

# APPENDIX A

## Twenty Ha Of Land Proposal Of New Highway Aligned With Howes Lane Bicester

14/01968/F

**Case Officer:** Caroline Ford      **Ward(s):** Bicester West

**Applicant:** A2 Dominion South Ltd

**Ward Member(s):** Cllr Bolster, Cllr Hurle, Cllr Sibley

**Proposal:** Construction of new road from Middleton Stoney Road roundabout to join Lord's Lane, east of Purslane Drive, to include the construction of a new crossing under the existing railway line north of the existing Avonbury Business Park, a bus only link east of the railway line, a new road around Hawkwell Farm to join Bucknell Road, retention of part of Old Howes Lane and Lord's Lane to provide access to and from existing residential areas and Bucknell Road to the south and a one way route northbound from Shakespeare Drive where it joins with the existing Howes Lane with priority junction and associated infrastructure.

**Committee Date:** 18.02.2016

**Recommendation:** Application Permitted

**Committee Referral:** Major

### 1. Site Description and Proposed Development

- 1.1 The site covers 18.2ha and lies to the west of the existing Howes Lane and the town of Bicester. The land extends from the B4030 Middleton Stoney Road Roundabout to the A4095, Lords Lane, Hawkwell Farm and Bucknell Road, and a parcel of land east of Aldershot Farm. The land is currently predominantly agricultural land and also includes some areas of adopted highway. The site also includes a section of land beneath the railway line immediately north of the Avonbury Business Park. The land surrounding the site to the north and west is largely agricultural land but within the site allocated by Policy Bicester 1 and to the east is the existing town of Bicester. There are a number of farms located within proximity to the application site. The River Bure runs through the Eastern part of the site on a north-south axis and the railway line also cuts through the application site. There are a number of trees and hedgerows across the site, primarily forming the boundary of agricultural fields and/ or located adjacent to the watercourses.
- 1.2 In terms of recorded site constraints, a public right of way runs on an east – west axis from the Bucknell Road junction, along a track leading to Aldershot Farm and beyond. A SSSI is within proximity and the site has the potential for archaeological interest, to be contaminated and part of the site is within flood zones 2 and 3. There are a number of trees protected by a Preservation Order, to the south of the site.
- 1.3 The proposals seek to provide a new road in the form described above to address existing deficiencies in the railway crossing and provide enhanced capacity to meet the transport generated by the planned growth of Bicester. The proposed road would incorporate footways/ cycleways along its length as well as SUDs features, trees and lighting. The proposal has been amended through the processing of the application in order to address comments provided through the first round of consultation.

## 2. Application Publicity

- 2.1 The application has been advertised by way of neighbour letter, site notice and press notice. The final date for comment will be the 18<sup>th</sup> February 2016.

4 letters have been received. The following points were raised:

- Concerns over the volume of traffic and hence noise the new road will create and the relationship with their property.
- Concern regarding the proposals flooding reports which suggest that this proposal makes residential areas "more vulnerable" to flooding but add that "no specific flood protection or mitigation measures will be necessary". Assurances that adequate drainage mechanisms are both put in place and well maintained, to ensure we will not fall victim to flooding as a direct result of the new road layout are sought.
- One comment received to keep the direct access from Bicester through to Bucknell along the Bucknell Road rather than routing it on a tortuous route through the new development which would not be pleasant for residents there.
- Strong support for the proposal due to the following summarised responses/reasons:
  - Additional traffic that the new development would bring would be set back into the new development and away from homes whose gardens back onto the existing Howes Lane,
  - The proposed road would be contained within the new development,
  - The new road would be fit for purpose as Howes Lane is not as it has never been upgraded from a lane,
  - Howes Lane could not cope with additional traffic and residents would be subject to increased traffic noise, vibration and pollution,
  - There are no barriers to the adjoined rear gardens for protection, noise or pollution and these problems are currently experienced.
  - Closing Howes Lane to make walkways and cycleways joining the Ecotown with the existing estate would comply with the Ecotown principles.

## 3. Consultations

- 3.1 **Bicester Town Council:** have the following concerns on this application, detailed below:

- The one-way section out of Shakespeare Drive will cause traffic wishing to return to Greenwood area to take short cuts through the Kingsmeadow Estate and potentially Highfield. These roads were not built for such a high ratio of traffic. Shakespeare Drive is a main artery and will be diminished by the building of a 3 metre wide cyclepath taking up a significant area of roadway and seems unnecessary especially as there will be a cycleway along the new Howes Lane.

- 3.2 **Middleton Stoney Parish Council:** object to this application as the application fails to provide the strategic link road which is required to bypass Bicester to the West, further reasoning summarised as follows:

- The concept of a 30mph road enforced by a series of traffic calming measures is fundamentally flawed. The road proposed will be virtually useless for traffic wishing to bypass Bicester to the West, especially the significant amount of HGV

traffic which currently uses Howes Lane/Lords Lane.

- There seems little point in motorists using the new Vendee Drive only to face a slow and tortuous route through the development after crossing the Middleton Stoney Road junction. The result will be traffic chaos.
- What is required is a semi-fast perimeter or orbital road with a speed limit of 40/50 mph. Alternatively, rather than re-aligning Howes Lane, serious consideration should be given to widening it.
- It is noted that robust conditions should be in place for developers to build roads to the appropriate highway standard and this applies particularly to the Howes Lane realignment.

**3.3 Chesterton Parish Council:** object to this application on the following planning grounds:

- The proposed road does not address future capacity issues. The A4095 through Chesterton will see an inevitable increase in vehicular traffic due to the proposals.
- The downgrading from 50mph to 30mph will create further hold-ups and is a backward step since this road will be used by many drivers as a 'northern ring road'.
- The new road will have adjoining retail outlets, education facilities and businesses which will add to usage and further slow movements.
- It is noted that a northern ring road is desperately needed and should be part of this proposal.
- A point of clarification is made with regard to the correctness of a plan submitted.

**3.4 Bucknell Parish Council:** made comments regarding this application and two other outline applications. The following issues are raised relating to this application, summarised as follows:

- The residents of Bucknell still require access to Bicester and the proposed road structure needs to support this.
- The proposed reduction of the speed limit on Howes Lane will result in an increase in through-traffic to Bucknell. It is suggested to keep the 50 mph limit but introduce service roads similar to those in Kidlington, which would stop traffic detouring on minor roads, both in Bucknell and Bicester.
- It is suggested that the Ardley to Bicester road become a 40mph limit and the village as a whole become a 20mph zone.
- As the proposed development is within 300 metres of Bucknell and the village's direct access to Bicester is to be restricted by it, it is considered reasonable that any bus route serving the development be extended to include the village. This will reduce car journeys through the development.

**Cherwell District Council Consultees**

**3.5 Arboricultural Officer:** No specific issues.

- The majority of selected trees are acceptable along with proposed locations and planting distances. The only amendment sought would be to the proposed line of Sorbus Aria (shown on drawing ref. 3005 5 of 5). To improve diversity, it is recommended that this line is mixed with a low percentage (10%) of Prunus Padus 'Albertii' which would provide greater diversity as well as an interesting visual feature by breaking up the uniform tree line of the Sorbus Aria.
- It is good to see the proximity of street lighting columns, however there are no details regarding above or below ground service routes which may have an influence upon the positioning of trees.
- T2 of TPO 13/2001 is identified as being retained adjacent to junction 1 and should therefore be included within an AMS to ensure that it is afforded appropriate protective measures.

- To reduce the risk of direct damage, it will be necessary to install root barriers between built features such as footpaths/ cycleways, below ground services, boundary walls etc and any tree located within a 2m distance.
- Once the details of the landscaping scheme have been agreed, in order to reduce the risks of 'unforeseen conflicts' during the construction phase, it would be advisable for combined drawings showing both the landscape features (including root barriers) and engineering features such as service routes and utility lines to be provided.

### 3.6 **Landscape Officer:**

With consideration of the above application in respect of the tree/landscape proposals.

1. Trees are to be planted in accordance with *BS 8545:2014 Trees: from nursery to independence in the landscape – Recommendations*.
2. Landscaping operations and aftercare and to be in accordance with *BS 4428: 1989 Code of practice for general landscape operations (excluding hard surfaces)*
3. The tree pit areas/trenches abut kerbs to footway, etc, resulting in large areas of tree soil displacement due to extensive concrete haunching. Can the tree alignments be further away from the kerb to maximise the amount of tree soil and prevent future structural damage to kerb/paving.
4. Each tree will require 10 cubic metres of 'Amsterdam', or equivalent tree soil to establish a healthy rootball in what will be a heavily compacted clay soil due to constructor traffic (consider the tree failures to the Oak avenue, SW Bicester!). All clay spoil from tree pit excavations to be removed off site.
5. The compacted clay soil must be de-compacted before planting operations (de-compaction method to be indicated).
6. The tree pit detailed drawings do not appear to indicate sufficient width of tree pit to accommodate tree soil – developer to clarify/confirm.
7. The tree pit detailed drawings must indicate the scarification of smeared sides of tree pits before tree planted to facilitate aeration and root development.
8. The nursery-supplied tree sizes are to be indicated in a tree schedule – not available on Iclipse.
9. Root flare to be indicated on drawing with instructions to landscape contractor to ensure finished tree soil levels cover entire rootball (as per soil level at nursery) but root flare to remain above finished soil level.
10. In consideration of General Arrangement drawing 5 of 5 in order to enhance visual diversity and amenity light the dense canopies with 10% *Prunus padus* 'Albertii'

- ### 3.7 **Anti Social Behaviour Officer:**
- The applicant's have demonstrated through their EIA submission that the proposed development will have a range of adverse noise effects on existing properties during the construction phase of the project. In their submission it is indicated that these effects can be mitigated by the preparation and implementation of a Code of Construction Practice. This approach is an accepted solution to the problems of noise presented by major projects and the submission, approval and implementation of the measures contained in such a document should be conditional to any planning approval granted. Suggestions as to what sections this document should contain are given. The EIA concludes that there should be no long term adverse noise effects from the road once in operation. Any planning approval given must contain a condition requiring the developers to undertake a post completion survey to confirm this premise and should any dwelling or business be found to be adversely effected by noise following this survey, remediation must be carried out.

Second response received agreed with the comments already made and did not add anything further.

### 3.8

#### **Strategic Comments:**

OCC support the principles of the North West Bicester site which has been the subject of on-going joint working between OCC, CDC and the Eco Bicester Strategic Delivery Board. OCC has no objection in principle to this application but further information is required to confirm the technical details as set out in the transport response. Notwithstanding this, there are concerns from Local Members and it should be noted that there would be an impact on local traffic movements from the redesigned road and increased trips from the development.

The Main benefits of the proposal are as follows:

- The proposals aim to balance the integration of the site with existing Bicester and the needs for access for through traffic.
- The road is designed to accommodate a significant volume of traffic to enable it to continue to perform a strategic function as identified within the area transport strategy
- A new tunnel under the railway line which is a key scheme identified by OCC prior to the North West Bicester development proposals
- The road is expected to be deliverable and adoptable
- Improved conditions for existing residents that back on to Howes Lane
- Provision of an environment that encourages sustainable travel for new and existing residents in the future, for example new bus routes, footpaths and cycle ways.

#### **OCC Local Members have the following concerns:**

- The proposed speed limit of 30mph is too slow for a key peripheral through route
- All options need to be kept open in respect of decisions on the status of this vital link/ perimeter road
- Dissatisfaction with the proposed 'urbanisation' of a strategic rural route
- Possible limiting of Bicester wide route options - if there are issues with the eastern routes in the town as a result of traffic accidents etc there be no viable western route alternative
- Perceived change in direction for the Bicester Strategy approach for the development of strategic routes
- Proposals for cycle paths along Shakespeare Drive will result in reduced carriage widths and push traffic onto even more unsuitable roads. Cycle paths would be more appropriate along Middleton Stoney Road
- The Bucknell Road loop/ realignment will prevent residents of Bucknell and surrounding villages using their preferred route into Bicester
- People living within the Shakespeare Drive area of the town will use side streets to access northwards rather than Howes Lane and Lords Lane.
- Difficulties in establishing an effective bus priority route into the town centre
- The temporary use of the existing Howes Lane by HGV traffic serving the Albion Land employment site unacceptable and should be prevented by a routing agreement.
- Environmental impacts such as noise, light pollution, flood risk, increased vehicle emissions caused by additional junctions.

The following represents summarised detailed Officer advice:

### 3.9

**Transport:** Recommendation is that further detail is required.

The current Howes Lane is substandard and would need redesigning as part of the development. Increasing capacity at the Howes Lane/ Bucknell Road junction and its approaches is a policy within the current Local Transport Plan Area Strategy. A new tunnel under the railway to provide additional capacity compared with the current skewed bridge at Howes Lane/ Bucknell Road/ Lords Lane is required to be delivered

by the North West Bicester Masterplan developments and is triggered by the 900th dwelling (including the Exemplar site).

The submitted Transport Assessment provides a fair appraisal of the various options for the improvement of Howes Lane. Junctions along the proposed link road have been analysed robustly and would operate within theoretical capacity.

The submission provides limited detail in terms of phasing and treatment of Howes Lane as the new route becomes available. This should be provided.

The submission also does not show the accesses into the school or the local centre, which need to be considered at this stage. Likewise, no laybys associated with the school are shown.

The proposals provide pedestrian and cycle connectivity across the road at formal crossing points and junctions. Between these points, crossing opportunities would be limited due to the swale and grass verge. There are some identified crossing movements that the design does not address well. Proposals to address these movements for the safety and convenience of non-motorised users will be required.

The proposals are considered to be acceptable in principle subject to considerations of the detailed comments made the detailed design will be required prior to any development commencing on site. A list of items where detailed design is required is set out.

**3.10 Structures:**

Full outline details of any proposed highway structures (including retaining walls, culverts, bridges and footbridges) must be submitted to the County Bridges Team to determine the extent of approvals required. Guidance is provided where any structures are proposed for adoption and the technical approvals that will be required.

**3.11 Drainage:** A full surface water drainage design with full calculations must be submitted and approved by the Lead Flood Authority (OCC) prior to the development commencing on site. There is history of flooding to properties to the south east of Howes Lane and therefore it is essential that the development does not increase the flow to the existing culverts under Howes Lane going towards the existing housing estate.

**3.12 CTMP - Construction** will see a significant level of activity and therefore appropriate measures will need to be in place for routing, access, servicing and parking, which would be subject to an approved Construction Traffic Management Plan.

**3.13 Transport Strategy:**

The tunnel under the railway is required by the County Council and to get an optimum design for this, Lords Lane needs realigning at its Western end and Howes Lane needs realigning at its eastern end. However, the complete realignment of Howes Lane is not required for transport reasons.

County Council policy within the Local Transport Plan (LTP3) Area Strategy is to 'seek opportunities to improve access and connections between key employment and residential sites and the strategic transport system' and one of the schemes identified to achieve this is 'increasing capacity at the Howes Lane/ Bucknell Road junction and approaches'. This is part of the overall strategy to maximise the use of the peripheral routes around the town by cars so that within the central areas of the town, the balance is in favour of sustainable modes whilst not excluding the car.

The proposed design for the realigned road link would deliver an appropriate standard single carriageway and the junctions at both ends and the tunnel under the railway would play a significant part in maximising the use of the corridor. However, the modelling does suggest that the combination of the lower speed, an increase in the number of junctions and the vehicular trips generated by the 6000 houses, employment and other uses on the NW Bicester site, would make the route less attractive to some of the people who currently drive along it. The modelling particularly suggests that people

that live within Shakespeare Drive would use side streets and the Banbury or Buckingham Roads to access northwards rather than Howes Lane and Lords Lane. The proposed one way access is aimed at addressing this issue.

The current Howes Lane would be sub standard as a strategic link with increased traffic along it. Before the NW Bicester development was approved, the County Council was considering whether to realign the road slightly westwards or simply widen the existing route as part of plans to deliver a new tunnel under the railway close to its current position.

The TA shows how the current road arrangements on the western side of the town would not cope with the increased traffic impact as a result of the proposed development growth within Bicester even without NW Bicester development and the realigned road proposals in place. It also demonstrates that the design of the proposed road would deliver a good standard single carriageway with adequate capacity, such that even if the road flows did get back to the flows shown in the 'Do Minimum' model, the road would be able to cope with these. The TA also sets out how the North West Strategic link road is expected to operate under capacity with the future year traffic including North West Bicester development traffic, although this is in part due to the fact that local vehicles that currently use the Howes Lane/ Lords Lane corridor find alternative connections. Nevertheless, where possible and appropriate, the detailed design should give due consideration to future proofing to allow for the possible future requirement to increase capacity at the junctions.

In summary, the provision of the tunnel under the railway is crucial for Bicester's transport strategy and whilst the realignment of Howes Lane is led by planning reasons, the proposed design would provide the capacity required to keep this as a strategic link road. However, the impact of the development is such that some trips that currently use Howes Lane and Lord's Lane are likely to divert and impact on Banbury and Buckingham Roads. The developments that make up the NW Bicester masterplan area need to contribute proportionately towards the transport strategy that aims to improve the northern and eastern peripheral routes and schemes to improve the function of the central corridor.

### 3.14 **Public Transport:**

The proposed carriageway width of 7.3m is adequate for the function of the realigned Howes Lane, however localised widening will be required at bus stops. The proposed width of 6.75m on the Bucknell Road link road appears to be adequate and again, localised widening may be required at bus stops. Bus stopping places need to be clearly defined and should be adjacent to the main pedestrian routes into the main development area to minimise walking distances. The proposed swale arrangement between the main highway and the footpath/ cyclepath causes some concern for the provision of bus stops and pedestrian crossing arrangements and this emphasises the urgent requirement to agree bus stop locations early. The developer will be required to provide an effective design solution for the bus only section of Bucknell Road. Some concern is raised in relation to the proposed narrow section of Bucknell Road to the north as it is necessary to provide a reasonably congestion free route for buses. Advice is provided as to the number of stops and the location as well as the infrastructure required to facilitate the currently proposed bus services as well as other commercial bus services that may well be attracted to NW Bicester. The developer needs to consider options for the ongoing maintenance of bus shelters.

### 3.15 **Public Rights of Way:**

The application needs to provide a Pegasus or similar user controlled signalised crossing point where the new road crosses the bridleway to Aldershot Farm. This is a key connecting link and ease of passage/ NMU priority is necessary to encourage modal shift. The railway underpass near Aldershot Farm needs to provide for walkers, cyclists and possibly equestrians. The junction of Howes Lane, A4095, Lords Lane and

Bucknell Road needs to include provision for walkers, cyclists and equestrians so that they can safely travel to wider urban and rural networks.

**3.16 Archaeology:**

No objection subject to conditions. The site is located in an area of archaeological interest as identified by a desk based assessment, a geophysical survey and a trenched evaluation. A further programme of archaeological investigation and mitigation will need to be undertaken ahead of any development. This can be secured through a condition on any resultant planning permission.

**3.17 Ecology:**

- The applicant has used a recognised biodiversity metric which demonstrates how the combined development over the whole NW Bicester Eco Town Masterplan site should deliver a net gain in biodiversity.
- However, in order to achieve a net gain in biodiversity, this application and the other applications at NW Bicester rely on the delivery of the Nature Reserve and other biodiverse green spaces proposed in the masterplan, which have not yet been included in other planning applications. This is acceptable providing there is certainty that the nature reserve and other biodiverse green spaces will be delivered.
- Provided that the nature reserve and other biodiverse green spaces are delivered as proposed in the masterplan, then the appropriate management and monitoring of the whole NW Bicester site could be crucial to whether the proposed development would be able to deliver a net gain in biodiversity. The applicant proposes that a Landscape and Habitat Management Plan would be produced for each reserved matters application. These would contain both management and monitoring proposals. Details in relation to this have been provided in comments to other applications on the wider NW site.
- The principle of offsite mitigation for farmland birds is supported, however some comments and suggestions on the details of the method of achieving this have been provided in comments related to other recent applications on the wider NW site.

**3.18 Road Agreements Team:**

General advice provided in relation to the information required to go through the adoptions process by the Road Agreements Team and the technical standards that would be required.

**Other Consultees**

**3.19 Environment Agency:** Object to this proposal as it has not been demonstrated that the development as proposed will not increase flood risk on and off site. This is a requirement of the NPPF and Policy ET18 of PPS1. The submitted FRA is not acceptable as it fails to demonstrate:

- Why development of the A4095 Strategic Link Road is unavoidable in Flood Zones 2 and 3 near the confluence of the Langford Brook and River Bure.
- If development in Flood Zones 2 and 3 is unavoidable, there has been no assessment of the volume of floodplain that will be lost, how much floodplain compensation is needed and whether delivery of the required compensation is achievable. It is therefore not clear if flood risk will be increased.
- That the surface water drainage system has sufficient capacity to convey and attenuate run off from both the proposed hardstanding and green areas.

The objection can be overcome by submitting an FRA that covers the deficiencies highlighted above and demonstrates that the development will not increase flood risk elsewhere and where possible reduces flood risk overall.

Further advice:



- The importance of the maintenance of the surface water drainage features on site to ensure their long term functionality is highlighted.
- Erection of flow control structures or any culverting or the ordinary watercourses on site require consent from OCC as the Lead Local Flood Authority.
- OCC should be satisfied with the approach suggested to dealing with the potential risk to the site from groundwater flooding.
- Should the objection be overcome, it is likely a number of conditions covering a number of environmental constraints would be recommended.

3.20 **Thames Water:** The application does not affect Thames Water and as such they have no comments to make.

Second response provided the same advice.

3.21 **Highways Agency:** No objections

3.22 **Network Rail:** make comments on future discussions and agreements, summarised as follows:

- The proposal includes a proposed new road underbridge and pedestrian/cycle underpass which will affect Network Rail's operational railway line between Bicester North and Banbury.
- Further discussions will be necessary over the design and implementation of the proposed two new underbridges as they will have a material impact on Network Rail's operational railway.
- In addition there will be the need for completion of a Works Agreement relating to the construction and future maintenance of the underbridge and the adoption of the roadway there under.

Second response provided the same advice.

3.23 **Berkshire, Buckinghamshire, Oxfordshire Wildlife Trust (BBOWT):**

- The submission of various documents are welcomed including significant detail of wildflower species for the swales and of tree planting. These proposed habitats will contribute to the net gain requirement for the Masterplan and therefore in the event of the approval of the application, it is important that the following are ensured by the use of planning conditions:
  - The use of a wildflower species rich mix in the swales and combined verge/ swales as indicated and that swale management is then carried out so as to encourage the wildflowers to flourish.
  - It is not clear if it is proposed for the verges to be planted with wildflower seed mix but it is suggested that they should be as part of the overall contribution of this application to net gain for the entire masterplan. Wildflower rich verges and swales should be included in a Landscape and Habitats Management Plan which could be ensured by condition.
  - The provision of a range of tree species including native species.
  - Appropriate management and monitoring of the site.
- Net Gain in Biodiversity - the applicant has used a recognised biodiversity metric in the Biodiversity Strategy document which demonstrates how the combination of developments across the entire masterplan site, with offsite compensation for farmland birds in addition, should deliver a net gain in biodiversity. There is no individual calculation of net gain for this individual application and therefore it is not clear if this application relies on the delivery of other areas of GI across the wider site (such as the nature reserve). Bearing in mind that this application may not, in itself may not be providing a net biodiversity gain in biodiversity, then some form of guarantee needs to be provided that the nature reserve and the other significant biodiversity rich green space indicated in the southern half of the masterplan will be taken forward before 14/01968/F can be approved.
- Off site farmland bird compensation - Welcome the submission of the proposal

and the recognition that off site mitigation for farmland birds will be needed. Progress has been made, particularly in the assessment of the mitigation required, however there are a number of areas of concern with what is proposed to achieve the compensation and alternative approaches are therefore suggested.

### 3.24 **Natural England:**

- It is noted that detailed SUDs techniques in line with the Masterplan Surface Water Drainage Strategy have been incorporated into the application for the onsite management of surface water. These measures are necessary for appropriate drainage management, particularly in relation to potential effects on downstream SSSIs.
- The proposed development is within an area that Natural England considers could benefit from enhanced Green Infrastructure provision. The incorporation of GI into this project would be encouraged.
- Natural England have not assessed this application and associated documents for impacts on protected species and their Standing Advice should be used to assess this application.
- If the proposal is on or adjacent to a local wildlife site, the Authority should ensure that it has sufficient information to fully understand the impact of the proposal.
- The application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes.
- Support to the measures outlined by BBOWT in their response to the application is given.
- The application may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment, use natural resources more sustainably and bring benefits for the local community, for example through green space provision and access to and contact with nature.

### 3.25 **Bioregional:**

Bioregional are a charitable organisation who work to promote sustainability to ensure that we live within the natural limits of our one planet. Bioregional are supporting Cherwell District Council in the NW Bicester project as well as A2 Dominion in its role as a major housing provider on the site.

- The application is consistent with A2 Dominions earlier outline application and with the submitted NW Bicester Masterplan. It provides the key road infrastructure for the entire development and addresses a number of key issues:
  - It meets OCC Policy to increase capacity of the Howes Lane/ Lords Lane junction
  - Realises the strategic importance of this corridor for movement across the town
  - Integrate the NW Bicester development into the existing town without the new road acting as a barrier to permeability for pedestrians and cyclists
  - Address the constraints on the existing Howes/ Lords Lane corridor, in particular the rural nature of Howes Lane and the complicated and dangerous underpass of the railway with junctions on either site.
- Supportive of the application but has some observations that ought to be resolved before this scheme is given approval to move forward, particularly as this is a full application:
  - There is a current connection onto Howes Lane from Wansbeck Drive - will this route be retained and enhanced to the new boulevard?
  - Junction 1 in the application connects to the bus only link through the proposed business park (to the north) but it is unclear where this connects to the south?
  - Junction 2 on the new boulevard joins with the green link from Dryden

Avenue. It is unclear how these old and new routes will connect. This will become an important route into the existing town as NW Bicester builds out.

- How will the one way link to Shakespeare Drive from the realigned Howes Lane be enforced?
- Detailed designs of the new railway underpass should be sought. Particular interest is how pedestrians and cyclists will be incorporated into these designs.
- Limited information in relation to how new homes to the north of Lords Lane would connect to the Bure Park local nature reserve.
- The application proposes to close part of Bucknell Road to vehicles and create a cycle path from the existing Howes Lane and Lords Lane junction. This path will cross the new boulevard and then re-join with new road infrastructure a few hundred metres north west into the development. Further information should be sought

**3.26 Thames Valley Police:**

- Concern that there would be less direct access from the TVP premises such that this could affect emergency response times
- Concern regarding site security for the TVP premises that are currently away from the public domain.

## **4. Relevant National and Local Policy and Guidance**

### **4.1 Development Plan Policies**

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:

### **4.2 Cherwell Local Plan 2011 - 2031 Part 1**

#### **Sustainable communities**

PSD1: Presumption in Favour of Sustainable Development

SLE1: Employment Development

SLE4: Improved Transport and Connections

BSC1: District wide housing distribution

BSC2: Effective and efficient use of land

BSC3: Affordable housing

BSC4: Housing mix

BSC7: Meeting education needs

BSC8: Securing health and well being

BSC9: Public services and utilities

BSC10: Open space, sport and recreation provision

BSC11: Local standards of provision – outdoor recreation

BSC12: Indoor sport, recreation and community facilities

#### **Sustainable development**

ESD1: Mitigating and adapting to climate change

ESD2: Energy Hierarchy and Allowable solutions

ESD3: Sustainable construction

ESD4: Decentralised Energy Systems

ESD5: Renewable Energy

ESD6: Sustainable flood risk management

ESD7: Sustainable drainage systems

ESD8: Water resources

ESD10: Biodiversity and the natural environment  
ESD13: Local landscape protection and enhancement  
ESD15: Character of the built environment  
ESD17: Green Infrastructure

Strategic Development

Policy Bicester 1 North West Bicester Eco Town  
Policy Bicester 7 Open Space  
Policy Bicester 9 Burial Ground

Infrastructure Delivery

INF1: Infrastructure

4.3 Cherwell Local Plan 1996 (Saved Policies)

TR1: Transportation funding  
TR10: Heavy Goods Vehicles  
C8: Sporadic development in the open countryside  
C28: Layout, design and external appearance of new development  
C30: Design Control

4.4 Other Material Policy and Guidance

4.5 **The Non Stat Cherwell Local Plan** proceeded to through the formal stages towards adoption, reaching pre inquiry changes. However due to changes in the planning system the plan was not formally adopted but was approved for development control purposes. The plan contains the following relevant policies;

H19: New Dwellings in the Countryside  
H3: Density  
H4: Types of Housing  
H5: Housing for people with disabilities and older people  
H7: affordable housing  
TR3: A Transport Assessment and Travel Plan must accompany development proposals likely to generate significant levels of traffic  
TR4: Mitigation Measures  
R4: Rights of Way and Access to the Countryside  
EN16: Development of Greenfield, including Best and Most Versatile Agricultural Land  
EN22: Nature Conservation  
EN28: Ecological Value, Biodiversity and Rural Character  
EN30: Sporadic Development Countryside  
EN32: Coalescence of Settlements  
D9: Energy Efficient Design

4.6 **National Planning Policy Framework**

The National Planning Policy Framework (NPPF) was published in March 2012 and sets out the Government's planning policies for England. It contains 12 Core Principles which should under pin planning decisions. These principles are relevant to the consideration of applications and for this application particularly the following;

- Plan led planning system
- Enhancing and Improving the places where people live
- Supporting sustainable economic development
- Securing high quality design
- Protecting the character of the area
- Support for the transition to a low carbon future
- Conserving and enhancing the natural environment
- Promoting mixed use developments
- Managing patterns of growth to make use of sustainable travel
- Take account of local strategies to improve health, social and cultural wellbeing.

#### 4.7 **Eco Towns Supplement to PPS1**

The Eco Towns supplement was published in 2009. The PPS identified NW Bicester as one of 4 locations nationally for an eco-town. The PPS sets 15 standards that eco town development should achieve to create exemplar sustainable development. Other than the policies relating to Bicester the Supplement was been revoked in March 2015.

#### 4.8 **NW Bicester Supplementary Planning Document**

The NW Bicester SPD provides site specific guidance with regard to the development of the site, expanding on the Bicester 1 policy in the emerging Local Plan. The draft SPD is based on the A2Dominion master plan submitted in May 2014 and seeks to embed the principle features of the master plan into the SPD to provide a framework to guide development. The SPD has been reported to the Council's Executive in June 2015 and has been approved for use on an interim basis for Development Management purposes. Following the adoption of the Cherwell Local Plan and further consultation, the document was approved by the Council's Executive and will be reported to Full Council for adoption in March 2016. The document is therefore at an advanced stage but does not yet carry full weight until such time that it is adopted. The SPD is therefore a material consideration.

The SPD sets out minimum standards expected for the development, although developers will be encouraged to exceed these standards and will be expected to apply higher standards that arise during the life of the development that reflect up to date best practice and design principles.

#### 4.9 **One Shared Vision**

The One Shared Vision was approved by the Council, and others, in 2010. The document sets out the following vision for the town;

To create a vibrant Bicester where people choose to live, to work and to spend their leisure time in sustainable ways, achieved by

- Effecting a town wide transition to a low carbon community triggered by the new eco development at North West Bicester;
- Attracting inward investment to provide environmentally friendly jobs and commerce, especially in green technologies, whilst recognising the very important role of existing employers in the town;
- Improving transport, health, education and leisure choices while emphasising zero carbon and energy efficiency; and
- Ensuring green infrastructure and historic landscapes, biodiversity, water, flood and waste issues are managed in an environmentally sustainable way.

#### 4.10 **Draft Bicester Masterplan**

The Bicester masterplan consultation draft was produced in 2012. It identifies the following long term strategic objectives that guide the development of the town, are:

- To deliver sustainable growth for the area through new job opportunities and a growing population;
- Establish a desirable employment location that supports local distinctiveness and economic growth;
- Create a sustainable community with a comprehensive range of social, health, sports and community functions;
- Achieve a vibrant and attractive town centre with a full range of retail, community and leisure facilities;
- To become an exemplar 'eco-town', building upon Eco Bicester – One Shared Vision;
- To conserve and enhance the town's natural environment for its intrinsic value; the services it provides, the well-being and enjoyment of people; and the economic prosperity that it brings;
- A safe and caring community set within attractive landscaped spaces;

- Establish business and community networks to promote the town and the eco development principles; and,
- A continuing destination for international visitors to Bicester Village and other tourist destinations in the area.

The aim is for the masterplan to be adopted as SPD, subject to further consultation being undertaken. The masterplan is at a relatively early stage and as such carries only limited weight.

#### 4.11 **Planning Practice Guidance**

#### 4.12 **Oxfordshire County Council – Connecting Oxfordshire: Local Transport Plan 2015-2031**

### **5. Appraisal**

#### 5.1 The key issues for consideration in this application are:

- Relevant Planning History
- Principle of the development
- Transport
- Environmental Matters
- Employment
- Healthy lifestyles
- Green Infrastructure
- Landscape and historic environment
- Proposed Landscaping
- Biodiversity
- Flood risk management
- Waste
- Masterplanning
- Transition
- Conditions/ S106

#### **Relevant Planning History**

#### 5.2 Land at North West Bicester was identified as one of four locations nationally for an eco-town in the Eco Town Supplement to PPS1.

#### 5.3 Following this, a site to the North East of the current site (North of the Railway line) was the subject of an application for full planning permission for residential development and outline permission for a local centre in 2010 (10/01780/HYBRID). This permission, referred to as the Exemplar, and now being marketed as 'Elmsbrook', was designed as the first phase of the Eco Town and meets the Eco Town Standards. The scheme is currently being built out.

#### 5.4 Four further applications have been received for parts of the NW Bicester site:

14/01384/OUT – OUTLINE - Development comprising redevelopment to provide up to 2600 residential dwellings (Class C3), commercial floorspace (Class A1 – A5, B1 and B2), social and community facilities (Class D1), land to accommodate one energy centre, land to accommodate one new primary school (up to 2FE) (Class D1) and land to accommodate the extension of the primary school permitted pursuant to application [ref 10/01780/HYBRID]. Such development to include provision of strategic landscape, provision of new vehicular, cycle and pedestrian access routes, infrastructure, ancillary engineering and other operations.

This application benefits from a resolution to grant planning permission subject to the completion of a S106 legal agreement. This resolution was made at Planning Committee in March 2015.

14/01641/OUT – Outline Application - To provide up to 900 residential dwellings (Class C3), commercial floor space (Class A1-A5, B1 and B2), leisure facilities (Class D2), social and community facilities (Class D1), land to accommodate one energy centre and land to accommodate one new primary school (up to 2 FE) (Class D1), secondary school up to 8 FE (Class D1). Such development to include provision of strategic landscape, provision of new vehicular, cycle and pedestrian access routes, infrastructure, ancillary engineering and other operations

This application benefits from a resolution to grant planning permission subject to the completion of a S106 legal agreement. This resolution was made at Planning Committee in October 2015.

14/01675/OUT - OUTLINE - Erection of up to 53,000 sqm of floor space to be for B8 and B2 with ancillary B1 (use classes) employment provision within two employment zones covering an area of 9.45ha; parking and service areas to serve the employment zones; a new access off the Middleton Stoney Road (B4030); temporary access of Howes Lane pending the delivery of the realigned Howes Lane; 4.5ha of residential land; internal roads, paths and cycleways; landscaping including strategic green infrastructure (G1); provision of sustainable urban systems (suds) incorporating landscaped areas with balancing ponds and swales. Associated utilities and infrastructure.

14/02121/OUT – OUTLINE - Development to provide up to 1,700 residential dwellings (Class C3), a retirement village (Class C2), flexible commercial floorspace (Classes A1, A2, A3, A4, A5, B1 and C1), social and community facilities (Class D1), land to accommodate one energy centre and land to accommodate one new primary school (up to 2FE) (Class D1). Such development to include provision of strategic landscape, provision of new vehicular, cycle and pedestrian access routes, infrastructure and other operations (including demolition of farm buildings on Middleton Stoney Road).

This application appears elsewhere on the agenda.

- 5.5 Applications 14/01384/OUT and 14/01641/OUT have partially established the principle of the realigned road and application 14/01675/OUT also includes within the red line the rest of the land required for the realignment of the road.

#### **Environmental Statement**

- 5.6 The Application is accompanied by an Environmental Statement (ES). It covers landscape and visual impact, ecology, flood risk and hydrology, air quality, noise and vibration, cultural heritage, contaminated land, agriculture and land use, human health, socio economics and community, waste and cumulative impacts. The ES identifies significant impacts of the development and mitigation to make the development acceptable.
- 5.7 The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 Reg 3 requires that Local Authorities shall not grant planning permission or subsequent consent pursuant to an application to which this regulation applies unless they have first taken the environmental information into consideration, and they shall state in their decision that they have done so.
- 5.8 The NPPG advises 'The Local Planning Authority should take into account the information in the Environmental Statement, the responses to consultation and any other relevant information when determining a planning application'. The information in the ES and the consultation responses received have been taken into account in

considering this application and preparing this report.

- 5.9 The ES identifies mitigation and this needs to be secured through conditions and/or legal agreements. The conditions and obligations proposed incorporate the mitigation identified in the ES.

#### **Planning Policy and Principle of the Development**

- 5.10 Section 38 of the Planning and Compulsory Purchase Act 2004 advises that;

'If regard is to be had to the Development Plan for the purposes of any determination under the Planning Acts the determination must be in accordance with the plan unless material considerations indicate otherwise'.

- 5.11 The Development Plan for the area is the Adopted Cherwell Local Plan 2011-2031, which was adopted in July 2015 and the saved policies of the Adopted Cherwell Local Plan 1996.

#### **Adopted Cherwell Local Plan 2011 – 2031 (ACLP)**

- 5.12 The newly Adopted Cherwell Local Plan 2011-2031 includes Strategic Allocation Policy Bicester 1, which identifies land at NW Bicester for a new zero carbon mixed use development including 6,000 homes and a range of supporting infrastructure including employment land. The current application site forms part of the strategic allocation in the local plan. The policy is comprehensive in its requirements and the consideration of this proposal against the requirements of Policy Bicester 1 will be carried out through the assessment of this application.

- 5.13 Specifically in relation to the current proposal, Policy Bicester 1 identifies infrastructure needs, including access and movement - 'proposals to include appropriate crossings of the railway line to provide access and integration across the North West Bicester site. Changes and improvements to Howes Lane and Lords Lane to facilitate integration of new development with the town'.

#### **Adopted Cherwell Local Plan 1996**

- 5.14 The Cherwell Local Plan 1996 includes a number of policies saved by the newly adopted Local Plan, most of which relate to detailed matters such as design and local shopping provision. The policies of the adopted Cherwell Local Plan will be considered in further detail below.

- 5.15 The policies within both the Adopted Cherwell Local Plan 2011-2031 and those saved from the adopted Cherwell Local Plan 1996 are considered to be up to date and consistent with the National Planning Policy Framework having been examined very recently.

#### **Non Statutory Cherwell Local Plan**

- 5.16 The NSCLP was produced to replace the adopted Local Plan. It progressed through consultation and pre inquiry changes to the plan, but did not proceed to formal adoption due to changes to the planning system. In 2004 the plan was approved as interim planning policy for development control purposes. This plan does not carry the weight of adopted policy but never the less is a material consideration. There are a number of relevant policies as set out, which will be considered in further detail in this assessment.

#### **NW Bicester SPD**

- 5.17 The Eco Towns PPS and the ACLP both seek a master plan for the site. A master plan has been produced for NW Bicester by A2Dominion and this has formed the basis of a supplementary planning document for the site. The SPD amplifies the local plan policy and provides guidance on the interpretation of the Eco Towns PPS standards for the NW Bicester site. The SPD was reported to the Council's Executive in June 2015 and approved for use on an interim basis for Development Management purposes.



Following a further round of consultation, the SPD was been reported to the Council's Executive on the 01 February 2016 and has been approved for recommendation to the Full Council that the document be approved. The does not yet carry full weight until such time that it is adopted however it is a material consideration. The SPD and Masterplan identify the realignment of Howes Lane as part of the development of the site.

### **Eco Towns Supplement to PPS1**

- 5.18 The Eco Towns PPS was published in 2009 following the governments call for sites for eco towns. The initial submissions were subject to assessment and reduced to four locations nationally. The PPS identifies land at NW Bicester for an eco-town. The PPS identifies 15 standards that eco towns are to meet including zero carbon development, homes, employment, healthy lifestyles, green infrastructure and net biodiversity gain. These standards are referred to throughout this report. This supplement was cancelled in March 2015 for all areas except NW Bicester.

### **NPPF**

- 5.19 The NPPF is a material consideration in the determination of the planning application. It is stated at paragraph 14, that 'At the heart of the National Planning Policy 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<sup>1</sup> approving development proposals that accord with the Development Plan without delay. The NPPF explains the three dimensions to sustainable development being its economic, social and environmental roles. The NPPF includes a number of Core Planning Principles including that planning should proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the Country needs.

### **Transport**

- 5.20 The Eco Towns PPS sets out that Eco Towns should 'support people's desire for mobility whilst achieving the goal of low carbon living'. The PPS identifies a range of standards around designing to support sustainable travel, travel planning and travel choice, modal shift targets, ensuring key connections do not become congested from the development and ultra low emission vehicles. The PPS seeks homes within 10 mins walk of frequent public transport and local services. The PPS recognises the need for travel planning to achieve the ambitious target of showing how the town's design will enable at least 50 per cent of trips originating in the development to be made by non-car means, with the potential for this to increase over time to at least 60 per cent.

- 5.21 The NPPF has a core principle that planning should; 'actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable;'

The NPPF also advises that the transport system needs to be balanced in favour of sustainable transport giving people a real choice about how they travel (para 29). It is advised that encouragement should be given to solutions that support reductions in greenhouse gas emissions and reduce congestion (para 30). Transport assessments are required (para 32). The ability to balance uses and as part of large scale development have mixed uses that limit the need to travel are identified (para 37 & 38). It also advises that account should be taken of improvements that can be undertaken within the transport network that cost effectively limit the significant impacts of the development and that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe (para 32).

- 5.22 The Adopted Cherwell Local Plan policy SLE4 requires all development to 'facilitate the

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<sup>1</sup> Unless material considerations indicate otherwise

use of sustainable transport, make fullest use of public transport, walking and cycling'. Encouragement is given to solutions which support reductions in greenhouse gas emissions and reduce congestion. New development is required to mitigate off site transport impacts.

- 5.23 Policy Bicester 1 relates to the NW Bicester site and requires proposals to include appropriate crossings of the railway line, changes and improvements to Howes Lane and Lords Lane, integration and connectivity between new and existing communities, maximise walkable neighbourhoods, provide a legible hierarchy of routes, have a layout that encourages modal shift, infrastructure to support sustainable modes, accessibility to public transport, provide contributions to improvements to the surrounding road networks, provision of a transport assessment and measures to prevent vehicular traffic adversely affecting surrounding communities.

- 5.24 The NW Bicester SPD includes 'Development Principle 6 - Transport, Movement and Access'. This principle requires movement to be addressed within planning applications with priority to be given to walking and cycling through improvements to infrastructure and ensuring that all new properties sit within a reasonable distance from services and facilities, the need to prioritise bus links and with other highway and transport improvements to the strategic road network.

'Development Principle 6A - Sustainable Transport - Modal Share and Containment', seeks to achieve the overall aim that not less than 50% of trips originating in eco towns should be made by non car means. This includes providing attractive routes and connections through the development, providing connections to on and off site destinations including schools and local facilities, enhanced walking routes, the provision of primary vehicular routes but which do not dominate the layout or design of the area, the provision of bus infrastructure, the use of car sharing and car clubs and with parking requirements sensitively addressed. Applications should demonstrate how these matters can be provided for as well as include travel plans to demonstrate how the design will enable at least 50% of trips originating in the development to be made by non car means.

Development Principle 6B – Electric and low emission vehicles requires proposals to make provision for electric and low emission vehicles through infrastructure and support in travel plans.

Development Principle 6C – Proposed Highways infrastructure – strategic link road and proposed highway realignments considers the benefits of realigning Bucknell Road and Howes Lane to provide strategic highway improvements, whilst creating a well-designed route that will accommodate the volumes of traffic whilst providing an environment that is safe and attractive to pedestrians, cyclists and users of the services and facilities used.

Development Principle 6D – Public Transport requires public transport routes to be provided that include rapid and regular bus services, with street and place designs to give pedestrians and cyclists priority as well as bus priority over other road vehicles. The location of the internal bus stops should be within 400m of homes and located in local centres where possible. Bus stops should be designed to provide Real Time Information infrastructure, shelters and cycle parking.

#### Strategic need for the road

- 5.25 The A4095 has been a key matter of policy and strategy for the town of Bicester since 2000. The Howes Lane/ Lords Lane/ Bucknell Road junction was confirmed as a pinchpoint in the existing highway network in the Bicester Integrated Transport and Land Use Study from March 2000. Paragraph 2.14 of this report stated this to be 'substantially limiting the potential of the Western perimeter route for through traffic'. The Core Transport Strategy at that time was to remove through traffic from the centre

of Bicester. This was to be achieved by 'selective enhancements to highway (link and junction) capacity on the perimeter routes to carry through traffic away from the town...'. It was concluded that there may be a case for a high quality western distributor route, to include the upgrading of Howes Lane and the junctions at Howes Lane/ Lords Lane/ Bucknell Road. The Transport and Land Use strategy was updated in 2009 and this identified the Howes Lane/ Lords Lane scheme as a strategic scheme due to its impact on the performance on the overall highway network in the town. The strategy stated that the scheme was intended to 'address capacity issues at the junction and improve the journey time reliability of the route'.

- 5.26 The Oxfordshire Local Transport Plan (2015-2031) has a Bicester Area Strategy sitting alongside it which aims to support the Local Plan and the significant growth identified at Bicester. The priority for Bicester is to provide the transport infrastructure which supports the aspirations set out in the Local Plan and the initiatives for their implementation in the forthcoming Bicester Masterplan. This includes tackling the challenges identified in the Bicester Movement Study and the further technical reports completed to support the Main Modifications to the Local Plan. The strategy identifies a series of improvements to support the overall capacity of transport networks and systems within the locality; enabling them to accommodate the additional trips generated by development; to adapt to their cumulative impact and to mitigate the local environmental impact of increased travel. It is also identified that there is a need for a significant increase in the proportion of trips to be made by public transport, cycling and walking. BIC 1 of the Local Transport Plan identifies improved access and connections between key employment and residential sites and the strategic transport system will be supported including 'delivering effective peripheral routes around the town to enable the delivery of the sustainable transport strategy within the central area by providing a local distributor function as well as offering effective connections to strategic corridors for new residential and employment sites'. To the Western peripheral corridor, the following improvements are identified:
- Increasing capacity at the Howes Lane/ Bucknell Road junction and approaches to maintain this as part of the strategic peripheral route corridor and to accommodate the increase in traffic using this route, further enabling development in the area, including the North West Bicester development
  - Realigning A4095 Howes Lane as part of improving the strategic western peripheral route for Bicester.
  - Improvements to the Lords Lane/ B4100 roundabout to enable this junction to cope with future growth at an important radial route into/ out of the town.
- 5.27 In 2014, modelling work prepared for the Local Plan Modifications Examination highlighted the Howes Lane/ Bucknell Road/ Lords Lane junction as one of the principal traffic issues for the town wide transport network.
- 5.28 In terms of timing for delivery of the road and tunnel infrastructure, and given the constraints of the existing junction OCC have advised that there is a limitation on the number of additional traffic movements through the junction before it fails to function adequately. This has been equated to 507 dwellings (900 in total including the 393 dwellings already permitted on the exemplar site) and 40% of the proposed employment on the NW Bicester site. This capacity was identified through work undertaken by Hyder consulting in relation to application 14/01384/OUT.
- 5.29 Howes Lane (A4095) is currently a rural road, 6.1m in width with no footway or cycleway for most of its length and it is located within close proximity to residential properties creating an unpleasant, intrusive environment for existing residents. The Howes Lane/ Bucknell Road junction is a priority junction located in proximity to the roundabout junction for Bucknell Road and Lords Lane. The junctions are linked by a short section of road under a skewed railway bridge. The current highway layout is considered to be a significant constraint to traffic improvements and a barrier to future growth.

- 5.30 This proposal is accompanied by a Transport Assessment, which again confirms that the Howes Lane/ Bucknell Road junction is currently operating near capacity. The TA describes the proposal in that it seeks to address a key constraint in the road network whilst integrating the new development with the existing town, with a reduced speed limit and high quality walking, cycling and public transport routes. The junctions along the road are to be signalised, allowing pedestrians, cyclists and equestrians the ability to cross easily (for equestrians a 'pegasus' crossing is proposed at the junction where the bridleway crosses the road). In terms of capacity, it is confirmed that with NW Bicester and other planned growth in place, the link road and all junctions along it would operate within and provide sufficient capacity for forecast traffic flows. The plans have been amended through the processing of the application and an Addendum Transport Assessment has been submitted, which finds that the overall impact of the amendments would not have a material impact upon the TA with the proposed changes having beneficial impacts overall.
- 5.31 The work identifying that there is a capacity problem at the Howes Lane/ Bucknell Road/ Lords Lane junction led to the incorporation of the requirements for a new junction and road to be instilled within policy and SPD. This recognised the opportunities that arise out of such a scheme including that the road would be moved away from the rear gardens of existing residential properties that back onto Howes Lane, that infrastructure for sustainable modes of transport (including dedicated cycling and walking routes) could be planned in from the start and that the link road could become a fundamental part of the site at North West Bicester recognising its role as a part of the strategic network.
- 5.32 It is therefore considered that there is significant justification for the proposal to realign Howes Lane, the provision of a new tunnel and the work to the Bucknell Road. It has been demonstrated that this scheme will provide the required capacity and this will have significant wider benefits. Officers are content that the principle of this proposal is therefore acceptable.
- 5.33 The existing Howes Lane is proposed to be closed from the south of Shakespeare Drive to the Middleton Stoney Road. However the closure of the road requires the completion of a traffic regulation order and such orders have to be the subject of consultation. The existing road is therefore excluded from the current application however it is considered that through a legal agreement, a mechanism to secure the closure of Howes Lane should be sought.

#### Walking and cycling

- 5.34 The PPS requires that Eco Towns should be designed so that access to it and through it gives priority to options such as walking, cycling and public transport and other sustainable options to reduce residents reliance on the private car. There are also ambitious targets with regard to modal shift, including that 50% of trips originating from the eco town should be made by non car means. Similarly, The Bicester One Shared Vision encourages walking and cycling to be the first choice of travel within the town. This approach is further supported within the NW Bicester SPD, encouraging the provision of walking and cycling networks and linking them into the existing network. In relation to the proposed Howes Lane realignment, the SPD specifically states 'the vision is to maintain the strategic route to accommodate the predicted volumes of traffic while providing an environment that is safe and attractive to pedestrians, cyclists and any person that is using the services and facilities proposed'. The SPD confirms that the intention is for off road footways and cycleways and that 'joint footways and cycleways should be at least 4m wide and segregated routes to provide attractive routes for pedestrians and cyclists'. The detailed design of the application will be considered in more detail below, however the proposal takes the opportunities to provide enhanced walking and cycling routes as well as signalised crossings to ensure that pedestrians and cyclists can use the site with some priority.

#### Detailed design

- 5.35 The Strategic road is proposed to be positioned approximately 80m north of the existing road and is to be a 7.3m carriageway with a shared cycleway/ footway and a combined verge and swale on one side of the road and on the other segregated walking and cycling routes are proposed separated from the carriageway by a swale/ verge. This results in a straight railway crossing. The road would be set to a 30mph speed limit and there would be no frontage access and limited access points. The road would be designed to be a 'boulevard' with trees lining it. The application also includes part of a primary street (the Bucknell Road element of the scheme), which is to be a 6.75m carriageway with a verge/ swale and segregated cycleway and footways on one side and on the other a swale, shared cycleway/ footway and a separate verge. There is also part of a secondary street included within the scheme, which is to be a 6m carriageway, with a shared cycleway/ footway and verge on one side of the road and a swale and footway on the other.
- 5.36 The application includes details of the bridge over the stream, details of the tunnel under the railway, positions of bus stops, landscaping details (including landscaping to the rail cutting) and street furniture (including cycle parking close to bus stops and benches). The application also shows how the site would connect in terms of a link between the site and Bure Park and it demonstrates that different surfacing would be used for footways/ cycleways and the roads. There are a number of junctions along the strategic road, which would be signalised but which have been amended through the consideration of the application to give some priority and make sure that routes for pedestrians and cyclists are clear rather than being too much of an engineered highway layout. This is important given the support for clear and accessible routes for pedestrians and cyclists to enhance the provision for sustainable modes of transport. The junctions have been designed to have some interest within the 'ellipses' which propose a material such that road naming could be included and a concrete feature separating the road and the pedestrian area.
- 5.37 In looking at the transport implications of the site alongside the options for addressing the capacity concerns, the route of the Bucknell Road has also been looked at to reduce the attractiveness of the existing route for through traffic. The scheme therefore proposes a change to the Bucknell Road, which will mean that users of that road would be diverted along the route of the existing Lords Lane before entering the Masterplan site east of the existing Lords Lane, before crossing the boulevard and wrapping round to join the existing Bucknell Road north of Hawkwell Farm. This proposal also gives the opportunity to improve Bucknell Road and address issues of road safety. Part of the existing Bucknell Road would become a bus only link with pedestrian and cycle infrastructure along it to allow a rapid bus link into the town centre.
- 5.38 The amendments to the scheme in terms of layout, include a movement of the road at junction 3 to enable the revised access to the secondary school and results in a straighter road, the change to the access arrangements to create a staggered junction to connect to Shakespeare Drive, the change in position of the bridge over the stream to reduce the impact on the stream corridor and flood attenuation, a change to the alignment of the road through the local centre within application 14/01384/OUT and changes to SUDs.
- 5.39 In the view of Officers, the design of the scheme has progressed from that originally submitted. In terms of the positioning of the road and junctions, these changes have been made to align the scheme with what has evolved through the consideration of the outline applications 14/01384/OUT and 14/01641/OUT. The detailed design itself generally reflects the requirements in terms of road widths for the road hierarchy and the details of footway/ cycleways. The junction design has also positively progressed such that the legibility of them for cyclists/ pedestrians is improved and ensures some priority for them. The updated information demonstrates that these amendments

continue to ensure that the proposal provides the necessary capacity for the strategic network. Notwithstanding this view, advice from the County Council as Highway Authority is still awaited and, should there be further detailed points that require additional consideration, these would need to be addressed given this is a detailed application. In particular, Officers are aware of some concern in relation to the detail of the ellipses, which would result in these features potentially not being adoptable, which would be undesirable and so further work on these may be needed. The support of the Highway Authority to the principle of the proposal as a whole is however noted.

#### **Conclusion on the principle of the development**

- 5.40 The site is part of a much larger site identified in the newly adopted Cherwell Local Plan for a mixed use development including 6000 residential dwellings. In this case the benefits of this proposal are far wider than only providing benefits to the development at the NW Bicester site. Providing acceptable highway infrastructure is key to support sustainable development therefore the principle of this proposal is considered to be acceptable. The NPPF advises that development proposals that comply with the Development Plan should be approved without delay. In this case, it is necessary to consider the other Eco Town principles and other detailed considerations.

#### **Environmental Matters**

- 5.41 The NPPF at para 109 identifies one of the roles of the planning system is 'preventing new or existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability. The CLP saved policy ENV12 requires adequate measures to deal with any contaminated land whilst the NSCLP Policy EN5 advises that regard will be had to air quality, Policy EN6 seeks to avoid light pollution whilst Policy EN7 looks to avoid sensitive development in locations affected by high levels of road noise and Policy EN17 deals with contaminated land. CDC has identified that Kings End/ Queens Avenue in Bicester should be declared an Air Quality Management Area.

#### Air Quality

- 5.42 The Environmental statement considers air quality and notes that the development has the potential to cause air quality impacts during the construction phase as a result of dust emissions from earthworks, construction and trackout activities. The Assessment concludes that there is a risk of dust generation during certain activities but that suitable mitigation measures would control emissions, resulting in overall impacts of neutral significance. A number of dust mitigation measures are detailed in the report and it is suggested that these be incorporated into a Construction Environmental Management Plan. In the absence of technical objection to this proposal on the grounds of air quality, Officers are satisfied that subject to mitigation measures during the construction process, the proposal would be acceptable.

#### Noise and Vibration

- 5.43 The Environmental Statement also considers noise and vibration. It is identified that the noise impacts are mostly related to noise generated during construction and the change in road traffic noise due to the realignment of the road. It is identified that there are likely to be some significantly adverse noise effects during construction upon receptors within 200m of the site based on worst case scenarios. However, a number of mitigation measures are suggested and taking these into account as well as the fact that construction noise impacts are temporary in nature, there are unlikely to be residual impacts. The report also concludes there are unlikely to be vibration impacts. In terms of operational impacts, the ES finds that the realignment of the road is likely to lead to substantial decreases in noise levels at a number of receptor locations, most particularly for those properties directly adjacent to the current Howes Lane. It is recommended that the identified mitigation measures be incorporated into a Construction Code of Practice to ensure that any impacts are kept to a minimum. The assessment does refer to the potential need for potential works to the bridge replacement to be outside of normal working hours and that any such working hours

and the associated noise limits would need to be agreed with the Council. It is suggested that the Construction Code of Practice could include the mechanism for this. The Council's Anti Social Behaviour Manager accepted the conclusions of the assessment and recommends that conditions be used in relation to securing the mitigation measures during construction and to carry out a post construction survey to consider whether any further mitigation is required.

#### Contaminated Land

- 5.44 The Environmental Statement assesses the likely environmental effects of the development in relation to contamination. The assessment uses a Phase 1 Desk Based Study and laboratory testing results obtained from a follow up preliminary intrusive ground investigation and a further follow up investigation which concentrated on an area of land which has been identified as part of a landfill. In those areas covered by the intrusive investigation, no significant contaminated soil or groundwater was discovered. It is considered that mitigation measures would significantly reduce or completely mitigate any potential effects and no residual effects are identified. Construction impacts will need to be mitigated through the use of appropriate personal protective equipment and site management practices and would need to be covered within a Construction Environment Management Plan. It is therefore considered that the risks arising from this particular development would be low, however appropriate conditions are recommended.

#### **Zero Carbon**

- 5.45 The development at North West Bicester is expected to meet very high environmental standards, including that it reaches Zero Carbon Standards. The PPS is clear that the zero carbon standards excludes emissions from transport and but includes all buildings on the site. Given the current proposal seeks permission for the road infrastructure only, it is not necessary to consider this proposal in terms of the need to achieve zero carbon across the site any further.

#### **Climate Change**

- 5.46 The requirements around climate change relate to the development being designed to be resilient to the future effects of climate change. A study into the effect of future climate identified the potential for more frequent storm events and the road has been designed to include sustainable drainage to take surface water from the road and pavements and ensure that there is no increase in surface water run off from the site. The crossings of the stream have also been designed to ensure that there is no restriction of the floodplain. These are discussed further below.

#### **Employment**

- 5.47 The PPS requirement sets out the need for an economic strategy that should set out facilities to support job creation in the town and as a minimum there should be access to one employment opportunity per new dwelling that is easily reached by walking, cycling and/or public transport. The Masterplan Economic Strategy considers the number of jobs that need to be provided on site and identifies construction jobs as contributing to ensuring the site can meet the PPS standards. There will be job opportunities in the construction of the road which will contribute to this PPS standard being achieved. The Masterplan Economic Strategy also includes an Action Plan which includes ways to support job creation (e.g. through apprenticeship schemes). It has been identified that the construction of the infrastructure proposed under this application could support 6 apprenticeships. This would also be a benefit of this proposal as well as again contributing to the PPS and the SPD standards being met.

#### **Healthy Lifestyles**

- 5.48 The Eco Town PPS identifies the importance of the built and natural environment in improving health and advises that eco towns should be designed to support healthy and sustainable environments enabling residents to make healthy choices. The NPPF also identifies the importance of the planning system in creating healthy, inclusive

communities.

- 5.49 Whilst this proposal seeks permission for the strategic road infrastructure only, as explained above, the road is planned to include dedicated footways and cycleways on both sides of the road as well as green infrastructure in the form of SUDs and green verges. This is an enhanced provision compared to the existing layout (particularly along Howes Lane where there is no footway/ cycleway provision). The application would therefore provide enhanced infrastructure allowing this main route to be accessible by sustainable modes of transport including walking and cycling helping to achieve healthy communities. It is considered the proposal would comply with the PPS in this regard.

#### **Green Infrastructure**

- 5.50 The PPS requires the provision of forty per cent of the eco-town's total area should be allocated to green space, of which at least half should be public and consist of a network of well-managed, high quality green/open spaces which are linked to the wider countryside. A range of multi-functional green spaces should be provided and particular attention to providing land to allow the local production of food should be given.
- 5.51 The NPPF advises at para 73 that access to high quality spaces and opportunities for sport and recreation can make an important contribution to the health and wellbeing of communities. It also emphasises that Local Planning Authorities should set out a strategic approach in their local plans, planning positively for the creation, protection, enhancement and management of networks of biodiversity and green infrastructure (para 114).
- 5.52 Adopted Cherwell Local Plan Policy BSC11 sets out the minimum standards that developments are expected to meet and it sets out standards for general green space, play space, formal sport and allotments. Furthermore, site specific, Policy Bicester 1 requires the provision of 40% of the total gross site area to comprise green space, of which at least half will be publicly accessible and consist of a network of well-managed, high quality green/ open spaces which are linked to the countryside. It specifies that this should include sports pitches, parks and recreation areas, play spaces, allotments, the required burial ground and SUDs.
- 5.53 The NW Bicester SPD includes 'Development Principle 9 – Green Infrastructure and Landscape'. This principle requires green space and green infrastructure to be a distinguishing feature of the site making it an attractive place to live. Planning applications should demonstrate a range of types of green space that should be multi-functional, whilst preserving natural corridors and existing hedgerows as far as possible. Furthermore it emphasises that 40% green space should be demonstrated.
- 5.54 As this application proposes the strategic road infrastructure, the ability to provide Green Infrastructure is limited. However, GI within the proposals for the Link Road comprises street trees, soft landscape swales and verges. These would perform beneficial functions within the road corridor linking into the GI strategy across the rest of the site. Across the site, the Masterplan Green Infrastructure and Landscape Strategy demonstrates how 40% GI will be provided across the site furthermore, each application across the site has been considered as to how GI is provided and how much to ensure it is policy compliant. In this case, Officers are satisfied that this proposal provides as much GI as possible in terms of ensuring that the design of the road incorporates green areas including trees and verges (within the constraints of needing to make sure that the road provides sufficient vision splays and is adoptable). It is therefore considered that the proposal is acceptable in this regard.

#### **Landscape and Historic Environment**

- 5.55 The Eco Town PPS advises that planning applications should demonstrate that they have adequately considered the implications for the local landscape and historic



environment to ensure that development compliments and enhances the existing landscape character. Measures should be included to conserve heritage assets and their settings. The NPPF recognises the intrinsic character and beauty of the countryside (para 17). The NPPF advises that where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of higher quality.

- 5.56 Adopted Cherwell Local Plan Policy Bicester 1 requires 'a well-designed approach to the urban edge which relates development at the periphery to its rural setting' and development that respects the landscape setting and demonstrates enhancement of wildlife corridors. A soil management plan may be required and a staged programme of archaeological investigation. Policy ESD13 advises that development will be expected to respect and enhance the local landscape character, securing appropriate mitigation where damage to local landscape character cannot be avoided.
- 5.57 The NW Bicester SPD contains 'Development Principle 9A – Tree Planting', requires native trees and shrubs should be planted on the site to reflect the biodiversity strategy. Sufficient space should be allocated for tree planting to integrate with the street scene and adjacent street furniture, highways infrastructure, buildings and any associated services.
- 5.58 The application is accompanied by an LVIA within the Environmental Statement. The assessment finds that the site is not within any landscape designation, however it forms part of the 'Oxfordshire Estate Farmlands' Character area in the Cherwell District Landscape Assessment and the more recent Oxfordshire Wildlife and Landscape Study places the site within the 'Woodland Estate lands' Character area. Specifically for North West Bicester and as part of the landscape impact assessment process, landscape character areas have been identified across the site and are called: Caversfield Valleys and Ridges, Bucknell Ridge, Bucknell Valley Corridor and Himley Farmland slopes. As this application stretches across the site, all of these character areas have been considered further. At the construction stage, best practice would be employed in order to minimise landscape and visual disruption including locating construction compounds sensitively and protecting retained trees and hedgerows. In terms of operational impacts, the scheme has been designed to minimise vegetation removal and incorporate roadside verges including tree planting in order to help integrate the proposals within the wider landscape. In relation to each of the landscape character types across the site, the impact has been assessed to be slight adverse, other than the Caversfield Valleys and Ridges, which is assessed as a neutral impact. In relation to the assessed viewpoints, the significance of visual effect is assessed to be 'slight adverse' other than viewpoint 4 which is assessed to be 'moderate adverse'. The reason for this low impact overall is due to the proposal being a relatively minor alteration to farmland overall and that views would generally be buffered by existing vegetation and landscape structure/ enclosure as well as proposed tree planting. It is further accepted that in time, this proposal would be surrounded by development forming part of the wider Masterplan site. In landscape and visual impact terms, it is considered that the proposal can be accommodated within the landscape.
- 5.59 The proposal involves the removal of a number of trees and hedgerows, however the extent of these has been minimised to ensure the impact is as limited as possible. It is proposed to translocate areas of hedgerow to be removed and the Arboricultural Report proposes the protection of retained trees and hedgerows, which would need to be secured by way of a planning condition. The amended scheme has changed the trees/hedges affected in certain areas of the site and this has positive and negative effects on certain trees where they will be or won't be affected. The tree report notes that the impact would remain acceptable overall.
- 5.60 In relation to the historic environment, the ES finds that there are no listed buildings within the study area. There are however farm buildings at Aldershot Farm and Gowell

Farm, which may experience impacts upon their setting. The ES finds that the historic landscape resource within the study area is primarily the agricultural landscape, which includes the historic field boundaries and field patterns. This has been assessed to be of low value. Design mitigation measures to preserve as many of the historic field boundaries to allow some legibility of the historic landscape to remain has been included. Overall, it is considered that the historic landscape will experience slight adverse impacts. In the context of the development as a whole and taking into account the significant benefits that will arise as a result of this scheme in highway capacity terms, it is considered that the impact upon the historic environment is low and therefore is acceptable.

- 5.61 The site has been assessed for archaeology and these investigations have indicated four areas of archaeological activities within the site. A programme of mitigation measures have been designed for the areas of archaeological activity comprising archaeological excavation and recording. The County Archaeologist has advised that subject to conditions to require additional archaeological work, no objections are raised and the proposal is also considered to be acceptable in this regard.

#### **Proposed Landscaping**

- 5.62 The proposal includes landscaping proposals given this is a detailed application. As explained above, the intention is for a 'tree lined boulevard' to be created, which would include trees provided at approximately 30m intervals and taking into account the position of street lighting. These trees would be accommodated in tree pits as well as swales and verges to continue the regular positioning. There would be no trees within proximity to the tunnel under the railway which would interrupt this regular positioning. This is unfortunate but justifiable given the treatment that would need to occur at the railway cutting and there needing to be an offset to the railway to suit Network Rail requirements. The opportunity has however been taken to include a wildflower landscape turf around the railway cutting to ensure that landscaping continues within this area and to soften the approaches to the tunnel. The Council's Landscape Officer has made a number of comments in relation to the proposed landscaping, particularly detailed comments with regard to the proposed tree pits (which Officers consider could be dealt with by condition), however there is also a suggestion with regard to the inclusion of a different tree species to enhance visual diversity and amenity light in the area of the realigned Bucknell Road. This suggested species is used in one area already and this road will expand given the current proposal forms one part of it, therefore Officers are not convinced that this particular concern requires further amendment at this stage.

#### **Biodiversity**

- 5.63 The Eco Town PPS requires that net gain in local biodiversity and a strategy for conserving and enhancing local bio diversity is to accompany applications. The NPPF advises the planning system should minimise impacts on bio diversity and providing net gains where possible, contribute to the Government's commitment to prevent the overall decline in bio diversity (para 109) and that opportunities to incorporate bio diversity in and around developments should be encouraged (para 118). The ACLP Policy Bicester 1 identifies the need for sports pitches, parks and recreation areas, play spaces, allotments, burial ground and SUDs and for the formation of wildlife corridors to achieve net bio diversity gain. Policy ESD10 seeks a net gain in bio diversity.
- 5.64 The NW Bicester SPD includes 'Development Principle 9E – Biodiversity', requires the preservation and enhancement of habitats and species on site, particularly protected spaces and habitats and the creation and management of new habitats to achieve an overall net gain in biodiversity. Open space provision requires sensitive management to secure recreation and health benefits as well as biodiversity gains. Proposals should demonstrate inclusion of biodiversity gains and all applications should include a biodiversity strategy.

- 5.65 Section 40 of the Natural Environment and Rural Communities Act 2006 (NERC 2006) states that “every public authority must in exercising its functions, must have regard ... to the purpose of conserving (including restoring / enhancing) biodiversity” and;

Local planning authorities must also have regards to the requirements of the EC Habitats Directive when determining a planning application where European Protected Species (EPS) are affected, as prescribed in Regulation 9(5) of Conservation Regulations 2010, which states that “a competent authority, in exercising any of their functions, must have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of those functions”.

Articles 12 and 16 of the EC Habitats Directive are aimed at the establishment and implementation of a strict protection regime for animal species listed in Annex IV(a) of the Habitats Directive within the whole territory of Member States to prohibit the deterioration or destruction of their breeding sites or resting places.

Under Regulation 41 of Conservation Regulations 2010 it is a criminal offence to damage or destroy a breeding site or resting place, but under Regulation 53 of Conservation Regulations 2010, licenses from Natural England for certain purposes can be granted to allow otherwise unlawful activities to proceed when offences are likely to be committed, but only if 3 strict legal derogation tests are met which include:

- 1) is the development needed for public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature (development).
- 2) Is there any satisfactory alternative?
- 3) Is there adequate mitigation being provided to maintain the favourable conservation status of the population of the species?

Therefore where planning permission is required and protected species are likely to be found to be present at the site or surrounding area, Regulation 53 of the Conservation of Habitats and Species Regulations 2010 provides that local planning authorities must have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of those functions and also the derogation requirements (the 3 tests) might be met. Consequently a protected species survey must be undertaken and it is for the applicant to demonstrate to the Local planning authority that the 3 strict derogation tests can be met prior to the determination of the application. Following the consultation with Natural England and the Council’s Ecologist advice given (or using their standing advice) must therefore be duly considered and recommendations followed, prior to the determination of the application.

- 5.66 The application is accompanied by ecology surveys. The existing site contains arable fields and improved grassland habitats with watercourses and hedgerows. It has been found that bats forage over and commute along the watercourse and hedgerows support brown hairstreak butterflies. Small numbers of common lizards and grass snake were recorded and hedgehogs may also use the field boundaries. The fields and hedgerows support nesting and wintering birds. There are ponds close by and it is possible that amphibians may forage and shelter at the bases of the hedgerows and along the watercourses.
- 5.67 The proposal for the strategic infrastructure would mainly affected hedgerows therefore the impact upon the recorded species must be considered. The ES advises that the development has been designed to reduce impacts on wildlife and habitats as far as possible and to produce a design that incorporates measures to ensure that the development will result in a net gain in biodiversity as a part of the wider masterplan. The proposal suggests a number of mitigation measures to reduce impacts during construction, including proposals to translocate hedgerows, careful timing of works and the provision of ecologists to oversee the works. Careful design of the scheme including

the landscape planting, the lighting scheme, the SUDs and the bridge design can ensure that the effects on wildlife are reduced. Only one watercourse crossing is required and this ensures that the natural wildlife crossings are retained. Sensitive lighting would be required on the bridges to ensure that dark corridors are retained and to avoid disturbance to nocturnal species. Biodiversity enhancements in the form of bird nest boxes to be provided on trees are proposed. A Landscape and Habitat Management Plan is also proposed to ensure that the long term management and monitoring occurs.

- 5.68 The PPS requirement is that there should be a net gain in biodiversity and in this case, the proposal for the strategic infrastructure includes proposals for landscaping, swales and verges as well as nesting boxes are proposed. The proposal involves minimising the number of hedgerows to be disturbed by the road and translocating hedgerows where possible. Overall, this proposal would contribute to the achievement of a net gain in biodiversity, particularly when considered alongside the rest of the site and the current outline applications which include greater opportunities within areas of public open space and features such as a nature reserve and country park.
- 5.69 The Masterplan supporting documents identify the impact of the scheme on farmland birds, which cannot be mitigated for onsite. As a result it has been accepted that these species will need to be mitigated off site. An approach has been agreed that would allow either a farm scheme or the funding to be used for the purchase of land to secure mitigation for farmland birds. Officers are currently considering the need to secure a contribution towards this matter via the application for the strategic road infrastructure.
- 5.70 It is considered that subject to securing the protection of habitats and the achievement of net bio diversity gain through conditions or legal agreements the application proposals will achieve a net gain in bio diversity meeting the requirement of the PPS, NPPF and ACLP.

#### **Flood Risk Management**

- 5.71 The Eco towns PPS advises that the construction of eco towns should reduce and avoid flood risk wherever practical and that there should be no development in Flood Zone 3. The NPPF advises that inappropriate development in areas of flood risk should be avoided (para 100) and that development should not increase flood risk elsewhere (para 103). The ACLP policy ESD6 identifies that a site specific flood risk assessment is required and that this needs to demonstrate that there will be no increase in surface water discharge during storm events up to 1 in 100 years with an allowance for climate change and that developments will not flood from surface water in a design storm event or surface water flooding beyond the 1 in 30 year storm event. Policy ESD 7 requires the use of SUDs.
- 5.72 The NW Bicester SPD includes 'Development Principle 11 – Flood Risk Management', which requires the impact of development to be minimised by ensuring that the surface water drainage arrangements are such that volumes and peak flow rates leaving the site post development are no greater than those under existing conditions. The aim is to provide a site wide sustainable urban drainage system (SUDs) as part of the approach and SUDs should be integrated into the wider landscape and ecology strategy. Applications should demonstrate that the proposed development will not increase flood risk on and off the site and take into account climate change.
- 5.73 The site is predominantly within Flood Zone 1. However there are areas of Flood Zone 2 and 3 within the site which are predominantly free from development other than one clear span bridge crossing (which would be designed such that the soffit would be 600mm above the modelled 1% AEP plus climate change water level) and green buffers associated within the wider Masterplan as well as the proposed road tie in with Howes Lane near the confluence of Langford Brook and River Bure. The FRA advises that the small amount of impacted floodplain volume will be compensated on a level for

level basis on the right bank of Langford Brook. The Masterplan drainage strategy seeks to minimise the impact of new development on flood risk and the principle across the site is to attenuate any post development runoff to equivalent greenfield rates. A series of SUDs features across the site are proposed and within the extent of this application area, such features include swales and attenuation ponds sized with an allowance for climate change. The FRA also identifies a need for mitigation taking into account existing overland flow routes.

- 5.74 As set out above, the Environment Agency objected to this proposal advising that the FRA does not demonstrate that the development proposed would not increase flood risk on and off site. This includes explaining why development in flood zone 2 and 3 is proposed, what volume of floodplain is lost and therefore what compensation is needed and whether this is achievable. It is also unclear whether the surface water drainage system has sufficient capacity to convey and attenuate run off from both the proposed hardstanding and green areas.
- 5.75 The applicant has submitted an addendum flood risk assessment and surface water drainage strategy. This addendum considers the amendments made to the application since original submission. The document also explores why the development is proposed within part of the flood plain, explaining that it would be impractical from a road geometry perspective to move the affected section of road further downstream because it is not possible to move the road alignment further south of its current position to a point where it is entirely outside of the flood extents. The proposed road is constrained by the tie in to the existing A4095 to the east and the existing River Bure crossing to the south, the proposed rail underbridge crossing alignment to the west allowing for safe visibility and the new side road junction linkages. The FRA therefore considers the exception test and suitable flood mitigation proposals. The proposed strategic link road is concluded to be essential infrastructure and this benefit is weighed against the minor floodplain encroachment. The document considers the volume of floodplain lost and the explains how sufficient floodplain compensation is to be provided therefore satisfying the sequential and exception test requirements of the NPPF. At the time of writing, no further response has been received from Oxfordshire County Council as the Lead Local Flood Authority or the Environment Agency.
- 5.76 It is unfortunate that this proposal includes development within Flood Zones 2 and 3, taking into account the PPS requirement that there should be no development within flood zone 3. This follows the NPPF's Sequential test, which requires that development be directed to areas with the lowest risk of flooding. In this case, the wider NW Bicester site is allocated for development and predominantly sits within flood zone 1 overall which follows the sequential approach. It is not therefore necessary to apply the sequential test in relation to this particular proposal, however as this proposal is essential infrastructure and includes a small area of development within flood zone 3a, it is necessary to apply the exception test. The NPPF at para 102 advises that 'for the exception test to be passed:
- it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk informed by a Strategic Flood Risk Assessment where one has been prepared and;
  - a site specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users without increasing flood risk elsewhere and where possible will reduce flood risk overall'.

In this case, Officers are satisfied that the information provided to date demonstrates that options have been assessed in terms of the position of the junction as to where the proposed tie-in with the A4095 can occur and taking into account the strategic need in relation to highway capacity that this road will contribute to. The addendum to the ES also assesses drainage capacity that firstly would be affected by the slight encroachment into flood zones 2/3 and secondly that sufficient alternative capacity would be provided. SUDs are a key feature of the road by way of the swales provided

along the link and primary roads as well as the use of attenuation/ balancing ponds. Subject to the receipt of comments from the Drainage Authority, it is considered that conditions can be used to require a detailed drainage design and strategy building on the information provided thus far. The proposal therefore is acceptable in flood risk terms and in compliance with policy.

### **Waste**

- 5.77 The Eco Towns PPS advises that applications should include a sustainable waste and resources plan which should set targets for residual waste, recycling and diversion from landfill, how the design achieves the targets, consider locally generated waste as a fuel source and ensure during construction no waste is sent to landfill. The National Waste Policy identifies a waste hierarchy which goes from the prevention of waste at the top of the hierarchy to disposal at the bottom. The National Planning Practice Guidance identifies the following responsibilities for Authorities which are not the waste authority;
- promoting sound management of waste from any proposed development, such as encouraging on-site management of waste where this is appropriate, or including a planning condition to encourage or require the developer to set out how waste arising from the development is to be dealt with
  - including a planning condition promoting sustainable design of any proposed development through the use of recycled products, recovery of on-site material and the provision of facilities for the storage and regular collection of waste
  - ensuring that their collections of household and similar waste are organised so as to help towards achieving the higher levels of the waste hierarchy
- 5.78 The NW Bicester SPD includes 'Development Principle 12 – Waste', which sets out that planning applications should include a sustainable waste and resources plan covering both domestic and non-domestic waste and setting targets for residual waste, recycling and landfill diversion. The SWRP should also achieve zero waste to landfill from construction, demolition and excavation.
- 5.79 In this case, the consideration of waste is only at the construction, demolition and excavation stage. The application is accompanied by a Site Waste Management Plan (SWMP) and Waste is assessed in the Environmental Statement. The SWMP targets sending no waste to landfill with it being identified that what cannot be re-used on site, will be sent to recycling facilities where possible. The ES considers that the design of the road has been considered in order to minimise excavation volumes, allowing flexibility in the landscaped areas to accommodate the changes in soil volumes and careful management and monitoring can ensure that impacts of waste are minimised. It is noted that there may be a slight adverse effect on local waste management infrastructure from construction waste but the SWMP will be further developed to manage, monitor and audit the construction waste generated. It is considered that the proposal is acceptable in this regard. A planning condition can be used to require an updated SWMP to take into account the finalised scheme to ensure that the target to ensure that no construction, demolition and excavation waste is sent to landfill, except for those types of waste where landfill is the least environmentally damaging option can be met.

### **Master planning**

- 5.80 The Eco Towns PPS sets out that 'eco-town planning applications should include an overall master plan and supporting documents to demonstrate how the eco- town standards set out above will be achieved and it is vital to the long term success of eco towns that standards are sustained.' The PPS also advises there should be a presumption in favour of the original, first submitted masterplan, and any subsequent applications that would materially alter and negatively impact on the integrity of the original masterplan should be refused consent.
- 5.81 The ACLP Policy Bicester 1 states 'Planning Permission will only be granted for development at North West Bicester in accordance with a comprehensive masterplan

for the whole site area to be approved by the Council as part of a North West Bicester Supplementary Planning Document.'

5.82 A masterplan and supporting documents have been produced by A2Dominion in consultation with the Council and other stakeholders. This masterplan has been the subject of public consultation. The development at NW Bicester will take place over a number of years and as such it was considered important that the key components of the masterplan are enshrined in planning policy and therefore the Council has produced a draft SPD. The SPD emphasises that in order to ensure a comprehensive development, all planning applications will be required to be in accordance with the framework masterplan for the site. Applications should provide a site specific masterplan to show how that site fits with the overarching masterplan and demonstrate the vision and principles set out in the site wide masterplan and the SPD.

5.83 The NW Bicester site identified in ACLP is large and it is important that development is undertaken in such a way as to deliver a comprehensive development. A masterplan is an important tool in achieving this particularly when there is not a single outline application covering the site as in this case. The current proposal for the road infrastructure complies with the Masterplan in terms of its position and form. It is therefore acceptable in this regard. The infrastructure that this proposal provides is key to the delivery of the wider site and the other applications across the site need to be linked to the timing of the delivery of this to support the masterplan approach to delivery.

#### **Transition**

5.84 The Eco Towns PPS advises that planning applications should set out;

- a) the detailed timetable of delivery of neighbourhoods, employment and community facilities and services – such as public transport, schools, health and social care services, community centres, public spaces, parks and green spaces including biodiversity etc
- b) plans for operational delivery of priority core services to underpin the low level of carbon emissions, such as public transport infrastructure and services, for when the first residents move in
- c) progress in and plans for working with Primary Care Trusts and Local Authorities to address the provision of health and social care
- d) how developers will support the initial formation and growth of communities, through investment in community development and third-sector support, which enhance well-being and provide social structures through which issues can be addressed
- e) how developers will provide information and resources to encourage environmentally responsible behaviour, especially as new residents move in
- f) the specific metrics which will be collected and summarised annually to monitor, support and evaluate progress in low carbon living, including those on zero carbon, transport and waste
- g) a governance transition plan from developer to community, and
- h) how carbon emissions resulting from the construction of the development will be limited, managed and monitored.

5.85 The timing of the delivery of community services and infrastructure has been part of the discussions that have taken place with service providers in seeking to establish what it is necessary to secure, through legal agreements, to mitigate the impact of development. This has included working with Oxfordshire County Council on education provision and transport.

5.86 In these terms, it has been identified that the tunnel is required at an early stage of the development to relieve the capacity issues currently identified at the Howes Lane/ Bucknell Road/ Lords Lane junction and is needed to mitigate the impact of the wider development at NW Bicester. This along with the fact that it complies with the

Masterplan leads to Officers concluding that this proposal is critical to resolve the capacity issues and lead to wider delivery across the site. This proposal will also allow infrastructure to be in place for sustainable transport modes such as the proposed bus services and providing walking and cycling infrastructure.

### **Conditions and Obligations**

- 5.87 A number of conditions are required covering issues such as highways, construction, ecology, landscaping, contaminated land and archaeology amongst others in order to secure acceptable development. These are identified through the report and a full set of conditions will follow the publication of the committee agenda. The limiting of carbon from construction has been addressed on the Exemplar application by measures such as construction travel plans, work on reducing embodied carbon and meeting CEEQUAL (sustainability assessment, rating and awards scheme for civil engineering). It is considered necessary for this application to meet the CEEQUAL standards.
- 5.88 It is considered necessary to secure a legal agreement to secure the identified apprenticeships, to secure farmland bird mitigation in the situation that this is not secured through applications surrounding the road and to secure the closure of Howes Lane through the necessary traffic regulation orders and to make the route available for pedestrian and cyclists. This legal agreement could be in the form of a unilateral undertaking.

### **Engagement**

- 5.89 With regard to the duty set out in paragraphs 186 and 187 of the Framework, no problems or issues have arisen during the application. It is considered that the duty to be positive and proactive has been discharged through negotiations relating to the details of the scheme through the processing of the application.

### **Conclusion**

- 5.90 The application proposals accord with the development plan being a part of an allocated site and this allocated site is supported by the Eco Towns PPS and the NPPF. Planning decisions should be in accordance with the Development Plan unless material considerations indicate otherwise.
- 5.91 Policy Bicester 1 and the Eco Towns PPS identify North West Bicester as a location of an Eco Town. The NW Bicester SPD and Policy Bicester 1 identify the need for there to be highway improvements including measures to address movement across Howes Lane and Lords Lane and to increase capacity at the junction of Howes Lane/ Bucknell Road and Lords Lane. This junction has been identified over a number of years as being a constraint to the town wide transport network and improvements to it are necessary.
- 5.92 This proposal seeks to provide a tunnel under the railway and taking the opportunity to also realign Howes Lane. This results in a number of benefits including providing the required capacity within the strategic highway network for all planned growth as well as moving the road away from the existing residents that back onto Howes Lane currently thereby improving their living conditions and embedding the highway infrastructure as an integral part of the wider masterplanned site. The proposal is therefore considered to be acceptable in principle.
- 5.93 Other detailed matters have been considered throughout this report and subject to the receipt of comments to the amended scheme, as well as the use of conditions, it is considered that there would be no other significant impacts from this scheme that would outweigh the benefits of the proposal as a whole.
- 5.94 The application proposals would provide sustainable development and on balance would not give rise to significant and demonstrable harm that outweighs the benefits of the granting of planning permission. The application is therefore recommended for



approval as set out below.

### **Environmental Impact Assessment Determination**

- 5.95 Regulation 24 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 requires;  
24.—(1) Where an EIA application is determined by a local planning authority, the authority shall—  
(a) in writing, inform the Secretary of State of the decision; .  
(b) inform the public of the decision, by local advertisement, or by such other means as are reasonable in the circumstances; and .  
(c) make available for public inspection at the place where the appropriate register (or relevant section of that register) is kept a statement containing— .  
(i) the content of the decision and any conditions attached to it; .  
(ii) the main reasons and considerations on which the decision is based including, if relevant, information about the participation of the public; .  
(iii) a description, where necessary, of the main measures to avoid, reduce and, if possible, offset the major adverse effects of the development; and .  
(iv) information regarding the right to challenge the validity of the decision and the procedures for doing so.
- 5.96 It is therefore **recommended** that this report and the conditions and obligations proposed for the development are treated as the statement required by Reg 24 C (i) - (iii). The information required by Reg 24 C (iv) will be set out on the planning decision notice.

## **6. Recommendation**

**Approval**, subject to:

- a) The end of the 21 day consultation period;
- b) The resolution of any further objections received to the satisfaction of the Development Services Manager;
- c) The applicants entering into an appropriate legal agreement to the satisfaction of the District Council to secure apprenticeships, the closure of Howes Lane and to make the route available for pedestrians and cyclists and to secure a contribution towards offsite farmland bird mitigation if this not secured through other means and delegation to Officers to finalise this;
- d) the following conditions:

TO FOLLOW IN FULL

### **STATEMENT OF ENGAGEMENT**

In accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No 2) Order 2012 and paragraphs 186 and 187 of the National Planning Policy Framework (March 2012), this decision has been taken by the Council having worked with the applicant/agent in a positive and proactive way through negotiations relating to the details of the scheme through the processing of the application.