

**Case Officer:** David Lowin/Laura Bell

**Applicant:** Graven Hill Purchaser Ltd (c/o Resolute Property Consultancy Ltd)

**Proposal:** 'Outline (fixing 'Access' only) – redevelopment of Graven Hill D1 Site, including demolition of existing buildings, development of B8 'Storage or Distribution' use comprising up to 104,008 sq. m (GIA), creation of open space and associated highway works, ground works, sustainable drainage systems, services infrastructure and associated works.'

**Ward:** Bicester South and Ambrosden

**Councillors:** Cllr Cotter, Cllr Pruden, and Cllr Sames

**Reason for Referral:** Major development.

**Expiry Date:** 31 January 2023

**Committee Date:** 8 December 2022

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**SUMMARY RECOMMENDATION: DELEGATE POWERS TO GRANT PERMISSION SUBJECT TO NO NEW MATERIAL PLANNING CONSIDERATIONS BEING RAISED BEFORE THE EXPIRY OF THE CONSULTATION AND ADVERT PERIOD AND SUBJECT TO CONDITIONS AND PLANNING OBLIGATIONS**

**1. APPLICATION SITE AND LOCALITY**

- 1.1. The application site is located to the southeast of Graven Hill and totals approximately 31.1 Ha and comprises the areas formerly known as D1-D7, plus D10 and D20. The existing vacant warehouses at the site comprise B8 uses 'Storage or Distribution'. The site was previously used as part of the Logistics, Commodities and Services (LCS), formerly known as Defence Storage and Distribution Agency (DSDA), logistics hub. The LCS operation has been rationalised and moved to 'C' Site at Upper Arccott, meaning that 'D' Site is surplus to requirements.
- 1.2. Graven Hill is bound to the northeast by the A41 Aylesbury Road; the railway line to the south, and railway tracks and sidings to the west. In addition, the southern boundaries of the site are formed by adjoining agricultural fields and a large solar farm. The proposal incorporates four accesses from the Employment Access Road (EAR) which is currently under the final stages of construction. Access to the site is from a newly completed roundabout (Pioneer) on the A41 via the EAR.
- 1.3. The site lies immediately south of St David's Barracks, which is in operational military use. Adjoining uses include the new residential uses to the north of Graven Hill; Wretchwick Farm to the east and a sewage treatment works to the northwest on the opposite side of the Chiltern railway line. Symmetry Park, a newly constructed logistics park, is located to the east of the site off the A41.
- 1.4. The site comprises five large vacant warehouses (Unit D1, Unit D2, Unit D4, Unit D7, Unit D10 & D20, the latter being an electricity sub-station). These existing buildings total approximately 41,831 sq. m. This figure excludes the buildings removed previously to facilitate construction of the approved Employment Access

Road (EAR) now constructed (e.g. former Units D05, D03 & D12). The site also benefits from a previous Outline Planning Permission for approx. 990,000 sq. ft of employment floorspace. The existing vacant warehouse units are the subject of a planning permission for demolition and the erection of a 'bat barn' to facilitate the translocation by virtue of an English Nature licence of bats inhabiting the vacant warehouses, (ref 22/00835/F Refers).

## **2. CONSTRAINTS**

2.1. The application site is within the area allocated in the adopted Local Plan (Bicester 2) as a strategic site for mixed use development, with Graven Hill itself proposed to remain as an open space to be utilised for public access. The site is described at Bicester Policy 2 as a brownfield site. The site lies in an area of archaeological interest and potential. There is an overarching archaeological written scheme of investigation which covers the entire Graven Hill site.

## **3. DESCRIPTION OF PROPOSED DEVELOPMENT**

3.1. The proposal seeks to provide up to 104,008 sq. m (GIA) of B8 'Storage or Distribution' floorspace (1,119,529 sq. ft) across the site. The indicative Masterplan demonstrates how this floorspace could be provided across 9 separate units (Units 1-9). However, such details would be confirmed at the Reserved Matters stage. The application only seeks detailed approval at this stage for the access points for the development. Approximately 902 parking spaces would be provided, including HGV parking yards associated with the units as well as disabled parking. These could be arranged in a variety of layouts to best respond to market demand as well as site constraints as part of reserved matters proposals.

3.2. The application is supported by a parameter plan which fixes the maximum building height (20m), Gross Internal Area (GIA) and 'green corridors' (where built development is excluded, for ecological and landscaping purposes). The parameter plan has informed the various Environmental Statement (ES) technical assessments. The Environmental Statement, which is considered later in this report, includes the following documents:

- Outline Planning Application Form (H Planning Ltd)
- Certificates and Notices as necessary (H Planning Ltd)
- Supporting Town Planning Statement (H Planning Ltd)
- Statement of Community Involvement (H Planning Ltd)
- Archaeological Assessment (Watermans)
- Biodiversity Net Gain Assessment (RPS)
- Buildings Demolition Report (Resolute Property Consultancy)
- Ecological Assessment (RPS)
- Economic Impact Statement (Quod)
- Energy and Sustainability Statement (BWB Consulting)
- BREEAM Pre-Assessment (BWB Consulting)
- Flood Risk Assessment Report (RPS)
- Review of Geotechnical Investigation Report (Alan Baxter Associates)
- Ground Conditions Summary Report (RPS)

- Rapid Health Impact Assessment (Stantec)
- Lighting Impact Assessment (BWB Consulting)
- Outline Construction Environmental Management Plan (RPS)
- Outline Sustainable Drainage Systems Strategy (Alan Baxter Associates)
- Transport Assessment (Alan Baxter Associates)
- Interim Travel Plan (Alan Baxter Associates)
- Arboricultural Impact Assessment (Watermans)
- Redline Site Location Plan (Atelier Gooch Ltd)
- Redline Block Plan of the Site (Atelier Gooch Ltd)
- Existing Plans, Sections and Elevations (Atelier Gooch Ltd)
- Parameter Plan (Atelier Gooch Ltd)
- Proposed Demolition Plan (Atelier Gooch Ltd)
- Proposed 'Bat House' Plans and Elevations (Atelier Gooch Ltd)
- Indicative Masterplan '*For Illustration Purposes Only*' (Atelier Gooch Ltd)
- Design and Access Statement (Atelier Gooch Ltd)
- Indicative Landscape Strategy Plan (RPS)
- Detailed Access Plans to fix 'Access' (Alan Baxter Associates)
- Drawing List

3.3. Since this initial material was submitted the applicants provided, in September, further information with respect to the sustainable urban drainage system (SUDS) proposed for the site, in addition in late October, the applicants reviewed the exiting Biodiversity Net Gain (BNG) metric results and submitted a new metric together with a revised application site or 'red line' incorporating additional areas such as the site access previously described. This report includes the results of re-consultation up to the finalisation of the report. Any further responses to the re-consultation will be summarised in a pre-committee update paper.

#### **4. RELEVANT PLANNING HISTORY**

4.1. This proposed site is located within an area of land allocated in the Adopted Cherwell Local Plan 2011-2031 Part 1, under Policy Bicester 2: Graven Hill, for mixed-use development. The application seeks the redevelopment of five vacant warehouses within Site D1 into B8 storage or distribution use, and associated works. Planning application reference 11/01494/OUT was permitted in 2014 for the redevelopment of this former MOD site including demolition of existing buildings, development of 1,900 homes; local centre to include a 2-form entry primary school, a community hall, five local shops or facilities, and parking areas; employment floorspace including the current application site; creation of public open space and associated highway improvement works, sustainable urban drainage systems, biodiversity improvements, public transport improvements and services infrastructure.

4.2. Subsequently the site-wide outline consent's S106 has been the subject of deeds of variation. The period for the submission of reserved matter approvals in respect to the outline consent for Graven Hill, including the current application site, expired on 8 August 2022. Officers are currently dealing with applications to approve reserved matters applications for residential development. It is presently

expected that the first stage of the overall development of Graven Hill will comprise a total of some 805 homes and that a new application for the balance of the 1900 homes will be submitted by the end of January 2023.

## **5. PRE-APPLICATION DISCUSSIONS**

- 5.1. The following pre-application discussions have taken place with regard to this proposal following the submission by the applicants of a 'pre-application enquiry'(Pre-App) under reference 22/00136/PREAPP in January 2022.
- 5.2. The results of that PRE-APP are summarised below:
  - That the use of the site for a logistics park is generally acceptable.
  - The proposal is consistent with Bicester Policy 2 as set out in the Cherwell Local Plan 2011-2031.
- 5.3. The Pre-App noted that both Planning Policy and Economic Development teams mentioned the potential to utilise existing railway infrastructure on site for the development. It is understood that whilst this is desirable to further climate change policies and indeed is noted in Bicester Policy 2 in the Local Plan, the applicants suggested it is for MOD ownership and operational reasons unlikely to be a practical and deliverable option.

## **6. RESPONSE TO PUBLICITY**

- 6.1. This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments was **31 July 2022**.
- 6.2. A second round of publicity was initiated in November 2022 following the applicant's submission of further information to augment the previously submitted ES on their proposals to deal with Biodiversity Net Gain (BNG) and also an amendment to the 'red line' plan to ensure that the proposed accesses to the scheme are connected to the Employment Access Road (EAR) and the newly completed Pioneer roundabout connecting this part of the Graven Hill site to the A41. The final date for comments is **5 December 2022**, comments received after the publication of this report will be reported to the Planning Committee, as appropriate.
- 6.3. No comments have been raised by third parties at the time of finalising this report.

## **7. RESPONSE TO CONSULTATION**

- 7.1. Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website, via the online Planning Register. As advised, any further responses received will be reported to the Committee.

### PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

- 7.2. **AMBROSDEN PARISH COUNCIL:** **Object** on the grounds of highway impact and detriment to residential amenity if the scheme is operational 24/7. The Parish Council also object to the visual impact of the scheme and raise concern over impact on habitat.

## CONSULTEES

### 7.3. OCC as Local Highways Authority (LHA): **No objection** subject to:

- S106 contributions as summarised at the end of this report and justified in the accompanying schedule to the LHA's consultation response, in summary comprising:
  - Upgrading of existing cycle path between Rodney house and Pioneer roundabouts.
  - Provision of bus service from the site to Bicester Town centre together with bus shelters.
  - Travel monitoring Plan

The total contribution to OCC amounting to some £714,088

- An obligation to enter into a S278 highways agreement.
- Planning Conditions as detailed below in the Officer's recommendation.

### 7.4. OCC Archaeology: **No Objection** subject to conditions requiring a written scheme of investigation and compliance monitored during construction in accordance with the written scheme of investigation and the appointment prior to commencement on site of an archaeologist.

### 7.5. LEAD LOCAL FLOOD AUTHORITY: **No Objection** subject to conditions prior to approval of first reserved matters:

- a detailed surface water drainage scheme for the site, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is complete

The scheme shall include:

- A compliance report to demonstrate how the scheme complies with the "Local Standards and Guidance for Surface Water Drainage on Major Development in Oxfordshire";
- Full drainage calculations for all events up to and including the 1 in 100 year plus;
- 40% climate change;
- A Flood Exceedance Conveyance Plan;
- Comprehensive infiltration testing across the site
- Detailed design drainage layout drawings of the SuDS proposals including cross-section details;
- Detailed maintenance management plan including maintenance schedules for each drainage element, and;
- Details of how water quality will be managed during construction and post development in perpetuity;
- Confirmation of any outfall details;
- Consent for any connections into third party drainage system.

- 7.6. NATIONAL HIGHWAYS: **No Objection** subject to conditions, following an initial 'holding direction' to discuss with the applicant the wording of conditions as set out in the officer's recommendation.
- 7.7. THAMES WATER: **No Objection** subject to conditions to ensure that there is sufficient foul water capacity to serve requirements from the site when developed. This to be achieved by consideration of existing off-site capacity or by an agreed development and infrastructure phasing plan. In addition, no commencement of development until an odour modelling assessment plan agreed.
- 7.8. CDC LAND DRAINAGE: **No Objection:** A flood risk assessment and surface drainage strategy covering the application site has been agreed previously as part of the overall development of the Bicester 2 site.
- 7.9. THAMES VALLEY POLICE: **No Objection** subject to an informative setting out the importance in the detailed design proposals that come forward the incorporation of security of design principles.
- 7.10 FIRE SERVICE (OXFORDSHIRE): **No Objection.**
- 7.11. CDC Landscape Architect: **No Objection**, following the consultees initial consideration when a request for more information and clarification was requested and the information supplied, the consultee is content subject to the imposition of a Landscape Environmental Management Plan (LEMP)
- 7.12. CDC PLANNING POLICY: **No Objection** - The proposal site, at 31.1 hectares, is some 5.1 hectares larger than the 26 hectares of employment land proposed by Policy Bicester 2. This additional site area however, does not materially conflict with the delivery of the overall objectives of Policy Bicester 2. Policy Bicester 2 anticipates that the site will deliver a mixed-use employment development to include former B1 and B2 uses (now Class E). It is, however, noted that the supporting paragraphs to the policy indicate that the expectation is that the site will deliver mainly B8 units. It is also noted that the existing use is for B8. The application is supported by a detailed justification for the use proposed, and the views of the Council's Economic Development Team should therefore be sought. It is regrettable that the existing rail infrastructure on the site will not be utilised by the proposals as there is the potential to reduce road-based freight movements. The maximisation of the transport connectivity in and around the site, including the use of the rail tracks on the site to serve commercial logistics and distribution uses is a requirement of Policy Bicester 2. It is however, noted that the application provides a justification as to why this is not feasible, and this will need to be considered.

The submitted Energy and Sustainability Statement will need to be considered in detail to ensure that the requirements of Policies ESD1 – 5 are met. The requirements of Policy Bicester 2 and Policy ESD 10 for biodiversity net gain should be met, and the views of the Council's Ecologist sought.

In conclusion, **the principle of the proposals is generally consistent with the adopted Development Plan.** However, detailed consideration of matters relating, inter alia, to climate change, sustainable construction, renewable energy, biodiversity net gain, and sustainable transport will be required.

- 7.13. CDC Ecologist: The response to the original proposals with respect to ecology was an objection on the basis that the site demonstrated a Biodiversity Net gain of some minus 75% using the recognised metric. Following the initial response, the applicant submitted a revised BIA metric with some additional on-site

mitigation in terms of a bat barn and assorted bird boxes, which reduced the net on site loss of biodiversity to some minus 55%. That submission, received in early November also included details of off-site BNG proposals paid for by the applicant, which are set out later in this report. The ecological officer's response to this further information is that on balance, it is considered acceptable overall and comments that:

*"I am content that an off-site solution in order to achieve a biodiversity net gain is required here. I support the proposed involvement of the Trust for Oxfordshire's Environment and the utilisation of their system of off-setting provision as a scheme likely to lead to the best ecological outcome and importantly to a good level of biodiversity net gain in line with CDCs aspirations".*

*The TOE documents and case studies make it clear how the system could work for this site and that the off-set would be provided within the district. The suggested Grampian conditions are appropriate from an ecological viewpoint.*

In terms of the updated BIA metric the Officer comments that:

*"The projected net loss in biodiversity on site is now reduced by going further on site with their proposed landscaping such that the appropriate mitigation hierarchy has been followed and as much as can be achieved in terms of habitat provision on site has been at this stage.*

*There may be issues with achieving a 'good' condition for all the proposed neutral grassland on the site within the green spaces, however this will depend on what other functions these areas need to serve - for example amenity and how heavy this usage is. The exact nature and extent of the habitats to be provided on site, including how they are used may of course alter at reserved matters so can be reviewed at that point".*

- 7.14. CDC Arboriculturist: concern expressed about potential loss of trees but considers that at this outline stage a detailed retention or replanting methodology can be achieved by an appropriate planning condition. In fact, the tree loss related to boundary trees in the vicinity of Pioneer roundabout and along the route of the EAR and those trees have already been removed.
- 7.15. CDC Environmental Protection: No objection, subject to conditions relating to the provision of a Construction Environment Management Plan (CEMP), noise, contaminated land, air quality and light.
- 7.16. CDC ECONOMIC GROWTH: The demand for logistics-led development continues yet is already provided for significantly through outline planning consent granted for this site. Recent local market evidence also shows that value-added, knowledge-intensive employers also require premises at prominent, high quality, well-served sites.

With developable land severely limited in Oxfordshire, the applicant could engage further with the local commercial property market and with the generators of investment – local employers, inward investors seeking HQ facilities, the science parks and universities. By doing so, it should be possible to satisfy the needs of all - investors, occupiers and the local community – providing a far broader range of employment opportunities. The proposal to develop 100% of the site for 'logistics' is therefore disappointing when considering the economic aims of the Council (illustrated though the Local Plan) to create a knowledge-based and diverse local economy containing a range of employment opportunities - able to withstand future economic shocks. The proposal therefore fails to convincingly

justify why a balanced provision of commercial premises to support the growth of a diverse local economy should effectively be excluded from this strategic site, and why an entire Logistics Park is now appropriate in an exemplar Garden Town no longer served by sustainable rail access for such operations.

## **8. RELEVANT PLANNING POLICY AND GUIDANCE**

8.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

8.2 The Cherwell Local Plan 2011-2031 - Part 1 was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The Local Plan 2011-2031 – Part 1 replaced a number of the ‘saved’ policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the development plan. The relevant planning policies of Cherwell District’s statutory Development Plan are set out below:

### CHERWELL LOCAL PLAN 2011 - 2031 PART 1 (CLP 2015)

- Policy Bicester 2: Graven Hill
- Policy SLE1: Employment Development
- Policy SLE 4: Improved transport and Connections
- Policies ESD 1 -8 relating to climate change and sustainable development
- Policy ESD 10: Protection and Enhancement of Biodiversity and the Natural Environment
- ESD15 - The Character of the Built and Historic Environment

### CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28 – Layout, design and external appearance of new development

### **Other Material Planning Considerations**

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Town and Country planning (Environmental Impact Assessment) Regulations 2017 (As amended)
- EU Habitats Directive
- Natural Environment and Rural Communities Act 2006
- Conservation of Habitats and Species Regulations 2017

## **9. APPRAISAL**

9.1. The key issues for consideration in this case are:

- Principle of development
- Design, and impact on the character and landscape of the area
- Highway Safety and Transport
- Ecology impact & BNG

- Drainage
- Climate Change and sustainable development
- Heritage
- Environmental Statement (ES)

## Principle of Development

### *Policy Context*

- 9.2. The Cherwell Local Plan 2011-2031 Part 1 adopted in 2015 allocates the entire site, (Policy Bicester 2) some 241 hectares as a strategic site proposed for mixed use development. Policy Bicester 2 provides for 26 ha of land for employment purposes, creating some 2000 jobs across former business, general industrial and storage and distribution uses (former use classes B1, B2 and B8). The employment provision and mix related to the whole allocation and not just the application site.
- 9.3. Included in the approved Master Plan for the site is the current application site which is designated for employment use. The original outline consent for the entire site proposed 92,040 sq. m for employment floorspace (11/01494/OUT refers). This outline consent has now expired (on 8 August 2022), so the approved masterplan cannot be relied upon.
- 9.4. The site falls within the Graven Hill site (*'Policy Bicester 2: Graven Hill'*) and is identified as having major development potential. The commentary to the allocation in the Plan at paragraph C58 notes that the use of the allocated site 'will support local economic growth including the warehousing and logistics sector in a location that lends itself to both national and regional distribution.
- 9.5. Policy SLE1 *'Employment Development'* within the adopted CLP 2015 states that employment development on new sites allocated within the plan should accord with the site allocation policy. In this instance that is Policy Bicester 2
- 9.6. Policy SLE4 *'Improved Transport and Connections'* makes reference to the potential to capitalise rail freight opportunities and supports proposals for rail freight associated with development at Graven Hill.
- 9.7. In addition, Section 6 of the National Planning Policy Framework 2021 (NPPF) advises planning authority's on building a strong and competitive economy. Paragraph 81 notes that decisions on applications 'should help create the conditions in which businesses can invest, expand and adapt'. Paragraph 11 within the NPPF (July 2021) seeks to support Local Authorities that promote the development needs of an area by applying a *'presumption in favour of sustainable development'*. Furthermore, Paragraph 119 within Section 11 *'Making effective use of land'*, of the NPPF is relevant and supports plans that promote an effective use of land that utilise previously developed or *'brownfield'* land. Furthermore, Paragraph: 031 Reference ID: 2a-031-20190722 within the *'Housing and economic needs assessment'* section of the National Planning Practice Guidance (which supports the NPPF) is relevant and refers to logistics use. It states:

*'How can authorities assess need and allocate space for logistics?'*

*The logistics industry plays a critical role in enabling an efficient, sustainable and effective supply of goods for consumers and businesses, as well as contributing to local employment opportunities, and has distinct locational requirements that need to be considered in formulating planning policies (separately from those relating to general industrial land).*

*Strategic facilities serving national or regional markets are likely to require significant amounts of land, good access to strategic transport networks, sufficient power capacity and access to appropriately skilled local labour. Where a need for such facilities may exist, strategic policy-making authorities should collaborate with other authorities, infrastructure providers and other interests to identify the scale of need across the relevant market areas’.*

- 9.8. The applicants have submitted a report as part of the application which demonstrates that the subject development will produce considerable economic benefits both in term of employment numbers of circa 1020 to 2160 indirect jobs and some 1150 to 2430 full-time equivalent posts generating some £3 million to £7 million in local spending. The submitted ES considers alternatives to the submitted proposals in terms of location. The conclusion by the applicants is that the proposed development is part of a wider allocated brownfield site under Bicester Policy 2 which establishes the principle of development through planning policy. As a result, a ‘no development alternative’ is not a reasonable alternative which would not accord with policy. The nature of the proposed development is such that the objective is to redevelop the site as part of the wider allocation under Bicester Policy 2 and as a result, the applicants have not considered alternative sites. The submitted ES also considers alternative forms of development, namely the 2014 outline consent for the site (now lapsed). That consent envisaged a lesser level of B8 units. However, the period for reserved matters approvals under that consent has now lapsed and the logistics market has evolved since 2014.

#### *Assessment*

- 9.9. As stated above, Policy Bicester 2 sets out specific design and place shaping principles for the development of Graven Hill. It requires the development to achieve, inter alia, a well-designed approach to the urban edge, which relates development at the periphery to its rural setting. It specifies that employment units will need to be carefully designed to limit adverse visual impact on the wider area. It also requires development to respect the landscape setting and demonstrate enhancement, restoration or creation of wildlife corridors, through the creation of ‘green fingers’ leading into the development area.
- 9.10. The proposal is in general conformity with Policy Bicester 2, insofar as it:
- Provides for a quantum of B8 in conformity with the 26ha allocated under the Policy
  - Contributes towards improvements to the local and strategic road networks (as set out in Highways section and the Heads of Terms below)
  - Provides a well-designed urban edge, which respects its rural setting, by restricting the heights of buildings on the site and providing additional planting on the southern edge to provide an appropriate level of screening
  - Provides a Construction Environment Management Plan (CEMP) and Landscape Environment Management Plan (LEMP) to manage existing and proposed woodland areas and onsite habitats, by condition
  - Remediate of any areas of contaminated land, secured by condition
  - Provides a written scheme of investigation and archaeological reporting, by condition, to retain/appropriately treat areas of archaeological heritage significance,
  - Provides a Waste Management Strategy, to maximise the potential to re-use and recycle demolition materials
  - Provides a strategic and site-specific surface water management and maintenance strategy, including the use of SuDS, by condition

- Will be constructed to BREEAM Excellent (or equivalent national standard), in accordance with climate change mitigation and adaptation measures
- 9.11. Policy Bicester 2 also seeks to maximise transport connectivity in and around the site, including the use of the rail tracks on the site to serve commercial logistics and distribution uses.
- 9.12. Specifically in relation to this point, the views of the economic development officer about the potential lost opportunity to utilise the railway infrastructure in the area is noted. However, the opportunity to utilise that infrastructure is in reality now passed, both by reason of the re-use of former railway infrastructure for roads and the fact that it is in different ownership.
- 9.13. The Planning Statement supporting the application explains that the MOD railway adjacent (and to the south) of the site is an MOD asset. Therefore, the applicants have no ownership or rights to use this in association with the proposed logistics use. This line is a dedicated MOD line that is in regular (but not intensive use) and is seen by the MOD as an intrinsically important part of their infrastructure. However, the use of this line is not precluded, should it become a feasible, viable option in the future.
- 9.14. In relation to the internal tracks, these have been removed in their entirety (except for the rails within the road crossovers, which are limited). The Applicant has advised that the railway lines were removed by the previous tenant of D8 (which sits to the east, and does not form part of this submission) as this was occupied by railway enthusiasts (the Coulsdon Old Vehicle and Engineering Society).
- 9.15. The applicant further highlights that the tracks on site were of a non-standard gauge and as they did not connect with any wider railway network, the lines were redundant. They state that the current owners (assumed to be GHVDC) had an obligation to remove them. Any obligation was not a planning one and therefore this point has not been investigated further.
- 9.16. It is noted that CDC's policy team support the proposal as does the relevant planning history of the site. The NPPF and NPPG are both supportive of the principal of re-use of this brownfield site for logistics.

#### *Conclusion*

- 9.17. As set out above, Officers consider that the proposal is acceptable in principle, in accordance with the Policy requirements set out in paragraph 8.2 above.

#### Design, and impact on the character and landscape of the area

##### *Policy Context*

- 9.18. Policy ESD 13 relates to the protection and enhancement of local landscape. Development will be expected to respect and enhance local landscape character, securing appropriate mitigation where damage to local landscape character cannot be avoided. Policy ESD 15 of the Local Plan sets out the requirements for new development, including that development should be designed to improve the quality and appearance of an area.
- 9.19. The current appearance of the area is of vacant warehouses of non-contemporary design, set in a landscape that has been neglected for a considerable period. It is noted that this neglect has resulted in the setting of the vacant building having considerable biodiversity value. The biodiversity elements of the proposal are described and considered in a later section of this report.

- 9.20. Policy Bicester 2 requires that development of the site should respect the landscape setting, and demonstrate enhancement, restoration or creation of wildlife areas, and this requirement is to be achieved via BNG. Saved Policy C28 of the 1996 Cherwell Local Plan requires that all new development is controlled to ensure that the development is sympathetic to the character of the area.

#### *Assessment*

- 9.21. The application has been submitted showing for illustrative purposes an indicative master plan, parameter plan and indicative site sections. The Council's Landscape Architect offers no objection to the proposal. It is recognised that the final design of the individual units will be matters to be considered at reserved matters stage. The Landscape Architect, to ensure a rigorous consideration of the proposals requested further analysis by the applicants consisting of a 'wire' analysis. The Officer supports the proposal subject to a Landscape Environmental Management plan (LEMP) condition which will regulate the overall resulting landscape. The submitted ES considered cumulative effects of the development together with selected existing sites chosen by Officers of CDC. The ES concluded that:

*'It is judged that there is no potential for the Proposed Development in combination with any, or all, of the cumulative projects, to have a significant effect on either the landscape character, or available views.'*

- 9.22. The proposal, at an indicative maximum height of 20m for the individual warehouse units will be larger in height than those envisaged by the 2014 outline permission (by 5 metres) and significantly increase the effects by reason of expanding the area of visibility on those landscape character areas and types. For most visual receptors (people) the change in views will have no significant effects. However, some High and Medium sensitivity visual receptors, e.g., people using the sports pitches immediately adjoining the site would experience a large change in their views and a significant effect that would reduce over time.

#### *Conclusion*

- 9.23. Officers consider that having regard to the relevant planning history, the current authorised use of the site, the Development Plan policy with respect to the principal of the development for employment use of this site and in particular the views of the Landscape Architect that the proposal, subject to suitable conditions dealing with the content of future applications for reserved matters in terms of landscape, is acceptable.

#### Highway Safety and Transport

##### *Policy context*

- 9.24. Paragraph 102 of the NPPF states; Transport issues should be considered from the earliest stages of plan-making and development proposals, so that:
- a) the potential impacts of development on transport networks can be addressed;
  - b) opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised – for example in relation to the scale, location or density of development that can be accommodated;
  - c) opportunities to promote walking, cycling and public transport use are identified and pursued;

- d) the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains; and
  - e) patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places
- 9.25. Paragraph 102 of the NPPF states that the planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes.
- 9.26. Policy Bicester 2 of the Local Plan requires that development of the Graven Hill site contributes to improvements to the local road network and contributes to public transport services and cycling and pedestrian connectivity. The NPPF at Section 9 provides advice on 'Promoting sustainable transport', advises that all development which generates significant amounts of movement will require a travel plan, and give priority to pedestrian, cyclist and public transport, and of particular relevance to this proposal allow for the efficient delivery of goods.
- 9.27. Policy SLE 4 of the Adopted Local Plan deals with Improved Transport and Connections. The Policy presumes support for sustainable employment locations. The Policy notes support for rail freight associated development at Graven Hill, however, as noted above, the opportunity to utilise that infrastructure is in reality now passed, but not precluded in relation to the railway lines to the south of the site in MOD ownership. The policy also notes that new development will be required to provide financial or in-kind contributions to mitigate impacts and development mirroring the advice in the NPPF concerning encouragement for public transport, walking and cycling.

*Assessment.*

- 9.28. In accordance with Local Plan policies and government guidance a full detailed Transport Assessment (TA) has been submitted with the application which has been the subject of consultation with National Highways (England) and the Local Highway Authority.
- 9.29. The TA finds that the proposals generate less traffic when compared to the consented scheme, approved under the 2014 consent. Whilst there are a greater number of HGV's due to the logistics use, the overall traffic levels are still less than previously consented. An assessment has been undertaken on the Pioneer roundabout and Rodney House roundabout. Modelling has also been undertaken on the four proposed vehicular accesses to the site. This modelling also accounts for a future scenario, where the EAR is extended west to join the A41 to become the South East Perimeter Road (SEPR), and there is bypass traffic on the road. This scenario is similarly reflected in the junction designs for the priority accesses, and provision has been made for highway upgrades, should they be required in the future.
- 9.30. The development would be accessible by a range of transport modes, including by bus, cycle, vehicle, and on foot. A total of 678 car parking spaces are proposed, commensurate with OCC's Car Parking standards, which also takes account of the ancillary office use on the site. Disabled parking is proposed at a rate of 6%. Electric vehicle parking is to be provided by planning condition, but is proposed at a rate of 25%. A series of upgrades are proposed to the Employment

Access Road currently being delivered, which enable vehicular access, whilst re-providing cycle and pedestrian access, and maintaining bus stops. Detailed proposals for these have been included and this provision will be secured and delivered through a S106 legal agreement (as set out below).

- 9.31. The consultation responses from the Local Highway Authority (LHA) and National Highways (England) (NH) to the submitted transport assessment contained in the ES is that they both consider that the proposals are acceptable on both the local and strategic highway network, subject to the imposition of appropriate planning conditions and in the case of the LHA, a section 106 agreement to mitigate by way of increased public transport and cycling facilities in the immediate area.

#### *Conclusion*

- 9.32. The submitted Transport Assessment by the applicant is considered by both NH and the LHA to be acceptable subject to appropriate conditions as set out in the Officers recommendation and entering into section 106 obligations to provide for inter alia additional public transport facilities, a travel plan and enhanced cycle facilities. Officers are of the view that these measures are sufficient to comply with adopted policy and national advice.

#### *Ecology Impact*

##### *Legislative context for ecology*

- 9.33. The Conservation of Habitats and Species Regulations 2017 consolidate the Conservation of Habitats and Species Regulations 2010 with subsequent amendments. The Regulations transpose European Council Directive 92/43/EEC, on the conservation of natural habitats and of wild fauna and flora (EC Habitats Directive), into national law. They also transpose elements of the EU Wild Birds Directive in England and Wales. The Regulations provide for the designation and protection of 'European sites', the protection of 'European protected species', and the adaptation of planning and other controls for the protection of European Sites.
- 9.34. Under the Regulations, competent authorities i.e., any Minister, government department, public body, or person holding public office, have a general duty, in the exercise of any of their functions, to have regard to the EC Habitats Directive and Wild Birds Directive.
- 9.35. The Regulations provide for the control of potentially damaging operations, whereby consent from the country agency may only be granted once it has been shown through appropriate assessment that the proposed operation will not adversely affect the integrity of the site. In instances where damage could occur, the appropriate Minister may, if necessary, make special nature conservation orders, prohibiting any person from carrying out the operation. However, an operation may proceed where it is or forms part of a plan or project with no alternative solutions, which must be carried out for reasons of overriding public interest.
- 9.36. The Regulations make it an offence (subject to exceptions) to deliberately capture, kill, disturb, or trade in the animals listed in Schedule 2, or pick, collect, cut, uproot, destroy, or trade in the plants listed in Schedule 4. However, these actions can be made lawful through the granting of licenses by the appropriate authorities by meeting the requirements of the 3 strict legal derogation tests:
- (1) Is the development needed to preserve public health or public safety or other imperative reasons of overriding public interest including those of a

social or economic nature and beneficial consequences of primary importance for the environment?

- (2) That there is no satisfactory alternative;
- (3) That the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

9.37. The Regulations require competent authorities to consider or review planning permission, applied for or granted, affecting a European site, and, subject to certain exceptions, restrict or revoke permission where the integrity of the site would be adversely affected. Equivalent consideration and review provisions are made with respects to highways and roads, electricity, pipelines, transport and works, and environmental controls (including discharge consents under water pollution legislation).

#### *Policy Context*

9.38. Paragraph 174 of the NPPF states that Planning policies and decisions should contribute to and enhance the natural and local environment by (amongst others): a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils; and d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

9.39. Paragraph 180 states that when determining planning applications, local planning authorities should apply the following principles: a) if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused; d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

9.40. Policy ESD10 of the Cherwell Local Plan 2011-2031 lists measures to ensure the protection and enhancement of biodiversity and the natural environment, including a requirement for relevant habitat and species surveys and associated reports to accompany planning applications which may affect a site, habitat or species of known ecological value.

9.41. These policies are both supported by national policy in the NPPF and, under Regulation 43 of Conservation of Habitats & Species Regulations 2017, it is a criminal offence to damage or destroy a breeding site or resting place, unless a licence is in place.

#### *Assessment*

9.42. Natural England's Standing Advice states that an LPA only needs to ask an applicant to carry out a survey if it's likely that protected species are:

- present on or near the proposed site, such as protected bats at a proposed barn conversion affected by the development

It also states that LPA's can also ask for:

- a scoping survey to be carried out (often called an 'extended phase 1 survey'), which is useful for assessing whether a species-specific survey is needed, in cases where it's not clear which species is present, if at all;

- an extra survey to be done, as a condition of the planning permission for outline plans or multi-phased developments, to make sure protected species aren't affected at each stage (this is known as a 'condition survey').
- 9.43. Having considered Natural England's Standing Advice and taking account of the site constraints, it is considered that the site following the granting of the consent for demolition and the erection of a bat barn and including in that submission, an updated Phase 1 habitat survey (22/0085/F), has limited potential to contain protected species and any species present are unlikely to be adversely affected by the proposed development. As such no formal survey is required and in the absence of which this does not result in a reason to withhold permission. An informative reminding the applicant of their duty to safeguard protected species shall be included on the decision notice and is considered sufficient to address the risk of any residual harm.
- 9.44. In order for the local planning authority to discharge its legal duty under the Conservation of Habitats and Species Regulations 2017 when considering a planning application where EPS are likely or found to be present at the site or surrounding area, local planning authorities must firstly assess whether an offence under the Regulations is likely to be committed. If so, the local planning authority should then consider whether Natural England would be likely to grant a licence for the development. In so doing the authority has to consider itself whether the development meets the 3 derogation tests listed above.
- 9.45. In respect of planning applications and the Council discharging of its legal duties, case law has shown that if it is clear/ very likely that Natural England will not grant a licence then the Council should refuse planning permission; if it is likely or unclear whether Natural England will grant the licence then the Council may grant planning permission.
- 9.46. The application is supported by a recent detailed protected species survey which concluded it comprised buildings, hardstanding, neutral semi-improved grassland and managed (mown) poor semi improved with areas of scrubby woodland, waterbodies and dry ditches. The proposals for the site involve demolishing the existing buildings for the redevelopment into a commercial distribution centre with associated infrastructure and landscaping. The majority of the terrestrial habitat onsite will be lost to allow for the development.
- 9.47. Previous surveys were undertaken on the Site by Ecology Solutions Ltd. (2018) and Waterman Group (2020). The surveys identified that there were no statutory designated sites of nature conservation value within or immediately adjacent to the Site. The nearest statutory designated site was Arncott Bridge Meadows Site of Special Scientific Interest (SSSI) located approximately 1.8 km southeast of the Site. At the time of the surveys undertaken in 2018 and 2020, the habitats on Site were identified as being suitable for roosting, foraging and commuting bats, breeding birds, reptiles, great crested newts (GCN) and badgers.
- 9.48. A Phase 1 Habitat Survey undertaken by RPS in 2020 and 2021 identified that the majority of the Site comprised buildings, hardstanding, neutral semi-improved grassland and managed (mown) poor semi-improved grassland. Other habitats present included areas of tall ruderal, dense and scattered scrub, dry ditches and semi-natural/plantation woodland. A number of waterbodies were identified within the Site boundary and within 500 m of it. An updated Phase 1 Habitat Survey undertaken in 2022 found that the habitats on Site had not changed significantly since the original survey in 2020, with the main changes resulting from vegetation growth and encroachment and ongoing demolition activities. Great Crested Newt (GCN) population assessment surveys were undertaken on six waterbodies in

June 2020. GCN were recorded within one pond located within an area of woodland approximately 100 m to the northwest of the Site. An updated GCN environmental DNA (eDNA) survey was undertaken on four waterbodies in April 2022, all results came back negative and therefore GCN are considered likely to be absent from the Site.

- 9.49. A Preliminary Bat Roost Assessment (PRA) undertaken by RPS in July 2020 identified 12 buildings with high potential, two buildings with moderate potential and one building with low potential to support roosting bats. Bat droppings were found in two buildings during the PRA. The outbuildings associated with Buildings D1, D4 and D7 were also considered suitable as hibernation roosts.
- 9.50. Emergence and re-entry surveys undertaken by RPS in September 2020 and between June and August 2021 identified seven buildings with confirmed bat roosts, including day roosts for common pipistrelle, soprano pipistrelle and brown long-eared bats; night / feeding roosts for brown long-eared bats and a satellite roost for natterer's bats. One building was confirmed as a maternity roost for common pipistrelle and one building was confirmed as a hibernation roost for brown long-eared during the surveys undertaken between January and February 2021.
- 9.51. A badger survey was undertaken of the Site by RPS in July 2020, the results for which are held in a confidential appendix, submitted by the applicants.

#### *Conclusion*

- 9.52. Officers are satisfied, on the basis of the advice from the Council's Ecologist, the submitted ES and the absence of any objection from Natural England, and subject to conditions, that the welfare of any European Protected Species found to be present at the site and surrounding land will continue and be safeguarded notwithstanding the proposed development and that the Council's statutory obligations in relation to protected species and habitats under the Conservation of Habitats & Species Regulations 2017, have been met and discharged.

#### Biodiversity net Gain (BNG)

##### *Legislative and policy context*

- 9.53. The requirement for developments to seek to achieve BNG arises from the National Planning Policy Framework (NPPF, 2021), which states in Para. 174 that:

*"Planning policies and decisions should contribute to and enhance the natural and local environment by ... minimising impacts on and providing net gains for biodiversity."*

- 9.54. An accepted method of assessing BNG is through the use of biodiversity calculators to assess the biodiversity value of habitats pre- and post-development based on habitat type, distinctiveness and condition. The original calculation submitted with the application showed a BNG of some minus seventy percent. Following discussions with the CDC Ecologist and refinement of the proposed scheme, this was reduced to some minus fifty five percent on the site itself.
- 9.55. Under the Environment Act 2021, all planning permissions granted in England (with a few exemptions) will have to deliver at least 10% BNG. Habitat improvements delivered under BNG will need to be secured for at least 30 years. Following a 'transitional period', the Act will enter into full force on a date expected to be in November 2023. BNG is one of a raft of commitments on the environment laid out in the Environment Act. BNG is already required through

national planning policy in England and Wales, but the amount is unspecified. The Environment Act 2021 makes BNG mandatory from the point the Act enters into force (est. November 2023). Councils will need to be ready to meet the new legal requirements from that point onwards

9.56. Policy ESD 10 of the adopted Local Plan inter alia requires that:

- 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;
- If significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts) adequately mitigated, or as a last resort, compensated for, then development will not be permitted.

9.57. Corporately, Cherwell District Council has adopted a Community Nature Plan. Whilst not formal planning policy, the aspirations to achieve 10% BNG set out in this document are a material consideration.

#### *Assessment*

9.58. The application, even following a reconsideration of the inputs, still results in a considerable minus figure as described above. As a result, an offsite solution is required.

9.59. The biodiversity net gain approach embeds a fundamental principle for spatial hierarchy of habitat delivery, where there is a preference for onsite or local enhancements. The Environment Act requires that '*information about the steps taken or to be taken to minimise the adverse effect of the development on the biodiversity of the onsite habitat and any other habitat*' is included in the biodiversity gain plan.

9.60. In addition, the Biodiversity Metric incentivises habitat delivery on or close to the development site through a 'Spatial Risk Multiplier', which reduces the biodiversity value of habitats delivered further away from the development.

9.61. Nevertheless, where a development cannot achieve BNG either wholly or partly onsite (as is this case), then the legislation dictates that developer can secure the unit shortfall by securing a bespoke site for net gain, or from appropriate sites on the local net gain habitat market from other landowners. These sites will need to meet the criteria of the biodiversity gain sites register (when this becomes available through the Act). The applicant has partnered with Trust for Oxfordshire's Environment (TOE) Ltd, company number 07492087.

9.62. As a registered charity it is regulated by the Charity Commission. Having implemented pilot BNG projects in 2018/19 including a very much smaller scheme in Fritwell, TOE now operates across all local authorities in Oxfordshire, though less formerly in Cherwell than other Oxfordshire Districts. On large scale development sites there is often the potential for on-site biodiversity reductions. Therefore, BNG operators (such as TOE or the Environment Bank) provide a BNG 'unit' or 'credit' system where landowners and developers can pay to buy BNG units to off-set this BNG requirement via an off-site solution. In such scenarios, planning permission is normally granted with a grampian condition attached to the decision notice.

9.63. The provision and delivery of BNG will soon become law and schedule 14 of the Environment Act sets out that a general condition will be applied to every planning permission (except those exempt from BNG requirements) that a biodiversity gain

plan should be submitted and approved by the planning authority before commencement of development, specifically:

*Every planning permission granted for the development of land in England shall be... subject to the [following] condition: ...the development may not be begun unless a biodiversity gain plan has been submitted to the planning authority... and the planning authority has approved the plan...*

- 9.64. Guidance from the Planning Advisory Service (PAS) confirms that monitoring is the responsibility of the developer and should be set out in the biodiversity gain plan. LPAs will have duties to report on BNG delivery.
- 9.65. This means that a complete biodiversity gain plan will be required for all relevant development, but that this can be approved after the grant of planning permission, as long as this happens prior to commencement of development.
- 9.66. The above solution is considered by CDC's Ecologist to be appropriate in this particular case and as set out above, is content subject to the imposition of an appropriately worded Grampian condition to support the proposal. This 'early payment' of the BNG units allow BNG off-site providers ample time to source a donor site, ideally, in the same local authority. In relation to this, the Biodiversity Metric 3 incentivises habitat delivery on or close to the development site through a 'Spatial Risk Multiplier', which reduces the biodiversity value of habitats delivered further away from the development.
- 9.67. The current cost of a TOE BNG unit is currently approx. £19,200. Given the size of the application site, the BNG off-set payment is anticipated to be in the region of £1.5 - £1.75m. It is currently estimated that approximately 28.9 hectares will be required to mitigate BNG reduction at the site. Funds from the sale of units can then be held by the Trust, in a secure escrow account, for a specified time period during which they must be assigned to biodiversity enhancement projects, ideally within the District in which the development occurred. The Trust secures these projects via land management agreements with landowners, which specify how a given land parcel must be managed and enhanced over a thirty-year period. The Trust is then responsible to the local authority for ensuring that the project is delivered over the full period, providing it with regular reporting.
- 9.68. Adopted planning policy and national guidance requires that new development shall contribute to BNG. At present, there is no specific percentage net gain required either by legislation or by adopted planning policy. Nevertheless, the Act sets out the direction of travel and the future key mandatory components of BNG (minimum 10% gain required calculated using the Biodiversity Metric & approval of a biodiversity gain plan, secured for at least 30 years).
- 9.69. An interim measure, which is in keeping with the direction of travel, is to seek to secure a BNG of no less than 10%, by planning condition. Officers consider that the requirement to quantifiably increase BNG resulting from the development of this allocated brownfield site can only be achieved by an off-site solution and that this can be secured through the planning process, for example by planning condition. The developer does not currently own or control any off-site land. The use of TOE as an organisation operating in Oxfordshire provides a solution to the problem providing suitable mitigation for the proposed development and will ensure that BNG gains are secured, in accordance with local and national planning policy. The solution arrived at is supported by the Council's Ecologist.

### *Conclusion*

- 9.70. Officers consider that the proposed arrangement to deal with BNG with respect to the development of this site are acceptable.

### Drainage

#### *Policy Context*

- 9.71. Local Plan adopted policies ESD 6 and ESD 7 require the management and reduction of flood risk with site specific proposals to demonstrate compliance with that objective and the use of Sustainable Drainage Systems.
- 9.72. The applicants have submitted as part of the ES an outline drainage strategy for a Sustainable urban Drainage System (SUDS) building on pre-application discussions with the Lead Local Flood Authority undertaken by them. The work builds on the existing situation on the site. The topography and impermeable nature of the underlying soil means that in its natural condition, water falling on the site would likely have permeated through the topsoils and run south, following the contours of the hill, before eventually joining streams and ditches which drain into the River Ray (a tributary of the River Cherwell). There is a tributary to the River Ray which runs close to the south-eastern boundary of the site. This connects to the River Ray approximately 1 mile to the south of the site. Approximately 125,000 m<sup>2</sup> of building and roads have been constructed on the site since its development in the 1940's. These are understood to drain to the stream to the south of the site through a system of below ground pipes and ditches. It is not thought that any form of flow control or attenuation is incorporated into the existing site drainage.
- 9.73. Foul water drains via gravity to a Thames Water pumping station in the western part of the site. This pumps foul water through a rising main, which runs under the railway embankment south of the site and discharges to Bicester sewage treatment works, to the northwest of Graven Hill. There are several sewers crossing the site, including a Thames Water foul sewer running along the site's eastern boundary, which is proposed to be partially diverted as part of the development of the site. All other live sewers and drains crossing the site are to be intercepted and diverted away from the site boundary by the current owner, the Graven Hill Village Development Company (GHVDC).
- 9.74. The agreed principles are in part based on Waterman's 'Sustainable Drainage Design Code' ref. CIV15119 ES 001 Rev A01, which was included in the previously consented outline planning application, granted in 2014 and have been revised to take account of the OCC's current requirements. The agreed principles are:
- Infiltration of surface water is not feasible. This has been verified by infiltration testing undertaken as part of the SI, which found the soil to be completely impermeable.
  - Surface water discharged from the proposed site should be drained to the same location as existing. Sites D1 and EL1 should continue to drain southwards towards outfall 'SW4' which drains to a tributary of the River Ray.
  - The discharge of surface water from the site should be limited to Q<sub>BAR</sub> greenfield rate for all rainfall events up to the 1:100 + 40% climate change, unless this is shown to be unfeasible.

- In order to achieve these discharge rates during periods of heavy rainfall, on-site surface water attenuation will be required.
- Surface water attenuation should, wherever possible, be provided in the following SuDS features:
  - Swales and ditches
  - Filter drains and perforated pipes
  - Filter strips and rills
  - Open attenuation basins
- Where space is restricted such that, the measures noted above are not practical, below-ground storage may be used to attenuate surface water runoff.
- Given the nature of the proposed development, an urban creep allowance does not need to be considered when determining the required volume of attenuation storage.

9.75. The drainage strategy will limit the rate surface water discharge to Q\_BAR for rainfall events up to the 1:100 year plus 40% climate change. This will significantly reduce surface water runoff from the site during extreme events, reducing the risk of flooding downstream. Open attenuation basins will provide the majority of surface water storage on the site, and a number of source control features such as rainwater harvesting, swales, permeable paving and porous build-ups will provide additional storage as well as water quality benefits. The open basins will be designed to provide amenity and biodiversity benefits, which will be considered in more detail post-planning.

#### *Assessment and Conclusion*

9.76. The proposals as set out in the submitted drainage strategy set out in the drainage chapter of the ES as amended for the site which is located entirely in flood Zone 1, have been supported by the LLFA and CDC's drainage officer, subject to appropriate conditions regarding the submission of detailed information at reserved matters stage. Officers therefore support the drainage solution proposed at this Outline stage, which is in compliance with adopted policy and the advice of the LLFA.

#### Climate Change and Sustainable Construction

##### *Policy Context*

9.77. The NPPF at paragraph 155 seeks to encourage the use of renewable and low carbon energy and heat sources and notes that in determining applications, LPA's should expect new development to:

- *Comply with relevant development plan policies on local requirements for decentralised energy supply unless demonstrably not feasible or viable; and*
- *Take account of landform layout building orientation, massing and landscaping to minimise energy consumption.*

9.78. Policies ESD1 of the adopted local plan 'Mitigating and Adapting to Climate Change'; ESD2 'Energy Hierarchy and Allowable Solutions'; ESD3 'Sustainable Construction'; ESD4 'Decentralised Energy Systems'; and ESD5 'Renewable Energy' all seek to mitigate the impact of development within the district on climate change. The incorporation of suitable adaptation measures in new

development, to ensure that development is more resilient to climate change impacts, will also be promoted.

#### *Assessment*

- 9.79. The Outline Planning Application is supported by an Energy and Sustainability Statement and paragraph 3.24 within the statement refers to '*Facilitating a Heat Network Connection*'. It states as follows:

*'If deemed feasible at the detailed design stage, the communal network should allow for a single point of connection to an area wide network and, prior to this, be supplied from a single energy centre large enough for the entire site where all energy generating equipment is located. A single energy centre will facilitate the simplest connection (whether immediately, or at a later date) to an area wide district heating network as well as reduce maintenance & operating costs. Therefore, a sufficiently large energy centre that will allow for its connection to an area-wide heat network is required.'*

- 9.80. The assessment also identifies that Solar Thermal; Solar Photovoltaic, and Ground Source Heat Pumps are likely to be the most appropriate measures for Renewable Energy Generation. Although the energy strategy would be confirmed at the Reserved Matters Stage, there is a commitment from the Applicant as set out in the submitted ES to ensure that the development achieves BREEAM '*Excellent*' rating and will also target '*Net Zero Carbon*' at the construction phase. On this basis, Officers consider that the proposed Energy and Sustainability Strategy is acceptable and will create a framework for further sustainable development at the Reserved Matters stage. Further details are provided within the Energy and Sustainability Statement that supports this application.

#### *Conclusion*

- 9.81. The application is in outline with all matters reserved and the details required to satisfy the policy requirements can be the subject of appropriate planning conditions, requiring such applications to comply with the submitted Energy and Sustainability Strategy. Officers are satisfied that the development is materially consistent with adopted development plan policy and national guidance.

#### *Heritage*

##### *Policy Context*

- 9.82. Policy ESD13 '*Local Landscape Protection and Enhancement*', within the Cherwell Local Plan 2011 is relevant and notes that opportunities will be sought to secure the enhancement of the character and appearance of the landscape. It goes on to state that '*development will be expected to respect and enhance local landscape character, securing appropriate mitigation where damage to local landscape character cannot be avoided*'.  
9.83. Policy ESD15 '*The Character of the Built and Historic Environment*', is also relevant. It sets out a number of design aims and also seeks to conserve, sustain and enhance designated and non-designated '*heritage assets*', including buildings, features, archaeology, conservation areas and their settings.

##### *Assessment*

- 9.84. No designated heritage assets are located within the Site. Three non-designated heritage assets are recorded within the Site. These comprise of features associated with the former Central Ordnance Depot, which include demolished P.O.W. Camp 657, storage hanger D2 and its six adjacent air raid shelters, and railway tracks part of the Bicester Military Railway.

9.85. Within the environs of the application site, designated and non-designated heritage assets are recorded as follows:

- Designated heritage assets include three Scheduled Monuments and 13 Listed Buildings (one Grade II\*, 12 Grade II). The closest Listed Buildings in proximity to the Site include the two Grade II Listed Buildings of Wretchwick Farmhouse and its associated barn, located c. 340m and c. 310m, respectively, northeast of the Site;
- Non-designated heritage assets comprise of 34 monuments, element records and archaeological findspots.

9.86. Previous archaeological investigations within the Site include four events (archaeological building recording, two geophysical surveys and a watching brief). A total of 32 events are recorded within the study area, with 13 events recorded within the area encompassed by Graven Hill alone.

#### *Conclusion*

9.87. Officers have considered the submitted ES and have concluded that the heritage impact remains consistent with the findings by the Council in the impact assessment undertaken at the time of the previous ES conducted as part of the 11/01494/OUT consent for the whole of Graven Hill. The archaeological impacts of the scheme have been considered by the County Archaeologist and are considered in the context of the submitted ES, acceptable subject to appropriate planning conditions. The effects on Wretchwick Farmhouse the siting and its structure are considered in the ES to comprise a negligible setting impact and slight significance, respectively. Officers are content with this conclusion.

#### Environmental Statement

9.88. The application is accompanied by an Environmental Statement (ES). undertaken in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended). The ES covers the application site and contains information describing the project, aspects of the environment likely to significantly affected by the development and measures to prevent or mitigate any identified impacts. Where an ES has been submitted with an application the Local Planning Authority must have regard to it in determining the application and can only approve the application if they are satisfied that the ES provides adequate information.

9.89. As the 2014 Planning Permission for the entire site (Planning Application Reference: 11/01494/OUT) required an EIA, the Applicant has voluntarily undertaken an EIA for the Proposed Development therefore, no EIA screening request was prepared for the Proposed Development. No formal EIA Scoping was undertaken in regard to the Proposed Development; however, the structure of the EIA has been informally agreed with CDC Officers and forms the basis of the ES. Running concurrently with the design process, the EIA has sought to identify good practice measures to mitigate likely significant adverse environmental effects that might arise as a consequence of constructing and operating the Proposed Development. The assessment process has also sought to determine the residual environmental effects that will remain after mitigation has been incorporated.

9.90. The ES for each chapter considers the impacts and the significance as well as the cumulative effects. It is not possible within this report to set out all of the impacts identified, but below is a summary of the areas covered. The full reports, technical notes and non-technical summary can be viewed via the Council's website. The submitted initial ES was amended by the applicant following the

result of consultation responses for the following areas as previously reported; SuDS, biodiversity and the red line comprising the identification of the application site. The consultation responses to the original ES and the changes including from any third parties are set out in this report at the time of writing, further responses if any will be reported at Planning Committee, as appropriate.

9.91. The subject areas covered by the ES are set out as submitted documents referenced above in section 3 as follows:

- Site description and proposed development
- Demolition, construction, and site management
- Need and alternatives
- Planning Policy
- Ecology and Nature Conservation
- Historic environment
- Landscape and visual impacts
- Hydrology and flood risk
- Hydrogeology, Geology and ground conditions
- Traffic and Transport
- Noise and vibration
- Climate change
- Air Quality
- Socio economics.

9.92. The overall conclusions of the ES are that during demolition and construction significant temporary adverse residual effects have been identified in relation to landscape and visual resources, and temporary adverse residual effects of a slight significance have been identified in relation to historic environment. During operation, significant landscape and visual effects to the landscape characteristics of the Site have been identified, however these will change from major adverse to minor beneficial over time. Additionally, effects with a slight significance in relation to historic environment have been identified during operation. There will be construction related impact interactions to human receptors surrounding the site during demolition and construction. This is as a result of residual temporary moderate adverse effects related to visual impacts to users of the MoD sports pitches adjacent to St David's Barracks and residual temporary negligible to minor adverse effects related to noise at St David's Barracks.

9.93. The level of combined effects to human receptors at St David's Barracks is considered to be temporary 'Minor to Moderate adverse'. There are no more than minor impact interactions to natural resources or human beings and society during operation.

#### *Conclusion*

9.94. All new development has some impact on the environment. The ES has not identified any significant, long term major adverse impacts and where impacts, for example from construction associated with the proposals have been identified, mitigation measures have been proposed via recommended planning conditions and s106 obligations supported by consultees responses. The ES is therefore

considered to contain 'adequate information' to enable the determination of the application.

## 10. PLANNING BALANCE AND CONCLUSION

10.1. The NPPF at paragraph 10 states 'At the heart of the Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan making and decision taking...for decision taking this means:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in this Framework indicate development should be restricted.

10.2. In the context of this application, the development site falls within an allocation of the Adopted Cherwell Local Plan – Policy Bicester 2 – which provides for 26 hectares of employment land for a mix of former B1, B2 and B8 uses within the allocated site as a whole. There is general compliance with Policy Bicester 2.

10.3. A view has to be taken as to whether or not there are any adverse impacts that would significantly and demonstrably outweigh the benefits of granting consent when assessed against the policies in the Framework taken as a whole.

10.4. Paragraph 8 of the Framework states that there are three overarching objectives which are interdependent and need to be pursued to achieve sustainable development.

**An economic objective** – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

**A social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

**An environmental objective** – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

10.5. In terms of the economic role the development will deliver up to 104,008 sqm of B8 industrial units, including ancillary office use within the B8 units. The development is likely to generate up to approximately 2430 operational jobs, including high skilled, tech led employment and 450 new full-time jobs over the duration of the construction build programme. The construction of the development would result in expenditure of approximately £7m per year in local spending by employees and up to ~£153m per annum in GVA. Annual business rates of £909,000, a portion of which will be retained by the council for investment

in local services and facilities, would also be provided. It is considered that there would be significant economic benefits. The level of economic growth in this location is supported by the Development Plan and other Council adopted Strategies, as well as the NPPF.

- 10.6. In relation to the social role, as noted above, the development of this site will deliver a wide range of employment opportunities and subject to conditions relating to local labour strategies and training opportunities, a proportion of these are likely to be taken up by local people. As noted above, it is also proposed to improve cycle connectivity locally and to encourage access to public transport links to and from the site.
- 10.7. In relation to the environmental role, the proposal would lead to the loss of ecology and biodiversity on the site, however this will be mitigated against by both on-site and off-site enhancement works. Officers accept that the proposal will result in changes to landscape character, views and visual amenity. The largest and most significant impacts being on users of the MoD sports pitches located between Anniversary Avenue and Circular Road (part of the MoD internal road network) adjacent to St. David's Barracks.
- 10.8. However, officers consider that some of these impacts are an inevitable consequence of the site being allocated for this type of development and the topography of the Graven Hill site. Subsequent reserved matters applications will include detailed building elevations and a materials palette and the use of colour banding, to mitigate the visual impact.
- 10.9. Careful consideration will be paid to the building form and roof shapes in order to achieve the best possible design for this location and obtaining high quality landscaping scheme. It is considered the residual harm will be offset by the economic and social benefits of the development.
- 10.10. Developments of the nature proposed can operate 24 hours a day and 7 days a week and as such need to be illuminated. Whilst measures can be incorporated to minimise this, the health and safety of the workers needs to be factored into any planning decision on lighting schemes. As such it is considered that the lighting of the development cannot be completely mitigated against and that some levels of light pollution and therefore harm, are inevitable in the night landscape. However, it is considered that any harm is outweighed by the economic and social benefits of the development.
- 10.11. The development includes a Sustainable Drainage System, which incorporates a number of surface water cleaning techniques in order that discharges are as 'clean' as is reasonably practicable. Surface water runoff rates will be restricted to QBAR greenfield rate for all rainfall events up to the 1:100 + 40%, to ensure that there is no increase in flood risk within and outside the site boundaries as a result of the proposal and to provide a reduction in surface water discharge rates. The surface water strategy includes collection of surface water in permeable paving, swales and open basins, which the Environment Agency and Lead Local Flood Authority are satisfied with, subject to conditions.
- 10.12. In the context of the presumption in favour of sustainable development set out within the NPPF, it is considered that the proposal would result in sustainable development and for these reasons, the application is recommended for approval, subject to the caveats and conditions set out in the recommendation.

## 11. RECOMMENDATION

**DELEGATE TO THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT TO GRANT PERMISSION SUBJECT TO:**

- i. **THE EXPIRY OF THE CURRENT CONSULTATION PERIOD ON 5 DECEMBER 2022, AND CONFIRMATION THAT AT THE CLOSE OF THIS CONSULTATION PERIOD, NO RESPONSES HAVE BEEN RECEIVED RAISING NEW MATERIAL ISSUES WHICH, IN THE VIEW OF THE ASSISTANT DIRECTOR, HAVE NOT BE DEALT WITH IN THE ASSESSMENT OF THE APPLICATION AS SET OUT ABOVE;**

**AND SUBJECT TO**

- ii. **THE CONDITIONS SET OUT BELOW (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY); AND**
- iii. **THE COMPLETION OF A PLANNING OBLIGATION UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990, AS SUBSTITUTED BY THE PLANNING AND COMPENSATION ACT 1991, TO SECURE THE FOLLOWING HEADS OF TERMS SET OUT IN APPENDIX 1 (AND ANY AMENDMENTS, ADDITIONS AND DELETIONS AS DEEMED NECESSARY):**

**HEADS OF TERMS - Refer to Appendix 1 for the full specification**

### **CONDITIONS**

#### **Time Limits and General Implementation Conditions**

1. Application for approval of all the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission and the development hereby permitted shall be begun either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 3(1) of the Town and Country Planning (General Development Procedure) Order 1995 (as amended).

2. Details of the layout, scale, appearance and landscaping (hereafter referred to as 'the reserved matters') for each phase shall be submitted to and approved in writing by the Local Planning Authority before construction of that phase takes place and the development shall be carried out as approved.

Reason: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 6 of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

3. The development shall not be carried out otherwise than in complete accordance with the approved plans:
  - 410-S-00 (Revision. P9) Site Location Plan 1:2500
  - 410-S-10 (Revision. P15) Existing Plan 1:2000
  - 410-S-12 (Revision. P6) Proposed Demolition Plan 1:2000

- 410-S-13 (Revision. P2) Existing Block Plan 1:2000
- 410-S-51 (Revision. P4) Proposed Layout Parameter Plan 1:2000
- 410-GA-10 (Revision P3) Indicative Proposed Unit 2&3 (Area2) - Ground Floor 1:500 (For Information Only)
- 410-GA-11 (Revision P3) Indicative Proposed Unit 3 Floor Plans 1:100 (For Information Only)
- 410-GA-12 (Revision P3) Indicative Proposed Unit 2 Floor Plans 1:100 (For Information Only)
- 410-GA-13 (Revision P3) Indicative Proposed Unit 2&3 (Area2) - Roof 1:500 (For Information Only)
- 410-GA-50 Proposed Bat Barn 1:50
- 410-GS-00 (Revision P4) Existing Site Sections 1:1250
- 410-GS-01 (Revision P3) Indicative Proposed Site Sections 1:1250 (For Information Only)
- 410-GS-10 (Revision P3) Indicative Proposed Unit 2&3 (Area2) - South Elevations (For Information Only)
- 410-GS-11 (Revision P3) Indicative Proposed Unit 2&3 (Area2) - North Elevations (For Information Only)
- 410-GS-12 (Revision P3) Indicative Proposed Unit 2 (Area2) - East & West Elevations 1:200 (For Information Only)
- JSL3697\_Fig10.76 Indicative Landscape Strategy 1:2000 (For Information Only)
- 1923-050-010 (Rev D) EAR Gate1 & 2 Highway Improvements, Future Scenario 1:500
- 1923-050-011 EAR Gate 3 Highway Improvements, Future Scenario 1:500
- 1923-050-012 (Rev C) EAR Gate 4 Highway Improvements, Future Scenario 1:500
- 1923-050-015 (Rev C) EAR Gate1 & 2 Highway Improvements, Proposed Scenario 1:500
- 1923-050-016 (Rev B) EAR Gate 3 Highway Improvements, Proposed Scenario 1:500
- 1923-050-017 EAR (Rev B) Gate 4 Highway Improvements, Proposed Scenario 1:500

Unless a non-material amendment is approved by the Local Planning Authority under the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Reason: To clarify the permission and for the avoidance of doubt.

#### **Development Parameters**

4. The development shall come forward in accordance with the approved parameter plan ref: 410\_S-51 Rev P4 received October 2022 and the floor space for the proposed B8 uses as defined in the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) and shall not exceed the following maximum:

Gross internal area for the whole site: 104,008 sq. metres

Reason: For the avoidance of doubt, to ensure that the development is carried

out only as approved by the Local Planning Authority, in accordance with the submitted Environmental Statement and to accord with Policy Bicester 2 of the Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

5. The maximum height of the buildings on site to the ridge shall not exceed 20 metres (as defined by the Proposed Layout Parameter Plan shown on drawing 410\_S-51 Rev P4).

Reason: For the avoidance of doubt, to safeguard the visual amenities of the area and to accord with Policy ESD15 of the Cherwell Local Plan and with Government advice in the National Planning Policy Framework.

#### **Phasing Plan**

6. No part of the development shall take place until a phasing plan to cover the entire site to identify each phase, sub-phase and development parcel has been submitted to and approved in writing by the Local Planning Authority. The Development shall be carried out in accordance with the approved Phasing Plan. Thereafter each reserved matters application shall refer to a phase, phases or part thereof identified in the approved phasing plan. Any subsequent amendment to the phasing of the development shall be submitted to the Local Planning Authority in the form of a revised phasing plan and approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory form of development throughout the duration of the construction phase and to comply with Policy PSD 1 of the Cherwell Local Plan and with Government advice in the National Planning Policy Framework.

#### **Tree Protection**

7. No development shall take place until a scheme for the phasing of the tree protection works in accordance with the following drawings and documents:
  - Arboricultural constraints plan sheets 1 to 8 dated May 2022;
  - Tree retention and removal plan sheets 1 to 8 dated May 2022; and
  - Arboricultural Impact Assessment dated June 2022;

has been submitted to and been agreed in writing by the Local Planning Authority. The tree protection measures shall thereafter be erected in accordance with the approved details and timings and shall be maintained until all equipment, machinery and surplus material has been removed from that phase or sub phase of the development.

Nothing shall be stored or placed within the areas protected by the barriers erected in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavations be made, without the written consent of the Local Planning Authority.

Reason: To ensure the continued health of retained trees/hedges and to ensure that they are not adversely affected by the construction works, in the interests of the visual amenity of the area, to ensure the integration of the development into the existing landscape and to comply with Policies ESD10 and ESD13 of the Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

## **Ecology**

8. Prior to, and within two months of, the commencement of the development, the site shall be thoroughly checked by a suitably qualified ecologist to ensure that no protected species, which could be harmed by the development, have moved on to the site since the previous surveys were carried out. Should any protected species be found during this check, full details of mitigation measures to prevent their harm shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved mitigation scheme.

Reason: To protect species of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan and Government guidance contained within Section 15 of the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

9. The development shall be implemented fully in accordance with the approved Ecological Assessment by RPS Group, dated June 2022 (Ref: ECO01318 v.4)

Reason: To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan and Government guidance contained within Section 15 of the National Planning Policy Framework.

10. Where an offence under Regulation 41 of the "The Conservation of Habitats and Species Regulations 2017 (as amended) is likely to occur in respect of the development hereby approved, no works of site clearance, demolition or construction shall take place which are likely to impact on bat species and great crested newts until a licence to affect such species has been granted in accordance with the aforementioned Regulations and a copy thereof has been submitted to the Local Planning Authority.

Reason: To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan and Government guidance contained within Section 15 of the National Planning Policy Framework.

11. All species used in the planting proposals associated with the development's ecological mitigation and biodiversity enhancement areas shall be native species of UK provenance.

Reason: To conserve and enhance biodiversity and prevent the spread of non-native species in accordance with Policy ESD10 of the Cherwell Local Plan and Government guidance contained within Section 15 of the National Planning Policy Framework.

12. No development shall commence (including demolition, ground works, vegetation clearance), unless and until a certificate confirming the agreement of an 'Off-Site Biodiversity Net Gain' or 'Offset' Provider, approved by the Local Planning Authority to deliver a Biodiversity Offsetting Scheme of no less than 10% biodiversity units (in accordance with the Defra Biodiversity metric 3.1 calculation tool) above the baseline (138 units), with management guaranteed for a minimum of 30 years, has been submitted to and agreed in writing by the Local Planning Authority. The written approval of the Council shall not be issued before the certificate has been issued by the Off-Site Biodiversity Net Gain Provider. The details of biodiversity enhancements shall be documented by the Off-Site

Biodiversity Net Gain Provider and issued to the Council for their records. For the avoidance of doubt, the finalised unit number and cost shall be agreed following an updated habitat assessment.

The approved scheme shall thereafter be implemented in accordance with the approved details.

Reason: To compensate of the net loss of biodiversity resulting from the development by providing biodiversity enhancements off-site in accordance with Policy ESD10 of the Cherwell Local Plan and paragraphs 170, 174 and 175 of the National Planning Policy Framework.

**Construction Traffic Management Plan (CTMP)**

13. No development shall take place on any phase, sub-phase or development parcel (as defined by phasing plan to be submitted to and approved in writing under condition 6) including any works of demolition until a Construction Traffic Management Plan for that phase, sub-phase or development parcel for the development has been submitted to and been approved in writing by the Local Planning Authority. The statement shall provide for at a minimum:
- a. The location and design of the construction site accesses, and details of remedial works included in the closure of the construction accesses;
  - b. The design and location of the site compound;
  - c. The parking of vehicles of site operatives and visitors;
  - d. The routing of HGVs to and from the site both before and after the completion of the Employment Access Route (EAR);
  - e. Full details of the off-site signage for the routing of Heavy Goods Vehicle construction traffic;
  - f. The proposed hours of HGV construction traffic to and from the site;
  - g. Loading and unloading of plant and materials;
  - h. Storage of plant and materials used in constructing the development;
  - i. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
  - j. Wheel washing facilities for each access point including type of operation (automated, water recycling etc) and road sweeping;
  - k. Measures to control the emission of dust and dirt during construction as based on assessment of the dust risk undertaken in accordance with the Institute of Air Quality Management (IAQM) Guidance on Assessment of Dust from Demolition & Construction 2014(v1.1) & Guidance on Air Quality Monitoring in the vicinity of Construction & Demolition Sites 2018(v1.1);
  - l. A scheme for recycling/disposing of waste resulting from demolition and construction works;
  - m. A commitment to deliveries only arriving or leaving the site outside peak traffic periods.

The approved Construction Method Statement shall thereafter be adhered to throughout the construction period for the development.

Reason: To ensure that the M40 and A34 continue to be effective parts of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety, in

accordance with Policy ESD3 of the Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

#### **Construction Environmental Management Plan**

14. No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP: Biodiversity shall include as a minimum:
- a. Risk assessment of potentially damaging construction activities;
  - b. Identification of 'Biodiversity Protection Zones';
  - c. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
  - d. The location and timing of sensitive works to avoid harm to biodiversity features;
  - e. The times during construction when specialist ecologists need to be present on site to oversee works;
  - f. Responsible persons and lines of communication;
  - g. The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
  - h. Use of protective fences, exclusion barriers and warning signs;
  - i. Reptile Method Statement;
  - j. Great Crested Newt Method Statement.

The approved CEMP: Biodiversity shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

Reason: To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policies ESD10 and ESD 15 of the Cherwell Local Plan and Government guidance contained within Section 15 of the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

#### **Archaeology – Written Scheme of Investigation**

15. No development shall take place in any phase, sub-phase or development parcel (as defined by phasing plan to be submitted to and approved in writing under condition 6) until the applicant, or their agents or successors in title, has submitted to and had approved in writing by the local planning authority a programme of archaeological work in accordance with a Written Scheme of Investigation and a timetable for that work for that phase of the development. The development shall thereafter proceed in accordance with the approved written scheme of investigation and timetable for that phase or sub phase of the development.

Reason: To secure the provision of archaeological investigation and the subsequent recording of the remains, to comply with Policy ESD 15 of the Cherwell Local Plan and Government advice in the National Planning Policy Framework (NPPF) (Section 16). This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

### **Archaeological Reporting**

16. Following the approval of the Written Scheme of Investigation referred to in condition 15, no development shall commence on site without the appointed archaeologist being present. Once the watching brief has been completed its findings shall be reported to the Local Planning Authority, as agreed in the Written Scheme of Investigation, including all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to the Local Planning Authority within two years of the completion of the archaeological fieldwork.

Reason - To safeguard the recording and inspection of matters of archaeological importance on the site in accordance with Policy ESD 15 of the Cherwell Local Plan and Government advice in the National Planning Policy Framework (NPPF) (Section 16).

### **Framework Operational Management Plan**

17. Prior to occupation of any part of development hereby permitted, a Framework Operational Management Plan (FOMP) will be submitted to and agreed in writing by the Local Planning Authority. The FOMP will detail the proposals for the management of the impact of the development on the surrounding highway network, including but not limited to the following:
- a. Details of staff shift changes at the development (or the relevant part thereof) which seek to minimise the effect during peak (0800-0900 & 1700-1800) operational periods of the surrounding highway network;
  - b. A car park management plan for the development (or the relevant part thereof);
  - c. A strategy for road signs at the development (or the relevant part thereof); This includes both scenarios both 'before' and 'after' completion of the South East Perimeter Road;
  - d. A site delivery and service plan, detailing the routing and timing of delivery vehicles at the development (or the relevant part thereof).

Reason: To ensure that the M40 and A34 continue to be effective parts of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety. This is also to minimise the effect during peak (0800-0900 & 1700-1800) operational periods.

### **Site Access – Full details**

18. Prior to the commencement of the development hereby approved, full details of the means of access between the land and the Employment Access Road, including position, layout, drainage, lighting, visibility splays and footways shall be submitted to and approved in writing by the Local Planning Authority. There shall be no obstruction of the visibility splays above 0.6m high. Thereafter and prior to the first occupation of any of the development, the means of access shall be constructed and retained in accordance with the approved details.

Reason: In the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework.

### **Site Roads, Parking and Turning Areas**

19. Prior to the commencement of each phase, sub-phase and development parcel (as defined by phasing plan to be submitted to and approved in writing under condition 6) hereby approved, full specification details of the site roads, parking

and turning areas, which shall include swept path analysis, construction, layout, surfacing, lighting and drainage, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of each phase of the development, the site roads and turning areas shall be constructed in accordance with the approved details.

Reason: In the interests of highway safety, to ensure a satisfactory standard of construction and layout for the development and to comply with Government guidance contained within the National Planning Policy Framework.

### **Cycle Parking**

20. The development hereby approved shall not be occupied until cycle parking spaces to serve the development have been provided according to details that have been submitted to and agreed in writing by the Local Planning Authority. All cycle parking shall be retained unobstructed except for the parking of cycles at all times thereafter, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure appropriate levels of cycle parking are available at all times to serve the development, and to comply with Government guidance contained within the National Planning Policy Framework.

### **Pedestrian/Cycle connection**

21. Prior to the commencement of the development hereby approved, full details of the pedestrian/cycle connections within the site and from the site to the Employment Access Road shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the connections will be provided in accordance with the agreed details prior to occupation of the development.

Reason: To ensure safe and suitable access to the development for all people and to comply with Government guidance contained within the National Planning Policy Framework.

### **Crime Prevention**

22. All reserved matters applications for the construction of buildings (excluding temporary, service building e.g. substation or buildings used for security purposes) shall be submitted with a detailed scheme for crime prevention which will include both electronic and physical measures to demonstrate compliance with the guidance contained in 'Secured by Design - Commercial 2015'. The development approved under the reserved matters consent shall thereafter be implemented fully in accordance with the approved scheme prior to its first occupation and all measures shall be maintained in full working condition.

Reason: In the interest of crime prevention and to comply with Policy BSC9 of the Cherwell Local Plan and Government advice in the National Planning Policy Framework.

### **Hours of operation**

23. Any reserved matters applications for B8 uses (as set out in the Town and Country Planning (Use Classes) Order 1987 (as amended)) shall include full details of proposed opening hours for those proposed uses. The premises granted reserved matters consent shall thereafter be operated in accordance with the approved details.

Reason: To protect the amenities of nearby residents and to comply with Policy C28 of the Cherwell Local Plan and Government guidance in the National Planning Policy Framework.

### **Landscape Environmental Management Plan**

24. No part of the development shall take place on a phase, sub-phase, or development parcel (as defined on by the phasing plan to be submitted and approved under condition 6). until a detailed Landscape and Ecological Management Plan (LEMP) for that phase, sub-phase, or development parcel has been submitted to and approved in writing by the Local Planning Authority. Each phase of the development hereby permitted shall be constructed in accordance with LEMP approved for that phase.

Reason: To ensure that the mitigation measures detailed within the Environmental Statement are adequately addressed in order to protect and preserve wildlife and its habitats in accordance with Policies ESD 10 and ESD 13 of the Cherwell Local Plan and guidance contained within the NPPF.

### **Outline Strategic Landscaping**

25. No development shall take place until full details of the proposed strategic landscaping as defined on drawing 'Indicative Landscape Strategy' ref: 10.76, received June 2022 have been submitted to and approved in writing to the Local Planning Authority. The details shall include:
- a. details of all earth bunding and earth retaining features;
  - b. details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas and written specifications (including cultivation and other operations associated with plant and grass establishment i.e., depth of topsoil, mulch etc);
  - c. details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation.

The approved landscaping works within the Strategic Landscape Strategy shall thereafter be implemented in the first planting season following the practical completion of the first phase, sub-phase or development parcel of development, (as defined on by the phasing plan to be submitted and approved under condition 6).

Reason: To ensure that a satisfactory landscape scheme is provided in the interest of well planned development and visual amenity and to accord with Policy ESD13 of the Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

### **Site wide lighting scheme**

26. A scheme detailing all external lighting/security lighting/flood lighting, including the design, position, orientation and any screening of the lighting in accordance with the BWB Lighting Impact Assessment Ref BSB-BWB-ZZ-XX-RP-E-0001\_LIA received June 2022 shall be submitted with each reserved matters for the erection of a building and or the construction of a parking area.

Reason: In order to safeguard the visual amenities of the area and the residential amenity of nearby properties in accordance with Policies ESD13 and ESD15 of the Cherwell Local Plan and Government advice in The National Planning Policy Framework.

### **Colour banding/design**

27. All reserved matters applications for any building (excluding temporary, service buildings e.g., substation, or buildings used for security purposes) shall include full details of the colours of materials used for the elevations and roofs and shall adopt a horizontal colour banded approach as set out in section 5.11 of the Design and Access Statement received June 2022.

Reason: To ensure that the materials and the appearance of the buildings are appropriate to the locality and to ensure the satisfactory appearance of the completed development in accordance with Policy ESD13 of the Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

### **Mezzanine Floors**

28. All reserved matters applications shall include full details of any proposed mezzanine floors where they are proposed to be included with any of the units that form part of the reserved matters submission.

Reason: To ensure the development complies with the development parameters and the submitted Transport Assessment and to accord with policy SLE 1 and Bicester 2 of the Cherwell Local Plan and guidance contained with the National Planning Policy Framework.

### **Scheme for Control of Noise Emissions and Vibration from Plant/ Equipment**

29. Each Reserved Matters application shall be accompanied by a Noise and Vibration Impact Assessment and mitigation scheme to control emissions of noise and/or vibration from within buildings and noise and/or vibration from any activity in external areas. The noise assessment shall be undertaken in accordance with procedures detailed in BS4142:2014: +A1:2019 Methods for rating and assessing industrial and commercial sound for any noise sensitive premises, and shall not exceed the levels set out in Table 14.16 (paragraph 14.9.3) and the information provided in paragraphs 14.9.4 to 14.9.8 (inclusive) contained within Appendix 14 of the Environmental Statement by Stantec dated June 2022. The vibration assessment will be undertaken in accordance with procedures detailed in BS 6472- 1992 Guide to the Evaluation of human exposure to vibration in buildings and BS 7385-2:1993 Evaluation and measurement for vibration in buildings - Guide to damage levels from ground borne vibration. The units shall be built and operated in full accordance with the approved Noise and Vibration Impact Assessment and any noise control measures and vibration control measures shall be implemented in full prior to the first occupation of the building and retained in full working order thereafter.

Reason: To protect nearby properties from unacceptable noise pollution and vibration and to comply with policy PSD1 of the Cherwell Local Plan and guidance contained with the National Planning Policy Framework.

### **Foul Water Provision**

30. No development shall be occupied until confirmation has been provided that either:
- a) Foul water Capacity exists off site to serve the development; or
  - b) A development and infrastructure phasing plan has been agreed with the Local Authority in consultation with Thames Water. Where a development and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed development and infrastructure

phasing plan; or

- c) All Foul water network upgrades required to accommodate the additional flows from the development have been completed.

Reason: Network reinforcement works may be required to accommodate the proposed development. Any reinforcement works identified will be necessary in order to avoid sewage flooding and/or potential pollution incidents and to comply with Government guidance contained within the National Planning Policy Framework.

#### **Odour Modelling Assessment**

- 31. No development shall commence until an odour modelling assessment has been submitted to and approved by the Local Planning Authority (LPA) in consultation with Thames Water (TW). The odour assessment should be based on assessing on-site odour emissions. The assessment should include an odour mitigation measures strategy. Where the odour modelling assessment identifies a need for mitigation there should be no occupation of the development until the recommendations of the odour mitigation strategy are agreed by the LPA in consultation with TW and have been implemented and are operational. The applicant should submit an appropriate appraisal of amenity whereby the conclusions and recommendations satisfy the LPA. The applicant should within its submission include a detailed odour assessment, which should be prepared in consultation with TW.

Reason: To ensure that there is a scheme for the control of fumes and odours in place so as to avoid unnecessary detrimental impacts on the surrounding area and/or neighbouring properties, in accordance with Policy BSC8 and Government guidance contained at paragraph 123 within the National Planning Policy Framework.

#### **Water Network Provision**

- 32. No development shall be occupied until confirmation has been provided that either:- all water network upgrades required to accommodate the additional demand to serve the development have been completed; or - a development and infrastructure phasing plan has been agreed with Thames Water to allow development to be occupied. Where a development and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan.

Reason: The development may lead to no / low water pressure and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional demand anticipated from the new development, in accordance Government guidance contained within the National Planning Policy Framework.

#### **Strategic Surface Water Management Scheme**

- 33. Prior to the commencement of development, a detailed surface water drainage scheme for the entire site, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall include:
  - a) A compliance report to demonstrate how the scheme complies with the “Local Standards and Guidance for Surface Water Drainage on Major Development in Oxfordshire”;
  - b) Full drainage calculations for all events up to and including the 1 in 100

- year plus 40% climate change;
- c) A Flood Exceedance Conveyance Plan;
- d) Comprehensive infiltration testing across the site to BRE DG 365 (if applicable)
- e) Detailed design drainage layout drawings of the SuDS proposals including cross-section details;
- f) Detailed maintenance management plan in accordance with Section 32 of CIRIA C753 including maintenance schedules for each drainage element, and;
- g) Details of how water quality will be managed during construction and post development in perpetuity;
- h) Confirmation of any outfall details;
- i) Consent for any connections into third party drainage systems.

Reason: To ensure development does not increase the risk of flooding elsewhere; in accordance with Paragraph 155 of the National Planning Policy Framework (NPPF) and Local and National Standards.

#### **Surface Water Management Scheme**

34. Prior to the approval of any related reserved matters, a detailed Surface Water Management Scheme for each phase, sub-phase or development parcel of the development (as defined on by the phasing plan to be submitted and approved under condition 6), shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be in accordance with the details approved as part of the strategic scheme (Strategic Surface Water Management Scheme approved under condition 33) and include all supporting information as listed in condition 33. The scheme shall be implemented in accordance with the approved details and timetable.

Reason: To ensure development does not increase the risk of flooding elsewhere; in accordance with Paragraph 155 of the National Planning Policy Framework (NPPF) and Local and National Standards.

#### **SuDS as Built and Maintenance Details**

35. Prior to first occupation, a record of the installed SuDS and site wide drainage scheme shall be submitted to and approved in writing by the Local Planning Authority for deposit with the Lead Local Flood Authority Asset Register. The details shall include:
- a) As built plans in both .pdf and .shp file format;
  - b) Photographs to document each key stage of the drainage system when installed on site;
  - c) Photographs to document the completed installation of the drainage structures on site;
  - d) The name and contact details of any appointed management company.

Reason: To ensure development does not increase the risk of flooding elsewhere; in accordance with Paragraph 155 of the National Planning Policy Framework (NPPF) and Local and National Standards.

### **Waste Management Strategy**

36. Prior to the first occupation of any building on the site (excluding temporary, service buildings e.g., substation, or buildings used for security purposes) details of the waste management strategy (i.e. storage of bins and collection) for that building shall be submitted and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the details so approved at all times thereafter.

Reason: In the interests of sustainability and to ensure a satisfactory form of development and to accord with Policy ESD1 and with Government advice in the National Planning Policy Framework.

### **Restriction of Use**

37. Any premises first used for purposes within Class B8 shall thereafter only be used for purposes within Class B8 as specified in the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended).

Reason: To ensure proper planning control of the uses on site, to ensure compliance with Transport Assessment, to protect the amenities of nearby residents, to safeguard and to ensure adequate provisions of access and parking and to accord with Policies SLE1 and Bicester 2 of the Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

### **Hours of Construction Work**

38. No construction work including site clearance shall be carried out except between the hours of 07.30 to 18.00 Monday to Friday and 08.00 to 13.00 on Saturdays and at no times on Sundays, Bank and Public Holidays.

Reason: In order to protect the amenities of occupiers of nearby properties from noise outside normal working hours and to comply with Policy PSD 1 of the Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

### **Sustainability**

39. The development hereby permitted shall be constructed to at least a BREEAM 'Excellent' standard, or any future national equivalent standard that replaces it.

Reason: To ensure energy and resource efficiency practices are incorporated into the development in accordance with the Government's aim to achieve sustainable development as set out in the National Planning Policy Framework and to comply with Policies ESD1, 2, 3, 4 and 5 of the Cherwell Local Plan and Government guidance within the National Planning Policy Framework.

40. A scheme detailing the methods for generation of energy from decentralised and renewable or low carbons sources in accordance with BWB Energy and Sustainability Statement ref: BSB-BWB-00-XX-RP-ME-0001 received June 2022 shall be submitted with each reserved matters application for the erection of a building (other than the erection of services buildings) and approved in writing by the Local Planning Authority. The scheme shall thereafter be implemented in accordance with the details so approved.

Reason: To ensure energy and resource efficiency practices are incorporated into the development in accordance with the Government's aim to achieve sustainable development, in accordance with Policies ESD 1 and ESD 2 and as set out in the National Planning Policy Framework.

41. No building shall be first occupied until a scheme for the provision of electric vehicle charging points and associated ducting (including the specification of the charging points and the timing of the installation of the charging points) has been submitted to and been approved in writing by the Local Planning Authority. The ducting should be in place to allow for the easy expansion of the electric vehicle charging system. The car charging equipment shall thereafter be installed in accordance with the approved details and shall thereafter be available for use at all times and be maintained in full working order.

Reason: To comply with Policies ESD 1, ESD 4 and ESD 5 of the Cherwell Local Plan and to maximise opportunities for sustainable transport modes in accordance with paragraph 110(e) of the National Planning Policy Framework.

#### **Land Contamination – Intrusive Investigation Scheme**

42. In accordance with the recommendations set out in section 5.3 of the Ground Conditions Summary Report by RPS Group dated 16 May 2022, no part of the development within a phase, sub-phase, or development parcel hereby permitted shall take place until a scheme of intrusive investigation for that phase, sub-phase, or development parcel in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals shall be documented as a report undertaken by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and shall be submitted to and approved in writing by the Local Planning Authority. No development shall take place unless the Local Planning Authority has given its written approval that it is satisfied that the risk from contamination has been adequately characterised as required by this condition.

Reason: To ensure that any ground and water contamination is adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with Policy ESD 10 of the Cherwell Local Plan.

#### **Contaminated Land Remediation Scheme**

43. If contamination is found in any phase, sub-phase, or development parcel by undertaking the work carried out under condition 42, prior to the commencement of the development within that phase, sub-phase, or development parcel hereby permitted, a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use shall be prepared by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and shall be submitted to and approved in writing by the Local Planning Authority. No further development shall take place within that phase, sub-phase, or development parcel until the Local Planning Authority has given its written approval of the scheme of remediation and/or monitoring required by this condition.

Reason: To ensure that any ground and water contamination is adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with Policy ESD 10 of the Cherwell Local Plan.

#### **Unsuspected Contamination**

44. If, during development, contamination not previously identified is found to be present at the site, development will cease within that area of the site, until full details of a remediation strategy detailing how the unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. Thereafter the remediation strategy shall be carried out in

accordance with the approved details.

Reason: To ensure that any ground and water contamination is identified and adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with Policy ESD 10 of the Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

#### **External Storage**

45. Following the first occupation of each building on the site, no goods, materials, plant or machinery shall be stored, repaired, operated or displayed outside the buildings (beyond the areas shown as open storage on plans approved through reserved matters applications).

Reason: In order to safeguard the visual amenities of the area and to ensure adequate parking and manoeuvring space within the site in accordance with Government guidance contained within the National Planning Policy Framework.

#### **Refrigerated Trailers**

46. In the event that refrigerated trailers operate from the site, all HGV waiting and loading bays necessary to park the refrigerated trailers shall be provided with electrical hook up points to allow refrigerated trailers to operate without using their diesel engines when stationary. Any hook up points required by this condition shall be provided prior to first use of the site by refrigerated vehicles and thereafter be maintained in a serviceable condition for the lifetime of such vehicular activities taking place on the site.

Reason: To ensure the creation of a satisfactory environment free from intrusive levels of noise in accordance with Policies PSD 1 and ESD 10 of the Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

#### **Skills and Training**

47. Prior to the commencement of development, a Training and Employment Plan (TEP) for the development shall be submitted to and approved in writing by the Local Planning Authority. As a minimum, this plan shall include the arrangements by which the applicant (or other specified persons) will provide construction (and related trades) apprenticeship starts during construction of the development hereby approved. Construction shall take place in accordance with the agreed TEP.

Reason: To support and encourage sustainable economic growth, to ensure the population is sufficiently skilled to attract companies and investment to Cherwell and strengthen the skills base of the local economy, in accordance with paragraph B14 and Strategic Objective 3 of the Cherwell Local Plan and Government guidance contained in paragraphs 80 and 81 of the National Planning Policy Framework.

### **INFORMATIVES**

1. In relation to condition 12, several off-site biodiversity net gain or "offset" providers can take financial payments to deliver off-site biodiversity net gain projects in Oxfordshire, including the Trust for Oxfordshire's Environment (TOE) - <https://www.trustforoxfordshire.org.uk/biodiversityoffsetting>. The number of Biodiversity Units required to provide the required level of biodiversity net gain for this permission are 76.37 units (using the Defra Biodiversity metric 3.1 calculation tool).

2. There are public sewers crossing or close to your development. If you're planning significant work near our sewers, it's important that you minimize the risk of damage. We will need to check that your development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. <https://www.thameswater.co.uk/developers/larger-scale-developments/planning-yourdevelopment/working-near-our-pipes>.
3. The proposed development is located within 15m of Thames Waters underground assets, as such the development could cause the assets to fail if appropriate measures are not taken. Please read our guide 'working near our assets' to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures. <https://www.thameswater.co.uk/developers/larger-scale-developments/planning-yourdevelopment/working-near-our-pipes>. Should you require further information please contact Thames Water. Email: [developer.services@thameswater.co.uk](mailto:developer.services@thameswater.co.uk)
4. There are public sewers crossing or close to your development. If you're planning significant work near our sewers, it's important that you minimize the risk of damage. We'll need to check that your development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. <https://www.thameswater.co.uk/developers/larger-scale-developments/planning-yourdevelopment/working-near-our-pipes>.
5. There are water mains crossing or close to your development. Thames Water do NOT permit the building over or construction within 3m of water mains. If you're planning significant works near our mains (within 3m) we'll need to check that your development doesn't reduce capacity, limit repair or maintenance activities during and after construction, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. <https://www.thameswater.co.uk/developers/larger-scale-developments/planning-yourdevelopment/working-near-our-pipes>.
6. The proposed development is located within 15m of our underground water assets and as such we would like the following informative attached to any approval granted. The proposed development is located within 15m of Thames Waters underground assets, as such the development could cause the assets to fail if appropriate measures are not taken. Please read our guide 'working near our assets' to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures. <https://www.thameswater.co.uk/developers/larger-scale-developments/planning-yourdevelopment/working-near-our-pipes> Should you require further information please contact Thames Water. Email: [developer.services@thameswater.co.uk](mailto:developer.services@thameswater.co.uk).

APPENDIX 1- Heads of Terms for Section 106 Agreement/undertaking

Planning obligation			Regulation 122 Assessment
Detail	Amounts (all to be Index linked)	Trigger points	
<b>Provision of monitoring fees for a Framework Travel Plan</b>	£2,563 RPI Index linked Dec 2021	Prior to implementation	<p><b>Necessary</b> – the development would give rise to the generation of material levels of traffic associated with staff travel to and from work. The Travel Plan is required in order to minimise the number of staff car journeys to the site and to achieve more sustainable travel behaviour in accordance with the requirements of Local Plan Policy ESD 3 of the Cherwell Local Plan.</p> <p><b>Directly related</b> – Multiple occupiers across the development triggers the requirement for a site wide ‘Framework Travel Plan’</p> <p><b>Fairly and reasonably related in scale and kind</b> – In order to ensure the Travel Plan is effective, the LHA is required to monitor compliance with it. The LHA monitoring fee payment would address expenditure for the LHA arising from a specific development.</p>
<b>Provision of monitoring fees for detailed Travel Plans for each unit</b>	£2,563 (RPI index linked Dec 2021) for each unit	Prior to implementation	<p><b>Necessary</b> – the development would give rise to the generation of material levels of traffic associated with staff travel to and from work. The</p>

			<p>Travel Plan is required in order to minimise the number of staff car journeys to the site and to achieve more sustainable travel behaviour in accordance with the requirements of Local Plan Policy ESD 3 of the Cherwell Local Plan.</p> <p><b>Directly related</b> – Multiple occupiers across the development triggers the requirement for a site wide ‘Framework Travel Plan’</p> <p><b>Fairly and reasonably related in scale and kind</b> – In order to ensure the Travel Plan is effective, the LHA is required to monitor compliance with it. The LHA monitoring fee payment would address expenditure for the LHA arising from a specific development.</p>
<p><b>Highway works to upgrade the cycle track along the A41 between Rodney House and Pioneer roundabouts.</b></p>	<p>£374,174 Highway Works Contribution indexed from Feb 2022 using Baxter Index</p>	<p>Prior to implementation</p>	<p><b>Necessary</b> – The path along the south-west side of the A41 between the roundabouts is designated as a shared use cycletrack but needs to be widened to 3m and improved.</p> <p><b>Directly related</b> – the development would give rise to the generation of material levels of commuters to the site.</p> <p><b>Fairly and reasonably related in scale and kind</b> – Pioneer to Rodney House roundabouts, 530m between facilities</p>

			Contribution = $(530 / 370) \times \text{£}237,102 = \text{£}339,633$ April 2020 Updated to the latest firm index date, = $\text{£}374,174$ Feb 2022
<b>Public transport services to provide a bus service between the site and Bicester Town Centre</b>	£272,250 Public Transport Service Contribution indexed from December 2021 using RPI-x	The first instalment, prior to first occupation of the first unit and the second and third instalments upon the first and second anniversaries respectively, of the date upon which the first instalment was due.	<p><b>Necessary</b> – The site is not accessible by using existing bus routes so a new service is required to provide a realistic alternative to the private motor vehicle.</p> <p><b>Directly related</b> – the development would give rise to the generation of material levels of traffic associated with staff travel to and from work.</p> <p><b>Fairly and reasonably related in scale and kind</b> – The service must coincide with the anticipated three shift changes per day, seven days a week. Total number of trips, based on three per day, 363 days per year for five years = <math>3 \times 363 \times 5 = 5445</math> Each round trip assumed to be one hour, at £50 per hour Total cost = <math>\text{£}5445 \times 50 = \text{£}272,250</math></p>
<b>Provision of bus shelters, screens, flags, poles and timetable cases.</b>	£42,034 Public Transport Infrastructure Contribution indexed from October 2021 using Baxter Index	Prior to first occupation	<p><b>Necessary</b> – The stops are required to provide adequate coverage across the width of the site, in association with the new bus service.</p> <p><b>Directly related</b> – The stops are required to provide adequate coverage across the width of the site, in association with the new bus service.</p> <p><b>Fairly and reasonably related in scale and kind</b> – Costs from the Schedule of Rates are as follows: Pole and flag units = <math>\text{£}1,221 \times 2 = \text{£}2,442</math> 3 bay</p>

			shelter with integral RTI display, plus pole and flag = £19,796 x 2 = £39,592 Total = £2,442 + £39,592 - £42,034
An obligation to enter into a S278 agreement if the Employment Access Road (EAR) has been adopted to secure mitigation/improvement works including 4 no. bellmouth site access junctions, as shown indicatively on Alan Baxter drawing nos. 1923/050/015 Rev. C, /016 Rev. B and /017 Rev. B.	N/A	If the Section 38 has been completed and is OCC Adoptable Highway: The on-plot developers will require a S278 to complete a formal set back bellmouth (in accordance with LTN 1/20) to allow access to their site with an adoptable layout. In this event the on-plot developer will require a Temporary Construction Access (under a Section 184). If the Section 38 has not been completed and	<p><b>Necessary</b> – It is not certain whether the EAR will have been adopted by the time that the D1 Site redevelopment comes forward. Therefore, there are two possible scenarios need to be considered.</p> <p><b>Directly related</b> – There will be four individual access points into the site from the previously approved Employment Access Road (EAR). The easterly Accesses, 1 and 2, directly serve three of the warehouse units, while Accesses 3 and 4 connect to an internal road system that feeds the remaining six units.</p> <p><b>Fairly and reasonably related in scale and kind</b> Layout of the bellmouth junctions has been considered during design of the EAR but they are not being constructed at the same time as the road. It is intended that the EAR will be incorporated into the Bicester South East Perimeter Road (SEPR) in the future, at which time the higher traffic flows will require right turn filter lanes. Space will be available within the adopted highway boundary to shift the kerbline without disturbing the footway and cycleway.</p>

		not part of the OCC adoptable highway: The developer can construct a formal access as part of an S38 agreement which adjoins the EAR.	
<b>OCC S106 Monitoring fees</b>	TBC		