

Transport and Works Act 1992

**Transport and Works (Applications and
Objections Procedure) (England and Wales)
Rules 2006**

**The Network Rail (East West Rail Western
Section Phase 2) Order**

**Draft Planning Statement 1: Cherwell District
Council / Oxfordshire County Council**

June 2017

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Draft Planning Statement 1: Cherwell District Council / Oxfordshire County Council

EWR Alliance

June 2017

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Executive Summary

This draft Planning Statement is one of a suite of five being submitted as part of the Round Two Consultation for the East West Rail Western Section Phase 2 (EWR2) Project. This consultation will inform design development and an application for a Transport and Works Act Order (TWAO) to authorise the construction of the Project is scheduled to be submitted in Spring 2018.

This draft Planning Statement addresses development within the administrative areas of Cherwell District Council and Oxfordshire County Council (referred to as the Cherwell sub-section).

The Cherwell sub-section commences north of Bicester Village (formerly Bicester Town) Station in Bicester and concludes at the administrative boundary of Cherwell District Council and Aylesbury Vale District Council to the east of the Bicester Road level crossing north west of Marsh Gibbon. The route within Cherwell sub-section is approximately 4km in length.

The proposed development within the Cherwell sub-section would continue the double track railway from EWR Phase 1 and comprise the replacement of 3.6km existing single track railway with new double track railway. The proposed development would include the construction of three new highway overbridges, one accommodation overbridge and two footbridges. A number of changes to existing vehicle and pedestrian crossings and bridges are also proposed.

Proposed development within the Cherwell sub-section will be assessed for its compliance with national planning policies provided in the National Policy Statement for National Networks (NPS) and the National Planning Policy Framework (NPPF), as well as those in the local Development Plan, which comprises the following documents:

- Cherwell Local Plan 2011-2031 Part 1;
- Non-Statutory Cherwell Local Plan 2011;
- Adopted Local Plan 1996 (Saved Policies);
- Oxfordshire Minerals and Waste Local Plan 1996 (Saved Policies); and
- Oxfordshire Minerals and Waste Core Strategy Consultation Draft (Emerging).

The main material considerations raised by the proposed development are considered within the context of planning policies in the above documents. The main material considerations relate to sustainable development, land use and agriculture, cultural heritage, air quality, ecology, noise and vibration, geology, landscape, flood risk and highways. These topics are assessed and discussed in detail in the draft Environmental Statement (Draft ES) submitted for consultation.

In the context of the findings of the Draft ES, it is considered that, following the implementation of mitigation measures and the significance of residual effects in relation to

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residential amenity, landscape and visual impact, and impact on the setting of two listed buildings, the scheme is in full compliance with planning policies of relevance to the main material considerations. However, it should be noted that the assessments reported in the Draft ES are not complete at this stage. Additionally, it should be noted the Draft ES assessed a project boundary that has since been superseded by the boundary shown in the drawings referenced in this Statement. The boundary assessed in the Draft ES is generally larger than that shown.

Section 38 (c) of the Town and Country Planning Act 1990 (TCPA 1990), as well as paragraph 14 of the NPPF, confirm that planning applications should be determined in accordance with the Development Plan unless material circumstances indicate otherwise. Proposals which accord with the Development Plan are to be approved without delay. In this respect, the scheme within the Cherwell sub-section, and the scheme in its entirety, is considered to be in full accordance with national planning policies and the local Development Plan.

1. Introduction

1.1. Transport and Works Act Order

- 1.1.1. Network Rail Infrastructure Limited (Network Rail) intends to apply for a Transport and Works Act Order (TWAO) to authorise the construction of East West Rail Western Section Phase 2 (EWR2).
- 1.1.2. This involves the construction, operation and maintenance of an upgraded and reinstated rail link between Bicester and Bedford, Milton Keynes and Princes Risborough, as well as the construction of new railway infrastructure (including new overbridges, footbridges, a new station and station platforms) and improvements to existing infrastructure (such as station platform extensions).
- 1.1.3. The scheme also includes the need for powers of compulsory land acquisition. As the scheme is beyond the scope of Network Rail's permitted development rights, a TWAO is required to authorise all proposed development. The application process for a TWAO is governed by the Transport and Works Act 1992 ('the 1992 Act') and the Transport and Works (Applications and Objections) (England and Wales) Rules 2006 ('the Application Rules').
- 1.1.4. The application under the Transport and Works Act 1992 will be determined by the Secretary of State for Transport. As part of the TWAO submission, Network Rail will also seek a direction from the Secretary of State under Section 90 (2A) of the TCPA 1990, which if given, would deem the grant of planning permission for EWR2.
- 1.1.5. On behalf of Network Rail, the East West Rail Alliance (EWR Alliance) is responsible for the design and construction of the scheme. The EWR Alliance (made up four equal parts between Network Rail, Atkins, Laing O'Rourke and VolkerRail) will prepare and make the TWAO submission.
- 1.1.6. At the time of submission, the following documents will make up the TWAO submission for EWR2:
 - Draft Order;
 - Explanatory Memorandum;
 - Statement of Aims;
 - List of consents, permissions or licences required under other enactments;
 - Consultation Report;
 - Environmental Statement;
 - Funding Statement;
 - Declaration of Status;
 - Order Plans;
 - Book of Reference; and
 - Formal request for Deemed Planning Permission.

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- 1.1.7. In addition to the above, the following documents will also be produced in support of the Round Two Consultation and TWAO submission:
- A suite of Planning Statements;
 - A Design and Access Statement;
 - Detailed Planning Drawings; and
 - Detailed Scheme Drawings.
- 1.1.8. In parallel to the TWAO submission, Network Rail will also seek Listed Building Consents under the Planning (Listed Buildings and Conservation Area) Act 1990 for the works affecting listed structures that will be necessary to implement the scheme.

1.2. Deemed Consent Planning Supporting Statement

- 1.2.1. This draft Planning Statement (Statement 1) is one of a suite of five to be submitted as part of the Round Two Consultation for EWR2. The proposed development would be undertaken across the following 7 District, Borough and County Council administrative areas:
- Cherwell District Council;
 - Aylesbury Vale District Council;
 - Milton Keynes Council (Unitary Authority);
 - Central Bedfordshire Council (Unitary Authority);
 - Bedford Borough Council (Unitary Authority);
 - Buckinghamshire County Council; and
 - Oxfordshire County Council.
- 1.2.2. A draft Planning Statement has therefore been produced to cover the proposed development in each administrative area.
- 1.2.3. This draft Planning Statement addresses development within the administrative areas of Cherwell District Council and Oxfordshire County Council. The other four draft Planning Statements consider the following:
- Draft Planning Statement 2: Development within Aylesbury Vale District Council / Buckinghamshire County Council;
 - Draft Planning Statement 3: Development within Milton Keynes Council;
 - Draft Planning Statement 4: Development within Central Bedfordshire Council; and
 - Draft Planning Statement 5: Development within Bedford Borough Council.

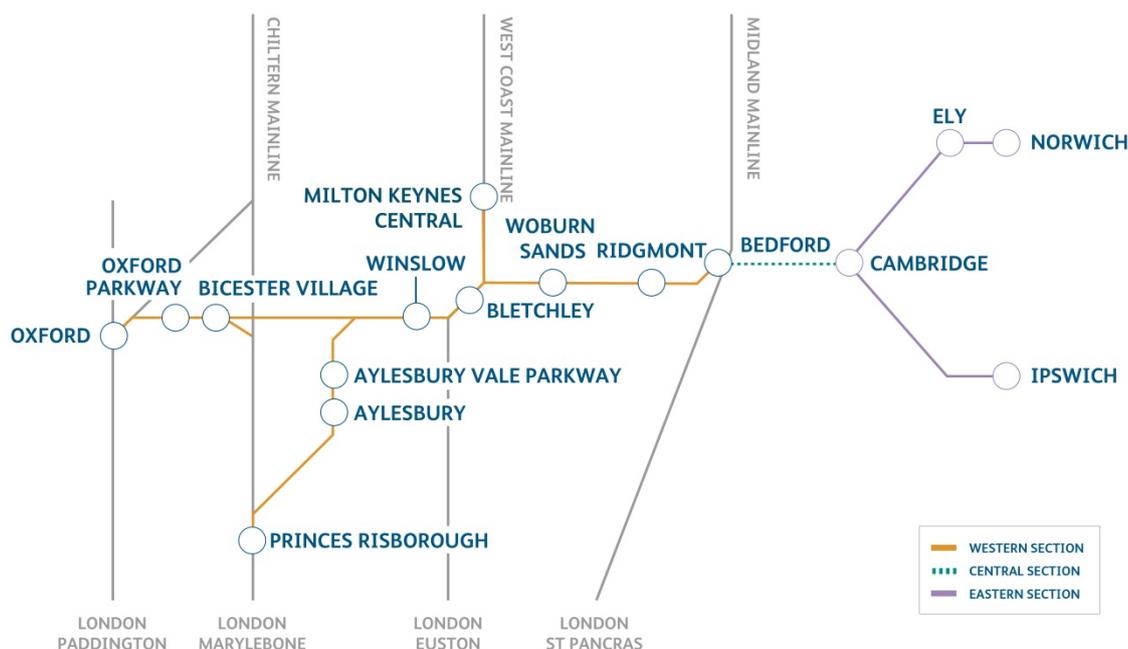
1.3. Background to East West Rail

1.3.1. East West Rail (EWR) aims to establish a strategic railway connecting East Anglia with Central, Southern and Western England. Once built, EWR would link the strategic growth areas along the M11 corridor, Milton Keynes, Aylesbury, Bedford and Oxford and support growing hi-tech digital economic sectors by connecting the key hubs between Oxford and Cambridge. It would, via connections with Great Eastern, East Coast, Midland, West Coast and Great Western Main Lines, connect to the ports of Felixstowe and Harwich, avoiding travel on congested tracks around north London and could provide an extra route for north-south freight traffic from the port of Southampton.

1.3.2. EWR falls into three distinct sections as illustrated in Figure 1 below.

1. Western Section (Oxford to Bedford and Milton Keynes to Princes Risborough);
2. Central Section (Bedford to Cambridge); and
3. Eastern Section (Cambridge to Norwich and Ipswich).

Figure 1: Diagram of EWR Sections



1.4. East West Rail Western Section

1.4.1. The EWR Western Section is the most advanced in terms of design and funding. Development of this section of railway would result in the introduction of direct rail passenger services as follows:

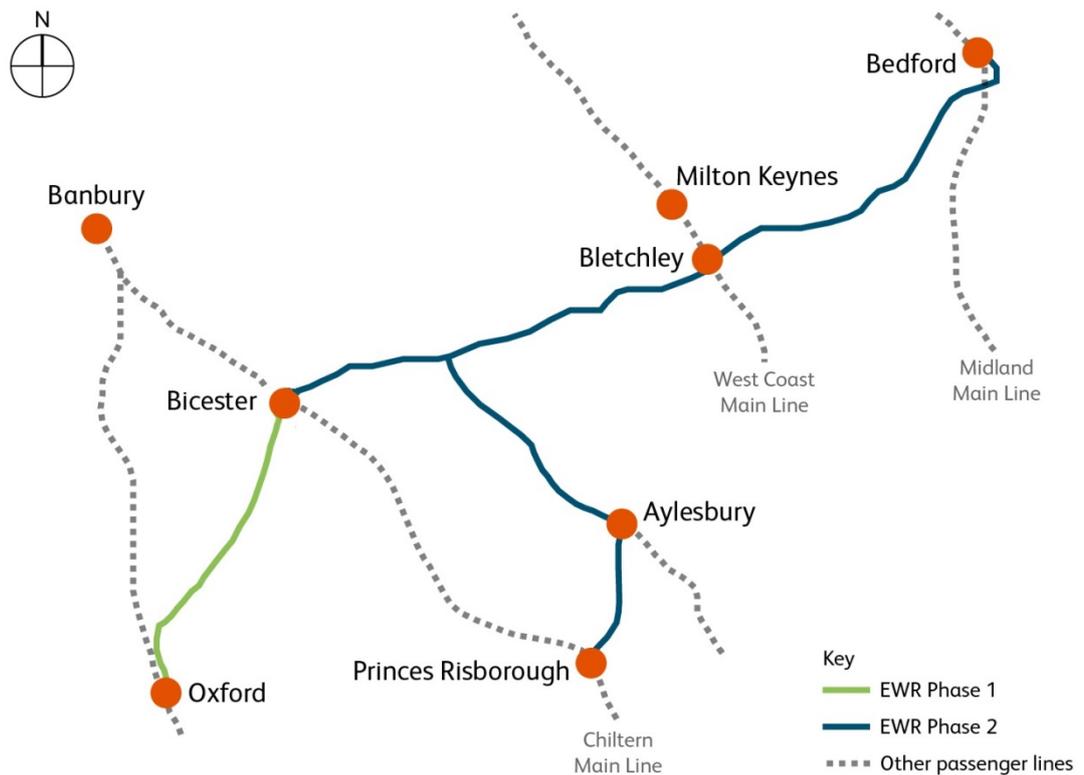
- Bedford to Oxford;
- Milton Keynes to Oxford; and
- Milton Keynes to London via Amersham.

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- 1.4.2. This would require upgrading and reinstating the Oxford–Bicester–Bletchley–Bedford and Princes Risborough–Aylesbury–Claydon Junction railway lines.
- 1.4.3. Within the Western Section, there are two distinct phases of work; EWR Phase 1 and EWR Phase 2 as illustrated in Figure 2 below.

Figure 2: Layout of EWR Phases 1 and 2



- 1.4.4. EWR Phase 1 was completed in December 2016 and involved the upgrade of the Oxford-to-Bicester line and new section of track to link Oxford and Bicester Village (formerly Bicester Town) stations directly to the Chiltern Main Line allowing new direct passenger services from Oxford to London Marylebone. It also involved widening the existing track bed; doubling over 18km of track; increasing the line speed to 100mph; constructing new overbridges, underbridges and footbridges; closing 37 level crossings; building the new Oxford Parkway station at Water Eaton; upgrading Islip station and installing a new signalling system.
- 1.4.5. EWR2 requires upgrading and reinstating the Bicester–Bletchley–Bedford, and Aylesbury–Claydon Junction railway lines. The key proposals for EWR2 include alterations to, or replacement of, a number of overbridges and underbridges along the route; improvement of facilities at or closure of a number of highway, private roads and public rights of way (PRoW) level crossings; provision of replacement highway footbridges/underpasses or diversions at closed level crossings; a new railway station and ancillary facilities at Winslow Station and new platforms at Aylesbury Vale Parkway and Bletchley stations and platform extensions at Woburn Sands, Ridgmont and Princes Risborough stations to support the proposed new train services and increased passenger numbers.

1.5. EWR2: Project Benefits

- 1.5.1. EWR2 has five main benefits:
1. To support Local Authorities' ambition for substantial economic growth based on the creation of new private sector jobs and the development of major areas of new housing;
 2. To positively contribute to tackling climate change by providing a more sustainable means of meeting travel demands;
 3. To provide a connection between existing radial routes out of London meaning passengers won't have to interchange through London;
 4. To enhance the rail network capacity and flexibility by creating opportunities for alternative routes of passenger and freight services; and
 5. To realise the opportunity offered by an upgraded and reinstated rail link.

1.6. Overarching Project Description

- 1.6.1. The majority of EWR2 is located in rural, predominantly arable, surroundings. Where the route passes through towns (Bicester, Winslow, Bletchley, Milton Keynes, Bedford, Aylesbury and Princes Risborough), surroundings comprise residential, commercial, industrial and other urban land uses.
- 1.6.2. Between Bicester and Bletchley the railway will be upgraded to two tracks, and will see all level crossings replaced by bridges or alternative routes. New signalling and safety systems will be installed to allow trains to operate at speeds of up to 100mph. Between the western edge of Grebe Lake to the level crossing with Queen Catherine Road, all necessary powers for the implementation of EWR2 have been authorised under the High Speed Rail (London - West Midlands) Act 2017 and will therefore not be included within the scope of the EWR2 TWAO.

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- 1.6.3. Between Aylesbury and Claydon Junction the upgraded railway will have two tracks and, and all level crossings will be replaced by bridges or alternative routes. New signalling and safety systems will be installed to allow trains to operate at line speeds of up to 90mph. Between Station Road at the Buckinghamshire Railway Centre (near Quainton) to the connection with the Bicester/Bletchley railway, the majority of powers for the implementation of EWR2 have been sought under the High Speed Rail (London - West Midlands) Act and therefore only discrete areas will be included within the scope of the EWR2 TWAO.
- 1.6.4. Between Bletchley and Bedford some level crossings will be replaced by bridges or alternative routes.
- 1.6.5. To meet the operational requirements of a modern railway, it will be necessary to widen the railway corridor in many locations. In such locations earth retaining features may be installed as an appropriate means of achieving an equitable engineering solution.
- 1.6.6. A new station at Winslow will be constructed with two platforms able to accommodate trains of up to 9 carriages, step free access throughout and passenger facilities include a ticket hall, space for retail units, a transport interchange, a car park with 360 spaces (342 standard spaces and 18 restricted mobility parking); and cycle racks.
- 1.6.7. New station facilities at Bletchley and Aylesbury Vale Parkway stations will be constructed. At Bletchley Station, the new facilities will include two platforms able to accommodate trains with up to 9 carriages and there will be step free access throughout, with the new platforms connected by lifts and an underpass. At Aylesbury Vale Parkway Station, the new facilities will include two platforms able to accommodate trains with up to 9 carriages, connected by lifts and a footbridge with steps.
- 1.6.8. Platform extensions at the existing stations of Ridgmont, Woburn Sands and Princes Risborough will be built.
- 1.6.9. The waste transfer facility at Calvert will be relocated, with necessary authorisation being provided by the High Speed Rail (London - West Midlands) Act 2017.

2. Site and Surrounding Context

2.1. Cherwell Sub-section Description

- 2.1.1. The Cherwell sub-section commences north of Bicester Village station in Bicester and concludes at the administrative boundary of Cherwell District Council and Aylesbury Vale District Council to the east of the Bicester Road, north west of Marsh Gibbon. The Cherwell sub-section is approximately 4km in length and is shown in the Scheme Drawings submitted for consultation and listed in Table 1.
- 2.1.2. The sub-section connects onto the existing rail line at Bicester Village station, where Phase 1 of EWR concludes, and travels eastbound, crossing under the Bicester to London Marylebone line. The sub-section commences within an industrial area in the east of Bicester, with the route initially travelling between a number of industrial estates, including Chaucer Business Park and Bicester Distribution Park. Travelling eastbound, the line runs through large rural areas and is predominantly adjoined for the rest of the section by agricultural land. There are limited, isolated developments in close proximity (500m) to the line in the form of residential dwellings at Launton, farmhouses and agricultural outbuildings, a gas works and storage yard. The sub-section concludes to the east of the Bicester Road level crossing.
- 2.1.3. There are seven level crossings within the Cherwell sub-section, with five accommodating PRow and working crossings, as well as two highway crossings. There is also presently one bridge that crosses over the railway line (Bicester Road) and two underbridges passing under the line. Three of the roads that intersect the line are busy routes travelling into Bicester from the east (Charbridge Lane, Bicester Road and Station Road), whilst a fourth provides a main route to Marsh Gibbon (Bicester Road).
- 2.1.4. As the line exits Bicester it is intersected by a level crossing along Charbridge Lane, whilst Bicester Road travels over the line via an existing overbridge. North of Launton, the line is intersected by a level crossing at Manor Farm, which travels between two agricultural fields. There is an additional level crossing further east of the line at Grange Farm, which also travels between two agricultural fields and accommodates a PRow. The line is also intersected by two level crossings (Launton No. 1 and 2) further to the east. The line later proceeds over a level crossing with Station Road, which travels south to Launton. A residential property is located on Station Road next to the level crossing, with the dwelling and garden bordering the southern side of the line. Further east, Bicester Road intersects the line and travels under the railway via an existing underbridge.
- 2.1.5. For the most part, the scheme within the Cherwell sub-section does not travel through areas susceptible to flooding, with the majority of the route located within Flood Zone 1. However, the line does travel through an area within Flood Zones 2 and 3, which is located in Bicester between Chaucer Business Park and Bicester Distribution Park in the vicinity of Langford Brook. The sub-section is intersected by and travels in close proximity to a number of watercourses, consisting of the Langford Brook, Launton Brook, Cutters Brook and their tributaries. A small number of waterbodies are located within or close to the route.

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- 2.1.6. The entire length of the route within the Cherwell sub-section does not directly travel through any statutory land or planning designations. However, the route does travel in close proximity to a number of environmental, historic and landscape designations, which are referenced in Section 5 of this draft Planning Statement and discussed in detail within the Draft ES.

3. Proposed Development

3.1. Railway Works

- 3.1.1. Proposed works within this sub-section would commence on the eastern edge of Bicester at the pedestrian overbridge which links Launton Road across the railway line to Corncrake Way. Development in this section would continue the double track railway from EWR Phase 1 and extend to the eastern boundary of Cherwell District Council north east of Marsh Gibbon. Such works would comprise the replacement of 3.6km existing single track railway with new double track railway, centred about the existing railway corridor.
- 3.1.2. Alongside the installation of a double track, the proposed works along this section of the route would comprise a number of changes to vehicle and pedestrian crossings and bridges and alongside the installation of new bridges as set out below.
- 3.1.3. Works would involve the widening of the existing railway corridor, to accommodate the requirements of a modern railway and allow for the provision of a maintenance walkway. This would result in the extension of embankments over 2.3km and cuttings over 0.2km. In order to reach an equitable position between widening embankments and cuttings, there would be minor retaining walls installed at discrete locations.
- 3.1.4. Existing track drainage would be replaced with a pipe drainage system along each side of the railway corridor. Drainage would discharge to the same locations as the existing drainage system. In addition, there are four culverts, which require a variety of works being undertaken, which vary between minor repairs, extensions and reconstruction.
- 3.1.5. Permanent access points will be provided along the railway for maintenance and access purposes. These will comprise two types: permanent vehicular access points and pedestrian access points. Permanent maintenance compounds will be provided along the railway at key maintenance locations and broadly comprise of a compound / storage area and any equipment required for operation of the railway. These compounds will vary in size to suit the maintenance requirements and equipment that will be located at the site but will be a minimum of 30m by 30m. These will generally be finished with a granular surfacing and will have facilities to store equipment for the safe maintenance of the railway and have provision for water and power for temporary installations. Pedestrian access points will generally be provided at 2 mile intervals along the railway to provide a maximum 20 minute response time to any incident on the railway. These will comprise a layby for parking and a gate to facilitate access.

3.2. Proposed Bridges

- 3.2.1. This section of the route comprises seven level crossings that would be subject to proposed works. Such works would be in the form of closure of the level crossing, combining with other crossings and/or replacing a level crossing with a new bridge. This section would include the construction of six new bridges over the railway, which are described below (running from west to east).

- 3.2.2. **Jarvis Lane** - The existing level crossing on Jarvis Lane would be closed and replaced with a new stepped footbridge. This would connect the existing PRow to the south of the line with Jarvis Lane to the north. The stepped footbridge (including provision for cycle channels) would be a total of 26.47m in length over the railway and 19.19m in width on either side. The footbridge would have a vertical clearance over the railway line of 5.6m and a total height of 9m from surrounding ground level. The footbridge would be constructed following the principles of Network Rail's standard design (see draft Design and Access Statement (draft DAS)).
- 3.2.3. **Charbridge Lane (A4421)** - The existing A4421 Charbridge Lane highway level crossing would be permanently closed and replaced with a new single carriageway highway overbridge. The span of the overbridge would measure 16.84m and would have a vertical clearance over the railway line of 5.6m. In width, the overbridge measures a total of 14.74m, comprising a combined footway and cycleway of 3.5m, a verge of 1.2m and the carriageway of 9.3m. Pre-cast concrete parapets and wingwalls would be constructed on both sides of the overbridge span, whilst metal vehicle restraints would be erected on both sides of the carriageway.
- 3.2.4. **Bicester Road (Launton)** - The existing Bicester Road overbridge is proposed to be demolished and replaced with a new highway overbridge. This new overbridge would be constructed on a new alignment to the east of the existing bridge. The span of the overbridge would measure 19.84m and would have a vertical clearance over the railway line of 5.6m. The overbridge would comprise a 6.0m wide carriageway, along with a 2.0m footway and 1.2m verge on either side, equating to a total width of 9.2m. Pre-cast reinforced concrete parapet and wingwalls would be erected on both sides of the overbridge, along with metal vehicle restraints.
- 3.2.5. **Manor Farm (Launton)** – An existing worked level crossing over the railway line to the north-east of Launton Sports and Social Club would be replaced with a new accommodation overbridge in the same location. This new overbridge would continue to be used by Manor Farm to connect agricultural land situated on the north and south sides of the line. The span of the accommodation bridge would measure 8.0m in length and would have a vertical clearance of 5.6m over the railway line. The bridge would have a total width of 7.9m and would include a 5.0m carriageway along with two verges measuring 1.1m in width. Pre-cast concrete parapets and wingwalls would be erected on either side of the bridge, as well as metal vehicle restraints.
- 3.2.6. **Grange Farm** - The level crossing at Grange Farm would be permanently closed and replaced with a new stepped footbridge. Launton footpaths numbers 1 and 2 would be permanently diverted from their current route and diverted over the new Grange Farm footbridge. The footbridge would measure 25.3m in length and 20.0m in width. The footbridge would have a vertical clearance of the railway line of 5.6m and a total height of 8.7m. The footbridge would be constructed following the principles of Network Rail's standard design.

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- 3.2.7. **Launton (Station Road)** – The level crossing at Station Road, Launton would be permanently closed and replaced with a new highway overbridge to the east. The proposed overbridge span length would measure 19.0m and would have a vertical clearance of 5.6m over the railway line. In width, the overbridge would measure 8.63m to comprise two verges of 1.3m each and a carriageway of 6.0m. Pre-cast concrete parapets and wingwalls would be constructed on both sides of the overbridge span, whilst metal vehicle restraints would be erected on both sides of the carriageway.
- 3.2.8. Full details of the above proposed works are provided in the drawings listed in Table 1 below. Reference should be made to the draft DAS for further design details.

Table 1: Proposed Works within the Cherwell Sub-section

Location	Structure Proposed	Scheme Drawing Number	Planning Drawing Number
Rail Route	Railway Works	Scheme Drawing Refs. 133735_2A-EWR-OXD-109441-DR-T-001002 to 002007	-
Jarvis Lane	New stepped footbridge	133735_2A-EWR-OXD-109380-DR-T-001003	133735_2A-EWR-OXD-XXXXXX-DR-T-016001 to 016003
Charbridge Lane (A4421)	New highway overbridge	133735_2A-EWR-OXD-109380-DR-T-001003	133735_2A-EWR-OXD-XXXXXX-DR-T-016004 to 016006
Bicester Road	New highway overbridge	133735_2A-EWR-OXD-109380-DR-T-001003	133735_2A-EWR-OXD-XXXXXX-DR-T-016007 to 016009
Manor Farm	New accommodation overbridge	133735_2A-EWR-OXD-108600-DR-T-001004	133735_2A-EWR-OXD-XXXXXX-DR-T-016009 to 016011
Grange Farm	New stepped footbridge	133735_2A-EWR-OXD-108600-DR-T-001004	133735_2A-EWR-OXD-XXXXXX-DR-T-016012 to 016014
Launton (Station Road)	New highway overbridge	133735_2A-EWR-OXD-107820-DR-T-001005; and 133735_2A-EWR-OXD-107120-DR-T-001006	133735_2A-EWR-OXD-XXXXXX-DR-T-016015 to 016017

3.3. Existing Bridges

3.3.1. In addition to the construction of six new bridges within the Cherwell sub-section, the proposed scheme comprises work to three existing bridges along the route. Such works include the repair, upgrade or demolition of these bridges, as described below (running west to east). Such works benefit from permitted development under Part 8 of the Town and Country Planning (General Permitted Development) Order 2016 and therefore consent for the works described below is not sought through the TWAO submission.

- **OXD 36 (Bicester Road – Launton)** – As discussed above, the existing highway overbridge on Bicester Road is proposed to be demolished and replaced by a new overbridge to the east.
- **OXD 35 (Castlemans – Launton)** – The Castlemans underbridge, which provides a link underneath the railway between Station Road and local farmland, would be retained with general repair works being undertaken.
- **OXD 34 (Thornhill - Launton)** –The existing Thornhill underbridge, which provides a vehicular and pedestrian crossing point at the railway for Bicester Road in the vicinity of the Bicester Road Gas Works, would be retained. Works to the bridge comprise a replacement deck and general repairs.

4. Planning Policy Context

4.1.1. This section reviews the planning policy framework against which the scheme is to be considered. This includes planning policy and guidance at the national level, as well as adopted and emerging policies in local development plan documents. In addition, this chapter also reviews relevant local transport policy. Planning policies focussing on the design of proposed development have been omitted from this document and are discussed in the draft DAS.

4.2. National Planning Policy

National Policy Statement for National Networks

4.2.1. The National Policy Statement for National Networks (NPS) sets out the need for and the Government's policies to deliver development of national significant infrastructure projects on the national road and rail networks in England. The Secretary of State is to use the NPS as the primary basis for making decisions on development consent applications for national significant infrastructure projects related to national networks.

4.2.2. The NPS concludes that at a strategic level there is a need for development of the national rail network. The NPS outlines the following objectives for the rail network to ensure that it is a driver of economic growth and social development:

- offer a safe and reliable route to work;
- facilitate increases in both business and leisure travel;
- support regional and local public transport to connect communities with public services, with workplaces and with each other; and
- provide for the transport of freight across the country, and to and from ports, in order to help meet environmental goals and improve quality of life (paragraph 2.29).

4.2.3. The NPS sets out a number of potential impacts that are relevant to national networks infrastructure and discusses how these should be assessed by development proposals and appropriate mitigation measures identified. Those of relevance to EWR2 are discussed below.

4.2.4. **Biodiversity and Ecological Conservation** - States that appropriate weight is to be applied to designated sites of international, national and local importance, protected species, habitats and other species, as well as biodiversity and geological interests within the wider environment (paragraph 5.26).

- 4.2.5. The NPS states that proposed development located within or outside of a Site of Special Scientific Interest (SSSI) should not normally be granted if it would have an adverse impact on the designation, unless the benefits clearly outweigh the impacts (paragraph 5.29). The same principle applies to proposed developments that affect Ancient Woodland. The NPS also recognises the value of Regional and Local Sites and states that due consideration should be given to these designations. However, it states that such designations should not be used in themselves to refuse development, particularly given to the need for infrastructure. Proposals should ensure that appropriate mitigation measures are included as an integral part of the development (paragraph 5.31).
- 4.2.6. **Flood Risk** – requires the submission of a Flood Risk Assessment alongside proposals located within Flood Zones 2 and 3, or those within Flood Zone 1 that are of 1 hectare or greater or may be subject to sources of flooding other than from rivers and the sea (paragraph 5.92).
- 4.2.7. **The Historic Environment** – requires developments that are subject to an EIA to include an assessment of any likely significant heritage impacts (paragraph 5.126). The NPS states that the Secretary of State should seek to identify and assess the particular significance of any heritage asset that may be affected and its setting (paragraph 5.128). Great weight is to be given to the conservation of a heritage asset and any harmful impact on its significance is to be weighed against the public benefit of development (paragraph 5.131).
- 4.2.8. **Landscape and Visual Impact** – The NPS requires consideration on landscape and visual impact. Proposals are required to consider the nature of the existing landscape likely to be affected and nature of the effect likely to occur. Proposals should aim to avoid or minimise harm to the landscape and provide reasonable mitigation where appropriate (paragraph 5.149). The Secretary of State is required to judge whether the visual effects on sensitive receptors, such as residents, outweigh the benefits of the development (paragraph 5.158).
- 4.2.9. **Noise and Vibration** – Developments are required to be undertaken in accordance with statutory requirements for noise and regard should be given to the Noise Policy Statement for England. Proposals will be considered against the extent to which they achieve the following aims:
- avoid significant adverse impacts on health and quality of life from noise as a result of the new development;
 - mitigate and minimise other adverse impacts on health and quality of life from noise from the new development; and
 - contribute to improvements to health and quality of life through the effective management and control of noise, where possible (paragraph 5.195).
- 4.2.10. **Impacts on Transport Networks** – requires consideration to be given to the impacts of the proposal on wider transport networks and of construction sites on transport networks whilst it is in development. Consideration is to be given by the Secretary of State on the extent of impacts on local transport networks and policies set out in local plans (paragraph 5.211).

- 4.2.11. **Water Quality and Resources** – seeks to prevent new development from contributing to water pollution. It states that for projects that are improvements to the existing infrastructure, opportunities should be taken, where feasible, to improve upon the quality of existing discharges where these are identified and shown to contribute towards the Water Framework Directive commitments (paragraph 5.222). In determining a proposal, the Secretary of State should be satisfied that a proposal has had regard to the River Basin Management Plans and the requirements of the Water Framework Directive and its daughter directives (paragraph 5.226).

National Planning Policy Framework

- 4.2.12. The National Planning Policy Framework (NPPF) was published on 27th March 2012 and provides the Government's planning policies for England and sets out how these are expected to be applied.
- 4.2.13. The NPPF states that for Development Plans and emerging policies, due weight according to their degree of consistency with the NPPF (paragraph 215) should be given. The NPPF is clear that the decision-taker may also give weight to relevant policies in emerging plans according to the stage of preparation, the extent of unresolved objections, and the degree of consistency of the policies to the NPPF (paragraph 216).
- 4.2.14. The NPPF highlights 12 Core Planning Principles which should underpin decision-taking (paragraph 17). These core Planning Principles, all of which are of relevance to EWR2 are as follows:
- be genuinely plan-led;
 - be a creative exercise in finding ways to enhance and improve the places in which people live their lives;
 - proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs;
 - always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
 - take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities;
 - support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change, and encourage the reuse of existing resources;
 - contribute to conserving and enhancing the natural environment and reducing pollution;
 - encourage the effective use of land by reusing land that has been previously developed;

- promote mixed use developments, and encourage multiple benefits from the use of land in urban and rural areas;
 - conserve heritage assets in a manner appropriate to their significance;
 - 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; and
 - take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.
- 4.2.15. A fundamental principle of the NPPF (paragraph 14) is the presumption in favour of sustainable development, which states that development proposals which accord with the Development Plan should be approved without delay. The NPPF sets out national policy on a number of areas, against which proposals are to be considered. Those of relevance to EWR2 are summarised below.
- 4.2.16. [Section 1: Building a strong, competitive economy](#) – sets out the Government’s commitment to secure economic growth and to ensure that the planning system encourages sustainable growth. It emphasises that significant weight should be placed on the need to support economic growth (paragraph 19). It requires planning policies to seek to address potential barriers to investment, including a lack of infrastructure, and identify areas for infrastructure provision (paragraph 21).
- 4.2.17. [Section 4: Promoting sustainable transport](#) – emphasises the important role that transport policies can play in facilitating sustainable development and highlights that the transport system needs to be balanced in favour of sustainable modes (paragraph 29). It encourages solutions that reduce greenhouse gas emissions and reduce congestion (paragraph 30) and states that Plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods and people (paragraph 35).
- 4.2.18. [Section 7: Requiring good design](#) - states the importance which the Government attaches to the design of the built environment and how this should contribute positively to making places better for people (paragraph 56). It is considered important to plan positively for the achievement of high quality and inclusive design for all development (paragraph 57). Securing this involves not just aesthetic considerations, but addressing the connections between people and places and the integration of new development into the natural, built and historic environment (paragraph 61).
- 4.2.19. [Section 8: Promoting Healthy Communities](#) – paragraph 75 seeks to protect PRoWs and access. It encourages local authorities to identify opportunities to enhance existing facilities.

- 4.2.20. **Section 10: Meeting the challenge of climate change, flooding and coastal flooding** – highlights the key role that planning can have in reducing greenhouse gas emissions, and minimising impacts on climate change (paragraph 93). New development should avoid increased vulnerability to the impacts arising from climate change and that any risks should be managed through appropriate adaptation measures (paragraph 99). In addition, the NPPF seeks to avoid inappropriate development in areas at risk of flooding, but where it is necessary ensure that it is safe without increasing flood risk elsewhere (paragraph 100).
- 4.2.21. **Section 11: Conserving and enhancing the natural environment** - emphasises the need for the planning system to contribute to and enhance the natural environment (paragraph 109). Planning policies and decisions should encourage the effective use of land by re-using land that has been previously developed, provided that it is not of high environmental value (paragraph 111). Impacts on biodiversity should be minimised and where possible development should provide net gains in biodiversity (paragraph 109).
- 4.2.22. **Section 12: Conserving and enhancing the historic environment** - recognises that heritage assets are an irreplaceable resource which should be the subject of a positive strategy for their conservation and enjoyment (paragraph 126). In determining applications, local planning authorities should ensure that applications are assessed for their impact on heritage assets and seek to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal (paragraph 129).

4.3. Local Planning Policy

- 4.3.1. This sub-section of the route is located within the administrative boundaries of Cherwell District Council and Oxfordshire County Council. Local planning policy documents of relevance to this sub-section are therefore as follows:
- Cherwell Local Plan 2011-2031 Part 1;
 - Non-Statutory Cherwell Local Plan 2011;
 - Adopted Local Plan 1996 (Saved Policies);
 - Oxfordshire Minerals and Waste Local Plan 1996 (Saved Policies); and
 - Oxfordshire Minerals and Waste Core Strategy Consultation Draft (Emerging).

Cherwell Local Plan 2011 – 2031 Part 1

- 4.3.2. The Cherwell Local Plan 2011-2031 Part 1 was formally adopted by Cherwell District Council in July 2015. The Local Plan forms part of the statutory development plan and sets out strategic planning policies for the district against which all development proposals are to be assessed.
- 4.3.3. **Policy PSD 1: Presumption in Favour of Sustainable Development** – Seeks a proactive approach in the consideration of proposals to reflect the presumption in favour of sustainable development, as set out in the NPPF. This means that planning applications that accord with policies in the Local Plan are to be approved without delay unless material considerations indicate otherwise.

- 4.3.4. **Policy SLE 4: Improved Transport and Connections** – Supports the implementation of the proposals in the Movement Strategies and Local Transport Plan. The policy supports key transport proposals, including projects associated with East West Rail.
- 4.3.5. **Policy ESD 1: Mitigating and Adapting to Climate Change** – Sets out a number of measures that are to be taken in order to mitigate the impact of development on climate change. Measures of relevance include:
- Distributing growth to the most sustainable locations as defined in the Local Plan; and
 - Delivering development that seeks to reduce the need to travel and which encourages sustainable travel options including walking, cycling and public transport to reduce dependence on private cars.
- 4.3.6. In addition, the policy seeks the incorporation of suitable adaptation measures in new development to ensure resilience to climate change impacts. To achieve this the policy outlines the following considerations that developments should consider:
- Taking into account the known physical and environmental constraints when identifying locations for development;
 - Demonstration of design approaches that are resilient to climate change impacts;
 - Minimising the risk of flooding and making use of sustainable drainage methods; and
 - Reducing the effects of development on the microclimate.
- 4.3.7. **Policy ESD 3: Sustainable Construction** – Lists a number of measures to encourage development proposals to reflect high quality design and high environmental standards, demonstrating sustainable construction methods. Measures of relevance comprise:
- Maximising resource efficiency;
 - Incorporating the use of recycled and energy efficient materials;
 - Incorporating the use of locally sourced building materials;
 - Reducing waste and pollution and making adequate provision for the recycling of waste;
 - Making use of sustainable drainage methods;
 - Reducing the impact on the external environment and maximising opportunities for cooling and shading (by the provision of open space and water, planting, and green roofs, for example); and
 - Re-using materials where proposals involve demolition or redevelopment.

- 4.3.8. **Policy ESD 6: Sustainable Flood Risk Management** – Seeks to manage and reduce flood risk through the use of a sequential approach to development and locating vulnerable development in areas at lower risk of flooding. Proposals are to be assessed according to the sequential approach and where necessary the exceptions test as set out in the NPPF. Development is only to be permitted in areas of flood risk when there are no reasonably available sites in areas of lower flood risk and the benefits of the development outweigh the risks from flooding. The policy states that site specific flood risk assessments will be required to accompany development proposals in the following situations:
- All development proposals located in Flood Zones 2 or 3;
 - Development proposals of 1 hectare or more located in flood zone 1;
 - Development sites located in an area known to have experienced flooding problems; and
 - Development sites located within 9m of any watercourses.
- 4.3.9. **Policy ESD 8: Water Resources** – Seeks to maintain water quality, ensure adequate water resources and promote sustainability in water use. This is to be achieved by preventing adverse effects arising from development on the water environment. Proposals that would adversely affect the water quality of surface or underground water bodies, including rivers, canals, lakes and reservoirs are not to be permitted.
- 4.3.10. **Policy ESD 10: Protection and Enhancement of Biodiversity and Natural Environment** – Seeks to protect and enhance biodiversity and the natural environment through the achievement of criteria, summarised as follows:
- a net gain in biodiversity will be sought;
 - the protection of trees will be encouraged;
 - the reuse of soils will be sought;
 - avoidance of or mitigation against significant harm should be achieved or compensated for;
 - demonstration required that there will be no likely significant effects on the international site or that effects can be mitigated;
 - avoid damage to or loss of a site of biodiversity or geological value of national, regional or local importance. Otherwise, demonstration that the benefits of the development clearly outweigh the harm is required;
 - incorporation of features to encourage biodiversity, and retention and where possible enhancement of existing features of nature conservation;
 - relevant habitat and species surveys and associated reports will be required to accompany planning applications which may affect a site, habitat or species of known or potential ecological value;

- air quality assessments will be required for development proposals that is likely to have a significantly adverse impact on biodiversity by generating an increase in air pollution;
 - planning conditions/obligations will be used to secure net gains in biodiversity; and
 - a monitoring and management plan will be required for biodiversity features on site to ensure their long term suitable management.
- 4.3.11. [Policy ESD 13: Local Landscape Protection and Enhancement](#) – Seeks to enhance the character and appearance of the landscape. This is to be achieved through the restoration, management or enhancement of existing landscapes, features or habitats and where appropriate the creation of new ones, including the planting of woodlands, trees and hedgerows.
- 4.3.12. Development is therefore expected to respect and enhance local landscape character and secure appropriate mitigation where necessary. Proposals are not to be permitted if they would:
- cause undue visual intrusion into the open countryside;
 - cause undue harm to important natural landscape features and topography;
 - be inconsistent with local character;
 - impact on areas judged to have a high level of tranquillity;
 - harm the setting of settlements, buildings, structures or other landmark features; or
 - harm the historic value of the landscape.
- 4.3.13. [Policy ESD 15: The Character of the Built and Historic Environment](#) – seeks to ensure that new development delivers a level of high quality design that enhances the built and historic environment. It requires new development to consider the impact on the amenity of existing and future development.
- 4.3.14. [Policy ESD 17: Green Infrastructure](#) – seeks to maintain and enhance the green infrastructure network. It states that proposals should maximise the opportunity to maintain and extend green infrastructure links.
- ### **Non-Statutory Cherwell Local Plan 2011**
- 4.3.15. The Non-Statutory Cherwell Local Plan was published by the Council in December 2004. The Plan is not part of the statutory development plan but has been approved as interim planning policy and therefore it is necessary for development proposals to consider policies within the document.
- 4.3.16. [Policy EN1](#) – States that the Council will take into account the likely impact of a proposal on the natural and built environment and will seek to enhance the environment wherever possible. Development that has an unacceptable impact on the environment is not to be permitted.

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- 4.3.17. **Policy EN3** – States that development will not be permitted if it causes materially detrimental levels of noise, vibration, smell, smoke, fumes or other type of environment pollution.
- 4.3.18. **Policy EN12** – Development will not be permitted if it materially affects the water quality of surface or underground water bodies, including rivers, canals, lakes and reservoirs.
- 4.3.19. **Policy EN13** – States that river corridors are to be protected and enhanced wherever possible. Proposals adjacent to a watercourse should:
- conserve existing areas of value and wherever possible restore the natural elements within corridors and margins;
 - not have an adverse impact on nature conservation, fisheries, landscape, public access or water related activities;
 - promote appropriate public access;
 - identify appropriate locations for water related activities;
 - make adequate provision for maintenance; and
 - make adequate provision for buffer zones.
- 4.3.20. **Policy EN14** – Proposals located in areas at risk from flooding will not be permitted if it would result in a net loss of flood plain storage, impede the flow of flood water or increase the risk of flooding elsewhere.
- 4.3.21. **Policy EN24** – Seeks to promote the interests of nature conservation and states that proposals that would result in damage to or loss of a site of ecological or geological value will not be permitted unless it can be demonstrated that the benefits outweigh such impact.
- 4.3.22. **Policy EN25** – Development which would adversely affect any species protected by Schedule 1, Schedule 5 and Schedule 8 of the 1981 Wildlife and Countryside Act, and by the EC Habitats Directive 1992, or its habitat is not to be permitted.
- 4.3.23. **Policy EN31** - States that development outside of the settlement limits of Banbury and Bicester will be refused if it is of a type, size or scale that is incompatible with a rural location.
- 4.3.24. **Policy EN34** – Seeks to conserve and enhance the character and appearance of the landscape. Proposals will not be permitted if they would:
- cause undue visual intrusion into the open countryside;
 - cause undue harm to important natural landscape features and topography;
 - be inconsistent with local character;
 - harm the setting of settlements, buildings, structures or other landmark features; or
 - harm the historic value of the landscape.

Adopted Local Plan 1996 (Saved Policies)

- 4.3.25. The Council adopted the Local Plan in November 1996 for the purpose of assessing development proposals. A number of policies within the Local Plan were 'saved' by the Secretary of State in September 2007 and these continue to form part of the local development plan.
- 4.3.26. **Policy C1: Protection of sites of nature conservation value** - Seeks to promote the interests of nature conservation. Development that would cause damage to or loss of designated area of wildlife or scientific importance, including Sites of Special Scientific Interest (SSSI), are not to be permitted. In addition, the policy seeks to protect Sites of Local Nature Conservation Value.
- 4.3.27. **Policy C2: Development affecting protected species** – Development which would have an adverse impact on any species protected by Schedule 1, Schedule 5 and Schedule 8 of the 1981 Wildlife and Countryside Act, as well as the EC Habitats Directive 1992, will not normally be permitted.
- 4.3.28. **Policy C7: Landscape Conservation** – Seeks to protect the character and appearance of local landscape by preventing development that would cause demonstrable harm to the topography and character of landscape.
- 4.3.29. **Policy C9: Scale of development compatible with a rural location** – Seeks to prevent development in rural locations that are of a type, size or scale that is incompatible with a rural location.
- 4.3.30. **Policy C28: Layout, design and external appearance of new development** – Requires all new development to ensure that the layout, design and external appearance, including the choice of external-finish materials, are sympathetic to the character of the local context.

Oxfordshire Minerals and Waste Local Plan 1996 (Saved Policies)

- 4.3.31. Oxfordshire County Council adopted the Oxfordshire Minerals and Waste Local Plan in July 1996 which sets out planning policies for the determination of minerals and waste development proposals. The Local Plan also allocates and safeguards areas for minerals and waste development. A number of policies from the Local Plan were subsequently saved and continue to form part of the development plan for the County.
- 4.3.32. There are no saved planning policies in the Oxfordshire Minerals and Waste Local Plan that are of relevance to the route within the Cherwell sub-section.

Oxfordshire Minerals and Waste Core Strategy Consultation Draft (Emerging)

- 4.3.33. The Council is currently in the process of preparing a new Minerals and Waste Local Plan which will comprise a Core Strategy and Sites Allocations document. The draft Core Strategy was submitted for independent examination in December 2015 and sets out planning policies against which development proposals will be assessed, as well as identifying and safeguarding areas for minerals and waste development. The Sites Allocation document is to be prepared following the adoption of the Core Strategy.
- 4.3.34. **Policy W5: Locations for waste management facilities** – Identifies a broad area around Bicester, Oxford, Abingdon and Didcot in which strategic waste management facilities should be located.
- 4.3.35. Although located within a 'Broad area for strategic waste facilities', the Project does not conflict with locations identified for waste management facilities in Bicester and would not prohibit such development from coming forward.

4.4. Neighbourhood Planning

- 4.4.1. The route within the Cherwell sub-section does not travel through any designated Neighbourhood Plan Areas.

4.5. Local Transport Policy

Connecting Oxfordshire: Local Transport Plan 2015-2031

- 4.5.1. The Local Transport Plan (LTP) sets out Oxfordshire County Council's long-term policy and strategy for developing the transport system in the county up to 2031. The LTP supplements the spatial planning policies in the Local Plan, as well as national planning policies.
- 4.5.2. The LTP sets out its strategic rail priorities, one of which is to provide support to the EWR consortium and Network Rail in the design and delivery of EWR2. The LTP highlights that the scheme will improve connectivity between Oxfordshire and the east, in particular high-value growth areas around Milton Keynes and Cambridge, and will improve opportunities for jobs and economic growth in the county.

5. Planning Considerations

- 5.1.1. Section 38 (c) of the TCPA 1990 confirms that planning applications should be determined in accordance with the Development Plan unless material circumstances indicate otherwise. In this section, the relevant planning considerations raised by the proposed development are assessed against the prevailing planning policy framework.
- 5.1.2. Having established the context within the Cherwell sub-section, the proposed development and existing planning policy context, the main material considerations raised by EWR2 are considered within the remainder of this section under the following headings:
- Sustainable Development;
 - Land Use and Agriculture;
 - Cultural Heritage;
 - Air Quality;
 - Ecology;
 - Noise and Vibration;
 - Geology, Soil and Land Contamination;
 - Landscape and Visual Impacts;
 - Water Quality and Flood Risk; and
 - Traffic and Transport.
- 5.1.3. With the exception of 'Sustainable Development', the above headings relate to the individual chapters of the Draft ES. Each Draft ES chapter provides a detailed assessment of the impact of the scheme on the above environmental topics. They also provide a detailed discussion of the existing environmental baseline in the Cherwell sub-section and also identify mitigation measures appropriate to any adverse effects. This section of the draft Planning Statement provides a high level summary of the findings of each Draft ES chapter to a level appropriate to assessment performance against planning policy objectives. Therefore, reference should be made to the Draft ES for detailed content on each environmental topic.

5.2. Sustainable Development

- 5.2.1. EWR2 would make a valuable contribution to achieving the objectives of national and local planning policies and strategies. The scheme would deliver a number of social and economic benefits. Firstly, it would deliver a strategic link between key economic centres and would support the ambition of local authorities for substantial economic growth. The scheme would support new commercial and residential development key centres along the route. It would make a valuable contribution towards reducing congestion on the local road network and would improve connectivity between communities. Additionally, the development of new crossings over the railway line and works to existing structures would significantly improve safety for vehicles and PRow users.
- 5.2.2. In this context it is clear that the scheme would achieve the objectives of national and local planning policies. At a national level, the objectives for the rail network set out in the NPS would be achieved through facilitating a reliable route for commuters to the workplace and other communities, as well as increasing business and leisure travel. Additionally, the route would support the transport of freight across the region.
- 5.2.3. As referenced in Chapter 4, the core principles of the NPPF seek to support sustainable economic development to deliver homes, commercial units, infrastructure and thriving local places, along with making the fullest possible use of public transport. The scheme would contribute towards achieving these objectives. It would also support the delivery of policy objectives provided in Section 1 and Section 4 of the NPPF, in particular through addressing an evident barrier to investment in the region through the existing lack of suitable infrastructure.
- 5.2.4. At a local level, the scheme would deliver the objective of Cherwell Local Plan 2011 – 2031 Part 1 Policy SLE4, as well as a key aim of the Connecting Oxfordshire: Local Transport Plan 2015-2031.
- 5.2.5. The EWR Alliance has adopted a Net Positive biodiversity target for the entire EWR2 scheme. A Biodiversity Net Positive assessment of the scheme is provided in Technical Appendix 9.19 of the Draft ES. Through the achievement of a net positive biodiversity target, the scheme would achieve the objective of biodiversity enhancement sought in NPPF Section 11 (paragraph 109), Cherwell Local Plan 2011 – 2031 Part 1 Policy ESD10 and Non-Statutory Cherwell Local Plan Policy EN1.
- 5.2.6. Additionally, EWR2 includes the closure of a number of existing level crossings and diversion of PRowS over the railway line via proposed new overbridges and footbridges. Such work would ensure that access over the railway line via all PRowS would remain open, as well as significantly improving the safety of users. In this regard, the scheme delivers the objective of NPPF paragraph 75 and Cherwell Local Plan 2011 – 2031 Part 1 Policy ESD 17.

5.3. Land Use and Agriculture

- 5.3.1. An assessment of the impact of the scheme within the Cherwell sub-section on existing land uses and agriculture is discussed in Chapter 6 of the Draft ES.
- 5.3.2. The scheme as a whole would require both temporary and permanent land take. Temporary land take is required during the construction phase for compounds, storage and access, whilst permanent land take is required for the scheme itself.
- 5.3.3. Prior to mitigation, the scheme in the Cherwell sub-section would result in temporary and permanent land take. The majority of temporary land take would be agricultural land (Grade 4). Other temporary land take would include strips of gardens, access and boundary fences/hedges of residential properties, land at the boundary of Church of St. Mary on Bicester Road, access to Launton Sports and Social Club, and allotment gardens. This would result in temporary impact on the amenities of residents and users of community facilities. Permanent land take includes the loss of approximately 20% of the allotment gardens. However, it is proposed to identify alternative land for allotment provision to ensure no net reduction.
- 5.3.4. No significant effects are predicted on the loss of agricultural land quality as the areas of temporary and permanent land take largely occur on Grade 4 land, which is afforded no specific protection through the planning policy framework and is of low sensitivity.
- 5.3.5. It is proposed that following construction works, the scheme would restore temporary land take to its previous condition. Construction working areas would be managed so that access to residential properties, community facilities and commercial enterprises are maintained, whilst disturbance to such receptors would be managed. With regards to agricultural land, construction areas would be fenced off to prevent access into adjacent land and arrangements would be put in place to ensure farm access is maintained during construction.
- 5.3.6. There is potential for temporary amenity impact on residential properties, as well as community facilities and commercial enterprises. This would represent some conflict with NPPF paragraph 17 and Cherwell Local Plan 2011 – 2031 Part 1 Policy ESD15. However, it is important to note that such impact would not be permanent and through appropriate mitigation measures the significance of such impact would be substantially reduced and greater compliance with these policies achieved. The identification of alternative land for allotment provision ensures compliance with Cherwell Local Plan 2011 – 2031 Part 1 Policy ESD17. The long term residual effects on agricultural land quality would be limited to the permanent loss of agricultural land. As permanent agricultural land take within the Cherwell sub-section, and across the scheme as a whole, would be small, no significant effects on agricultural land quality are predicted as a result of the scheme. In this context, the permanent impact of the scheme is fully compliant with the NPS and NPPF Section 3

5.4. Cultural Heritage

- 5.4.1. An assessment of the impact of the scheme within the Cherwell sub-section on cultural heritage assets is discussed in Chapter 7 of the Draft ES.
- 5.4.2. The Draft ES identifies two Conservation Areas within the study area at Bicester and RAF Bicester. It identified two Scheduled Monuments and two Grade I and Grade II* Listed Buildings within 1km of the route. With regards to Grade II Listed Buildings, 63 were identified within the Bicester Conservation Area, whilst 22 were identified within 1km of the route but outside of a Conservation Area. In addition, 11 non-designated historic assets were identified within 250m of the route. The Draft ES also did not identify any Registered Parks and Gardens within this sub-section.
- 5.4.3. Against this baseline, and before mitigation measures are implemented, the Draft ES identifies there would be significant effects on the setting of 23 listed buildings, as well as significant effects on 11 non-designated heritage assets, including buried archaeology and earthworks. However, there would be no physical impact to any designated heritage assets. Of the 23 listed buildings affected, only two would experience permanent effect on their setting (Church of St. Mary, Launton and a listed barn south of Manor Farmhouse).
- 5.4.4. Mitigation measures to reduce the significant effect on these assets are identified. Appropriate screening through vegetation and sensitive design would also be utilised near to the listed barn south of Manor Farmhouse to mitigate potential permanent effects. A Written Scheme of Investigation would be developed where archaeological remains are confirmed to be impacted by construction groundworks, and would identify appropriate mitigation measures to prevent impact.
- 5.4.5. In the context of the above, the scheme within the Cherwell sub-section would result in some impact on the setting of two listed buildings. However, through the implementation of mitigation measures, such impact is not considered to be significant. Substantial harm would not occur nor would the significance of the listed structures be compromised. In any case, the public benefit of the scheme would clearly outweigh any less than substantial harm (see NPPF paragraph 134). As such, it is considered that the scheme fully complies with the objectives of heritage policies in the NPS, NPPF Section 12, Cherwell Local Plan 2011 – 2031 Part 1 Policy ESD15 and Non-Statutory Cherwell Local Plan Policy EN1.

5.5. Air Quality

- 5.5.1. An assessment of the impact of the scheme within the Cherwell sub-section on air quality is discussed in Chapter 8 of the Draft ES. However, it should be noted that the ES has not assessed the operational traffic impacts of EWR2.
- 5.5.2. Cherwell District Council has declared an Air Quality Management Area (AQMA) in the centre of Bicester. However, the AQMA does not extend to the location of the proposed route of the scheme. Within the study area (350m from construction activities and 100m from haulage roads) for the scheme, monitoring as part of the Draft ES assessment found that air quality is currently good with no exceedances or risk of exceedances of air quality objectives in respect of Nitrogen Dioxide and PM₁₀.

- 5.5.3. The assessment identifies that although diesel rail locomotives would be in operation, no significant effects are likely to result from emissions, which would be partially offset by a decrease in emissions from road transport. There is potential for impact arising from dust deposition during construction of the scheme. Therefore, mitigation measures have been identified to prevent harmful impact from dust. Such measures comprise regular monitoring of construction areas, use of hard surfaces haul routes to minimise risk of trackout and damping down surfaces when needed.
- 5.5.4. The air quality assessment demonstrates that the part of the scheme within the Cherwell sub-section, and as a whole, would have no significant effect on air quality. In this context, it is demonstrated that the scheme is fully compliant with the NPS, NPPF Section 11, Cherwell Local Plan 2011 – 2031 Part 1 Policy ESD1 and Non-Statutory Cherwell Local Plan Policy EN3.

5.6. Ecology

- 5.6.1. An assessment of the impact of the scheme within the Cherwell sub-section on Ecology is discussed in Chapter 9 of the Draft ES.
- 5.6.2. The Draft ES identifies, within 4km of the route, designated sites relating to: two SSSIs, one Local Nature Reserve (LNR), six Local Wildlife Sites (LWS), as well as one proposed Local Wildlife Sites (pLWS).
- 5.6.3. The Draft ES identifies that the wider Cherwell sub-section is dominated by intensive arable land and grazing pasture and, at the western end, by urban and suburban development in Bicester. Within these landscapes, the Draft ES identifies habitat types relating to intensive arable land and grazing pasture, woodland and scrub, hedgerows, grassland, watercourses (including Langford Brook and Launton Brook, as well as, ponds, lakes and wetlands) and urban areas, are all located within or in close proximity to the route.
- 5.6.4. The Draft ES recognises that there are no significant operational ecological effects on designated sites from the proposed scheme but the proposed scheme may impact upon other habitats and sensitive or protected species.
- 5.6.5. The Draft ES identifies that construction works, would require temporary land take and vegetation clearance which would result in the loss of habitat suitable for badgers, great crested newts, otters, water voles, reptiles (common lizards and grass snakes) and terrestrial invertebrates (the black hairstreak species of butterfly). Habitats such as grassland, scrub, hedgerow ponds and vegetation from the banks of Launton and Langford Brook may also be impacted.
- 5.6.6. The Draft ES also recognises that noise and vibration disturbance during the construction phase may lead to abandonment/loss of a barn owl breeding site and may also affect otter shelters and water voles.
- 5.6.7. The scheme has been amended to avoid direct or indirect impacts on Gavray Drive LWS and the Draft ES identifies mitigation measures, to include the creation of species rich grassland and Great Crested Newt habitat. Mitigation would also be required for river restoration techniques which shall be agreed with the Environment Agency (EA) to compensate for the loss of river habitat.

- 5.6.8. Impacts upon birds during the construction phase shall also be mitigated through the control of potential construction disturbance, new habitat creation, bird monitoring and provision of barn owl nesting boxes. Barn owl mitigation is proposed through liaison with landowners. If the proposed mitigation is successfully implemented, no significant residual effects upon barn owls are anticipated.
- 5.6.9. The outlined mitigation techniques within the Draft ES would ensure no significant long term effects are anticipated to flora and fauna species from habitat degradation. The Draft ES predicts that there would be no adverse operational ecological effects on habitats in the Cherwell sub-section and accordingly the scheme would comply with the requirements of the NPS, NPPF Section 11, Cherwell Local Plan 2011 – 2031 Part 1 Policy ESD 10, and Saved Policies C2 and C7 of the Cherwell Local Plan 1996.

5.7. Noise and Vibration

- 5.7.1. An assessment of the noise and vibration impact of the scheme within the Cherwell sub-section on sensitive receptors is discussed in Chapter 10 of the Draft ES. It should be noted that the ES has not assessed the impacts associated with traffic noise.
- 5.7.2. At present, noise levels are typically dominated by traffic on the road networks. Measured levels typically fluctuate depending on the time of day due to the morning and afternoon rush hours, and train movements. The Draft ES establishes that train movements are also more frequent during the busier rush hour periods. The level of audible noise from train movements differed at various locations along the route due to distance, screening, topography and existing buildings and structures.
- 5.7.3. Activities during the construction phase of the scheme would result in some degree of noise disturbance at nearby receptors. However, it is important to note that such impact would be temporary. Mitigation measures to reduce noise during the construction phase have been identified. A number of measures to manage noise generated during construction activities would be agreed with the local authority and set out in a draft Code of Construction Practice (CoCP). Through implementation of mitigation measures, such as phased construction activities and acoustic screening in appropriate locations, it is anticipated that the scheme would meet with appropriate noise thresholds at all sensitive receptor locations during the construction phase.
- 5.7.4. Impacts arising from vibration during the operation of the scheme are not anticipated to be significant and the amenities of nearby receptors would not be materially affected. With regards to noise impact, the Draft ES identifies receptors within the Cherwell sub-section that could potentially be affected by noise levels exceeding Significant Observed Adverse Effect Level (SOAEL) (as defined in the Noise Policy Statement for England, as referenced in the NPS) as a result of train movements. Noise mitigation would therefore be used in areas predicted to exceed the SOAEL thresholds. Such mitigation would reduce impact at a number of receptors, however, some receptors would still be subject to noise impact.

- 5.7.5. The NPS and NPPF (paragraph 123) highlight that it is important to recognise that new development will often create some noise. The key consideration is whether any noise impact would result in significant adverse impact on health and quality of life. In this regard, whilst the scheme would generate residual noise following mitigation at some locations, it is considered that such impact would not result in a significant adverse impact on health and quality of life and as such it is compliant with the NPS and NPPF, as well as Cherwell Local Plan 2011 – 2031 Part 1 Policy ESD15 and Non-Statutory Cherwell Local Plan Policy EN3.

5.8. Geology, Soil and Land Contamination

- 5.8.1. An assessment of the impact of the scheme within the Cherwell sub-section on geology, soils and land contamination is discussed in Chapter 11 of the Draft ES.
- 5.8.2. The Draft ES determines that no significant impacts would arise during the construction phase of the scheme within the Cherwell sub-section in respect to exposure of contaminants to nearby residents, built environment receptors, pollution to surface water courses and pollution of groundwater.
- 5.8.3. In respect to the operational phase of the scheme, mitigation measures have been incorporated into the design of the scheme to reduce impact and as a result it is considered that no significant impacts would occur. All potential impacts associated with the operation of the scheme, such as exposure of contaminants to nearby residents, pollution of surface water courses and pollution of groundwater are considered to be either very low risk or low risk.
- 5.8.4. In terms of the risks to geology as a resource within this Sub-section no local geology sites or 'Regionally Important Geology Sites' (RIGs) are located within 500m of the scheme.
- 5.8.5. The Draft ES demonstrates that through the incorporation of mitigation measures into the design of the scheme, it would result in no significant residual impact with respect to geology, soil and land contamination within the Cherwell sub-section and across the entire route. In this context, it is demonstrated that the scheme is fully compliant with the NPS, NPPF Section 11, Cherwell Local Plan Policy ESD3 and Non-Statutory Cherwell Local Plan 2011 Policies EN3 and EN12.

5.9. Landscape and Visual Impacts

- 5.9.1. An assessment of the impact of the scheme within the Cherwell sub-section on Landscape character is discussed in Chapter 12 of the Draft ES.
- 5.9.2. Within the Cherwell sub-section study area there are a number of designations representing areas that add to the value and quality of the landscape or townscape. Such designations include a number of Landscape Character Types and Landscape Character Areas. The Landscape and Visual Impact Assessment (LVIA) also identified a number of viewpoints within the sub-section from sensitive visual receptors that have the potential to be affected by the scheme.

- 5.9.3. The LVIA finds there would be no discernible change to National Character Areas due to the localised nature of the scheme within the context of an existing railway. There would be localised changes to Landscape Character Types and Landscape Character Areas from the loss of vegetation within the scheme area, and the introduction of urbanising features such as overbridges and more frequent and faster trains within the rural/semi-rural landscape.
- 5.9.4. Due to the low lying topography and frequent hedgerows, significant visual effects would be restricted to viewpoints close to the scheme. Mitigation planting would provide partial screening and integration of the scheme over time. As the surrounding landscape is largely rural, new infrastructure has the potential to detract from this context. The LVIA finds that construction activities and new bridges prior to mitigation would have the most significant effect on visual receptors. However, all such impacts would be reduced to moderate or slight adverse residual significance following the maturation of mitigation planting and re-instatement works in Year 15 and beyond.
- 5.9.5. The findings of the LVIA demonstrate there would be some impact on landscape and visual receptors within the Cherwell sub-section. Mitigation measures have been identified and implementation of such measures would significantly reduce any adverse impact. It is considered, given the ability to reduce impact on landscape and visual receptors through mitigation, any residual impact is not of a significance whereby the objectives of the NPS, NPPF Section 11, Cherwell Local Plan 2011-2031 Part 1 Policy ESD13, Non-Statutory Cherwell Local Plan 2011 Policy EN34 and Cherwell Local Plan Saved Policies C7, C9 and C28 are compromised. In this regard, the impact of the scheme on landscape and visual receptors within the Cherwell sub-section is considered to be acceptable against planning policy.

5.10. Water Quality and Flood Risk

- 5.10.1. An assessment of the impact of the scheme within the Cherwell sub-section on flood risk and the water environment is discussed in Chapter 13 of the Draft ES.
- 5.10.2. The route within the Cherwell sub-section crosses or is located in close proximity to a large number of surface water features including main rivers, ordinary watercourses, drains, lakes and ponds. A review of the EA's Flood Map for Planning identifies the majority of the sub-section as being located within Flood Zone 1. The map indicates that the scheme within the vicinity of Langford Brook, including the crossing of the brook by the scheme, is located predominantly in Flood Zone 3. A review of the EA's Risk of Flooding from Surface Water map indicated a number of overland flow routes to the north and south of the scheme, mainly associated with Langford Brook, Launton Brook and nearby watercourses located to the west of Station Road.
- 5.10.3. During the construction of the scheme, there is potential for pollution of watercourses arising from the development of Jarvis Lane footbridge and a construction compound in close proximity to the Langford Brook. Flood risk may potentially be increased temporarily through the creation of construction compounds. Likewise, temporary culverting of Langford Brook and the culverting or realignment of a tributary of Launton Brook associated within a new overbridge at Station Road, Launton has the potential to impact flood risk.

- 5.10.4. The Draft ES identifies potential impacts associated with the operational phase of the scheme. It identifies potential adverse impacts associated with the increase of flood risk at a number of locations, including the existing floodplain of Langford Brook and Launton Brook, as well as residential properties in close proximity to both. Such potential impact would be caused by the widening of embankments and development of a new overbridge adjacent to Launton Brook.
- 5.10.5. A CoCP has been prepared, a draft of which forms an appendix to the Draft ES for consultation. The CoCP includes mitigation measures to protect the water environment during the construction phase and would be reviewed regularly. For construction compounds and areas of the proposed works located within areas deemed to be at risk of fluvial and surface water flooding, a Flood Emergency Response Plan will be prepared for implementation during the construction phase.
- 5.10.6. With regard to the operational phase, the Draft ES identifies that the majority of potential adverse impacts on the water environment can be mitigated through appropriate design of the scheme. General mitigation principles that would be implemented are summarised as follows:
- If construction in the existing floodplain is unavoidable, compensation of lost flood storage capacity on level for level basis would be provided;
 - Design footbridges that are required to be located within the existing floodplain as light, open structures with a small footprint to minimise obstruction to flows during flood events;
 - Design new watercourse crossings to have appropriate capacity so as to not increase flood risk elsewhere;
 - Retain the capacity of existing culverts and bridge openings so as to not increase the risk of flooding in the area or elsewhere;
 - Avoid the diversion or culverting of watercourses. If this is unavoidable, consult with the EA and local authority to agree design and mitigation requirements;
 - Provide appropriate drainage systems in areas identified as being susceptible to flooding from surface water;
 - Surface water runoff from new stations, platforms, extensions to existing platforms, car parks, sidings or other potentially polluting areas would be drained via appropriate pollution prevention measures before discharge to the receiving water environment;
 - Surface water runoff from new impermeable surfaces would be drained via appropriate attenuation measures to limit runoff; and
 - Surface water that drains from track areas where this is not from station or sidings locations would percolate through the gravel track ballast to provide natural treatment prior to overland flow to an adjacent surface water feature or infiltration to ground.

- 5.10.7. In respect of water quality, the Draft ES identifies, in general, that construction activities have the potential to result in adverse impact. However, implementation of mitigation measures to avoid polluting water courses would mean no significant effects would occur.
- 5.10.8. The Draft ES demonstrates that through the implementation of the above identified mitigation measures, the part of the scheme within the Cherwell sub-section, and as a whole, would have no significant effect on flood risk and the water environment. In any case, the 'Technical Guidance on Flood Risk' (as referenced in the NPPF), makes it clear that essential infrastructure is appropriate and acceptable in Flood Zone 3 provided flood risk is not increased elsewhere. In the context of the Draft ES findings, in particular the confirmation that flood risk would not be increased elsewhere, it is demonstrated that the scheme is fully compliant with the NPS, NPPF Section 10, Cherwell Local Plan Policies ESD1, ESD6 and ESD8, and Non-Statutory Cherwell Local Plan 2011 Policies EN3 and EN4.

5.11. Traffic and Transport

- 5.11.1. An assessment of the scheme within the Cherwell sub-section on traffic and transport is discussed in Chapter 14 of the Draft ES. However, a full impact assessment arising from traffic and transport has not been reported in the Draft ES at this stage.
- 5.11.2. The highway network within the Cherwell sub-section includes one road overbridge and one road underbridge. There are also two existing vehicle level crossings along the route within the Cherwell sub-section, both of which would be closed and replaced by a new overbridge.
- 5.11.3. The Draft ES identifies that the internal haul road crosses the highway network within the Cherwell sub-section in three places. It is identified that construction compounds would generate traffic during the construction phase and have the potential to affect the road network during this time. Such traffic would consist of HGVs and car trips generated by staff. Operational changes to traffic flows at Bicester Village Station due to changes in passenger demand as a result of the scheme would also occur.
- 5.11.4. The assessment of construction and operational effects from traffic and transport changes within the Cherwell sub-section is ongoing and has yet to be established. Consultation with Local Highway Authority stakeholders with regards to traffic projections and methodology is currently being undertaken. Once the full assessment is available in the final ES, its findings and an assessment of performance against planning policy will be included in the final Planning Statement.

6. Conclusion

- 6.1.1. The EWR2 scheme, as proposed at this stage, has been considered against the national and local planning policy framework of Cherwell District Council and Oxfordshire County Council.
- 6.1.2. It is clear that the scheme would deliver significant economic and social public benefits and presents an opportunity to make a substantial contribution to achieving the strategic objectives of national and local planning policies. It would do so through the creation of a strategic link between economic centres, facilitating economic growth, reducing congestion of the highway network, providing a reliable rail route for commuters, ensuring net gain in biodiversity and enhancing the local PRow network.
- 6.1.3. The current findings of the Draft ES identify that the scheme would not result in significant adverse impacts in relation to the main material considerations and environmental topics within the Cherwell sub-section (notwithstanding that a full assessment has not been reported in the Draft ES at this stage). The majority of potential residual impacts arising from the scheme can be mitigated through measures identified in the Draft ES to a level that is not significant.
- 6.1.4. It is anticipated that there would be some residual impact within the Cherwell sub-section in respect of temporary amenity impact through construction land take, the setting of two listed buildings, landscape and viewpoints from some visual receptors. However, it is considered that such impact would not be of a level whereby the objectives of national and local planning policies are compromised. In any case, the significant public benefits that would be brought about by the scheme would demonstrably outweigh any less than significant impacts.
- 6.1.5. Section 38 (c) of the TCPA 1990 confirms that planning applications should be determined in accordance with the Development Plan unless material circumstances indicate otherwise. This is reiterated in NPPF paragraph 14 which provides a presumption in favour of sustainable development, stating that development proposals which accord with the Development Plan should be approved without delay.
- 6.1.6. The scheme must therefore be considered in the context of the TCPA 1990 and NPPF paragraph 14. Using the current findings of the Draft ES, it is considered that the scheme within the Cherwell sub-section, and as a whole, is currently in full compliance with national planning policies and the local Development Plan, therefore representing sustainable development in the context of planning policy.
- 6.1.7. Findings of this draft Planning Statement may be subject to change at the time of the TWAO submission as the ES is updated and aspects of the proposed development amended.