

URGENT BUSINESS AND SUPPLEMENTARY INFORMATION

Planning Committee

14 July 2011

Title

Written update - Eco Town

If you need any further information about the meeting please contact Michael Sands, Legal and Democratic Services michael.sands@cherwell-dc.gov.uk (01295) 221554

Agenda Item 18

Committee Update for 10/01780/HYBRID

Further representations

Environment Agency have removed their objection and comment as set out below;

Water Cycle Study

We have reviewed the letter from Hyder dated 13 June 2011 ref. 7520-UA001881-02 and accompanying Technical Note dated 01 June 2011.

The note provides further clarity on the options and requirements to meet Water Neutrality. If these measures can be successfully implemented, in combination with high water efficiency measures within non-residential building then we advise that this development could become water neutral.

The note confirms that 2,030 existing homes within the Bicester area would need to be fitted with water efficient devices such as variable flush toilets and low flow showers and taps in order to meet the gap of 82m³ per day. Hyder have indicated the likely contributions that Thames Water will require in order to achieve this. While we have no reason to question this, it is essential for this to be incorporated into the S106 agreement to which Thames Water should agree to.

Land re-profiling, bridge design & encroachment of the river corridor

We have reviewed the Revised Flood Risk Assessment (FRA) reference 3501-UA001881-JU41R-03 June 2011.

The FRA now confirms to our satisfaction that flood risk will not be increased either on site or in the surrounding area as flooding within and arising from the development can be entirely mitigated and managed.

We welcome the revised design of the two watercourse main bridges which now incorporate an increased span. The amount of re-contouring has also been reduced which again we welcome.

If areas of more than 10,000m³ of storage are being created through this development then it may still be necessary for those areas to be designated under the Reservoirs Act 1975.

In terms of biodiversity interests, the increased bridge span, mammal tunnel and reduced re-contouring (around the NEAP) has addressed our previous concerns. Although it would be preferable to move the NEAP further away from the river corridor to restrict the level of human interaction within the watercourse corridor, we note that this is not feasible within the current layout. The revised vertical profile of this corridor is an improvement on the previous design.

We can also confirm that the proposed bridge lighting is agreeable and sympathetic for bats.

Biodiversity net-gain

We have reviewed the submitted plans 8001 Masterplan, 8002 biodiversity net-gain, 8003 – 8005 landscape planting & 8045 GI Typology.

It is clear that the required net-gain could be achieved through the proposed development. We are pleased that a proposal to incorporate a number of wetland features has now been included as shown on the Masterplan. Due to the overall

layout of the development and the level of human activity we anticipate across the whole site, it is clear that the success of this net-gain achievement is heavily reliant on proper management and maintenance. At present, the current management plan is not robust enough to give us confidence that this can be achieved. However, we consider that this could be addressed through further discussion and amendments.

While we welcome the inclusion of the new pond complex, there is no detailed planting schedule provided for these areas. As landscaping is being sought for approval we would expect planting plans for these ponds would be required. However, we are confident that a planting scheme could be agreed through a suitable planning condition.

SUDs wetland features

There has been an improvement in the number of wetland features and some detail has been given as to how they are to be secured. This goes some way to resolve our concerns as to how these features will contribute to the net-gain in biodiversity. We are satisfied that a reasonable level of improved wetland biodiversity potential has been incorporated within the development.

Final details on the design of these features should be agreed through a suitable planning condition.

Contaminated Land and groundwater quality

In our previous responses to this application, we requested sight of the further groundwater monitoring investigations that were being undertaken. Hyder kindly supplied us with further information but there seems to have been some minor misunderstanding of what we wanted to see.

We wished to see the results of all the groundwater quality monitoring data which is summarised in Section 3 of the Technical Memorandum dated 02 June 2011 ref. UA001881 but instead we were given details of groundwater depth. We continue to conclude that the risk of degradation to groundwater quality as a result of contaminated land is low. However, we would still wish to see this groundwater quality monitoring data particularly in relation to informing the surface water drainage scheme.

Conditions are recommended as set out below.

The **Thames Valley Police Crime Prevention Design Advisor** requests that a condition is imposed requiring that properties meet secured by design standards.

OCC as Highway Authority

Advise that further research has been carried out by the County's Land and Highway Records Team. They can confirm the following:

The North Entrance Works can be accommodated within land classed as public highway i.e. highway boundary is up to the fence/stone wall boundary along the eastern side of the B4100. However these works will mean the removal of the hedge-line/vegetation along this section of the B4100. It is acknowledged the land available for the North Entrance Works is very tight and it is likely the boundary stone wall in the vicinity of the dwelling known as the Lodge will be affected – any associated damage from these works on the boundary wall/fence is the responsibility of the developer to address with a separate formal agreement with the owner of the Lodge. Such an agreement should be in place before work begins on this entrance.

There is an existing field/farm access within the North Entrance Works which serves a 3rd party and their agreement is required/must be secured for this access to be closed, otherwise the proposed north entrance arrangement is considered unacceptable. It is likely a replacement access to the field will be required at the developer's expense to replace the existing access - such a replacement access must meet the County Council's design & construction standards, be in an appropriate new location and have the formal agreement of the 3rd party affected.

In terms of the South Entrance Works investigations carried out by OCC's Land & Highway Records Team shows the majority of the South Entrance Works can be accommodated (again very tight) within land classed as public highway i.e. highway boundary and is up to the historic hedge line along the eastern side of the B4100 (including the ditch). This boundary was established from previous highway improvements.

However there is a large section of land/ditch (in the area of the existing field accesses) where there is no record of the land being classed as public highway land i.e. land is considered to be in the ownership/control of a third party. For these works to take place this section of the works needs the agreement of the third party/landowner so the works can be dedicated as public highway. If the developer can provide evidence the land is in fact public highway to the County Council's satisfaction this issue may be overcome.

(Note the applicant has confirmed that they will provide amended access plans tomorrow to address the concern's outlined above).

OCC Street Lighting advise;

We will ensure that any proposed and approved new street lighting design is in accordance with the Institute for Lighting Professionals' guidance notes for reducing the impact on bats and other protected species. We will also be specifying a low energy LED unit which can be dimmed later at night and a shield fitted if necessary.

Council's Anti Social Behaviour Manager advises that there are no significant issues re traffic noise affecting the site and suggests revised wording for the noise condition for the energy centre

Comments from Cherwell District Council's Rural and Countryside Service & Ecologist

The additional information received has been largely welcome from an ecological viewpoint, in particular the inclusion of further pond complexes to increase biodiversity interest and the provision of some further details of the proposed management plan.

However, the lack of a full management plan in terms of details of secured funding matched to the costs of proposed management prescriptions in order to demonstrate the deliverability of the various biodiversity enhancements throughout the exemplar site threatens its ability to achieve the overall net biodiversity gain claimed and in accordance with PPS1 (ecotown supplement). This should be put in place in its entirety prior to any works commencing on site.

In addition (and particularly if the above is not satisfactorily achieved such that delivered net gain remains questionable), consideration must be given to contributions for off-site compensation (projects on downstream sites such as RSPB

Otmoor or BBOWT's Ray area would be appropriate candidates). Whilst not a replacement for the value of enhancements on site, if such off-site compensation is achieved then I believe the development could claim clear overall biodiversity gain such as would be expected from an ecotown exemplar.

A full Ecological Construction and Method Statement or equivalent should be produced and agreed in writing with the LPA prior to the commencement of any works on site. This should include statements on the protection of retained biodiversity interests on site including mitigation for protected/priority and other species, hedgerows and trees from the commencement of works, during construction and the initial post construction period. Statements on the appropriate time of year for various works, e.g. clearance of woody vegetation only outside of the bird nesting season, are also required. In addition it should include an overall timetable of delivery of the green spaces and biodiversity enhancements as required as part of an ecotown application by ET21.1 PPS1.

Should more than 12 months elapse between the commencement of works on site and the protected species surveys already in place update surveys should be carried out in order to assess whether species have moved on to the site in the interim and therefore the need for further consideration. The results of these surveys should be submitted to the LPA and any actions agreed.

Although there is no stated intention to light the pedestrian footways crossing the river corridors or the NEAP area, it is accepted that this may realistically be required in the future. Therefore a lighting strategy for these areas to include designs which would not be detrimental to the use of the river corridor by bats should be agreed by condition, such that there can be certainty that the future value of the corridor for bats and other nocturnal species will not be compromised.

The changes to the NEAP design in terms of altered earthworks and removal of the need for gabions is welcome. It should be noted that the design suggestions made by the CDC Landscape Officer intended to lessen the encroachment of the more heavily disturbed areas of the NEAP into the 60m buffer of the river corridor and make it more sympathetic to it's location would be a significant benefit to biodiversity in this area and should be given full consideration. Environmental interpretation boards should be included at the footbridges or in a similar location near the river corridor to inform the users of the objectives of that area and its importance to biodiversity.

There is some lack of visual clarity within the plans as to the location of the retained and translocated hedgerows at the boundaries and their buffer zones. Some of the plans suggest tree planting within these buffer zones (this is particularly unclear in the Northern fields section). In order to maintain their functionality any additional planting should be made outside these zones. Clarification of this point would be appreciated.

Production of detailed plans of the proposed pond complexes (which are not intended to be within the SUDS system) in terms of linings, cross sections etc should be conditioned and agreed prior to commencement of works.

Berks, Bucks & Oxon Wildlife Trust (BBOWT)

In addition to the normal legislative and policy guidelines in relation to biodiversity, we would expect this eco-town development to meet the guidelines of the supplement to PPS1 on eco-towns with regard to biodiversity and green infrastructure, as well as following the eco-town worksheets on biodiversity and green infrastructure published by the TCPA, CLG and Natural England.

Overall, the fundamental opinion of the Trust is still that the proposals for the exemplar phase with incorporation of the planned ecological mitigation are unlikely to result in significant adverse impacts on local wildlife. However, the biodiversity enhancements within the scheme design remain uninspiring and there is little to justify the scheme's billing as an exemplar of eco-town development. Whilst recent amendments and refinements to the scheme design have been made in response to concerns raised by the various biodiversity stakeholders (such as additional ponds, improved lighting schemes and altered bridge designs), these amendments are essentially incremental tweaks to a master plan largely fixed early in the design process rather than substantial improvements to biodiversity provision and green infrastructure based on provided feedback.

It is my opinion that the ecological mitigation measures described and the green infrastructure designed into the proposed scheme are likely to ensure that there will be no significant net loss of biodiversity within the zone of influence. However, I consider that the level of prior and amended information submitted remains insufficient to satisfactorily demonstrate that the scheme will achieve the aim of a net gain in biodiversity, and therefore I am not confident that it fulfils the requirements of the supplement to PPS1. Although a draft Landscape and Ecology Conservation Management Plan for the exemplar phase has been submitted, it still fails to provide sufficient details and assurances of how funding for habitat management and ecological monitoring post construction will be secured and delivered. As a result it remains unclear whether the measures incorporated for biodiversity are either adequate, or could be fully realised.

Environmental Impact Assessment

The issue of a systematic review of potential adverse hydrological, air quality and recreational impacts on Local Wildlife Sites (LWSs) was raised in previous BBOWT responses. The note of Supporting Information re Biodiversity, 10/06/11 attempts to summarise the reasoning for discounting significant adverse impacts on LWSs. Whilst I can accept that significant adverse impacts on sites in the locality are probably unlikely as a result of the proposed application, the assessment only considers the effects of the exemplar site, and not the potential impacts of the subsequent phases of the eco-town. It is reasonable to assume that potential impacts on LWS and other valued ecological features would be of a different magnitude when considering 5000 rather than 400 new dwellings.

Demonstration of a net gain in biodiversity

BBOWT continues to support the submission of a Biodiversity Strategy with the application, as required under policy ET 16.3 of the supplement to PPS1. However, policy ET 16.1 of the supplement to PPS1 makes it clear that 'Eco-towns should demonstrate a net gain in local biodiversity' and I am still not convinced that the proposed scheme in its present form could deliver this.

Despite the recent revisions to the scheme, it still appears that the retention of existing features including hedgerows and watercourses, with some buffering and limited habitat creation within corridors of open space, is intended to deliver a net biodiversity gain and satisfy the requirements of the PPS supplement. The eco-towns biodiversity worksheet emphasises the need to integrate biodiversity within the built environment to create a high degree of permeability for wildlife, and I am disappointed that consultation with, and feedback from, the biodiversity stakeholders has not resulted in a more innovative design of the built environment to incorporate provision for biodiversity. I am concerned that the BREEAM ecology calculator has been used as a means by the applicant to demonstrate that a net gain in biodiversity

has been achieved. I believe that it is a system of limited value, and it is certainly not a suitable tool to reliably establish net gain in developments with more than the smallest and most basic change of land use. Simple calculations have been made based on approximate current floral species present within the application site and species numbers from proposed planting schemes to demonstrate that there would be a by area increase in floral diversity as a result of the proposed development. What is not considered is whether the species used would become established, whether the expected diversity of the habitats to be created can actually be maintained by appropriate maintenance, and whether viable populations of any species of conservation value would be supported as a result.

The draft Landscape and Ecology Conservation Management Plan makes some initial attempt to set measurable targets that can be monitored post-construction, but far more considered qualitative information is required regarding the expected value of the habitats to be created for biodiversity gain. It is my opinion that the habitat areas within the green infrastructure proposed will be too small and physically constrained to manage optimally for conservation purposes, and will be subject to too much human disturbance to be of real value for wildlife other than species that adapt readily to urban environments. For example, it is unlikely that farmland birds will return to nest in the retained hedgerows once they have become a network within a residential development. Furthermore, since a management body and mechanisms for funding management work have not yet been clearly defined within the draft Landscape and Ecology Conservation Management Plan, there is no certainty that the on-site enhancements proposed by the applicant can actually be delivered through implementation of the scheme.

Improved overall biodiversity provision in future phases of the eco-town

There has been some inference that any perceived or accepted inadequacies in terms of biodiversity provision within the proposed exemplar phase could or would be overcome by an improved vision for the eco-town as a whole, and I would make the following comments. As the first phase of the proposed eco-town is intended to be an exemplar of what can be achieved, any physical constraints or housing delivery targets should not justify excessive compromises in ecological planning.

Furthermore, the application is for the exemplar phase only and consent would not guarantee delivery of future planned phases of the eco-town, and thus the exemplar phase should be judged as a stand-alone development, as indeed should the adequacy of the proposed biodiversity provision.

Off-site contribution to net biodiversity gains

Given the difficulties in agreeing the achievement of net biodiversity gain to the satisfaction of all stakeholders, I would recommend that the developer is required to contribute to appropriate off-site wildlife conservation work elsewhere in the locality in order to compensate for residual impacts (such as the displacement of farmland bird species) and to clearly demonstrate that a net biodiversity gain would result from implementation of the proposed development, in compliance with PPS9 and policy ET 16.1 of the supplement to PPS1.

Whilst impacts on Conservation Target Areas (CTAs) have been considered in the EIA, the real purpose of CTAs is in fact to identify areas of opportunity for biodiversity enhancements to help deliver the aims of the UK and local Biodiversity Action Plans (BAPs) through landscape scale conservation. Policy ET 16.3 of the supplement to PPS1 indicates that the Biodiversity Strategy should set out priority actions in line with Local Biodiversity Action Plans. In line with this policy, I would wish to see an exploration of opportunities for the proposed development to contribute towards RSPB / BBOWT conservation work within the Otmoor CTA downstream of the application site, to be included as a condition to any planning consent.

Further representation on behalf of **Countryside Properties**

The submitted information fails to address the fundamental issues with the scheme identified in their letter of 26th January 2011.

The Key issues are repeated;

- **Planning justification**
 - **Proposals are a departure from the development plan, relying on the supplement to PPS 1 on eco-towns for their key justification**
 - **The PPS1 supplement defines an eco-town as providing *inter alia* over 5000 dwellings, meaning that in the absence of greater certainty over the delivery of those dwellings it is inappropriate to rely on the PPS1 supplement in this case**
 - **An overall masterplan for the whole of the eco-town site should be provided.**
 - **While reference is made in the application to the Council's draft Core Strategy we do not consider that the strategic allocation for NW Bicester is founded on a sound evidence base**

 - **We do not consider that the level of consultation carried out is sufficient for proposals of this scale**

- **Environmental Impact Assessment**
 - **The EIA assesses just the 'exemplar development' of 394 dwellings, while being clearly part of a larger scheme**
 - **A more detailed cumulative assessment of the full 5000 dwellings to be provided as part of the eco-town should have been carried out**

- **Transport**
 - **The site's location is not conducive to sustainable modes of transport, is not permeable and would fail to achieve the aim of 'establishing mindset early' in terms of sustainable transport**
 - **Modal shift assumptions are dependent on the remainder of the eco-town coming forward, when there is limited certainty of that being the case**
 - **There is uncertainty over the long term traffic impacts of the proposals, with no agreement from Oxfordshire County Council and the Highways Agency**
 - **There is uncertainty over parking levels and the implementation and enforcement of the travel plan.**

Countryside have ongoing concerns that the eco town scheme is seemingly being pursued without vigorous testing and meaningful consideration of the overall impacts of the wider scheme. If a decision is taken to approve the application based on the information currently before the Council it is difficult to see how it is considered sound.

Revised tables for the Energy Strategy have been received 13/7/11 that reflect discussions between the applicants consultant and Bio Regional.

Further details have been received from **A2Dominion with regard to community governance**. The progress regarding community governance is described by the Local Authority project lead on this work below;
"Good progress has been made on how we set up a Local Management Organisation (LMO) for NW Bicester. Consensus between the local authorities and the site promoters has focussed on a staged approach so that the LMO evolves over 3 stages. These are:

Stage 1: This will take place around the time when the first homes on site start to be occupied. A2 Dominion will take on the early management and service delivery role of the LMO and start to engage with the new community, carry out community development work and capacity building work so that they could eventually manage their own affairs if they choose to do so.

Stage 2: The next stage will occur after 200 dwellings have been occupied. An Interim Partnership Board will be formed - a precursor to the LMO - which will contain representatives from all the key partner organisations (BTC/CDC/OCC) as well as representatives from the wider Bicester community and from the NW Bicester community plus A2 / P3. New residents will have the opportunity to learn about governance without taking on sole responsibility or ownership of assets. As the NW Bicester community grows and as when there is increased interest from newcomers in governing their community, this will be reflected in the changing composition of the Board so that eventually the Board will get to a stage where the NW Bicester representatives start to outnumber the representatives from other bodies. It is at this point work can be commissioned to establish the legal structure of the nascent organisation and a detailed Business Plan for its operations.

Stage 3: This will take place when there is a critical mass of new occupants who want to sit on the LMO Board and it will be at this stage that the full transfer of assets and responsibilities takes place. This will not happen during the exemplar build out phase but during the development of the wider 5000 homes. It may not happen for many years as it will depend on the appetite of the new community to take on the entire governance of their community.

A2 Dominion are currently working up detailed proposals with guidance from CDC officers as to how they will engage with the existing stakeholders and other community groups in NW Bicester on this issue to develop options and build consensus on how the LMO could work.

In terms of financial resources to support the setting up of an LMO, it is essential that the S106 for the exemplar application secures a £100,000 financial contribution towards the business planning and legal work that the IPB will need to commission to ensure that the setting up of the LMO proceeds on a financially and legally secure basis and that in excess of £100,000 is dedicated by A2 towards the resourcing of their early Community Development, Community Engagement and Governance Capacity Building activities so that CDC have the assurance that these activities will be carried out to defined agreed outcomes and high standards".

One letter has been received from a **local resident**;

As a construction and development professional with 35 years experience, I find it staggering that you have been duped into supporting the Eco Con that is North West Bicester. Deprived of normal planning procedure through the local plan, this bolt from the blue has been ushered through with undignified haste. It is shameful.
I find it repugnant that this scheme is likely to be approved on several points.

1. This is a greenfield site and flies in the face of true sustainability be re using brownfield sites.
2. It is the wrong side of town for access to roads etc.
3. That A2 Dominion personally told me that all they are interested in is houses, and numbers are more important than anything else.. The Eco bit is an inconvenience to them.
4. Why was Upper Heyford ignored in your figures you published a couple of years ago that justified these sort of numbers being built in Cherwell?

5. Sustainability with respect to cars, working from home, etc is nowhere near the Continental models,
6. When, if ever, will the green infrastructure ever be built. After 10 homes? 100 homes? 1000 homes? If ever?
7. Will the green technology on energy production ever work? Is there any serious credibility to this, or is it a sop to get planning?
8. Do the people of Bicester support this scheme? I feel that is unlikely.

Revised Conditions

In fill to condition 17;

Plots 16, 139- 142, 195, 276, 277, 288, 289, 292, 319, 355, 356, 376, 319, 296 – 299 and the detailing of the terraces 240-2, 262-4, 258-261

Update condition 63 as follows;

Details of an assessment of the rated level of noise emitted from the energy centre against background noise levels measured 3.5m from the front façade of plot 359, demonstrating that rated level of noise from the energy centre is at least 5dB below background noise levels, when measured in accordance with BS4142 1997, shall be submitted to the local planning authority and approved in writing prior to work commencing on the construction of any building on the site. The energy centre shall thereafter be built with any acoustic measures outlined in the report and necessary to achieve the stipulated noise level. Reason RC84

New Conditions

Notwithstanding the details submitted details of the fenestration, roof verge and eaves, cills, lintols and infill panels for each phase will be submitted to and approved in writing by the Local Planning Authority prior to work commencing on that phase. Thereafter the buildings shall be constructed in accordance with the approved details.

Reason: to ensure a high quality development in accordance with Cherwell Local Plan policy C28 & C30

An Ecological Construction Method Statement shall be submitted to the local planning authority and approved in writing prior to work commencing. The method statement shall address potential impacts of development on bio diversity to ensure no net loss and ensure the net gain identified is delivered. The approved Ecological Construction Method Statement shall thereafter be implemented in accordance with the approved details.

Reason: to protect bio diversity of the site and the delivery of bio diversity gain in accordance with Planning Policy Statement: Eco Towns

No lighting shall be provide within the stream corridor, except that necessary across the road bridges, and no external lighting shall be provided immediately adjacent that creates light overspill to the stream corridor, unless it has first been submitted to and approved in writing by the Local Planning Authority.

Reason: to maintain a dark corridor for bats and protect the bio diversity of the stream corridor in accordance with NRM5 of the South East Plan and Planning Policy Statement: Eco Towns

Details of the proposed bio diversity pond complexes within the stream corridor shall be submitted to and approved in writing by the Local Planning Authority within 3 months of work commencing. The approved scheme shall thereafter be implemented

prior to the completion of the first phase of the development and commencement on the second phase.

Reason: To ensure the delivery of appropriate bio diversity gain in accordance with the Planning Policy Statement: Eco Towns.

Notwithstanding the details shown the details of the layout and parking to plots 83, 273-275, 291, 292 shall be revised to reduce the impact of on street parking in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority prior to work commencing on the plots. The plots shall thereafter be built in accordance with the approved plan.

Reason: To ensure a high quality development in accordance with Planning Policy Statement 1 and adopted Cherwell Local Plan policies C28 and C30.

No development approved by this permission shall begin until details of pedestrian and cycle watercourse crossings have been submitted to, and approved in writing by, the local planning authority. The approved design shall be implemented as agreed.

Reason: Plan ref. 7152 UA001881-02 shows where footpaths/cycle paths are intended to cross the watercourses on site. The bridges will need to be designed so as to avoid increased flood risk and erosion.

No development approved by this permission shall begin until a scheme to avoid the risk of ground water flooding in accordance with Section 2.4.3 of the Flood Risk Assessment 3501-UA001881-UU41R-03 (Hyder, June 2011) has been submitted to, and approved in writing by, the local planning authority.

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To reduce the risk of flooding to the proposed development and future occupants.

No development approved by this permission shall begin until a scheme to provide level for level floodplain compensation in accordance with Section 3.5 of the Flood Risk Assessment 3501-UA001881-UU41R-03 (Hyder, June 2011) has been submitted to, and approved in writing by, the local planning authority.

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To reduce the risk of flooding to the proposed development and future occupants.

Revised condition to replace condition 40

No development approved by this permission shall begin until a surface water drainage scheme for the site, based on sustainable drainage principles and to OCC adoptable standards, and an assessment of the hydrological and hydrogeological context of the development, 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 completed.

The scheme shall also include:

- Capacity to contain the 1 in 30 year storm event with the drainage attenuation and conveyance features.
- the ability to manage storm events up to and including the 1 in 100 year storm event (with a 30% allowance for climate change) safely on site, while avoiding risk to properties and others.
- A range of best practice sustainable drainage techniques including permeable paving, swales, basins, ponds and wetlands in accordance with the drainage strategy ref. 7501-UA001881-UP21R-02 and Section 4 of the Flood Risk Assessment 3501-UA001881-UU41R-03 (Hyder, June 2011).
- Measures to increase discharges into the local watercourses to improve local biodiversity.
- Full planting schedules utilising species of native and local provenance of each SUDs feature including proposed wetland features.
- No infiltration of surface water into the ground where there is a presence of contaminated land unless it has been demonstrated that there is no resultant unacceptable risk to controlled waters.

Reason: The drainage strategy and FRA shows that a successful scheme can be designed into this development to effectively manage and reduce flood risk, to improve water quality and improve habitat and amenity. Plans ref. 7161-03 and 7160-03 in the FRA show Surface Water pipe runs. These are indicative plans and where feasible pipe runs should be omitted in favour of ditches and swales.

No development approved by this permission shall begin until a scheme for the provision and management of the compensatory habitat pond complex as shown on plan ref. 8001 UA001881 04 has been submitted to and agreed in writing by the local planning authority and implemented as approved. Thereafter the development shall be implemented in accordance with the approved scheme.

Reason: no detailed design proposal has been submitted for the pond complex.

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.

Reason: To ensure that if any contamination is encountered during site development, it is suitably assessed and dealt with, such that it does not pose a threat to controlled waters.

Highway Conditions

That prior to the first occupation of any dwelling in the northern fields the proposed North Entrance Works between the land and the highway shall be formed, laid out and constructed strictly in accordance with the Local Highway Authority's specifications and that all ancillary works specified shall be undertaken.

Reason – In the interests of highway safety and to comply with Government advice contained in PPG13: Transport.

No development shall commence on the northern fields until the field/farm access on the eastern side of the B4100 (within the North Entrance Works) has been permanently stopped up.

Reason – In the interests of highway safety and to comply with Government advice contained in PPG13: Transport.

Condition 28 amended to;

That prior to the commencement of work on the Exemplar development the proposed South Entrance Works between the land and the highway and the off site cycle links shall be formed, laid out and constructed strictly in accordance with the Local Highway Authority's specifications and that all ancillary works specified shall be undertaken.

Reason – In the interests of highway safety and to comply with Government advice contained in PPG13: Transport.

Before the proposed North and South Entrances are first used the existing accesses serving the Exemplar site onto the B4100 (Banbury Road) shall be permanently stopped up by the means of full face kerbing (where appropriate), the reinstatement of the highway verge, ditch and hedge/boundary structures (fence or stone wall) and shall not be used by any vehicular traffic whatsoever.

Reason – In the interests of highway safety and to comply with Government advice contained in PPG13: Transport.

No development shall commence on any phase of the development until the full design and construction details, including vision splays, bridge details, surfacing, planting, traffic calming of the roads, paths, bridges and other parts of the access routes are submitted to and approved in writing by the Local Planning Authority. The phase shall thereafter be constructed in accordance with the approved details.

Reason – In the interests of highway safety and the appearance of the area in accordance with Cherwell Local Plan policy C28 & C30.

Revised Condition to replace condition 32

No development shall commence on any phase until a lighting scheme for the pedestrian, cycle and vehicle routes are submitted to and approved in writing by the Local Planning Authority and the Local Highway Authority. Such lighting shall be formed, laid out and constructed strictly in accordance with the Local Highway Authority's specifications and that all ancillary works specified shall be undertaken unless otherwise approved in writing.

Reason – In the interests of highway safety.

Condition to replace proposed clause of S106

No development shall commence on site for the Exemplar development until a Construction Management Travel Plan providing full details of the phasing of the development and addressing each construction activity within each phase has been submitted to and approved in writing by the Local Planning Authority (in consultation with the Local Highway Authority) prior to the commencement of development. This plan is to include wheel washing facilities, a restriction on construction & delivery traffic during and routes to the Exemplar development site. The approved Plan shall be implemented in full during the entire construction phase and shall reflect the measures included in the Construction Method Statement received.

Reason – In the interests of highway safety and to mitigate the impacts of the development during the construction phase and to protect the amenities of the Bicester and Caversfield during the construction period and to comply with Policy ENV1 of the adopted Cherwell Local Plan.

That, before any of the dwellings are first occupied, the proposed vehicular accesses, driveways, parking courts, parking areas and turning areas that serve those dwellings shall be constructed, laid out, surfaced and in accordance with specification details to be submitted to and approved in writing by the Local Planning Authority (in consultation with the Local Highway Authority) prior to the commencement of development.

Reason – In the interests of highway safety, to ensure a satisfactory standard of construction and layout for the development and to comply with Government advice contained in PPG13: Transport.

That no surface water from the Exemplar development shall be discharged onto the adjoining highway and a scheme to prevent this occurrence shall be submitted to and approved in writing by the Local Planning Authority and constructed prior to the commencement of building operations.

Reason – In the interests of highway safety and to comply with Government advice in PPG13: Transport and PPS25: Development and Flood Risk.

All properties shall be constructed to meet Secured by Design standards unless otherwise agreed in writing by the Local Planning Authority.

Reason: to ensure that crime and the fear of crime are addressed and to meet the requirements of Planning Policy Statement 1.

Informatives

The construction or alteration of any culverting or dam or weir like structure on a watercourse, such as those on this site, requires the prior written approval of the Agency under the terms of the Land Drainage Act 1991 or Water Resources Act 1991. The Environment Agency resists culverting on conservation and other grounds, and consent for such works will not normally be granted except for access crossings.

Flood risk modelling undertaken by a third party has been used in support of this application and the Environment Agency has applied a risk based approach to assessment of this model. The Environment Agency has not undertaken a full assessment of the fitness for purpose of the modelling and can accept no liability for any errors or inadequacies in the model.

* INFORMATIVE – investigations by OCC's Land & Highway Records Team shows the majority of the South Entrance Works can be accommodated (again very tight) within land classed as public highway i.e. highway boundary is up to the historic hedge line along the eastern side of the B4100 (including the ditch). This boundary was established from previous highway improvements. However there is a large section of land/ditch where there is no record of the land being classed as public highway land i.e. land is in ownership/control of a third party. For the works to take place this section of the works needs the agreement of the third party/landowner so the works can be dedicated as public highway.

* INFORMATIVE - please note the field/farm access within the North Entrance Works serves a 3rd party and their agreement is required/must be secured for the access closure to go ahead. It is likely require a replacement access will be required at the developer's expense – which must meet the appropriate standards and an appropriate new location.

* * INFORMATIVE – the North Entrance Works can be accommodated within land classed as public highway i.e. highway boundary is up to the fence/stone wall boundary along the eastern side of the B4100. However these works will mean the removal of the hedge-line/vegetation along this section of the B4100. It is acknowledged the land available for the North Entrance Works is very tight and it is likely the boundary stone wall in the vicinity of the dwelling known as the Lodge will be affected – any associated damage associated with these works is the responsibility of the developer.