and Scope' as set out in Table 2 of the Environmental Impact Assessment Scoping Report (Hyder, May 2014). However, we have a number of additional items we consider should be scoped into the EIA as detailed below.

Table 2 'EIA Topics and Scope'

- Given the scale and the potential impacts of the development on waterbodies on site and downstream, WFD compliance should be scoped in to the EIA assessment. A WFD Compliance Assessment would be one option to assess this. Section 3.2.10 'Flood risk and hydrology' could be expanded upon to consider the whole water environment and full WFD implications, including water quality and ecological status.
- We also recommend that a 'light-touch' Ecosystem Services Assessment is undertaken as part of the EIA. This would allow for a review and stock-take of the overall impact on the environmental services provided by the site and any resultant losses and gains.
- A further emission of the EIA scope is consideration of foul water infrastructure capacity requirements of the development needed to protect and improve the environment. The development will represent a significant increased pressure on existing foul water infrastructure and new/improved infrastructure will be required. Potential impacts of this demand on the environment should be considered and mitigation identified as required.

Overall OCC Response

In addition to the issues identified in Table 2 EIA Topic and Scopes in the submitted scoping report, the County Council would like to see the following issues addressed in the Environmental Statement:

- Transport Strategy: Boundary Way should be included within the transport assessment area
- Rights of Way: The impact on pedestrians, cyclists and equestrians needs to be assessed in relation to Bicester Bridleway 4 (via Aldershot Farm) which is a key strategic walking, cycling and equestrian route. Other current rights of way as well as those planned for the Eco-Town area and surrounds should also be included.
- Drainage: At formal application stage a drainage strategy should be submitted which needs to include a Flood Risk Assessment and an indicative surface water drainage proposal.
- Archaeology: The EIA will need to contain the already completed desk based archaeological assessment as well as the reports for the geophysical survey and trenched evaluation. A programme of mitigation will be required ahead of any development.
- Ecology: The EIA should:
 - provide an outline of the proposed ecological management and monitoring.
 - include an assessment of cumulative impacts on ecology, both direct and non-direct impacts within the site and off-site
 - assess the impacts on Priority Habitats and Species, in addition to protected species
 - assess impacts on Local Wildlife Sites as well as statutory sites.


Cumulative impacts

An assessment of cumulative impacts of the development need to take into consideration other development in Bicester and the surrounding area including South West Bicester (Kingsmere), Graven Hill, Bicester Business Park, Bicester Gateway, North East Bicester Business Park, Bicester Town Centre and at Upper Heyford.

You will note that there are outstanding comments from the Council's Conservation Officer (in relation to heritage impacts) and Environmental Protection Officer (in relation to contaminated land and air quality) and these will be forwarded when received.

I trust this information will enable you to complete a full Environmental Statement and as stated this response should be treated as the Council's formal scoping opinion made under Regulation 13 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011.

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Cherwell District Council
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Head of Public Protection & Development Management