

WEST OXFORDSHIRE DISTRICT COUNCIL

LOWLANDS AREA PLANNING SUB-COMMITTEE

Date: 5th December 2022

REPORT OF THE BUSINESS MANAGER-DEVELOPMENT MANAGEMENT



WEST OXFORDSHIRE
DISTRICT COUNCIL

Purpose:

To consider applications for development details of which are set out in the following pages.

Recommendations:

To determine the applications in accordance with the recommendations of the Strategic Director. The recommendations contained in the following pages are all subject to amendments in the light of observations received between the preparation of the reports etc and the date of the meeting.

List of Background Papers

All documents, including forms, plans, consultations and representations on each application, but excluding any document, which in the opinion of the 'proper officer' discloses exempt information as defined in Section 1001 of the Local Government Act 1972.

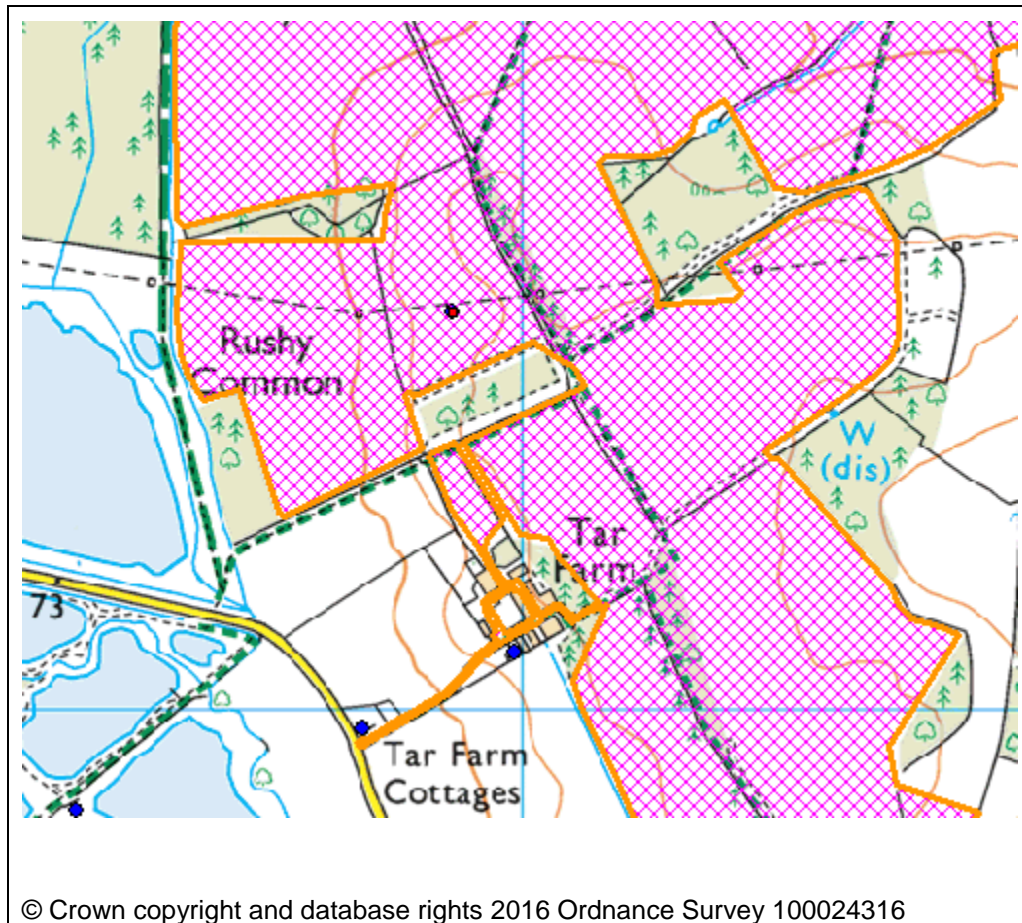
Please note that:

1. Observations received after the reports in this schedule were prepared will be summarised in a document which will be published late on the last working day before the meeting and available at the meeting or from www.westoxon.gov.uk/meetings

Page	Application Number	Address	Officer
9-42	21/03711/FUL	Land At Tar Farm Tar Road	Joan Desmond
43-84	22/00986/FUL	Land North Of Cote Road Cote Road	David Ditchett
85-91	22/02134/FUL	The Double Red Duke Black Bourton Road	Elloise Street
92-100	22/02718/S73	Land For Tactical Medical Wing RAF Brize Norton	David Ditchett

Application Number	21/03711/FUL
Site Address	Land At Tar Farm Tar Road Stanton Harcourt Oxfordshire
Date	23rd November 2022
Officer	Joan Desmond
Officer Recommendations	Provisional Approval
Parish	South Leigh Parish Council
Grid Reference	438908 E 207526 N
Committee Date	5th December 2022

Location Map



Application Details:

Installation of renewable energy scheme comprising ground mounted photovoltaic arrays with associated substation, invertors, internal access track, landscaping and biodiversity measures, fencing, access gate and ancillary infrastructure (Amended).

Applicant Details:

Bluefield Renewable Developments Ltd
Johnstone House
2A-4A Gordon Road
West Bridgford
Nottingham
NG2 5LN

I CONSULTATIONS

Parish Council

The SLPC had to consider whether there were "planning reasons" to justify total opposition and with a heavy heart considered there were not; South Leigh Neighbourhood Plan did not deal with solar farms specifically and so neither permitted nor opposed them but gave generalised criteria (eg SLE2) which would have to be subjectively considered by WODC.

Further SLPC had to consider whether in the light of the solar farm at 12 Acre farm - a smaller development but in a more prominent position - WODC would turn this development down in its entirety and again the conclusion was that it would not.

Finally the SLPC considered WODC's own plan (8.38) which referred to a study that concluded that the area of West Oxfordshire "has capacity to deploy further renewable generation facilities".

However the Neighbourhood Plan, WODC's consideration of the 12 acre site and WODC's plan also all looked at the need to avoid significant adverse impact upon the intrinsic character of the landscape, the need to maintain an attractive and biodiversity rich environment and to protect the distinctive qualities of the District's town and villages — but also in the words set out in the Neighbourhood Plan, not only did the Community express its commitment to landscape, nature conservation and protection of its local green open spaces, it also committed to "combating climate change" and a "low carbon future."

SLPC recognise that there have been a large number of objections raised by parishioners, many of which focused on the views, footpaths, proximity to the village, and the sheer scale of the solar farm. Many parishioners also made it clear they support renewable energy but felt the size prevented them from supporting the application.

So rather than SLPC adopt a root and branch opposition which would fail, there has been dynamic negotiation between the Applicant and SLPC over a number of months in face-to-face meetings, exchanges of emails, telephone calls and Zoom discussions (sometimes at Inconvenient times for aii) with the Applicants listening, adapting and reducing the scale in the light of the comments made and objections lodged in attempts to improve the application and engage with visual sensitivities.

In summary there have been several phases of alteration by the applicants in the light of SLPC's views and SLPC are happy to acknowledge the final series of concessions are

1. All footpaths throughout the whole site have now been redesigned and there is now a minimum buffer of 10m along the footpath corridors. There is now a significant widening of the footpath in the northeast part of the scheme. It now has a minimum width of 13.5 metres, broadening out to 29.5 metres as the view opens out towards the village. The applicants have also incorporated a zigzag fence line on the west Side of this footpath with an expanded area of planting following previous suggestions by SLPC. For context, this is said to be by far the widest footpath that the applicants have ever incorporated into one of their schemes.
2. Two north eastern parcels of rising ground near the village have been removed from the site (if there had been solar panels the views would have been disproportionately affected and a footpath made less attractive) and as a result of (2)
3. An additional 13 acres of Biodiversity Enhancement Area has resulted
4. Significant planting along the south side of the disused railway line
5. Woodland planting to the south.
6. Further tree and hedgerow planting throughout site.
7. A generous community fund will be established.
In the light of the phases of concessions negotiated by SLPC including 1-7 above the SLPC will not oppose the application.

There remain reports and investigations that still need to be completed and various conditions attached to the grant of any application.

1. A final detailed "Construction Traffic Management Plan" needs to be filed prior to commencement of the work with the 16 points referred to in the OCC objection dealt with and a condition attached to the grant of permission that ensures it is complied with. Further the current suggested vehicle access is on a current right of way. We would like to see a protected footpath area established.
2. A further ecological report should be commissioned forthwith for the late winter, spring and autumn periods to address the accepted limitations in the biodiversity information currently in planning report

SHF.3019.002.EC.R.001-ECIA+(2) ie to provide a full and complete report over a full 12-month period as a biodiversity baseline. The filed report was drawn from evidence gained from a 2 month period (June and July) and we fear underestimates a) the number of bird species that could be breeding in the area over a 12 month period and b) does not fully evaluate the complete biodiversity over all local flora and fauna species including those known to be threatened by human activity. Local knowledge tells us that all the following birds use the site for hunting, roosting and/or breeding. Some of these species are on the red/orange protected list and of particular significance are Cuckoo, Yellowhammer, Willow Warbler, Skylark, 5 separate species of Owls and breeding Lapwings. Because of the timing of the report it misses the winter migrant birds that include flocks of Redwings and Fieldfares as well as Skylarks, Meadow Pipits, Yellow Hammer, Reed Buntings, Linnets and Starlings and the early breeder birds such as, such as Skylarks and Mistle Thrushes. The Applicants acknowledge that their site is likely to take at least 9 months to complete, therefore whatever season they start, these birds will be affected. We therefore ask that a condition is placed on permission for a full year and a) protected bird survey to be undertaken, and b) extended species survey with results published and mitigation arranged with those points of mitigation included in an amended management plan (see below). Further as a further condition as the Applicants mention that should the development cross over with the breeding times for birds that the site manager will be responsible for their wellbeing — we would like a condition to planning that this is observed by a suitably qualified person.

3. We ask that in relation to trees which the Applicants will plant a condition to the application be that these trees are at least 4 years old and of native species and that any that die back is replaced at the Applicants' cost. We would like it specified exactly where and how many trees will be planted and exactly which hedges will be bulked up.
4. The ecological impact it is said will be monitored and we require that to be done by an outside expert with the results disclosed.
5. In early discussions with the Applicants it was agreed that the field(s) closest to the village (abutting South Leigh Station House) should be treated as a separate zone with conditions applied that it should not be worked on Saturdays and when the piles were driven it should be done as quickly as possible and separate to the rest of the site — to endeavour to get that acknowledged noisy part of the installation done with as little disruption to the neighbours as possible.

6. Archaeology further archaeological investigation to be completed which we understand are under way and the investigation being made part of the condition.
7. Clear and detailed management and maintenance plans and plans for monitoring biodiversity and planting with the planting managed to prevent a green tunnel effect. We want to ensure that amelioration and maintenance is ensured over the totality of the time frame of the scheme together with bonds or other financial guarantees that money will be available to fund what is required. Such to be attached as conditions to the grant of the application.
8. The 40 years longevity of this project, the use of 200 acres of original farmland and the paucity of research internationally of the long-term natural world impacts of large solar farms, lends the Applicants' project the advantage of being- pioneers in contributing positively to world knowledge on biodiversity and the natural world in relation to solar farm construction and operation from the outset. We request that the Applicants consider initiating a research project from the outset of the solar farm's construction for the duration of the life of the solar farm, into the impact of all aspects of this large solar farm on the local natural world. If the Applicants decide that this is not something they themselves could undertake, we request that they grant permission for South Leigh Parish Council to appoint a professional team to undertake this research, with the Applicants providing guaranteed funding for the said research over 40 years as a separate contribution aside from the agreed Community Fund being paid to the Parish Council. We also request that the Applicants grant the appointed research team unlimited access to the site to carry out the research and that all research undertaken, either by the Applicants or by an independent team, is fully documented and publicly available for the duration of the life of the solar farm.

Finally we would hope that in the event that the generation of electricity by the installed solar panels becomes inefficient before the end of the term they are removed at that stage and the site restored to its current use.

WODC Planning Policy
Manager

Detailed Policy comments can be viewed on the website.

Conclusion

As part of its response to the challenges of both climate change and the security of energy supply, the Government remains committed to increasing the use and supply of renewable and low-carbon energy, emphasising the responsibility on all communities to

contribute towards energy generation from such sources (paragraph 8.35, Local Plan 2031).

The proposed solar farm is expected to generate in the region of 49.9MW of renewable energy and sufficient electricity annually to provide for the needs of approximately 15,000 homes. This will lead to considerable carbon savings.

A solar farm of this size in a rural location is likely to have some environmental impacts; however, these are temporary in nature and have been minimised through location and good design. Ensuring the scheme protects existing species, delivers BNG and enhances the remaining green spaces in the local area is of paramount importance. If the impacts are (or can be made) acceptable, then the proposed scheme should be approved, in line with national guidance.

Major Planning Applications
Team

Transport - Objection - Further information required.

LLFA - No objection subject to conditions.

Archaeology - Objection - In accordance with the National Planning Policy Framework (NPPF, paragraph 189), we recommend that, prior to the determination of any planning application for this site the applicant should therefore be responsible for the implementation of an archaeological field evaluation.

Lower Valley Windrush Project - A significant portion of the proposed development site sits within the core operating area of the Lower Windrush Valley Project (LWVP), an Oxfordshire County Council hosted project which improves landscape and biodiversity, and provides community benefits from access to the natural environment.

The LWVP is recognised in the West Oxfordshire Local Plan for its important contribution to achieving a wide range of environmental and social benefits through protecting and enhancing the green infrastructure network. Policy EH2 (Landscape Character) states that 'Special attention and protection will be given to the landscape and biodiversity of the Lower Windrush Valley Project' and identifies the LWVP as a delivery partner.

There is a network of regularly used public Rights of Way across the proposed development site which form part of several scenic circular routes from Rushy Common nature reserve and Tar Lakes. The proposed development and installation of solar panels will adversely affect the countryside views enjoyed on the public Rights of Way and we request that the visual impact be minimised as much as possible should permission be granted. We would also welcome contributions towards furthering the Lower Windrush Valley

Project's objectives of landscape improvements, access to the countryside and nature conservation.

WODC Env Health - Lowlands I have no objection in principle.

WODC Env Consultation Sites I have looked at the application in relation to contaminated land and potential risk to human health. The following report has been submitted with the application.

- Enzygo.com, Phase I Geo-Environmental Report. Land at Tar Farm, Stanton Harcourt, Oxfordshire OX29 5AL. SHF.3019.002.GE.R.001B. October 2021.

In general the findings and conclusions outlined in the report are supported. Please could the following item be passed to the applicant for consideration.

- Has the potential risk from contamination associated with the railway line to the north of the site been considered?

Once this item has been clarified it is likely that the following condition will be appropriate for the proposed development.

- I. In the event that contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Environment Agency's Model Procedures for the Management of Land Contamination, CLR 11, and where remediation is necessary a remediation scheme must be prepared, to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property, and which is subject to the approval in writing of the Local Planning Authority.

Reason: To prevent pollution of the environment in the interests of the amenity.

Relevant Policies: West Oxfordshire Local Planning Policy EH8 and Section 15 of the NPPF

WODC Landscape And Forestry Officer

Due to the scale, location and design of the proposed solar farm the proposals would not comply with EH2: Landscape Character in that they would be harmful to the character of the local landscape.

The extensive public rights of way network is a valued and popular recreational resource used by local residents. It also links with recreational activities in the Lower Windrush Valley to the west.

The scale and location of the proposed solar arrays would have a considerable detrimental effect on the quality of the countryside, as experienced by recreational users, over a wide area. Whilst some mitigation measures have been incorporated into the scheme, they would only have a marginal effect in reducing the overriding sense of walking through a large industrialised complex.

There are clearly some areas that are considerably more sensitive to the proposed changes than others, and I would recommend that, if the principle of a solar farm in this location is to be supported, further detailed design work be carried out to lessen the impact on the rights of way network. This is a very extensive site and so it should be feasible to target pushing back fencing, arrays and equipment in areas that would have maximum environmental benefit.

Whilst Policy EH6 is generally supportive of the principle of renewable energy developments, it also emphasises that they should be located and designed to minimise any adverse environmental impacts. It goes on to require that environmental enhancements be incorporated into proposals, in addition to those required to mitigate and compensate any adverse impacts of the proposals themselves.

Considerably strengthening the existing network of woodland, hedgerow and open space corridors will be beneficial for visual screening, landscape character and ecological purposes. Such locations regularly coincide with footpath routes. Building up this network and adding detail such as the stand-offs required for ancient woodland and veteran trees, ponds, hedgerow and woodland management prescriptions and details of new planting should result in a more comprehensive landscape and ecological management plan commensurate with the scale of the development site and its associated negative impacts.

In the context of the LWVP, I recommend looking at the feasibility of taking construction traffic access off Tar Lane, adjacent to The Firs. This would reduce the amount of disruption (large increased flows of heavy traffic and subsequent damage to the road and verges) to the already problematic Cogges Lane.

District Ecologist

Great crested newts have been found present in ponds on site and close to the site - the ecological impact assessment report (Enzygo, October 2021) refers to the use of the district licensing scheme to

cover this proposed development, but no further details of this have been submitted. If the district licensing scheme is being used, then a copy of the Nature Space report or certificate and impact map will need to be submitted as part of the application in order to ensure that the required planning conditions are attached.

There are some trading issues with the biodiversity metric that has been submitted with the application for biodiversity net gain - i.e. the loss of medium distinctiveness cropland needs to be compensated for with medium or high distinctiveness habitats (like for like or better) and this has not been done. An updated metric calculation based on the amended site layout plan and more detailed landscaping information would be required. It is unclear why the grassland beneath the solar arrays could not be enhanced/created for biodiversity or at least the areas between the solar arrays/security fencing and field boundary hedgerows / access tracks. There is a massive opportunity for biodiversity enhancement at this site and the potential has not been realised. In order to provide sufficient information on the proposals, I recommend that a baseline habitats plan and a proposed habitats plan should be submitted alongside the biodiversity metric calculations to spatially represent these habitats and their extent. The "biodiversity enhancement areas" are disjointed and small in size when compared to the solar farm as a whole.

With regard to other protected species, I am generally satisfied with the proposals in the ecological impact assessment report. However, additional information about badgers is needed - where are the setts and mammal paths, latrines, etc located? - and an outline mitigation strategy should be submitted.

Wychwood Project

No Comment Received.

Major Planning Applications Team

Transport - No objection subject to planning conditions.

Archaeology - Objection. See original comments.

Lower Windrush Valley Project - In the Lower Windrush Valley Project's response to 21/03711/FUL we stated our view that the proposed development would have significant impacts on landscape and public rights of way in the area. Further to this initial comment, we wish to add the following:

Should planning permission be granted for this development, the Lower Windrush Valley Project requests the sum of £45,000 for public access, landscape and biodiversity enhancements in the surrounding area to mitigate impacts created by the development.

We also suggest that the developers be asked to review public rights of way across the site and improve their ease of use where required by ensuring all routes are well sign posted, gates are in good condition and easily operated, and any stiles are replaced with gates, or a gap, where possible.

County Cllr Dan Levy - Tar Road/Cogges lane is narrow and unsuitable for HGV's. The proposed access arrangements to the site will involve lorries negotiating the blind bend just to the south of the site at Cogges Lodge. This may lead to conflict with vehicles coming in the opposite direction, including bicycles. There needs to be great caution from drivers, a commitment to travel slowly and banksmen at the entry to the site and potentially at the blind corner. Lorries must be routed via the A415 and B449 and not via Sutton Lane. A Construction Management Plan is required. Commitments relating to the improvement of footpaths and bridleways through the site should be enforced.

OCC Archaeological Services

Objection

Key issues:

This amendments does not alter our original comments and the results of an archaeological evaluation, undertaken in line with the Chartered Institute for Archaeologists standards and guidance for archaeological evaluation including the submission and agreement of a suitable written scheme of investigation, will need to be submitted with this application in line with paragraph 194 of the NPPF.

District Ecologist

The requirement for additional information relating to badgers is now satisfied.

The following requirements are outstanding:

- whilst confirmation that the District Licensing Scheme is being used by the applicants is welcome, we look forward to a copy of the NatureSpace report/certificate and impact map to be submitted as part of the application.
- clarification as to whether the biodiversity metric calculation has been updated to account for the latest site layout plan;
- within the BNG metric, the requirement for 'medium distinctiveness' cropland to be compensated for with medium or high distinctiveness habitats (like for like or better) has not yet been achieved;
- although the landscape strategy plan is helpful (V 27/9/21), it is hard to see exactly where the BNG gains / losses occur. In particular, much of the gain is reliant on a 'conversion' of cropland to grassland.

This can typically yield substantive benefits for biodiversity as part of solar proposals and is welcomed. But we would like to see exactly where in the proposal these gains occur?

- Could you please advise on which 'landscape plan' the locations for bird and bat boxes, and hibernacula are shown? We would like to see details of how many and where these are proposed.
- We would also like to see more information up front in terms of long term management arrangements (outline of the contractual structure/responsibilities for financials and practical management), so that we can be confident in the delivery of the biodiversity gains for the long term.

OCC Archaeological Services No Comment Received.

Parish Council No Comment Received.

WODC Landscape And
Forestry Officer

Revised Plans - The most notable amendment has been the deletion of panels and relocation of security fencing in the area to the north of the o/h cables on the eastern side of the site. This is now termed a BEA. This will improve the experience of footpath users emerging through the hedgerow when rising up the slope from the village and provides sufficient space for mitigation screen planting and a more open aspect to this part of the route. When considering the detailed landscape submission it would be worth considering additional woodland planting in the southern half of the BEA to link the Local Wildlife Site and Ancient Woodland at Tar Wood with other woodland blocks to the west.

It is a little like spot the difference when trying to identify amendments to other areas when working on plans at this scale. As first sight, there do look to be footpath corridors that have been widened a little, or fencing moved back from PROWs, but these will need to be confirmed by measurement when paper plans are available. Clearly, a main objective was to minimise the visual impact of the solar farm complex on the character of the various well-used recreational PROWs that cross the site and strengthen the landscape and ecological network which often coincide with these routes.

Whilst some of the widths of 'green corridors' have been noted on the drawings, it appears that the distances referred to include land on the far side of hedgerows and up to security fencing in adjacent fields. Whilst these may be beneficial as wildlife corridors, they are

not the same as set -backs sought for PROWs, such as the one south of the railway line.

Whilst some individual proposed trees have been shown on the revised Landscape Strategy Plan we need to treat these as indicative only and agree that level of detail as part of the discharge of conditions process.

It would be useful to confirm the arrangements for the financial contribution to the Lower Windrush Valley Project, which I understand will be via a Unilateral Undertaking.

Detailed Drawings - The point we were trying to make in response to the revised information was that a main objective was to minimise the visual impact of the solar farm complex on the character of the various well-used recreational PROWs that cross the site.

One aspect of this was to increase distances between rights of way and security fencing, to try to retain openness along routes. To retain the sense of openness and to retain longer distance views. I suggest 'footpath corridors' are spaces through which footpaths pass and can be defined as the width between hedgerows, woodlands and security fencing. These are the spaces footpath users would experience. Using this definition, the statement that 'all footpath corridors are now a minimum width of 20m' is not entirely correct.

We have indicated that a detailed landscape plan would be conditioned for submission at a later date. It needs to be clear that this is likely to include additional woodland planting in locations such as between the overhead power cables (sheet 2 of 6) and the footpath. This would also be part of the biodiversity enhancements, linking two areas of woodland. It would also be interesting to know why the security fence cannot be set back to the south of the cables. This would give more visual separation without compromising the number of panels or maintenance access.

It would also be interesting to know why the length of arrays cannot be rationalised, as doing so distances between footpaths and fencing could be increased without loss of the number of panels or maintenance access in a number of places.

Major Planning Applications
Team

Transport - No objection subject to the following.

- An obligation to enter into a S278 agreement as set out in the County's response to consultation of 8 December 2021.

- Planning Conditions as set out in the County's response to consultation of 8 December 2021.

Archaeology - Objection - The applicant has submitted a written scheme of investigation for an archaeological evaluation of the site. We were provided with this WSI as a draft outline document to 'aid discussion' only on the 24th March 2022 by Heritage Archaeology, the applicants archaeological consultant, and responded on the 28th March 2022 to clearly state that this was not an acceptable scheme. This is not an acceptable scheme and would not be a suitable level of investigation.

We have advised the applicant's archaeological consultant that we would need to have the results of the geophysical survey before we could advise on the level of required archaeological evaluation. This report for this survey has not yet been produced.

We were however sent through the initial results of the geophysical survey on 30th March 2022 and produced a design brief setting out our requirements for the evaluation on the 31st March 2022.

We are still waiting for Heritage Archaeology to provide us with a WSI for our agreement for this evaluation. Once a WSI has been agreed as informed by the design brief and the evaluation has been undertaken and a report agreed then this report will need to be submitted along with this planning application.

Once an agreed report has been submitted, we will need to be re-consulted on the application in order to provide further advice as set out in the NPPF, paragraph 194.

These amendments therefore do not change our initial advice for this site.

District Ecologist

The submitted ecological impact assessment confirmed the existing site supports a number of protected species including badgers, nesting birds and reptiles. To prevent disturbance to protected species, key habitat features identified as supporting protected species will be retained. Appropriate mitigation (including a licence from Natural England to disturb badger sett A) will need to be secured and adhered to ensuring significant affects to protected /priority species and habitats are mitigated accordingly. As a result, the above CEMP-B condition is recommended.

Furthermore, species including, badgers, bats, great crested newts and hedgehogs can be adversely affected by the introduction of artificial lighting. Therefore, any proposed lighting will need to be sensitively designed to prevent light spill towards key habitat features often exploited by nocturnal species including, woodland habitat, boundary hedgerows and standing waterbodies.

Great crested newts

The submitted report confirmed eDNA testing of the on-site ponds returned positive results for great crested newts. To ensure appropriate mitigation is secured and implemented, the applicant and newt officer have confirmed the site will be entered into the

district licensing scheme. Therefore, please ensure any permission granted includes the conditions outlined in the newt officer's response, dated 24th August 2022.

Habitats and Landscaping

The submitted ecological impact assessment and landscape strategy plan have outlined habitat enhancements which will be incorporated into the development. However, type and source of materials (native species of local provenance), timetabling and establishment and initial aftercare have not been detailed. Therefore, the above landscaping conditions have been recommended to ensure all habitat enhancements are suitable for our native wildlife and are planted and managed appropriately.

The existing site is approximately 84 ha and comprises crop fields, other neutral grassland, hedgerow corridors and deciduous woodland blocks. The proposed development will enhance the existing site by managing existing habitat features including hedgerows and woodland habitat and by incorporating new woodland, hedgerows and wildflower fields and margins in to the development. As a result of the proposed habitat enhancements, the submitted biodiversity net gain calculation shows a habitat net percentage change of +74.79% which equates to a net increase of 177.55 habitat units and a hedgerow net percentage change of +66.32% which equates to a net increase of 30.90 hedgerow units. A Biodiversity Management and Monitoring Plan (BMMP) will need to be prepared to secure the long term management of habitats included within the biodiversity net gain calculations for the required period of 30 years (as stipulated in the Defra proposals for biodiversity net gain). This plan should identify the aims and objectives of management and provide details of the ongoing management of habitats at the site.

OCC Archaeological Services No Comment Received.

2 REPRESENTATIONS

A summary of the representations received are detailed below. Full details can be viewed on the Council's website.

68 Letters received objecting to the application on the following grounds:

- Traffic and highway safety concerns
- Harmful to landscape and open views of village setting - Too large in size
- Harmful to tranquility of area
- This proposal should effectively keep / enhance key areas of the landscape as protected under our Neighborhood plan. The amount of land taken by the solar farm is large and consideration must be given to preserving natural features of the landscape - hedgerows / Footpaths / trees etc.
- Footpaths and rights of way need to be made much larger and more prominent so as to enable a natural retained landscape.

- Greater consideration of Tar Wood an ancient semi natural woodland is required
- Need to reduce visual impact
- Deer fencing will result in loss of habitat. An undertaking by the landowners to increase deer control measures should be made to compensate for the deer displacement.
- Contrary to South Leigh Parish Neighbourhood Plan policies
- Negative impact on local people's quality of life and well-being by taking away the beauty of the natural landscape, and rural views from elevated sections, thus negatively impacting on the enjoyment of walking, relaxing and living in this area
- The contribution of a solar farm to producing green energy could be valuable and acceptable on a smaller scale.
- Query biodiversity data
- 'Glint and Glare' assessment has not included the potential effect on avian species.
- This will not create any local employment.
- Harmful to local ecology
- A solar farm is not without its risks in terms of electrical transmission and the associated effects of electrical radiation being produced. This is not the first solar farm in the area and therefore will only contribute to the associated risks put upon our village and its surroundings.
- It will take far too much land out of food production
- Unsuitable site
- Adverse cumulative impact
- Lack of direct benefit to local residents
- Further noise information required
- Excessive duration of operation
- If it is minded to grant approval for the proposed development, WODC should not permit the Applicant to erect any solar arrays in the northeasternmost field of their proposed site (i.e. the field behind Just Cartridges).

2 letters of support:

- The government policy is to increase renewable energy sites like these in order to prepare ourselves for the high demand of electricity in the the future. Also, impact on the ecology has been thought through to an extent.

2 letters of representation:

- I support schemes such as this to generate clean electricity and the shift to a low carbon future, but they must not be to the wider detriment of the natural environment.
- I support schemes such as this to generate clean electricity and the shift to a low carbon future, but they must not be to the wider detriment of the natural environment.
- Coverage of birds is reasonably comprehensive, though I think it considerably underestimates the number of bird species breeding in the area, as well as the numbers of certain key species
- No mention of Hares among the mammal
- Hedging needs to be allowed to develop in both width and height.
- It would also be good to see the planting of native trees which are sources of food for birds
- Need a pre-permission programme of archaeological evaluation.

3 APPLICANT'S CASE

3.1 The submitted Planning Statement concludes:

3.2 *The proposed Solar PV Farm would form part an important component of the sustainable energy supply for the UK and assist in ensuring the UK has a long-term sustainable energy supply that promotes the generation of renewable energy, reduces reliance on fossil fuels, and reduces carbon emissions.*

3.3 *The NPPF (paragraphs 152-158) outlines policy support for the delivery of renewable and low carbon energy and associated infrastructure to mitigate climate change. Paragraph 155 seeks to increase the use and supply of renewable and low carbon energy, and the glossary defines low carbon technologies as 'those that can help reduce emissions (compared to conventional use of fossil fuels)'.*

3.4 *The UK needs to ensure, as part of a sustainable development strategy, that it has security of energy supply.*

3.5 *The application site is considered an appropriate site for the proposed solar farm that can be accommodated without significantly affecting the landscape character of the wider countryside and will not negatively impact upon the amenities of neighbouring residents. The application site utilises a parcel of agricultural land that is not best and most versatile*

3.6 *The temporary and fully reversible nature of the development, together with the proposed mitigation measures will enhance and encourage the ecological diversity of the site and will ensure that in the long term the site can not only be restored to its current use but shall also be enhanced.*

3.7 *The wider environmental benefits and sustainability credentials associated with the increased production of energy from a renewable source represents a significant benefit in favour of the development proposal.*

3.9 *All the appropriate detailed technical assessments required accompany the application. Any potential impacts that have been identified are suitably mitigated. The assessments demonstrate that no significant adverse impacts relating to landscape, ecology or heritage are predicted to occur as a result of the proposed development, and that a net gain to biodiversity will enhance the incidence of native flora and fauna through the proposal.*

3.10 *At a local level, in June 2019 West Oxfordshire District Council declared a 'climate emergency'. Upon declaration of the emergency, the Council pledged to become net-zero carbon by 2030 and encouraged others within the district to follow-suit. The scheme will generate electricity from a renewable resource and will assist in the Council's ambition to address the climate emergency in the short term.*

3.11 *Without the continued subsidy free investment in renewable energy schemes, such as this proposal, the UK will not meet its renewable energy or carbon reduction targets and ultimately be subject to volatile energy prices and, at worst energy shortages.*

3.12 *This Planning Statement has demonstrated how the proposed Solar PV Farm accords with national and local planning policies and all material planning considerations. This statement, and the accompanying submission documents, further demonstrate how the proposed facility has made optimal use of the available*

natural resources and how any environmental issues have been reduced to an acceptable level. As such, planning permission should be granted without delay.

4 PLANNING POLICIES

OS1NEW Presumption in favour of sustainable development

OS2NEW Locating development in the right places

OS3NEW Prudent use of natural resources

EH2 Landscape character

EH3 Biodiversity and Geodiversity

EH6 Decentralised and renewable or low carbon

EH13 Historic landscape character

EH4 Public realm and green infrastructure

T2NEW Highway improvement schemes

NPPF 2021

SLE1 South Leigh NP

SLE2 South Leigh NP

SLE3 South Leigh NP

SLE5 South Leigh NP

SLE8 South Leigh NP

SLT1 South Leigh NP

SLE6 South Leigh NP

EH11 Listed Buildings

EH16 Non designated heritage assets

EH16 Non designated heritage assets

EH9 Historic environment

EH7 Flood risk

The National Planning Policy framework (NPPF) is also a material planning consideration.

5 PLANNING ASSESSMENT

5.1 The application seeks planning permission for the installation of a renewable energy scheme comprising ground mounted photovoltaic arrays with associated substation, invertors, internal access track, landscaping and biodiversity measures, fencing, access gate and ancillary infrastructure. It is anticipated that the Solar PV Farm will be in operation for a temporary period of 40 years from the date of the first exportation of electricity from the site. The energy generated will be transported by underground cabling to the point of connection at the Witney substation to the north of Ducklington. This underground cabling is not part of this application and will be undertaken separately by the Distribution Network Operator (DNO) or by an Independent Connection Provider (ICP) as permitted development by virtue of the powers granted to a statutory undertaker under the Electricity Act 1989.

5.2 The site measures 84.4ha and consists of ten irregular field parcels which all feature hedgerow boundaries interspersed with trees with numerous blocks of woodland within and surrounding the site. The wider site area is set within a rural landscape with gentle undulations. The site lies to the South west of the village of South Leigh and is crossed by a number of public rights of way with further footpaths within the locality. The site is currently in use as agricultural land. Trees, hedgerows, and woodlands can be found on the site's outer boundaries, within close proximity to the site boundaries and also form internal boundaries between the ten fields that make up the site. The dismantled Oxford to Witney railway line is adjacent to the northern boundary which is raised

and tree lined and so assists in enclosing the site to the wider landscape. Tar Wood, to the east of the site, is identified as Ancient and semi-Natural Woodland. To the west of the site is site is Rushy Common Nature Reserve, a designated county wildlife area reclaimed from gravel extraction of approximately 30ha. The reserve comprises of recreational open space featuring man-made lakes and a number of public rights of way.

5.3 The application has been submitted following pre-application advice and a screening opinion undertaken has concluded that an Environmental Impact Assessment is not required. An extension of time has been agreed to enable outstanding issues including archaeology to be resolved.

5.4 Taking into account planning policy, other material considerations and the representations of interested parties your officers are of the opinion that the key considerations of the application are:

Principle

Use of agricultural land

Impact on the Landscape Character/Visual Amenities of the area

Impact on Heritage Assets

Highway Issues

Biodiversity

Principle

5.5 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. Section 70 (2) of the Town and Country Planning Act 1990 provides that the local planning authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations. In the case of West Oxfordshire, the Development Plan is the Local Plan 2031 adopted in September 2018 and the South Leigh Neighbourhood Plan (NP) made in January 2019.

5.6 Policy EH6 'Decentralised and renewable or low carbon energy development (Excepting wind turbines)', supports the principle of renewable energy developments. It goes on to state that such development should be located and designed to minimise any adverse impacts, with particular regard to conserving the District's high valued landscape and historic environment. It also states that in assessing proposals, local issues such as environmental impacts, opportunities for environmental enhancement and potential benefits to host communities need to be considered and satisfactorily addressed. The policy also refers to detailed guidance published in the 'West Oxfordshire Renewable and Low Carbon Energy Guidance and Landscape Capacity Study' (2016). This latter document will be referred to in more detail below.

5.7 The NPPF supports proposals for renewable and low carbon energy. Paragraph 158 states that when determining planning applications for renewable development local planning authorities should not require applicants to demonstrate the overall need for renewable energy and should approve an application if impacts are (or can be made) acceptable. There is also 'Planning Practice Guidance' relating to 'Renewable and Low Carbon Energy'; this sets out the particular planning considerations that relate to large scale ground-mounted solar PV farms, including referencing to landscape and visual impact, heritage assets and greenfield land. Where a proposal involves greenfield land, an LPA will need to consider, whether (i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher

quality land; and (ii) the proposal allows for continued agricultural use and/or encourages biodiversity improvements around arrays.

- 5.8 The Planning Statement advises that the proposed development will have a capacity of 49.9MW and could generate enough electricity to meet the demand of up to circa 15,000 homes, as each output can power circa 300 homes. These benefits would accord with the NPPF's renewable energy provisions, which indicate that the delivery of renewable, low carbon energy is central to the economic, social and environmental dimensions of sustainable development and that local communities have a responsibility to contribute to the generation of such energy amongst other things. These benefits need to be weighed against the impacts of the development, as considered in more detail below.

Use of Agricultural Land

- 5.9 The NPPF advises that account should be taken of the benefits of the best and most versatile (BMV) agricultural land, and where it is necessary to use agricultural land that poorer quality land should be used in preference to that of a higher quality. As noted above, this principle is espoused in PPG relating to solar farms. Best and most versatile is land within grades 1, 2 and 3a of the agricultural land classification. The submitted Agricultural Land Classification Report concludes that surveys carried out in the area showed the site to be dominated by grade 3b in common with other surveys conducted in the area. In National, regional, and local terms this development would not have an impact on the loss of the 'best and most versatile' land.

Impact on Landscape Character/Visual Amenities of the area

- 5.10 Policy EH2 of the Local Plan also seeks to protect landscape character and ensure that new development conserves and, where possible, enhances the intrinsic character, quality and distinctive natural and man-made features of the local landscape. This site lies within the Wychwood Project area where special attention and protection will be given to the landscape and biodiversity. Similarly Policy SLE1 of the South Leigh Neighbourhood Plan seeks to conserve and where possible enhance the intrinsic character and beauty of the landscape features within the Parish including: Individual or groups of features and their settings, such as stone walls, trees, hedges, woodlands, rivers, streams and ponds; Rural landscape and visual setting of the Parish's settlements; Setting of historic and landmark buildings; Tranquillity and perception of remoteness; Dark skies; Historic droveways and public rights of way; Historic settlement patterns, landscape patterns and enclosures.
- 5.11 The West Oxfordshire Renewable and Low Carbon Energy Guidance and Landscape Capacity Study' (2016) states that, "in general terms, there is significant potential for further solar farm development in the district subject to careful consideration of individual development proposals". The report states that very few constraints exist in West Oxfordshire and those that do, such as public rights of way, woodland and rivers, cover a small portion of the district, although sites on best and most versatile agricultural land are likely to be heavily constrained by that fact. This part of the District is identified as being 'more suitable' for solar farms.
- 5.12 At the national level the development site is located wholly within the 'Upper Thames Clay Vales' National Character Area a broad belt of open, gently undulating lowland farmland on predominantly Jurassic and Cretaceous clays described as having "contrasting landscapes, including enclosed pastures of the claylands with wet valleys, mixed farming, hedges, hedge trees and field trees and more settled, open, arable lands. Mature field oaks give a parkland feel in many places." Locally the

whole of the site lies within the 'Eynsham Vale' Landscape Character Area from the 'West Oxfordshire Landscape Assessment'. The developable area lies within 'Semi Enclosed Rolling Vale Farmland' landscape character type which is described as: "... typical character of this area is defined by its low-lying and gentle relief and the patchwork of large, regularly shaped fields and comparatively strong structure of hedgerows and trees."

The site lies predominantly within South Leigh Parish Landscape Character Area (PLCA) E 'Southern Semi-enclosed Rolling and Flat Farmland lies across the centre of the parish, from the south-eastern edge of Witney and the A40, south-west of South Leigh village, broadly parallel with the course of the River Windrush. The area as a whole is typical of the Semi-enclosed Rolling and Open Flat Vale Farmland and OWLS Rolling Clayland landscape types. The whole area is important to the wider rural setting of South Leigh and its separation from Witney and distinction from High Cogges. Much of the area is an important transitional landscape between the settlements and the mineral workings along the River Windrush. The semi-enclosed landscape often shortens views, though more expansive views are possible from High Cogges. The paths are locally valued, including as circular routes and links to Rushy Common and the River Windrush, providing opportunity to appreciate wildlife and a sense of tranquillity.' A small part of the fields to the north west lie within PLCA F 'River Windrush Semi-enclosed Flat Vale Farmland and Mineral Sites lies along the south-western edge of the parish, from the south eastern edge of Witney along course of the River Windrush. The area as a whole is typical of the Semi-enclosed Flat Vale Farmland landscape type in many respects, and the Minerals and Landfill Sites landscape type in particular. The area contains the course of the River Windrush and is important in this respect, although the natural landscape has been greatly affected by extensive mineral workings. Despite this, the semi-enclosed landscape accommodates the workings well and the area retains a strongly rural character. Restored pits provide valuable recreation and nature conservation assets and restoration has generally been carried out sensitively and in keeping with local character.'

- 5.13 The site is located within a landscape which is predominantly rural with few urban influences. The site and surrounding landscape are predominantly rural, categorised by both arable and pasture, hedgerows, woodlands and shelterbelts with a small number of urban features including the electricity pylons that cross the site and scattered settlements, farmsteads and isolated properties. To the west of the site lies the River Windrush valley which is characterised by existing and historic sands and gravels extraction sites. To the north is the town of Witney and its associated urban influences including the A40. This all sits within the wider context of the rural landscape of the local landscape character and the Wychwood Project Area.
- 5.14 The South Leigh NP Landscape Assessment Report and the Consultation Process identified the importance of the network of Rights of Way that includes those that cross and adjoin this site which are highly valued by the Community for quiet informal recreation. It is also noted that these Rights of Way are enjoyed by numerous visitors to the Parish especially those on walking tours. Some of the Rights of Way are well known and publicised circular walks benefitting the people of Witney and Eynsham as much as the Community itself. Policy SLE2 of the NP seeks to ensure that any development should protect and enhance public rights of way within the Parish for the benefit of the user's experience of the intrinsic beauty and character of the countryside. Improvements to rights of way will be supported where this preserves and enhances access to the countryside and the rural character and appearance of the area.
- 5.15 A Landscape and Visual Impact Assessment (LVIA) is submitted with the application. In respect of landscape character effects it concludes that 'Whilst the proposed development would result in the

introduction of development in the form of the solar array and its associated fencing tracks and structures into an otherwise agricultural landscape. The retention and enhancement of the existing hedgerows, woodlands, and tree belts as well as the development of new and greater mix of landscape and ecological enhancement areas are significant mitigatory factors. When one also considers the relatively temporary and reversible nature of the development as well as the existing detracting features within the site the significance of effect on the sites local landscape character resulting from the introduction of the proposed development is considered to be moderate adverse.' In terms of wider landscape character effects it concludes '... the lack of intervisibility with the surrounding landscape suggests that the magnitude of change would be significantly lower on the wider landscape character than on the local landscape character'.

- 5.16 In terms of visual effects it concludes 'The visual envelope of the development is greatly limited to the mature vegetation both within the site, on its boundaries and within the wider landscape such that there are very few views into the site from beyond its boundaries. Where there are views from outside the site boundaries these are heavily filtered, partial views of small portions of one or two of the fields that make up the site. The vast majority of sensitive receptors outside the sites boundaries [i.e. PRoW, residential properties and open space] would experience no change in their views. Where there are views of the development from outside the sites boundaries and before mitigation has had the opportunity to mature the significance of effect are considered to be no more than minor adverse. Views of the Proposed Development would be most prominent from locations on the public rights of way within the Site. Where close distance views of the Proposed Development are possible, it would appear as a 'noticeable' or 'significant' deterioration in the view, dependent on whether the view was partial, screened or open. Before mitigation had matured the significance of impacts on these close-range receptors are anticipated to be between minor and significant adverse.'
- 5.17 The overall conclusion of the LVIA is that there will be long term residual visual effects as a result of the development affecting receptors within the site. These effects that are judged to be at worst moderate to moderate/significant adverse, with the majority being minor adverse or neutral. Where there are close range views of the development these tend to be sequential views of small portions of the site. The effects would however continue to reduce beyond the Design Year [Year-15] as mitigation planting matures further reducing, filtering and softening views toward the development. It is accepted that the area remains predominantly rural and this form of development, although temporary, would introduce a form of development potentially at odds with its surroundings. The extent of any change in view is greatly limited by the existing and proposed vegetation within the landscape such that views of the development are almost entirely limited to publicly accessible locations within the site. On the whole changes are anticipated to be minor adverse. The provision of inherent design mitigation and secondary mitigation in the form of soft landscaping will provide filtering and screening of the majority of views and minimise residual effects. In terms of potential cumulative effects taking into consideration the recent approval for the Solar farm at Ducklington (Ref. 21/01236/FUL) and the one being constructed at Twelve Acre Farm, the Landscape Consultant concludes that no cumulative impacts are present from the proposed application. There is no visual intervisibility with the Ducklington Farm solar development and whilst there is potential intervisibility between Twelve Acre Farm site and this site, the intervening undulating topography and woodlands [notably Tar Wood and the mature vegetation along the disused railway line] mean that any potential views between the two sites are entirely screened. There are a small number of footpaths where there is the potential for 'in combination' and 'sequential views', however, the undulation nature and intervening woodlands and hedgerows means that 'in combination' views are not possible and 'Sequential' views are rare, and would be limited to glimpsed heavily filtered views.

- 5.18 The County's Landscape Specialist has commented that the proposed development will by its nature change the landscape character within the site and the surrounding area. The development will also adversely affect views from a number of public rights of way and has the potential to impact on views from selected properties. Existing boundary vegetation should be conserved and enhanced to increase screening of the proposed development and new planting introduced to mitigate the impact of the development. The Lower Windrush Valley Project has commented that the proposed development will adversely affect the countryside views enjoyed on the public Rights of Way and request that the visual impact be minimised as much as possible should permission be granted. Contributions are also requested towards furthering the Lower Windrush Valley Project's objectives of landscape improvements, access to the countryside and nature conservation.
- 5.19 The Council's Landscape Officer (LO) has raised concerns that due to the scale, location and design of the proposed solar farm the proposals would be harmful to the character of the local landscape and would have a considerable detrimental effect on the quality of the countryside, as experienced by recreational users, over a wide area. The mitigation measures proposed would only have a marginal effect in reducing the overriding sense of walking through a large industrialised complex.
- 5.20 Following the concerns raised relating to the scale and impact of the development, the scheme has been amended as follows:
- All footpaths throughout the whole site have now been redesigned and there is now a minimum buffer of 20m along the footpath corridors being wider in many areas and the central north to south footpath corridor being up to 40m wide in places.
 - Removal of panels from two north eastern parcels of rising ground near the village
 - An additional 13 acres of Biodiversity Enhancement Area has resulted
 - Significant planting along the south side of the disused railway line
 - Woodland planting to the south.
 - Further tree and hedgerow planting throughout site.
- 5.21 In response to the revisions made, the LO has commented that the omission of the fields and allocation of additional Biodiversity Enhancement Areas (BEA) will improve the experience of footpath users emerging through the hedgerow when rising up the slope from the village and provides sufficient space for mitigation screen planting and a more open aspect to this part of the route. It is also noted that footpath corridors have been widened a little, and fencing moved back from PROWs. This has been demonstrated through the submission of more detailed sectional plans. A main objective is to minimise the visual impact of the solar farm complex on the character of the various well-used recreational PROWs that cross the site and strengthen the landscape and ecological network which often coincide with these routes. Whilst some of the widths of 'green corridors' have been noted on the drawings, it appears that the distances referred to include land on the far side of hedgerows and up to security fencing in adjacent fields. Whilst these may be beneficial as wildlife corridors, they are not the same as set-backs sought for PROWs, such as the one south of the railway line. The implementation of a detailed Landscape Strategy would be required to be secured by condition.
- 5.22 In conclusion, the LO still has some reservations relating to the proposed PROW set-backs but acknowledges that the revised scheme is an improvement with the omission of the two fields on higher ground. Whilst there will clearly be an impact on the appearance and character of this open rural landscape and on the users of the PROW's that cross the site, the revised scheme incorporates improved set-backs from the PROW's with wider 'green corridors' and increased BEA.

The revised scheme is 'on balance' considered to be acceptable given the mitigation measures proposed and significant net gain in biodiversity.

Impact of heritage assets

- 5.23 The Planning (Listed Buildings & Conservation Areas) Act 1990 Section 66(1) requires special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest it possesses while section 72(1) requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of conservation areas. Policies EH9, EH10, EH11 and EH13 of the Local Plan reflect these duties.
- 5.24 Paragraph 193 of the NPPF provides when considering the impact of a proposal on a designated heritage asset, great weight should be given to the asset's conservation. It continues that significance can be harmed or lost through alteration. It draws a distinction between substantial harm and less than substantial harm to such an asset. For the latter, which applies here, the test is that the harm should be weighed against public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 5.25 In terms of non-designated heritage assets the NPPF advises that in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. These duties are reflected in policies EH9, EH11 and EH16 of the Local plan.
- 5.26 There are no designated heritage assets within or adjacent to the proposed development site and the proposed development is not within the setting of any designated heritage assets. The submitted Historic Environment Assessment Report states that the closest asset, grade II listed Tar Wood House, has some very limited intervisibility with the proposed development site. The development site is however not within the former formal gardens associated with the house or within any designed or intended views from the house. Views of the proposed development site do not make a positive contribution to understanding or appreciating the heritage values of this asset and there would be no harm to, or loss of, the asset's heritage values as a result of the proposed development. In terms of Non-designated heritage assets, three potential non-designated heritage assets are identified including an undated linear feature and maculae identified from cropmarks, its date and function are currently unknown and undated linear features and block marks, also currently of unknown date and function. There is also a possible Roman agger (road). The possible Roman agger appears to follow the course of a public footpath. The footpath follows a track shown on historic mapping and the Roman settlement site at Gill Mill did have roads radiating from it. While it is possible therefore that a Roman road did traverse the site, the location identified for it within the South Leigh Parish Neighbourhood plan will not be impacted by the proposed development, including the provision of a buffer either side of the footpath. Therefore the proposed development would result in a neutral effect on this possible heritage asset. The two cropmarks are identified as being of low heritage value (based on a reasonable interpretation as being part of the field system or agricultural regime within the site dating from the Iron Age, Roman, medieval or post medieval periods). Both are within the area of the proposed development and therefore the anticipated magnitude of change would be moderate to high. This would result in a minor level of impact, before mitigation.
- 5.27 The Conservation & Design Officer (CO) has raised no objections to the application.

5.28 The site is located in an area of considerable archaeological interest. The initial submitted desk-based assessment was however inadequate and the County Archaeological Officer (CAO) raised an objection to the application on the grounds that an archaeological evaluation is required to be submitted which assesses the significance of any surviving monuments and any potential impact on them. Following this evaluation survey work, evidence was found of prehistoric and Roman finds and medieval and later agricultural practices. Mitigation proposals include:

- Preservation in situ of the area of Roman burials and area around the cremation;
- Preservation by record for other archaeologically significant features within the site;
- An appropriate and proportionate programme of post excavation reporting, archiving and public dissemination.

Formal comments from the County Archaeological Officer are awaited and Members will be updated at Committee.

Highway Issues

5.29 Vehicular access to the site will be via an existing field access onto Cogges Lane utilising an existing field track. The vehicles will head north towards a temporary site compound where equipment will be stored. Vehicles will enter and exit the site in a forward gear. A Transport Statement (TS) and a Construction Traffic Management Plan (CTMP) have been submitted. The TS concludes that on the basis of the limited trip generation and the construction traffic management measures proposed, the level of impact associated with the construction phase is not considered to be severe in the context of Paragraph 111 of the NPPF. In terms of the submitted CTMP, the following measures are proposed:

- The existing Tar Farm access will be improved to accommodate HGV movements associated with the construction of the proposed solar farm.
- There are eight existing passing bays between the site access and the Cogges Lane junction with the B4449 which are appropriate to allow a HGV to pass a Transit type van. In addition to this, a further three bays will be widened to allow these two vehicles to pass with a new bay also provided on the 'S bend' of Cogges Lane.
- Temporary signage will be put in place at the access junction and along the construction traffic route between the A40 and Cogges Lane to ensure all HGV movements are made on the preferred access route. In order to enforce the use of the signed construction traffic route a clause will be included within the contract of site contractors and suppliers directing them to use only the signed route.
- Temporary pedestrian warning signage will be provided along the existing Tar Farm access road to ensure the continued safe use of PRow Footpath 353/15/40 which runs along the farm access track from Cogges Lane to the west to the existing Tar Farm buildings to the east.
- Deliveries will be scheduled to ensure that HGV arrivals and departures do not occur at the same time. In addition to this vehicle movements on Cogges Lane could be managed further by the use of 'stop-go boards'.

5.30 Following the submission of additional information including a traffic speed survey and vehicle swept path analysis, OCC Transport raise no objection to the application subject to appropriate highway conditions being attached to any permission granted.

Biodiversity

5.31 Policy EH3 of the local plan seeks to protect and enhance biodiversity in the district to achieve an overall net gain in biodiversity and minimise impacts on geodiversity. This includes protecting and

mitigating for impacts on priority habitats, protected species and priority species, both for their importance individually and as part of a wider network, and that all developments retaining features of biodiversity value on site and incorporating biodiversity enhancement features. Policy SLE3 of the South Leigh NP seeks to protect existing and Green Corridors which are identified within the site. The existing Green Corridors follow the route of the public rights of way and the proposed Green Corridor follows the route of the dismantled railway. Any new development is expected to conserve and where possible to enhance the identified corridors to facilitate their multi-functional role, including the movement of people and wildlife through the landscape (and any other functions that are particularly important for South Leigh) and to demonstrate how the corridor will be maintained in the long term. Policy SLE5 states that 'The biodiversity, important habitats and Green Corridors of the Parish will be protected and enhanced to achieve an overall net gain in biodiversity. Development should not harm the biodiversity of the Parish, the network of green corridors, the local ecology and natural habitats such as Tar Wood adjoining the site to the East.

5.32 The application is accompanied by an Ecological Assessment. A breeding bird survey was completed for the site along with eDNA testing of the ponds onsite to confirm if great crested newts were present. Three ponds tested positive. A habitats survey was also completed for the site. The Ducklington Mead Site of Special Scientific Interest (SSSI) is located circa 2km west of the application site. The Wytham Woods SSSI is circa 4.8km east and is noted as ancient woodland, wood pasture and limestone grassland. Locally designated wildlife sites in proximity to the site include the Rushy Common & Tar Lake which consists of three ponds/standing water which were created following gravel extraction and is adjacent to the western site boundary. Tar Wood (circa 0.2km) east is a large block of deciduous woodland which is ancient in part.

5.33 The following key ecological features and associated recommendations were identified through the assessment;

- Rushy Common & Tar Lakes OLWS/NR & Wintering Birds (within zone of influence) - Appropriate buffers provided within the proposed site layout;
- Tar Wood OLWS, Ancient/Replanted Woodland, Deciduous Woodland HPI, Hedgerow HPI/Important Green Infrastructure & Dormouse (present along field boundaries) - Appropriate buffers provided within the proposed site layout. Retention & protection in accordance with BS5837. Vegetation clearance outside of nesting period by inspection of ECoW.
- Bats (suitable habitats, mature trees with roosting potential) - Retention and protection of boundary features with appropriate buffers, no disturbance of buildings or mature trees, no external lighting proposed.
- Arable Field Margins HPI & Breeding Birds (along field boundaries) - Retention and protection, vegetation clearance outside nesting period OR Ecological Clerk of Works (ECoW) to supervise;
- Specially Protected Birds (evidence of barn owl) - No disturbance of farm buildings or mature trees.
- GCN, Ponds HPI (including priority amphibians), Invasive Flora & Aquatic/Blue Infrastructure - Appropriate Buffers provided within the proposed site layout. District Licence to be secured.
- Badger (setts & suitable habitat on site) - Badger survey to be undertaken and standard sensitive construction practices; and
- Common Reptiles (limited habitat along field boundaries) - Retention of boundary features and sensitive clearance under supervision of ECoW; and
- Priority Species (limited potential onsite) - Clearance under supervision of ECoW

5.34 The Ecological Assessment concludes that the proposed development presents significant opportunities for biodiversity enhancement that will demonstrate an overall net gain in biodiversity

in accordance with national and local policies. Enhancement opportunities will be delivered through the landscape management of the site and biodiversity enhancements will be incorporated to demonstrate at least a 10% net gain including wildflower grassland, new boundary hedgerows/planting, bat boxes, bird boxes and informal hibernacula, and appropriate management of these to improve conditions. Specific areas on the proposed site layout are identified as biodiversity enhancement areas to demonstrate how new landscape planting will be introduced.

5.35 The Biodiversity Officer has commented that if the district licensing scheme is to be used to cover this proposed development, then a copy of the NatureSpace report or certificate and impact map will need to be submitted as part of the application in order to ensure that the required planning conditions are attached. Other issues were also raised including BNG queries and request for further information. An updated Biometric Matrix Calculator, Ecological Impact Assessment and NatureSpace Report has been submitted. In respect of the latter, the Newt Officer has recommended appropriate conditions be attached, to any permission granted, to adequately mitigate impacts on great crested newts.

5.36 Following the submission of further information the Biodiversity Officer raises no objection to the application subject to appropriate ecology conditions being attached to any permission granted.

Flooding and Drainage

5.37 The Site lies within Flood Zone I with a very low risk of flooding. The application is supported by a Flood Risk Assessment (FRA) and Drainage Strategy. Post construction, the site will not be permanently staffed. Quarterly maintenance visits will be carried out on the site so the development will not increase flood risk to people on site. The site will not have an impact on flood risk to other properties. The solar panels are considered to be "water compatible" (i.e., developments requiring water or developments which will not be affected by water) therefore the consequences of surface water flooding would be low. The Solar PV Farm will not result in an increase to the site's impermeable area at ground level, as there will be no change to the greenfield area, so there will be minimal impact on rainfall runoff.

5.38 The County Council, as the Local Lead Flood Authority, has raised no objection to the application, subject to the imposition of a surface water drainage condition.

Other Matters

Glint and glare

5.39 A Glint and Glare assessment has been undertaken. The assessment's overall conclusions are that no significant impacts upon road users within 1km of the proposed development have been predicted; No impacts upon the surrounding dwellings have been predicted and no significant impacts upon aviation activity are predicted. Therefore, mitigation is not required.

SI06 Matters

5.40 As detailed in the landscape impact section above, the Lower Windrush Valley Project, has requested the sum of £45,000 for public access, landscape and biodiversity enhancements in the surrounding area to mitigate impacts created by the development.

5.41 The agent has also advised that the applicant has agreed in principle to provide a Community Fund to South Leigh Parish Council to the value of £300,000. It is stated that this could be used by the Parish Council on a range of projects at their discretion to maximise the benefit to the local community. This financial contributions would be secured by a Unilateral Undertaking, which will be completed on the application successfully securing planning permission. Whilst Policy EH6 refers to supporting developments that provide potential benefits to local communities this relates to developments that are genuinely led by or meet the needs of local communities. This is not the case in this instance and whilst the agent refers to a community benefit in the form of a possible unilateral undertaking, this cannot be secured as part of this development and as such cannot be given any weight in support of the application.

Capacity of the Proposed Solar Farm

5.42 A number of local residents, have queried the capacity of the solar farm which is 49.99MW and reference if the capacity exceeds 50MW then the application should be determined through the "nationally significant infrastructure project" (NSIP) process. The agent has confirmed that for the purposes of a solar project, the Planning Act 2008 states that a "nationally significant infrastructure project" means a project which consists of "the construction or extension of a generating station [...] in the field of energy" (section 14) where "its capacity is more than 50 megawatts" (section 15). The capacity of Tar Farm project is less than 50 megawatts and its output is limited both by the grid connection agreement and the capacity of its inverters.

Conclusion

5.43 In conclusion, the proposed development would make a significant contribution to meeting targets for renewable energy and would contribute to the reduction of greenhouse gases. There are considered to be no available or suitable brownfield sites nor areas of lower quality agricultural land suitable for the solar farm development. Nevertheless, it is recognised that the proposal, would have an impact on the appearance and character of this open rural landscape and on the users of the PROW's that cross the site, but these impact can be mitigated by appropriate set-backs from the PROW's and additional landscaping. Subject to no objections being raised from the County Archaeological Officer, the application is recommended for permission. The applicant is also querying the working of some recommended pre-commencement conditions and Members will be updated at Committee.

6 CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with the requirements of Section 91 of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.

2. That the development be carried out in accordance with the approved plans listed below.

REASON: For the avoidance of doubt as to what is permitted.

3. Prior to the commencement of the development hereby approved, full details of the means of access between the land and the highway, including, position, layout, construction, drainage and

vision splays shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the means of access shall be constructed and retained in accordance with the approved details.

REASON: To ensure a safe and adequate access.

4. Prior to the commencement of the development a Construction Traffic Management Plan (CTMP) prepared in accordance with Oxfordshire County Council's checklist, shall be submitted to and approved in writing by the Local planning authority. The construction works must be carried out in accordance with the details approved in the CTMP.

REASON: In the interests of Highway safety.

5. Prior to the commencement of the development hereby permitted, full details of the materials and colour for the fencing and on-site infrastructure, shall be submitted to and approved in writing by the local planning authority. Subsequently the development shall be carried out in accordance with the approved details.

REASON: To ensure the development is carried out in a manner which minimises the visual impact on the character of the rural area.

6. Before the site first comes into use, a comprehensive landscape scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include, but not necessarily be limited to the following, biodiversity enhancements:
 - The creation and enhancement of hedgerows using native, locally characteristic species;
 - The creation of areas of wildflower grassland;
 - The creation of mixed scrub;
 - Woodland planting using native, locally characteristic species; and
 - A 5-year after-care period maintenance plan.

The scheme must show details of all planting areas, tree and plant species, numbers and planting sizes. The proposed means of enclosure and screening should also be included, together with details of any mounding, walls and fences and hard surface materials to be used throughout the proposed development.

The entire landscaping scheme shall be completed by the end of the planting season immediately following the completion of the development or the site being brought into use, whichever is the sooner.

REASON: To ensure the safeguarding of the character and landscape of the area during and post development and to enhance the site for biodiversity.

7. If within a period of five years from the date of planting of any tree/hedge/shrub that tree/hedge /shrub, or any replacement, is removed, uprooted or destroyed, or dies, or becomes seriously damaged or defective, another tree/hedge /shrub of the same species and size as that originally planted shall be planted in the same location as soon as reasonably possible and no later than the first available planting season, unless otherwise agreed in writing by the local planning authority.

REASON: To ensure effective delivery of approved landscaping and to secure enhancements for biodiversity in accordance with paragraphs 174, 179 and 180 of the National Planning Policy

Framework, Policy EH3 of the West Oxfordshire Local Plan 2031 and in order for the Council to comply with Section 40 of the Natural Environment and Rural Communities Act 2006.

8. All tree protection works shall be carried out in accordance with the submitted Arboricultural Impact Assessment and Arboricultural Method Statement dated October 2021.

REASON: To ensure the safeguard of features that contribute to the character and landscape of the area.

9. Before the development hereby approved is first brought into use, details of external lighting shall be submitted to and approved in writing by the local planning authority. The details shall show how and where external lighting will be installed (including the type of lighting), so that it can be clearly demonstrated that light spillage into wildlife corridors will be minimised as much as possible. The illuminance of the off-site ancient woodland and on-site hedgerows shall be avoided and no external lighting shall be installed alongside these features.

All external lighting shall be installed in accordance with the specifications and locations set out in the approved details, and these shall be maintained thereafter in accordance with these details. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

REASON: To protect foraging/commuting bats in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended), Circular 06/2005, paragraphs 174, 179 and 180 of the National Planning Policy Framework, Policy EH3 of the West Oxfordshire Local Plan 2031 and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

10. Construction shall not begin until a detailed surface water drainage scheme for the site, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall include:
 - A compliance report to demonstrate how the scheme complies with the "Local Standards and Guidance for Surface Water Drainage on Major Development in Oxfordshire";
 - Full drainage calculations for all events up to and including the 1 in 100 year plus 40% climate change;
 - A Flood Exceedance Conveyance Plan;
 - Comprehensive infiltration testing across the site to BRE DG 365 (if applicable)
 - Detailed design drainage layout drawings of the SuDS proposals including cross-section details;
 - Detailed maintenance management plan in accordance with Section 32 of CIRIA C753 including maintenance schedules for each drainage element, and;
 - Details of how water quality will be managed during construction and post development in perpetuity;
 - Confirmation of any outfall details.
 - Consent for any connections into third party drainage systems

REASON: To ensure the proper provision for surface water drainage and/ or to ensure flooding is not exacerbated in the locality.

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

REASON: To ensure the proper provision for surface water drainage and/ or to ensure flooding is not exacerbated in the locality.

12. In the event that contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Environment Agency's Model Procedures for the Management of Land Contamination, CLR 11, and where remediation is necessary a remediation scheme must be prepared, to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property, and which is subject to the approval in writing of the Local Planning Authority.

REASON: To prevent pollution of the environment in the interests of the amenity.

13. Before the development hereby approved is brought into use, details of measures to improve the ease of use of the public rights of way including signage and the use of gates shall be submitted to and approved in writing by the Local Planning Authority and all measures shall be implemented in accordance with the approved details.

REASON: In the interests of pedestrian access and amenity

14. No development hereby permitted shall take place except in accordance with the terms and conditions of the Council's organisational licence (WML-OR112) and with the proposals detailed on plan "Tar Farm: Impact plan for great crested newt district licensing (Version 2)" dated 18th August 2022.

REASON: In order to ensure that adverse impacts on great crested newts are adequately mitigated and to ensure that site works are delivered in full compliance with the organisational licence WML-OR112.

15. No development hereby permitted shall take place except in accordance with Part 1 of the GCN Mitigation Principles, as set out in the District Licence WML-OR112 and in addition in compliance with the following:
- Works which will affect likely newt hibernacula may only be undertaken during the active period for amphibians.
 - Capture methods must be used at suitable habitat features prior to the commencement of the development (i.e. hand/destructive/night searches), which may include the use of temporary amphibian fencing, to prevent newts moving onto a development site from adjacent suitable habitat, installed for the period of the development (and removed upon completion of the development).
 - Amphibian fencing and pitfall trapping must be undertaken at suitable habitats and features, prior to commencement of the development.

REASON: In order to adequately mitigate impacts on great crested newts.

16. No development hereby permitted shall take place unless and until a certificate from the Delivery Partner (as set out in the District Licence WML-OR112), confirming that all necessary measures in regard to great crested newt compensation have been appropriately dealt with, has been submitted to and approved by the local planning authority and the local authority has provided authorisation for the development to proceed under the district newt licence.

The Delivery Partner certificate must be submitted to this planning authority for approval prior to the commencement of the development hereby approved.

REASON: In order to adequately compensate for negative impacts to great crested newts.

17. No development shall take place (including demolition, ground works and vegetation clearance) until a Construction Environmental Management Plan - Biodiversity (CEMP-B) has been submitted to and approved in writing by the local planning authority. The CEMP-B shall include, but not necessarily be limited to, the following:

- I. Risk assessment of potentially damaging construction activities;
- II. Identification of 'biodiversity protection zones' (including hedgerows, ditches, waterbodies, woodland, standalone trees and badger setts);
- III. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
- IV. The location and timing of sensitive works to avoid harm to biodiversity features (e.g. daylight working hours only starting one hour after sunrise and ceasing one hour before sunset);
- V. The times during construction when specialist's ecologists need to be present on site to oversee works;
- VI. Responsible persons and lines of communication;
- VII. The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person(s);
- VIII. Use of protective fences, exclusion barriers and warning signs, including advanced installation and maintenance during the construction period; and
- IX. Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works.

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

REASON: To ensure that protected and priority species (amphibians, reptiles, badgers, nesting birds, commuting and foraging bats and hedgehogs) and priority habitats are safeguarded in accordance with The Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 as amended, The Hedgerow Regulations 1997, Circular 06/2005, paragraphs 174, 179 and 180 of the National Planning Policy Framework (Chapter 15), Policy EH3 of the West Oxfordshire District Local Plan 2031, and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

18. Before the operation of the development hereby approved, a comprehensive landscape scheme shall be submitted to and approved in writing by the Local Planning Authority, including biodiversity enhancements and a 5-year maintenance plan. The scheme shall be designed in accordance with the enhancement details outlined within Section 5 of the Ecological Impact Assessment (dated May 2022,

prepared by Enzygo), and the Landscape Strategy Plan (dated April 2022, prepared by Enzygo). The scheme shall therefore include, but not necessarily be limited to, the following biodiversity enhancements:

- I. The creation of wildflower fields and field margins
- II. Hedgerow creation using native, fruiting and pollinating species;
- III. Woodland creation and tree planting using native species;
- IV. Bird and bat boxes including, barn owl boxes and suitable hibernacula for reptiles;
- V. A 5-year after-care period maintenance plan.

The scheme must show details of all planting areas, tree and plant species, numbers and planting sizes. The proposed means of enclosure and screening should also be included, together with details of any mounding, walls and fences and hard surface materials to be used throughout the proposed development. The entire landscaping scheme shall be completed by the end of the planting season immediately following the completion of the development or the site being brought into use, whichever is the sooner.

REASON: To enhance the site for biodiversity in accordance with paragraphs 174, 179 and 180 of the National Planning Policy Framework, Policy EH3 of the West Oxfordshire Local Plan 2011-2031 and in order for the Council to comply with Section 40 of the Natural Environment and Rural Communities Act 2006.

19. If within a period of five years from the date of planting of any tree/hedge/shrub that tree/hedge /shrub, or any replacement, is removed, uprooted or destroyed, or dies, or becomes seriously damaged or defective, another tree/hedge /shrub of the same species and size as that originally planted shall be planted in the same location as soon as reasonably possible and no later than the first available planting season, unless otherwise agreed in writing by the local planning authority.

REASON: To ensure effective delivery of approved landscaping and to secure enhancements for biodiversity in accordance with paragraphs 174, 179, and 180 of the National Planning Policy Framework, Policy EH3 of the West Oxfordshire Local Plan 2031 and in order for the Council to comply with Section 40 of the Natural Environment and Rural Communities Act 2006.

20. A 30-year Biodiversity Management and Monitoring Plan (BMMP) shall be submitted to, and approved in writing by, the Local Planning Authority before the operation of the development hereby approved. The plan shall include, but not necessarily limited to, the following information:
 - I. Description and evaluation of features to be managed; including locations shown on a site map;
 - II. Landscape and ecological trends and constraints in site that might influence management;
 - III. Aims and objectives of management, including ensuring the delivery of the 177.55 habitat units and 30.90 hedgerow units on site;
 - IV. Appropriate management options for achieving aims and objectives;
 - V. Prescription for all management actions;
 - VI. A work schedule matrix (i.e. an annual work plan) capable of being rolled forward over 5 or 10 year periods;
 - VII. Details of the body or organisation responsible for implementation of the plan;
 - VIII. Ongoing monitoring of delivery of the habitat enhancement and creation details to achieve net gain as well as details of possible remedial measures that might need to be put in place;
 - IX. Timeframe for reviewing the plan;

- X. Details of how the aims and objectives of the BMMP will be communicated to the land managers of the development;
- XI. The submission of a monitoring report to the local planning authority at regular intervals, e.g. every 5 years.

The BMMP shall also set out (where the results from monitoring show that the conservation aims and objectives of the BMMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented. The BMMP shall be implemented in full in accordance with the approved details.

REASON: To secure the delivery of the biodiversity net gain outcome for the required 30 year period and appropriate management of all habitats in accordance with the NPPF, Policy EH3 of the West Oxfordshire Local Plan 2031 and in order for the Council to comply with Section 40 of the Natural Environment and Rural Communities Act 2006.

- 21. Prior to the installation of external lighting for the development hereby approved, a lighting design strategy for biodiversity shall be submitted to and approved by the Local Planning Authority. The strategy will:
 - a) Identify the areas/features on site that are particularly sensitive for foraging bats, badgers, great crested newts and nesting birds;
 - b) Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their commuter route.
All external lighting shall be installed only in accordance with the specifications and locations set out in the strategy.

REASON: To protect foraging/commuting bats, nesting birds, amphibians and badgers in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended), Circular 06/2005, paragraphs 174, 179 and 180 of the National Planning Policy Framework (Chapter 15), Policy EH3 of the West Oxfordshire District Local Plan 2031 and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

- 22. Should the solar panels not be used continuously for the production of energy for a period of six months, the panels, support structures and associated buildings shall be removed in their entirety and the land shall be restored to its former condition in accordance with a scheme of work submitted to and approved in writing by the Local Planning Authority.

REASON: To prevent the retention of development in the countryside that is not being used for its intended purpose.

- 23. Not less than 12 months before the cessation of the development hereby permitted, a Decommissioning Method Statement (DMS) shall be submitted to and approved in writing by the Local Planning Authority. The Decommissioning Method Statement shall include details of the removal of the panels, supports, inverters, cables, buildings and all associated structures and fencing from the site, and a timetable. The DMS shall also include details of the proposed restoration. The site shall be decommissioned in accordance with the approved DMS and timetable within 6 months of the expiry of the 40 year period of planning permission.

REASON: In the interests of visual amenity to accord with the NPPF.

INFORMATIVES :-

- I. It is recommended that the Nature Space Best Practice Principles are taken into account and implemented where possible and appropriate.

It is recommended that the Nature Space certificate is submitted to this planning authority at least 6 months prior to the intended commencement of any works on site.

It is essential to note that any works or activities whatsoever undertaken on site (including ground investigations, site preparatory works or ground clearance) prior to receipt of the written authorisation from the planning authority (which permits the development to proceed under the District Licence WML-ORI 12) are not licensed under the GCN District Licence. Any such works or activities have no legal protection under the GCN District Licence and if offences against GCN are thereby committed then criminal investigation and prosecution by the police may follow.

It is essential to note that any ground investigations, site preparatory works and ground / vegetation clearance works / activities (where not constituting development under the Town and Country Planning Act 1990) in a red zone site authorised under the District Licence but which fail to respect controls equivalent to those in condition 3 above would give rise to separate criminal liability under District Licence condition 12 (requiring authorised developers to comply with the District Licence) and condition 17 (which requires all authorised developers to comply with the GCN Mitigation Principles) (for which Natural England is the enforcing authority); and may also give rise to criminal liability under the Wildlife & Countryside Act 1981 (as amended) and/or the Conservation of Habitats and Species Regulations 2017 (for which the Police would be the enforcing authority).

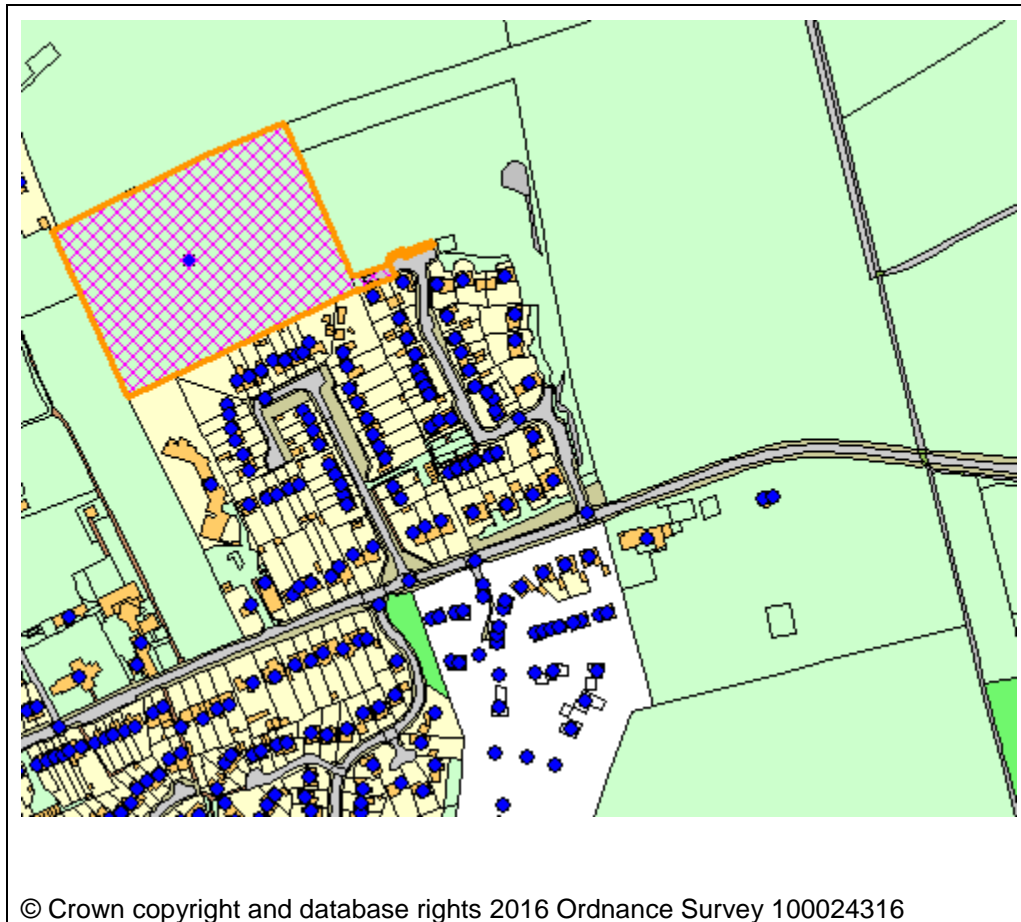
Contact Officer: Joan Desmond

Telephone Number: 01993 861655

Date: 23rd November 2022

Application Number	22/00986/FUL
Site Address	Land North Of Cote Road Cote Road Aston Bampton Oxfordshire
Date	23rd November 2022
Officer	David Ditchett
Officer Recommendations	Approve subject to Legal Agreement
Parish	Aston, Cote, Shifford And Chimney Parish Council
Grid Reference	434511 E 203231 N
Committee Date	5th December 2022

Location Map



Application Details:

Erection of 40 new dwellings with the provision of a new access and associated works and landscaping (amended plans)

Applicant Details:

Tamsin Almeida
Dominion Court,
39 Station Road,
B91 3RT

I CONSULTATIONS

Oxford Clinical Commissioning Group NHS No Comment Received.

Major Planning Applications Team 20/05/2022

Transport: Objection

The developer has provided insufficient details regarding the construction traffic methods used for the development and the potential impacts construction traffic would have highway safety in the neighbouring development (marsh furlong).

Drainage: Objection

Detailed drainage strategy to be provided.

Detailed Calculations to be provided.

Surface water catchment plan to be provided.

Watercourse ownership details to be provided.

Education: No objection subject to S106 contributions

Archaeology: No objection subject to conditions

Waste: No objection subject to S106 contributions

Thames Water

29/04/2022

Waste Comments

We would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Should the Local Planning Authority be minded to approve the planning application, Thames Water would like the following informative attached to the planning permission: "A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames

Water's Risk Management Team by telephoning 020 3577 9483 or by emailing trade.effluent@thameswater.co.uk . Application forms should be completed on line via www.thameswater.co.uk. Please refer to the Wholesale; Business customers; Groundwater discharges section.

With regard to SURFACE WATER drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Management of surface water from new developments should follow guidance under sections 167 & 168 in the National Planning Policy Framework. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website. <https://www.thameswater.co.uk/developers/larger-scale-developments/planning-your-development/working-near-our-pipes>

Thames Water would advise that with regard to WASTE WATER NETWORK and SEWAGE TREATMENT WORKS infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

Water Comments

If you are planning on using mains water for construction purposes, it's important you let Thames Water know before you start using it, to avoid potential fines for improper usage. More information and how to apply can be found online at thameswater.co.uk/buildingwater.

On the basis of information provided, Thames Water would advise that with regard to water network and water treatment infrastructure capacity, we would not have any objection to the above planning application. Thames Water recommends the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

Conservation Officer

From our point of view, development here is problematic in principle. It would push the built form out into agricultural land, and in addition it would tend to join, visually, the existing development along North Street, creating a cumulative effect, arguably greater than the parts. It would impact greatly on views to the east from the north part of the settlement, which would be urbanised. And we also note that the site adjoins the east boundary of the

Conservation Area, meaning that its rural setting here would be compromised.

Turning to the layout, we note that a fairly unexceptional form is proposed, not too dissimilar to the C20 and recent development to the south. It is positive that the houses to the north, east and west fringes address the rural land beyond.

With respect to the house designs, we note that the usual neo-cottage forms are proposed, with the usual palette of materials - safe if not inspired, and similar to much new development in our area, and further afield. The plans are a little deep, with somewhat wide gable ends, but there are reasonably steep roof pitches. It would be preferable if the single storey buildings to the north-west corner were replicated to the exposed north-east corner. And in terms of detail, the gratuitous gablets and cross gables should be omitted, and there should be chimney stacks to all properties - preferably serving some function, rather than being plastic imitations.

WODC - Arts

No Comment Received.

District Ecologist

No objection subject to conditions

Wildlife Trust

No Comment Received.

WODC Housing Enabler

25/05/2022

The site is within the medium value zone. As a requirement of Policy H3 - Affordable Housing it should provide 40% of the completed dwellings as affordable housing. The planning application includes an Affordable Housing Statement detailing the proposal as 100% affordable housing.

The Councils preferred tenure split for affordable housing reflects the overarching need for rented homes. A mix is sought at a ratio of 2:1 i.e. 66% rented accommodation to 33% affordable home ownership. However, the application proposes 60% rented accommodation and 40% affordable home ownership overall.

The Council seeks in broad terms a scheme mix of 65% smaller homes (1 and 2 bed) for singles, couples, small families and older persons. The residual 35% will be for family sized homes (2, 3 and 4 bed) of principally four persons and above. The proposed mix does not reflect this requirement as it is weighted towards provision of three and four bed homes. One bed homes are not included in the proposal.

Having examined those who are registered on the Council's Homeseeker+ system that have indicated a preference to rent a home in Aston / Cote, I can confirm the following house types are required to meet housing need. Applicants can select up to three locations when selecting their areas of preference;

1 Bed single 30
1 Bed Couple 13
2 Bed 24
3 Bed 6
4 Bed 2
5 Bed 2
Total 77

The Homeseeker + priority bandings that the 1821 applicants fall under are as follows;

Emergency 0
Gold 2
Silver 13
Bronze 62
Total 77

The bandings are used to assess an applicant's housing needs and are broadly explained as;

Emergency = Is in immediate need of re-housing on medical grounds or down-sizing etc

Gold = Has an urgent medical / welfare need / move due major overcrowding etc

Silver = Significant medical or welfare needs that would be alleviated by a move

Bronze = All other applicants not falling into the above categories

In addition to the above there are a further 2924 applicants on the Councils housing register that could benefit from affordable housing on this scheme.

Affordable homes provided by this development could make an important contribution to local housing need. However, the indicated mix of house types and tenures is not reflective of the need as detailed above.

WODC Landscape And
Forestry Officer

No Comment Received.

Natural England

No Comment Received.

WODC - Sports

Should this proposal be granted planning permission then the Council would require a contribution towards sport and leisure facilities.

Sport/ Leisure Facilities

Off-site contributions are sought for sport/leisure facilities for residents based on the cost of provision and future maintenance of football pitches (the cheapest form of outdoor sports facility) over a 15 year period at the Fields in Trust standard of 1.6ha per 1,000 population.

Based on a football pitch of 0.742ha, a provision cost of £105,000 (Sport England Facility Costs first Quarter 2022) and a commuted maintenance cost of £240,975 per pitch (Sport England Life Cycle Costings Natural Turf Pitches second Quarter 2021), this would equate to £746,038 per 1,000 population or £1,790 per dwelling (at an average occupancy of 2.4 persons per dwelling).

Contributions

$£1,790 \times 40 = £71,600$ off-site contribution towards sport and leisure facilities within the catchment (Sport England's guidance of 20 minutes' drive time). This is index-linked to first quarter 2022 using the BCIS All in Tender Price Index published by RICS.

WODC Env Health - Lowlands

Thank you for the opportunity to consult.

I have no objection in principle. However, I would ask for conditions similar to the following to be attached if consent is granted:

1. A Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. In respect to the protection of residential amenity and the local environment, the CEMP shall identify the steps and procedures that will be implemented to minimise the creation and impact of noise, vibration, dust and waste disposal resulting from the site preparation, groundwork and construction phases of the development and manage Heavy/Large Goods Vehicle access to the site. It shall include measures to be employed to prevent the egress of mud, water and other detritus onto the public and any non-adopted highways.

2. The acoustic design of the new residential homes shall accord with the internal noise design criteria specifications of BS 8233:2014.

WODC Env Consultation Sites

Thank you for consulting our team, I have looked at the application in relation to contaminated land and potential risk to human health.

Given the agricultural use of the site and the proposed residential use, please consider adding the following condition to any grant of permission.

1. No development shall take place until a desk study has been produced to assess the nature and extent of any contamination, whether or not it originated on site, the report must include a risk assessment of potential source-pathway-receptor linkages. If potential pollutant linkages are identified, a site investigation of the nature and extent of contamination must be carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any development begins. If any significant contamination is found during the site investigation, a Remediation Scheme specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority before any development begins.

2 The Remediation Scheme, as agreed in writing by the Local Planning Authority, shall be fully implemented in accordance with the approved timetable of works and before the development hereby permitted is first occupied. Any variation to the scheme shall be agreed in writing with the Local Planning Authority in advance of works being undertaken. On completion of the works the developer shall submit to the Local Planning Authority a Verification Report confirming that all works were completed in accordance with the agreed details.

If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.

Reason: To prevent pollution of the environment in the interests of the amenity.

Relevant Policies: West Oxfordshire Local Planning Policy EH8 and Section 15 of the NPPF.

Newt Officer

No Comment Received.

WODC Planning Policy
Manager

07/07/2022

Detailed comment available online. However concludes as follows:

In conclusion, the Council is currently able to demonstrate a 5YHLS (as is acknowledged by the applicant in their planning statement). The key issue is whether there is a demonstrable need for affordable housing - both on a district-wide and local basis which the applicant clearly contends there is.

A judgement needs to be reached on this issue and if it is accepted that the application would meet an identified affordable housing need, the issue is then whether it accords with other relevant plan policies, including the general principles set out in Policy OS2.

In this respect, as outlined above, I have concerns that the proposal is contrary to a number of those principles and therefore contrary to Policy OS2 but also Policy H2 as a consequence.

In particular, I consider the harm to the character of the area, including the setting of the Conservation Area and key views which were identified in the 2016 application to remain and I do not consider the provision of 24 additional affordable units to outweigh the impacts of the scheme as highlighted above.

Major Planning Applications
Team

11/08/2022

Transport: No Objection subject to:
Planning conditions
S106 contribution
Informatives

Drainage: No objection subject to conditions.

Conservation Officer

No Comment Received.

WODC Housing Enabler

No Comment Received.

WODC Planning Policy
Manager

21/10/2022

Detailed comment online. However, concludes as below:

This updated policy response has been provided in the context of the District Council currently being unable to demonstrate a 5-year supply of deliverable housing land.

As outlined above, whilst the current land supply position means there is a demonstrable short-term housing need which this proposal could contribute towards, identified harms remain including conflict with some of the general principles of Policy OS2.

Based on our policy assessment, the key harms appear to be the impacts on the character of the area, including the setting of the Conservation Area and key views. In terms of the key benefits, these include the provision of additional housing to help meet the Council's five year housing land supply, all of which will be affordable and the economic/ social benefits that this development would bring.

Given the 'tilted balance' of the NPPF is acknowledged to be engaged at the present time, the key consideration for the case officer to make when assessing the 'planning balance' is whether the adverse impacts (or harms) associated with granting planning permission would significantly and demonstrably outweigh the benefits.

Parish Council

No Comment Received.

Thames Water

22/09/2022

Waste Comments

Thames Water are currently working with the developer of application 22/00986/FUL to identify and deliver the off-site FOUL WATER infrastructure needs to serve the development. Works are ongoing to understand this in more detail and as such Thames Water feel it would be prudent for an appropriately worded planning condition to be attached to any approval to ensure development doesn't outpace the delivery of essential infrastructure. "There shall be no occupation until confirmation has been provided that either:-
1. All foul water network upgrades required to accommodate the additional flows from the development have been completed; or-
2. A development and infrastructure phasing plan has been agreed with Thames Water to allow the development to be occupied. Where a development and infrastructure phasing plan is agreed, no occupation of any dwellings shall take place other than in accordance with the agreed development and infrastructure phasing plan." Reason - Network reinforcement works are likely to be required to accommodate the proposed development. Any reinforcement works identified will be necessary in order to avoid sewage flooding and/or potential pollution incidents. "Should the Local Planning Authority consider the above recommendation inappropriate or are unable to include it in the decision notice, it is important that the Local Planning Authority liaises with Thames Water Development Planning Department (telephone 0203 577 9998) prior to the planning application approval.

With regard to SURFACE WATER drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Management

of surface water from new developments should follow guidance under sections 167 & 168 in the National Planning Policy Framework. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website. <https://www.thameswater.co.uk/developers/larger-scaleddevelopments/planning-your-development/working-near-our-pipes>

We would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Should the Local Planning Authority be minded to approve the planning application, Thames Water would like the following informative attached to the planning permission: "A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing trade.effluent@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk. Please refer to the Wholesale; Business customers; Groundwater discharges section.

Water Comments

If you are planning on using mains water for construction purposes, it's important you let Thames Water know before you start using it, to avoid potential fines for improper usage. More information and how to apply can be found online at thameswater.co.uk/buildingwater

On the basis of information provided, Thames Water would advise that with regard to water network and water treatment infrastructure capacity, we would not have any objection to the above planning application. Thames Water recommends the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development

Supplementary Comments

We acknowledge that we have previously confirmed capacity, however following further investigations we will need to do some network upgrades to accommodate this development.

Parish Council

The Parish Council objects to the application, in the strongest possible terms.

Introduction

1. Since the 1920s, all previous applications for development of this site have rightly failed, most recently a smaller proposal (30 houses, 50% 'affordable') in 2016-18. Realising this, Terra's presentation of this latest application as an ostensible 'affordable housing development' is a cynical attempt to circumvent national and local planning policy, most notably the West Oxfordshire Local Plan 2031. The proposal is entirely speculative and demonstrably not justified on the grounds of policy, sustainability and precedent.

Policy

2. The proposed development contravenes national and local planning policy on an industrial scale. National policy requires all local planning authorities to demonstrate a rolling 5-year supply of housing, in which case the policies of its local plan are given full weight. West Oxfordshire's most recent housing land supply position statement shows that for the period 2012-26, some 5,493 homes will be delivered against a target of 5,169, equating to a 5.3-year supply (we understand that for Aston specifically, the figure is between 5.6 to 5.8 years). According to its Planning Policy Manager therefore (email of 19 May 22), WODC's position is that it has a 5-year supply of deliverable housing sites. The housing requirement is therefore already being met.
3. As for affordable housing, WODC need around 274 affordable homes annually, according to the Local Plan, locally commissioned evidence and the most recent SHMA. Since the Local Plan was adopted in 2018, there have been 294 affordable housing completions annually and it is anticipated that this year's figure will increase this average still further. The affordable housing requirement is therefore already being met.
4. Turning to the Local Plan specifically, Aston is a village listed under policy OS2 which states that on greenfield sites outside the built-up area, dwellings may only be permitted where there is an essential operational or specific local need

that cannot be met in any other way - no such need has been demonstrated and other recent applications in the Parish have been refused on these grounds. It should be noted that the site in question is not 'unused pastureland' as described by the applicant, but rather prime agricultural land that has only recently been seeded for this year's crop(s). The applicant has been disingenuous regarding the specific local 'need' for affordable housing, citing 87 households expressing a preference for the 'Civil Parish' [sic]. The reality is 73 applicants on the WODC Homeseeker list indicating Aston/Cote as a preference, only 13 of whom have a rural connection to Aston, of which only 6 actually live in the Parish. Meanwhile, a further 41 affordable housing units have already been delivered in Aston in the past 18 months, courtesy of the Marsh Furlong and Hawthorns developments - with very considerably more in nearby Bampton. To allow this application would result therefore in excessive provision that does not meet a specific local need. There are numerous other local planning policy concerns when one considers the alleged sustainability of the proposed development.

Sustainability

5. Aston has seen, despite local opposition, a 23% increase in housing stock in the past 18 months. The Parish has therefore borne more than its fair share already in meeting WODC housing targets, including those for affordable housing (41 new units). Indeed, be it 40 affordable homes or 40 mansions, the type of housing being proposed is irrelevant from a sustainability perspective. Enough is enough - surely.
6. Crucially, despite this 23% increase, there has been no commensurate increase/improvement to local infrastructure and services, contrary to policies OS5 (Supporting Infrastructure), EH7 (Flood Risk), EH 8 (Environmental Protection) and others. By any measure such an increase is already not sustainable, before the subject application is even considered. Foremost of our concerns is the impact of recent (over) development upon an already woefully overloaded drainage and sewage system - with dire and entirely predictable consequences, including increased sewage discharges onto local roads (including Bull Street, Cote Road, Bampton Road, the Village Hall and adjacent children's play areas) and flooding of fields, homes and gardens previously unaffected by heavy rain (Foxwood, for example). Indeed, the latest (2022) Environment Agency flood risk map now designates areas immediately adjacent to the proposed development as being at 'medium' risk of flooding. This includes Foxwood, Foxwood Close, Aston

allotments and Aston School. Exacerbation of this risk by the proposed development would seem self-evident. We note with dismay however, the risible failure of Thames Water (wef 29 Apr 22) to object to this application and believe this to be less a reflection of stark reality (of which they, as well as local residents and their elected representatives, are all too aware) and more to do with their anomalous statutory obligation to accommodate additional development. We are challenging Thames Water's position on this application directly with the CEO. Policy EH8 mandates no adverse impact on water bodies and groundwater resources and yet we already see sewage discharges (from Marsh Furlong southwards for example) into local ditches and ultimately into both the Great Brook and the River Thames that both flow through the south of the Parish. Meanwhile, according to Thames Water's own figures, Bampton Sewage Treatment Works in 2021 pumped raw sewage into Shill Brook and thence Great Brook for 488 hours (a conservative figure according to independent experts such as the Oxford Rivers Improvement Campaign). This is a sixfold increase since 2018, due in very large part to rampant overdevelopment in Bampton and neighbouring parishes such as Aston over the same period.

7. Other sustainability concerns include the provision of education and medical services - exacerbated by the 'family friendly' nature of the proposed development. Aston School is already full, with no scope to expand capacity. Bampton Surgery, which provides primary medical care for the Parish is similarly full, with lists reportedly about to close. Policies CO4, and T3 stress the need to reduce travel by private car, yet there is insufficient local employment in this isolated, rural Parish to support 40 additional families with upwards of 60 additional vehicles. The current bus service (No19) provides only a rudimentary 9-5 service. As OCC Highways will also attest, traffic calming is already a major concern, with no cycle paths in the Parish, roads are narrow, often single-lane and already congested, compounded by a lack of off-street parking and a number of hazardous 'pinch-points' (such as The Square, only negotiable with great difficulty by heavy traffic). Furthermore, there is no dedicated foot or cycle access proposed for the site that would offer more direct access to village services.
8. The proposed development does not sit within the Aston Conservation Area but does abut immediately onto it, and thus the constraints of Policy EH10 still apply. This requires all proposals for development in or affecting the setting of a Conservation Area to conserve or enhance the special interest, character, appearance and setting of the Area. It is

difficult to see how this will be achieved by the highly urbanising effect (also contrary to Policy EH2) of a 40-home development on agricultural land that extends the village boundary (currently coterminous with the Conservation Area) in the process.

Precedent

9. The proposed development contravenes legal and policy precedent. The first recorded refusal on the site was in the 1920s when the land was considered inappropriate for development by the County Council due to the risk of flooding. The most recent application (16/03005/OUT) for a smaller residential development of up to 30 houses on the same site was refused in 2016, with the developer withdrawing their subsequent appeal in Sep 2018, just before a High Court-mandated re-determination. The timing of the withdrawal, immediately before the adoption of the long-awaited Local Plan 2031, that filled the preceding 11-year planning policy vacuum, cannot have been coincidental. Resubmission as an ostensibly 'affordable housing' development is merely a cynical, speculative attempt to circumvent this precedent as well as the Local Plan
10. WODC have recently refused/objected to recent, much smaller-scale applications in Aston that have also threatened to extend the village boundary. These include applications R3.0149/21 (OCC Children's' Home, Back Lane), 19/03403/FUL (land south of Elmside) and 21/02099/FUL (land south of Ferndale). Grounds for objection have cited failure to complement the existing pattern of development and character of the rural area, including an adverse urbanising effect and the loss of the open character of the land on the fringe of the village. Forty more houses proposed on agricultural land on the boundary of the village clearly falls within these same grounds for refusal.
11. WODC will be aware of the very large number of speculative applications currently being prepared across the District as a result, inter alia, of the ongoing 5-year review of the Local Plan. Approval of the subject application will set a precedent that will undoubtedly open the floodgates for similarly cynical applications.

Site Visit

12. The Parish Council would be delighted to host a visit by the Lowlands Planning Committee prior to their determination of the application, for a visual assessment of the extent to which this development would detract from the attractive rural character of the settlement edge, as well as discuss the local concerns raised hereinbefore.

Conditions in the Event of Approval

13. If, despite the representations to the contrary by the Parish Council and local residents, the Planning Authority is minded to approve this application, the Parish Council requests the following conditions be applied:
- a) That there be no further permitted development on the site.
 - b) All green spaces to be transferred to the Parish Council gratis, with a sum of money for the maintenance thereof.
 - c) A significant S106 contribution to traffic calming through Aston
 - d) A significant S106 contribution for the Community Trust towards the maintenance and upgrading of village hall and recreation facilities in line with the impact of the development.
 - e) Additional pedestrian and cycle access for the site to reduce local vehicular traffic and provide more direct and safer access to village services.
 - f) Scrupulous attention be paid towards the sewage, flooding and drainage mitigation proposed for the site.
 - g) That the Traffic Management Plan be discussed with the Parish Council to ensure that all access is from t

OCC Lead Local Flood Authority

No Comment Received.

OCC Highways

No Comment Received.

Major Planning Applications Team

06/10/2022

Transport: No Objection subject to:
Planning conditions
S106 contribution
Informatives

25/10/2022

Education: No Objection subject to S106 contribution

Parish Council

12/10/2022

The Parish Council continues to object to the application, in the strongest possible terms.

Introduction

- I. This objection supplements rather than replaces the Council's earlier objection (dated 23 May 22) that remains

extant. Following criticism by WODC that its initial application failed to reflect the affordable housing need, the applicant has proposed (18 August 22) a revised housing mix. Other developments since our earlier objection have been the announcement by WODC that they cannot demonstrate a 5-Year Housing Supply, a surge in WODC delivery of affordable housing and further assessment by Thames Water concerning foul water disposal.

Affordable Housing

2. The Parish Council maintains its position that any additional housing on the scale and site proposed, whether affordable or otherwise, is both unsustainable as well as contrary to planning policy, as confirmed by local precedent. Furthermore, as part of the recent 23% increase in Aston housing stock in just a 2-year period, the additional 41 affordable housing units thereby delivered demonstrates that Aston has already contributed to District targets out of all proportion to its size. As further evidence to gainsay accusations of 'nimbyism', the Parish has also supported a bid by OCC (the landowner) to develop sustainably, the derelict brownfield North Farm site near the centre of the village - a proposal that includes affordable (sheltered) housing.
3. Notwithstanding the above, the applicants revised plans continue to fail to reflect WODC's affordable housing need, according to the figures provided by WODC in their response of 25 May to the original application:
 - a) In broad terms, WODC require a 65/35% mix between smaller (1 or 2 bed) and larger (3 or 4 bed) homes
 - b) Based upon the 77 Home seeker applications, the actual need in Aston would be 87/13% (67/10 housing units).
 - c) However, the applicant's recently revised plans propose merely a paltry 50/50% mix (20/20 units), falling woefully short of the actual need and remains skewed heavily in favour of larger (and more profitable) properties.
4. Meanwhile, WODC already continues to exceed its delivery targets for affordable housing - and the rate continues to rise exponentially. With an annual target of 274, the figure at the time of our earlier objection was 294. Since then, according to the recent WODC Service Performance Report 2021-22 Q4, this figure has now surged to a commendable 378 (38% above target). It is our view therefore that the ostensible benefits posited by the applicant demonstrably fail to outweigh the significant and demonstrable harm caused by this proposed development, including the permanent and fundamental harm to the

character of the area, including the setting of the Conservation Area.

5-Year Housing Supply

5. The recent unexpected admission by WODC that it cannot demonstrate a 5-Year Housing Supply (5YHS) (albeit the precise potential shortfall is under review) will now doubt delight developers. However, whilst undoubtedly unhelpful, this failure is not wholly relevant to the application in question. Firstly, the applicant proposed, in our view, an affordable housing development specifically to circumvent the Local Plan and 5YHS constraints that applied in full at the time. Secondly, the earlier application for a smaller development on the site in 2016 was refused by WODC when there was no Local Plan in force at all, citing other planning policy violations and sustainability issues - all of which still not only apply but are reinforced by adjoining development since.

Foul Water Disposal

6. The impact upon the Parish of a woefully overloaded sewage and drainage infrastructure is well known, as is the inability of Thames Water to object to planning applications. But given the latter, it is interesting to note the admission by Thames Water, in its response of 22 September, that essential infrastructure upgrades would be required to accommodate this requirement. Given the issues that already afflict the Parish, we contend that the finite resources of Thames Water would be better used to fix the very extensive problems that already exist and that Thames Water have failed to address. Furthermore, we understand that the capacity of Bampton Sewage Treatment Works (STW) is under review. Previous calculations of 'Population Equivalent', used to determine capacity, are currently under review following differing and conflicting versions having been used. One estimate by the Oxford Rivers Improvement Campaign suggests that the STW may be already overloaded by 37%. This might help to explain the sixfold increase (by Thames Water's own figures) in sewage discharge into Shill Brook since 2018 - a period marked (not coincidentally, surely) by rampant overdevelopment in both Bampton and Aston.

Site Visit

7. The Parish Council would be delighted to host a visit by the Lowlands Planning Committee prior to their determination of the application, for a visual assessment of the extent to which this development would detract from the attractive rural character of the settlement edge, as well as discuss the

local concerns raised hereinbefore and previously. These concerns include the inexplicable failure of OCC to object to the applicant's proposed Construction Traffic Management Plan.

2 REPRESENTATIONS

A summary of the representations received are detailed below. Full details can be viewed on the Council's website.

2.1. *initial scheme*

109 third party objection received. Summarised as follows:

1. Flooding
2. 23% increase of housing stock in the Parish
3. Loss of agricultural land
4. Village School lacking capacity
5. Surgery lacking capacity
6. Pharmacy lacking capacity
7. Sewage
8. No need for the affordable homes in Aston
9. No NHS dentists available
10. The bus service is inadequate
11. Highway safety
12. Contrary to policy
13. North Farm should be developed
14. Air pollution
15. Poor transport links
16. Homes should be for local people
17. Harm to ecology
18. No justification
19. Development already refused on this site
20. Speculative application
21. Extend the village boundary beyond the existing
22. Limited public transport
23. High water table
24. Disruption during construction
25. Risk to children
26. Strain on the local infrastructure
27. Requires an EIA
28. Alternative locations in village
29. Loss of wildlife
30. Not in local plan
31. Not a sustainable location
32. Residents need to travel for work
33. Reliance on private cars
34. Not affordable
35. Set a precedent
36. Should be retained as a food producing asset.
37. No employment opportunities in Aston

38. Congestion
39. Poor design
40. Poor layout
41. Need for affordable homes is much lower for local persons as list is kept by local Council
42. Applicant trying to circumvent policy
43. Harm to landscape
44. Harm to conservation area
45. Harm to listed buildings
46. Poor water pressure
47. Council-owned brownfield site should be developed
48. Aston has had two significant developments in the last two years
49. Security lights that were left on all night
50. Overstretched drainage and sewerage system
51. Inaccurate documents submitted by agent
52. Car Parking in the village is non existent
53. Harm to environment
54. Site floods
55. Ditches full as not maintained
56. Have met WODC housing targets in Aston
57. Speeding cars
58. No benefit for local people
59. Supports Parish reasons for objecting
60. Flooding and sewage worse since new houses have been built
61. Insufficient parking
62. Not a rural exception site
63. Set a precedent
64. A small village shop and part-time post office
65. Poor road condition
66. Construction traffic
67. Vibration
68. Overlooking
69. Loss of privacy
70. Loss of green space
71. Power cuts
72. Health risk
73. Access road not capable for construction vehicles
74. Suburb of Witney
75. Wrong place for housing

2.2. *revised scheme*

49 third party objection received. Summarised as follows:

1. Insufficient services and facilities in Aston
2. Reliant on private car
3. Sewage
4. Flooding
5. Poor road condition in area
6. Pressure on local amenities and infrastructure
7. School capacity

8. Doctor capacity
 9. Poor bus service
 10. Highway safety
 11. Construction traffic
 12. No need for the homes
 13. Aston is not a sustainable location
 14. 100 houses built in the last 2 years
 15. 6 years ago, a smaller application was refused and yet nothing has changed
 16. Harm to the landscape
 17. Distance from site to services and facilities
 18. No local health infrastructure
 19. Aston has a part-time post office and a small village community shop reliant on volunteers
 20. Parking provision
 21. Harm to the conservation area
 22. Harm to biodiversity
 23. Back land development
 24. Community facilities under strain
 25. The pub is rarely open
 26. No employment available in Aston
 27. No need for affordable housing in Aston
 28. No local dentist currently taking new NHS
 29. No Pharmacy
 30. Urbanisation of this rural village
 31. Residents experiencing power outages and loss of water supply
 32. The new development would be isolated from the rest of the village
 33. Insufficient S106 offered
 34. The absence of a full EIA means that there has been inadequate consideration of the in-combination and cumulative effects of the proposed (and amended) housing development
 35. The Transport Management Plan is not robust
 36. The lack of a doctor or other medical facilities in the village is not supportive of families with babies and toddlers or those with mobility or other medical issues
 37. Harm to the character of the area
 38. Effect outlook
- 2.3. A detailed submission from WASP (Windrush Against Sewage Pollution) is available online setting out several points relating to the discharge of untreated and poor-quality sewage into local watercourses. WASP takes no position with respect to the development proposal but suggests a condition that no work to this development should commence until the completion of the necessary upgrade to foul drainage by TWA.

3 APPLICANT'S CASE

- 3.1 The applicants Planning Statement concludes as follows:
- 3.2 In assessing the proposals, it is necessary to assess any adverse impacts against positive benefits the development will produce in light of current national and local policies. The application is for 40 affordable homes, which should be afforded significant weight in the planning balance due to the clear shortfall and affordability crisis that is ongoing within the district and, on a wider scale,

nationally. This point has been explored throughout this statement, and is clearly a significant benefit of the scheme.

- 3.3 The adverse impacts of development presented by this site in Aston are limited given its sustainable nature as tested against National and Local Policy; particularly in the context of the affordable housing shortfall across Oxfordshire.
- 3.4 The proposal seeks to provide 40 affordable dwellings on open agricultural land, which is classified a Grade 3.
- 3.5 The perceived harm applicable in the planning balance is limited, and the benefits of the scheme are numerous. There include:
- -Providing much-needed, high quality affordable housing, therefore aiding West Oxfordshire in meeting their Objectively Assessed Housing Needs;
 - The layout and relationship to the village edge will be sympathetic to the existing settlement of Aston, whilst providing a high-quality development which will respect's the settlement's historic character;
 - The inclusion of open green infrastructure spaces in the proposals constitutes both environmental sustainability through its ecological value, and social sustainability through its potential for use as a public space resource for surrounding residents;
 - The development will employ a number of construction workers, and will attract residents who will contribute to the neighbourhood's economy and support its services.
- 3.6 The proposals will provide much needed affordable housing in a sustainable location, which address affordable demand. The proposals will offer social, economic and environmental benefits for current and future residents, achieving truly sustainable development.
- 3.7 Terra will positively engage in discussions with the Council regarding any measures which are required to be delivered via a Section 106 agreement, whilst bearing in mind the principles established by the permission.

4 PLANNING POLICIES

OS1NEW Presumption in favour of sustainable development

OS2NEW Locating development in the right places

OS3NEW Prudent use of natural resources

OS4NEW High quality design

OS5NEW Supporting infrastructure

H1NEW Amount and distribution of housing

H2NEW Delivery of new homes

H3NEW Affordable Housing

H4NEW Type and mix of new homes

T1NEW Sustainable transport

T2NEW Highway improvement schemes

T3NEW Public transport, walking and cycling

T4NEW Parking provision

E5NEW Local services and community facilities

EH2 Landscape character

EH3 Biodiversity and Geodiversity

EH4 Public realm and green infrastructure
EH5 Sport, recreation and childrens play
EH6 Decentralised and renewable or low carbo
EH7 Flood risk
EH8 Environmental protection
EH9 Historic environment
EH10 Conservation Areas
EH11 Listed Buildings
EH13 Historic landscape character
EH14 Registered historic parks and gardens
EH15 Scheduled ancient monuments
EH16 Non designated heritage assets
DESGUI West Oxfordshire Design Guide
NATDES National Design Guide

The National Planning Policy framework (NPPF) is also a material planning consideration.

5. PLANNING ASSESSMENT

- 5.1 The proposal is for the 'erection of 40 new dwellings with the provision of a new access and associated works and landscaping.'
- 5.2 The site is located on the north side of the village of Aston and comprises part of an arable field. The field rises gently northwards towards a hedgerow, which forms a slight crest, with the field beyond falling gently away. To the immediate south of the site is a 20th century housing development (Foxwood/Foxwood Close) of no particular architectural or historic merit. To the south east of the site is the recently completed development (Marsh Furlong).
- 5.3 Vehicular and pedestrian access to the proposed development will be through the Marsh Furlong development.
- 5.4 The site borders the Aston Conservation Area to the south and west but the historic core of the village lies further to the west, centred around the village square, North Street and High Street.
- 5.5 The Grade II listed St James Church is located approximately 175m to the south west at its nearest point. The Grade II listed Thatched Cottage is located approximately 170m to the west at its nearest point.
- 5.6 The site is wholly within flood zone 1.
- 5.7 There some planning history associated with the site itself. Application (ref 16/03005/OUT) for 'Outline planning permission for up to 30 residential dwellings (including up to 50% affordable housing), and associated works' was refused by the Council on 15.12.2016. The refusal reasons were
- 5.8 *1. By reason of the harmful urbanising impact on the sensitive rural edge and approach to the settlement and the harm to the setting of unlisted heritage assets the proposed development is considered to unduly urbanise an attractive area of open countryside, compromise key views, harm the setting and context of heritage assets and detract from the attractive rural character of the settlement edge at this point. These harms are considered to substantially outweigh the benefits of the development and would be contrary to Policies BE2, BE4 BE5 NE1 NE3, NE15 and H2 of the adopted West*

Oxfordshire Local Plan, Policies OS2, T1, T3, EH3, EH7, EH1, EH2, H2 and the relevant provisions of the NPPF.

- 5.9 2. In the absence of an agreed mitigation package and securing the appropriate amount and nature of affordable housing it has not been demonstrated that the development would not give rise to undue harms and impacts. As such the scheme is considered contrary to Policies BE1 and H 11 of the adopted WOLP, Policy OS5 and H3 of the Emerging WOLP and the provisions of the NPPF.
- 5.10 3. It has not been demonstrated to the full satisfaction of the Local Planning Authority that the drainage strategy submitted for the development is able to mitigate the likelihood of flooding given the lack of infiltration and potentially high water table on the site. A swale of the size proposed is unlikely to function efficiently with a high water table scenario. As such, the applicant has not demonstrated that the proposal is compliant with the National Planning Policy Framework.
- 5.11 Refusal reasons 2 and 3 were overcome during the appeal process and were not contested by the Council. The appeal therefore centred on the effect of the proposed development on the character and appearance of the area and on the setting of heritage assets.
- 5.12 The Planning Inspectorate found 'some, although limited harm to the character and appearance of the area' (para 31) and 'less than substantial harm to the setting of the CA and St James Church' (para 32). However, The Planning Inspectorate allowed the appeal (and granted planning permission) on 11/12/2017 as they considered 'the harm that I have identified does not significantly and demonstrably outweigh the benefits of the proposed development, which can therefore be deemed to be sustainable development as defined by the Framework' (para 33).
- 5.13 Subsequent to the appeal being allowed, the Council challenged the decision of the Inspectorate, as it believed The Planning Inspectorate erred in law by applying the wrong test to the weighing the harm to the heritage assets. Following the High Court challenge, the Court ordered that the appeal be re-determined. During the redetermination of the appeal, the applicant withdrew the appeal two weeks before the Council adopted the Local Plan 2031.
- 5.14 Taking into account planning policy, other material considerations and the representations of interested parties, officers are of the opinion that the key considerations of the application are:

Principle of Development;
Siting, Design, Form and Landscape Impact;
Heritage Impacts;
Archaeology;
Highway Safety;
Drainage and Flood Risk;
Trees and Ecology;
Residential Amenities;
Sustainability;
Affordable Housing and Housing Mix;
S106 matters;
Other Matters; and
Conclusion and Planning Balance

Principle of Development

- 5.15 Policy OS2 sets out the overall strategy on the location of development for the District. It adopts a hierarchal approach, with the majority of new development focused on the main service centres of Witney, Carterton and Chipping Norton, followed by the rural service centres of Bampton, Burford, Charlbury, Eynsham, Long Hanborough, Woodstock and the new Oxfordshire Cotswolds Garden Village (now referred to as Salt Cross) and then the villages as set out Policy OS2.
- 5.16 Aston is identified as a 'village' in the settlement hierarchy of the Local Plan and Policy OS2 states 'The villages are suitable for limited development which respects the village character and local distinctiveness and would help to maintain the vitality of these communities'.
- 5.17 The application site is considered to be undeveloped land adjoining the built up area. Local Plan Policy H2 states 'new dwellings will be permitted at the main service centres, rural service centres and villages.....on undeveloped land adjoining the built up area where convincing evidence is presented to demonstrate that it is necessary to meet identified housing needs, it is in accordance with the distribution of housing set out in Policy H1 and is in accordance with other policies in the plan in particular the general principles in Policy OS2'.
- 5.18 The Council's Strategic Housing and Development Officer states in his comment dated 17/11/2022 that there is a need for 75 affordable homes in Aston/Cote. This is an identified housing need and while the provision/mix of affordable homes will be explored in this report, broadly speaking, there is a need for the 40 homes proposed and as such, Policy H2 offers support, in part, for the development. It is important to note that H2 also requires schemes be in accordance with the other local plan policies, particularly Policy OS2.
- 5.19 The proposed scheme could be classified as a 'rural exception site' because it proposes a fully affordable scheme. A rural exception site is typically where affordable housing is provided in locations that would not normally be allowed for new housing, such as this location. However, rural exception sites are to provide affordable housing to meet identified local needs. As is explained in the assessment below, the proposed mix of housing does not meet local needs (but does meet the district wide need). As such, the rural exception site approach is not applicable to this site.
- 5.20 Policy OS2 (explored later in this report) sets out general principles for all development. Of particular relevance to this proposal is that it should:
- a. Be of a proportionate and appropriate scale to its context having regard to the potential cumulative impact of development in the locality;
 - b. Form a logical complement to the existing scale and pattern of development and/or the character of the area;
 - c. As far as reasonably possible protect or enhance the local landscape and its setting of the settlement;
 - d. Not involve the loss of an area of open space or any other feature that makes an important contribution to the character or appearance of the area;
 - e. Conserve and enhance the natural, historic and built environment; and
 - f. Be supported by all the necessary infrastructure.

- 5.21 Notwithstanding the assessment above, in a recent appeal decision (Land East of Barns Lane, Burford), the Inspector found that the Council cannot, currently demonstrate a 5-year supply of housing land. Paragraph 11(d) of the NPPF states 'where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
- I. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - II. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole'.
- 5.22 While there is some policy support for the proposal, further assessment is required and this is completed below.

Siting, Design, Form and Landscape Impact

- 5.23 Paragraph 130 of the NPPF is clear that development proposals should function well and add to the overall quality of the area; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history including the surrounding built environment and landscape setting and create places that are safe, inclusive and accessible and have a high standard of amenity for existing and future users.
- 5.24 Policies OS2 (Locating development in the right places), OS4 (High quality design) and EH2 (Landscape character) each require the character of the area to be respected and enhanced. The importance of achieving high quality design is reinforced in the National Design Guide.
- 5.25 The application proposes 40 dwellings which are as follows:
- House Type 1 - 1 bedroom terrace house (4no.).
Red brick elevations with recon stone cills under a concrete slate effect tiled roof. uPVC windows, false chimney and lean to porch over entrance.
- House Type 2 - 2 bedroom bungalow (2no.).
Artificial stone elevations under a concrete 'plintile' red tiled roof. uPVC windows/doors, false chimney and porch over entrance.
- House Type 3 - 2 bedroom bungalow (2no.) built to Building Regulations M4 (3) standard for accessible dwellings.
Buff brick elevations with recon stone cills under a concrete slate effect tiled roof. uPVC windows/doors, false chimney and porch over entrance.
- House Type 4 - 2 bedroom semi-detached house (12no.).
Buff brick elevations with recon stone cills under a concrete 'plintile' red tiled roof. uPVC windows/doors and lean to porch over entrance.
- House Type 5 - 3 bedroom semi-detached house (12no.).
Red brick elevations with recon stone cills under a concrete slate effect tiled roof. uPVC windows/doors and porch over entrance.

House Type 6 - 3 bedroom semi-detached house (4no.).

Artificial stone elevations with recon stone cills under a concrete 'plintile' red tiled roof. False chimney, uPVC windows/doors and lean to porch over entrance.

House Type 7 - 4 bedroom semi-detached house (2no.).

Artificial stone elevations with recon stone cills under a concrete slate effect tiled roof. False chimney, uPVC windows/doors and lean to porch over entrance.

House Type 8 - 4 bedroom detached house (2no.).

Artificial stone elevations with recon stone cills under a concrete 'plintile' red tiled roof. False chimney, uPVC windows/doors and porch over entrance.

- 5.26 As noted by the Council's Conservation Officer 'neo-cottage forms are proposed, with the usual palette of materials.....and similar to much new development in our area, and further afield'. Officers consider that the proposed designs and use of materials take cues from nearby built form within Marsh Furlong and Foxwood/Foxwood Close.
- 5.27 The layout is similar to the C20 and recent development to the south/south east and officers consider the houses to the north, east and west fringes facing outward (addressing the rural land beyond) as a positive. While fully interconnecting roads within the site would have been preferred, the layout is acceptable nonetheless.
- 5.28 Taking into consideration the designs, materials, scales and layout of nearby built form within Marsh Furlong and Foxwood/Foxwood Close and particularly the relative age of those developments compared to what is proposed. Officers are satisfied that the proposed layout, scale, designs and use of materials are acceptable and does not cause harm in isolation. However, the proposal is the development of a greenfield site which encroaches out into the countryside and there is some harm to the landscape.
- 5.29 The area of the site proposed for residential development covers an almost exact area as was proposed in the 2016 outline scheme. While that application was in outline, the similarities between that scheme and the current must be noted. As must the views of the Council's officers and the Inspector. As noted, the Inspector previously found only limited harm to the character and appearance of the area and officers are of the same opinion for this scheme too.
- 5.30 The site currently forms a buffer between the Foxwood/Foxwood Close/Marsh Furlong developments and the large and quite noticeable dwellings to the north east (St James development). It would be screened from the east by Marsh Furlong, except in very long distance views from the road to the east. It would also be largely screened by Foxwood/Foxwood Close from Cote Road to the south. Whilst glimpses of the scheme may be possible from Cote Road over the allotments, the nursing home building is a very dominant feature that tends to draw the eye.
- 5.31 Views of the development would be limited from most public vantage points in the area. While it cannot be readily seen, it does not mean it is not harmful. The Inspector for the 2016 scheme noted that (para 18) *'the proposed development would have an impact on the visual receptors adjacent to it, but that this would be no different to that experienced by occupiers of dwelling all over the country. The LVA finds a minor adverse effect on the site and its immediate context due to the insertion of built form into a field. What has to also be considered is that the appeal site does to an*

extent form a buffer between the development along Cote Road and the recent St James development. This would in my view have a harmful effect on the character and appearance of the village but would be mitigated by the provision of the proposed allotments, open space and planting proposed within the scheme and the fact that the St James development is very dominating within the landscape. I am also aware that the neighbouring permitted development will encroach into an area to the north-east of the existing development, thereby moving built form further towards the north. In light of this I give the negative effect of the proposed development in this respect limited weight'.

- 5.32 Allotments are not proposed as part of this scheme. However, open space and planting is. Furthermore, the proposed scheme is a 'full application'; meaning it has more detail than the 2016 outline scheme. Nonetheless, officers consider that the current scheme to have broadly the same impacts as the 2016 proposal. By introducing a range of house types, boundary divisions, estate roads, signage and domestic paraphernalia, the proposed residential development on the site would fundamentally alter its open rural character and would cause harm. There is some conflict with OS2 therefore. However, owing to the existing developments in the area and possible views of the development, this harm is considered to be modest and as such attracts modest weight.

Heritage Impacts

- 5.33 The setting of the Grade II listed buildings may be affected by the development. The Local Planning Authority is therefore statutorily required to have special regard to the desirability of preserving the building, its setting, and any features of special architectural or historic interest it may possess, in accordance with Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990.
- 5.34 In addition, Aston Conservation Area borders the site. The Local Planning Authority is statutorily obliged to pay special attention to the desirability of preserving or enhancing the character or appearance of the area, in accordance with Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990.
- 5.35 Local Plan Policy EH9 (Historic environment), EH10 (Conservation areas) and EH11 (Listed Buildings) are applicable to the scheme.
- 5.36 Section 16, in particular paragraphs 197, 199, 200, 202 and 203 of the National Planning Policy Framework (NPPF) are also applicable. Paragraph 202 is particularly relevant as this states 'where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use'.
- 5.37 The site provides a rural setting to the Aston Conservation Area. However, the views from the north are somewhat compromised by the St James development. Furthermore, Foxwood/Foxwood Close and other buildings to the east of the village do not add to the significance of the Conservation Area. Nonetheless, the encroachment of built form beyond the current village envelope, into undeveloped agricultural land, will erode the rural setting of the Aston Conservation Area, causing harm to its significance. In the context of the existing built form in the area, which does not add to the significance of the Conservation Area, and the limited public views of the proposed development. This harm is considered to be 'less than substantial'.

- 5.38 Moving to the impact to the listed buildings. The Inspector identified several listed buildings that would be affected by the 2016 scheme but only found harm to one, St James Church. Officers are of the same opinion as the separation distances and scale of the proposed scheme would only result in harm to the setting of St James Church. This is, firstly, because the proposed development would be seen in the foreground of the church when viewed from the eastern end of the nearby Public Right of Way. Secondly, historic OS Maps from 1875-1887 shows the land to the north/north-east of the church to be open and agricultural. Additional development of this agricultural land, notwithstanding the existing development that has taken place since the OS Maps from 1875-1887, would further erode the rural setting of the church. Thus, the scheme would result in harm to the setting of St James Church and this harm is considered to be 'less than substantial'.
- 5.39 Officers have identified harm to the settings of Aston Conservation Area and St James Church. This harm is considered to be 'less than substantial'. Paragraph 202 of the NPPF states 'where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.'
- 5.40 In terms of public benefits. The proposed development would add 40 dwellings to West Oxfordshire Council housing stock and 100% would be affordable homes. In addition, two of the bungalows are proposed to be built to Building Regulations M4 (3) standard for accessible dwellings. The provision of accessible and affordable dwellings will help to meet the Councils need for these homes and attracts substantial weight.
- 5.41 The homes include several energy efficiency measures and this attracts significant weight in support of the proposal.
- 5.42 Economic benefits will arise from the construction of the development and further economic benefits for the area are likely as a result of the increase in population. However, these are commensurate with the scale of development and attract moderate weight.
- 5.43 In light of the balancing exercise directed by para 202 of the NPPF. Officers are satisfied, on balance, that the public benefits of the scheme outweigh the less than substantial harm found to the setting of the Aston Conservation Area and the less than substantial harm found to the setting of the St James Church. The proposal therefore accords with Local Plan Policies EH9, EH10, and EH11, Sections 66(1) and 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 and the NPPF.

Archaeology

- 5.44 Local Plan Policies EH9 (Historic environment), EH15 (Scheduled monuments and other nationally important archaeological remains), EH16 (Non-designated heritage assets) and OS4 (High quality design) all seek to conserve archaeology. Policy EH9 is clear in that 'archaeological remains.....are also irreplaceable, the presumption will be in favour of the avoidance of harm or loss'.
- 5.45 The County Council Archaeologist commented that 'The site is located in an area of archaeological interest to the south of a trackway and probable field systems identified from cropmarks' and recommended conditions to safeguard the recording of archaeological assets, should any be found.

- 5.46 The specialist Archaeologist is satisfied that potential impacts can be controlled by condition and officers have no evidence to the contrary. Indeed, conditions relating to archaeology were put before the Inspector for the previous scheme and were accepted. As such, conditions will be applied in line with the recommendation of the Archaeologist.

Highway Safety

- 5.47 OCC Highways initially objected to the scheme as insufficient information was provided regarding the construction traffic methods used for the development and the potential impacts construction traffic would have highway safety in the neighbouring development. The applicant submitted further details and OCC now raise no objection to the scheme, subject to conditions, a SI06 agreement and informatives.
- 5.48 Officers are mindful of the objections received relating to construction traffic. However, this would be a temporary issue and the submitted Construction Traffic Management Plan (CTMP) shows that construction traffic can be managed in a safe manner. Indeed, OCC are satisfied with the supplied CTMP and are not objecting to the scheme.
- 5.49 The public services available to residents at the site has not changed since the previous application (16/03005/OUT). The only bus service operating in Aston is the 19 service, which has not been altered since the previous application. The 19 bus operates every two hours, offering a service to Carterton and Witney, Mondays to Saturdays. There is no evening service or service on a Sunday. As such, the existing public transport services available to potential residents is limited. While they are limited, they are still of use and the agreed financial contribution will go towards improving the service offering.
- 5.50 Seventy-three allocated spaces are provided within the site with an additional eighteen unallocated/visitor spaces being provided. The two-bedroom bungalows at the site are to be provided with one allocated parking space each. Each of the other dwellings are to be allocated with two parking spaces each. Each space which is provided on the site is deemed to be in a suitable location and is of suitable dimensions. The proposed parking provision for the site is deemed acceptable and OCC have not objected to this element.
- 5.51 Officers are mindful of the increased traffic moving through Marsh Furlong to access the new homes, particularly as several concerns were raised by those living in Marsh Furlong. While officers note the comments, the road running through Marsh Furlong allows traffic to flow in two directions and is in very good condition. While movements through the area will increase, Marsh Furlong, and the wider network can accommodate this increase. Indeed, this is highlighted in the reply from the specialist officers at OCC who acknowledge that the data predicting the number of journeys generated from the development (supplied by the applicant) was unrealistic and underestimated the number of journeys which were to be generated from the dwellings. However, despite this, OCC are content that the number of trips generated by the development would be unlikely to have an unacceptable negative impact on the local transport network. They are also satisfied the site access will be able safely and efficiently manage the traffic from the forty additional dwellings.
- 5.52 The proposed development accords with Policies T1, T2, T3 and T4 of the West Oxfordshire Local Plan 2031 and the NPPF.

Drainage and Flood Risk

- 5.53 The site is within flood zone 1 and as such is at the lowest risk of flooding. However, it is acknowledged that the site is subject to localised surface water flooding.
- 5.54 The relevant specialists at TWA and OCC have not raised any objections to the scheme. In the absence of evidence to the contrary, officers are satisfied that while the site does flood occasionally, it would be possible to introduce measures to alleviate this by way of an engineering solution and this does not constitute a reason for refusal in this instance.
- 5.55 The Lead Local Flood Authority (LLFA) at OCC have raised no objections to the scheme, subject to conditions. In light of the flood risk (lowest), no objection from the specialist officers at OCC and as the impacts can be controlled by conditions, officers are satisfied that the proposed development will not increase risk of flooding at the site or elsewhere.
- 5.56 Officers note the number of comments received relating to foul drainage (sewerage) and water pressure issues in the area. While these are noted, Paragraph 188 of the NPPF directs Local Planning Authorities as follows:
- 5.57 *The focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities.*
- 5.58 In short, as much the LPA wishes to tackle the issues caused by poorly performing water companies directly. There is very little scope to do so via the planning system. This is an issue that must be taken on by national government, the Environment Agency and Ofwat. Nonetheless, officers are mindful of the comments received and the strength of local feeling regarding this issue. As such, officers are satisfied that the condition suggested by Thames Water (restricting occupancy until foul water can be adequately dealt with) should be applied.

Trees and Ecology

- 5.59 Local Plan Policy EH3 (Biodiversity and geodiversity) states 'the biodiversity of West Oxfordshire shall be protected and enhanced to achieve an overall net gain in biodiversity and minimise impacts on geodiversity'.
- 5.60 Paragraph 180 of the NPPF sets out a clear hierarchy for proposals affecting biodiversity. The hierarchy is to firstly, avoid harm; secondly, where this is not possible, to mitigate any harm on-site; thirdly, as a last resort, to compensate for any residual harm.
- 5.61 The site is an arable field that is lacking any significant biodiversity value and no protected species are present within the site. While the area will be urbanised, the submitted details show tree planting and landscaping within the site. Also, existing tree/hedgerow will be retained.
- 5.62 The proposed development is unlikely to result in the loss of protected species habitats and the main ecological loss on the site will be species-poor semi-improved grassland, which is considered to be of negligible ecological value.

- 5.63 Full on-site mitigation is achievable and is indeed proposed through the landscaping. The Environment Act 2021 has now passed, however, secondary legislation is required for it to be implemented. Therefore, the 10% biodiversity net gain requirement set out in the Act is not yet law. Furthermore, Local Plan Policy EH3 and Paragraph 174 of the Framework, both seek a net gain in biodiversity without identifying a specific percentage. Officers are satisfied that the proposed development will result in biodiversity net gain (BNG) and as such the proposal has an acceptable impact to biodiversity.

Residential Amenities

- 5.64 The closest distance between the proposed dwellings and the existing dwellings is 24.5m. This is between the single storey rear extension of 1 Foxwood Close, Aston and proposed Plot 9. However, distances range from the 24.5m identified up to 33.6m between 20 Foxwood and Plot 5. The industry standard window to window distances is 22m and the proposed scheme exceeds this. While some mutual overlooking will occur between the new homes and the gardens of Foxwood Close/ Foxwood and vice versa. This would be a mutual impact and this type of relationship is very common in urban areas such as this. Officers are satisfied therefore that there will be no unacceptable loss of privacy or overlooking impacts. Furthermore, owing to the separation distances involved (in excess of 24m). Unacceptable loss of light, overshadowing or overbearing impacts will not occur.
- 5.65 The loss of rural views from the windows of the rear elevations of Foxwood Close/Foxwood out to open fields is not a material planning consideration. While loss of outlook is a consideration, considering the separation distances involved, there will not be an unacceptable loss of outlook as the types of views from the rear windows of Foxwood Close/Foxwood to further built form is typical and common in urban areas.
- 5.66 A number of objectors have referred to noise, disturbance and inconvenience arising from the construction of the proposed development. Such impacts are relatively short lived and can be mitigated by adherence to an agreed construction management plan.
- 5.67 Some noise, vibration and disturbance will occur from increased traffic movements in the area. These types of impacts are typical in urban areas such as this. While the impact is noted, it would not result in unacceptable harm the living conditions of the occupiers of Marsh Furlong (or the wider settlement).
- 5.68 The internal and external amenity space for the proposed dwellings are acceptable.

Sustainability

- 5.69 The applicant proposes to install solar PV units and air source heat pumps on every home. As such, the dwellings will not rely on gas to meet their energy needs.
- 5.70 A proposed sanitary-ware specification of 106.9 Litres/per person/per is also proposed. This is an improvement over the Building Regulations requirement of 110 Litres/per person/per day.
- 5.71 The submitted 'Energy Statement' explains that the build will be 'fabric first' and the proposed U-Values are an improvement on the minimum requirements under Part L 2022 (Building Regs).

- 5.72 The proposal is for affordable homes (60% social rented and 40% shared ownership). Thus, the occupancy of the dwellings must be considered. People are eligible for affordable homes if they cannot afford to rent or buy housing supplied by the private sector. Clearly this is a wide variety of people; is very likely to include working persons on a low wage, and may include those who cannot work. These homes have the capacity to generate their own energy via the PV units and when combined with the air source heat pump, construction methods (An EPC rating of 'A' for the proposed dwellings is proposed) and reduced water usage fittings, means that the occupiers of the dwellings will benefit from reduced utility bills. Considering the occupiers are those who cannot afford housing supplied by the private sector, these reduced bills are a considerable benefit to the occupiers.
- 5.73 A material consideration for this application is that West Oxfordshire District Council declared a climate and ecological emergency in 2019. Climate action is a leading priority in the Council Plan 2020-2024, and the framework for delivering this is set out in our Climate Change Strategy for West Oxfordshire 2021-2025. The Council are determined to lead by example and put climate considerations at the heart of all its decision-making processes, policies and plans.
- 5.74 Policy OS3 states 'All development proposals (including new buildings, conversions and the refurbishment of existing building stock) will be required to show consideration of the efficient and prudent use and management of natural resources.' The use of solar PV, air source heat pumps, sanitary-ware specification, and the use of energy efficient construction methods (well insulated cavity walls, roof, floors and openings) ensures the dwellings meet the thrust of Policy OS3. In light of the support offered to the scheme by OS3, and in the context of the declared climate emergency and the current 'energy crisis'. The energy efficiency measures proposed attracts significant weight in support of the proposal.
- 5.75 Locational accessibility was not a reason for refusal of the 2016 scheme and the Inspector explained in his report that 'Aston was rated as the 23rd most sustainable settlement (on a weighted basis) in the District. I acknowledge that shopping in the village is limited but there is a primary school, a car repair business, a nursing home, playing fields and village hall and a small works business area. I do not therefore consider that the location of the village and the services that it provides to be so limited that the appeal should be dismissed on those grounds'.
- 5.76 Officers are of the same opinion as the Inspector and do not consider that the development site is inherently unsustainable with regards to access to services and facilities. Indeed, comments submitted for this application explain that Aston also has a part-time post office, a small village community shop and a pub. Ultimately, an increased population in the area will lead to increase tax receipts and spending power. Which may lead to increased investment and thus increased services and facilities.

Affordable Housing and Housing Mix

- 5.77 Policy H3 requires that 40% of the homes are provided as affordable housing. The Applicant proposes 100% Affordable Delivery on Site. This provision far exceeds the requirement of Policy H3.

In terms of the mix of housing, this is as follows:

4 x 1 Bedroom House

4 x 2 Bedroom Bungalow (3 person)

12 x 2 Bedroom House (4 person)

16 x 3 Bedroom House
4 x 4 Bedroom House

5.78 Of these 40 homes, 24 are social rent and 16 are shared ownership. The applicant has engaged with the Council in determining a proposed mix and tenure for the homes, agreeing to provide rental homes at Social Rent tenure and increasing the ratio of smaller homes. Furthermore, the applicant has agreed to provide two of the bungalows built to Building Regulations M4 (3) standard for accessible dwellings.

5.79 When examining those who are registered on the Council's Homeseeker+ system that have indicated a preference to rent a home in Aston/Cote. The following house types are required to meet housing need in the area:

30 x 1 Bed single
11 x 1 Bed Couple
25 x 2 Bed
4 x 3 Bed
3 x 4 Bed
2 x 5 Bed
Total 75

5.80 Taking into account the mix proposed and the identified need. It is clear that the proposed mix will not meet the identified local need in its entirety. For example, the applicant proposes 16 x 3 bed homes and just 4 are needed in Aston. The provision far exceeds the local need for this type of home. However, the scheme proposes 4 x 4 bedroom homes and just 3 are needed in Aston. Thus, the scheme meets all of the need for 4 bed homes in Aston. Furthermore, the applicant proposes 16 x 2 bed homes and 25 are needed. While the scheme does not meet all of the identified need for two bed homes, it does meet 64% of the need and that is a significant number.

5.81 Some comments were received requesting that the homes should be for local persons only. This is not possible. If a local connection requirement is applied on a parish rather than district basis to new affordable homes, then properties will be allocated according to geographical location and housing need becomes a secondary issue.

5.82 Those in housing need include households living in overcrowded situations, living in poor or insanitary conditions, current housing not meeting medical needs due to disability, homeless or threatened with homelessness and having a social need to move for family or other support. Should geographical location come before need, it is likely households with a housing need will have to live in poor or unsuitable housing conditions for longer. Thus it is not possible to secure the homes for those with a local connection first.

5.83 Regardless of the local need as set out by the Strategic Housing and Development Officer. A further 3056 applicants are on the Councils housing register that could benefit from affordable housing provided by this scheme. Officers are satisfied that the scheme provides a sufficient number of affordable homes to meet policy H3.

5.84 Turning to the housing mix, paragraph 5.75 (Policy H4: Type and mix of new homes) explains that the ideal mix of market housing is:

4.8% 1-bed properties, 27.9% 2-bed properties, 43.4% 3-bed properties, 23.9% 4+bed properties.

The scheme proposes the following mix:

10% 1-bed properties, 40% 2-bed properties, 40% 3-bed properties, 10% 4+bed properties.

- 5.85 The scheme delivers far more smaller homes than the typical market led housing development would be required to deliver and as such, is more aligned to local need than a market led scheme is likely to be. Officers are therefore satisfied with the mix as proposed and consider that it accords with Policy H4.

S106 matters

- 5.86 Policy OS5 of the Local Plan seeks to ensure that new development delivers or contributes towards the provision of essential supporting infrastructure and Policy T3 states that new development will be expected to contribute towards the provision of new and/or enhanced public transport, walking and cycling infrastructure to help encourage modal shift and promote healthier lifestyles.
- 5.87 The Leisure Team in respect of sport and recreation provision requires £71,600 off-site contribution towards sports facilities within the catchment.
- 5.88 OCC seeks:
£45,320 towards bus improvements.
£3,758 Household Waste Recycling Centre
£283,170 Primary education
£233,928 Secondary education
- 5.89 The applicant has committed to meeting the full contributions towards public transport services, household waste, recycling centres and off-site sport and leisure facilities. However, the applicant states that the commitment to providing affordable housing and EPC A rated dwellings means that they can only afford £274,322 of the £517,098 requested for education contributions 'before the scheme starts to become unviable'. This would be a shortfall of £242,776 (47%). There is therefore a conflict with OS5 in that regard and this conflict attracts moderate negative weight.

Other Matters

- 5.90 Officers note that local people have concerns about the capacity of existing schools, GP surgeries and the lack of services and facilities in Aston. The Oxfordshire Clinical Commissioning Group (OCCG) is usually only consulted on housing schemes of 50 dwellings or more. However, the OCCG were consulted on this application but have not submitted any comments or requested contributions to mitigate the impact of the development on existing health care facilities. The comments of objectors are noted and they are considered to be evidence of need. However, they are opinion based comments rather than empirical data. As officers we must be guided by the evidence, and if the OCCG are not requesting monies to support local services, it must be inferred that it is not required to make the scheme acceptable.

Conclusion and Planning Balance

- 5.91 The proposed development would harm the setting of Aston Conservation Area and the setting of St James Church. As directed by paragraph 202 of the NPPF officers are satisfied, on balance, that the public benefits of the 40 affordable homes, the energy efficiency measures and the economic benefits found outweigh the less substantial harm found to the Aston Conservation Area and St James Church.
- 5.92 OCC have requested £517,098 towards education in order to mitigate the impacts of the scheme. However, the applicant is able to supply £274,322 towards education, explaining that contributions beyond this put the scheme at risk of being unviable. Policy OS5 is clear that new development should 'deliver, or contribute towards the timely provision of essential supporting infrastructure.' As the applicant can only meet 53% of the contributions requested by OCC, the scheme would conflict, in part, with OS5. This attracts moderate negative weight.
- 5.93 The proposed development would cause modest harm to the character and appearance of the area through its landscape impact. This therefore attracts modest weight against the scheme.
- 5.94 The proposed development would result in economic benefits to the local area during the construction phase and when the development is occupied by increasing the spending power in the area. This attracts moderate positive weight.
- 5.95 Financial contributions to the bus service, waste, and sport and recreation meet the requested figures. This mitigates some of the impacts of the scheme and attracts modest positive weight.
- 5.96 Biodiversity net gain would be achieved. This attracts modest positive weight.
- 5.97 The homes include several energy efficiency measures and this attracts significant weight in support of the proposal.
- 5.98 The application proposes 40 affordable dwellings (including two accessible dwellings). As of November 2022, 75 applicants were registered on the Council's Homeseeker+ system to rent a home in Aston/Cote. There are a further 3056 applicants on the Council's housing register that could benefit from affordable housing on this scheme. There is a clear need for these homes in the District and this provision attracts significant weight in favour of the scheme.
- 5.99 Policy H2 permits new dwellings on undeveloped land adjoining the built up area where 'convincing evidence is presented to demonstrate that it is necessary to meet identified housing needs'. The scheme is for 40 affordable homes and there is an identified need for these homes. Officers are satisfied that the proposal would accord with Local Plan Policy H2 insofar as it relates to meeting identified housing needs. However, H2 is clear in that proposals that accord with H2 also must accord with other policies in the Local Plan, in particular the general principles in Policy OS2. As noted, there is some conflict with OS2.
- 5.100 Notwithstanding the above assessment. The Council cannot, currently demonstrate a 5-year supply of housing land. Paragraph 11(d) of the NPPF states 'where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, **granting permission** (*officer emphasis*) unless.....any adverse

impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole'.

5.101 Turning to the planning balance. The harms are identified as harm to the character and appearance of the area, this attracts modest negative weight. In addition, the insufficient education contributions attracts moderate negative weight.

5.102 Turning to the benefits. The scheme proposes 40 affordable homes (including two accessible dwellings) and this attracts significant weight in its favour. The homes include several energy efficiency measures and this too attracts significant weight in support of the proposal. The provision of construction jobs and other economic activity attracts moderate weight commensurate with the scale of development and biodiversity net gain attracts modest positive weight.

5.103 In light of the Council's lack of a five year supply of housing land, paragraph 11 of the NPPF requires decision makers to weigh the adverse impacts against the benefits and grant permission, unless the adverse impacts significantly and demonstrably outweigh the benefits. As assessed, the adverse impacts amount to moderate harms at best. Whereas the benefits are clear and significant. As such, officers are satisfied that the adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits.

5.104 The application is therefore recommended for approval, subject to entering into a S106 agreement with the applicant.

6 CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with the requirements of Section 91 of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.

2. That the development be carried out in accordance with the approved plans listed below.

REASON: For the avoidance of doubt as to what is permitted.

3. No dwelling shall be erected beyond the damp proof course until, a schedule of materials (including samples) to be used in the elevations and roofs of the development are submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in the approved materials and shall be retained as such thereafter.

REASON: To safeguard the character and appearance of the area.

4. Construction shall not begin until a detailed surface water drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first occupied. The scheme shall include:

- A compliance report to demonstrate how the scheme complies with the "Local Standards and Guidance for Surface Water Drainage on Major Development in Oxfordshire";
- Full drainage calculations for all events up to and including the 1 in 100 year plus 40% climate change;
- A Flood Exceedance Conveyance Plan;
- Comprehensive infiltration testing across the site to BRE DG 365 (if applicable)
- Detailed design drainage layout drawings of the SuDS proposals including cross-section details;
- Detailed maintenance management plan in accordance with Section 32 of CIRIA C753 including maintenance schedules for each drainage element;
- Details of how water quality will be managed during construction and post development in perpetuity;
- Confirmation of any outfall details; and
- Consent for any connections into third party drainage systems

REASON: To ensure the proper provision for surface water drainage and to ensure flooding is not exacerbated in the locality.

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

REASON: To ensure the proper provision for surface water drainage and/ or to ensure flooding is not exacerbated in the locality.

6. No development shall take place until a desk study has been produced to assess the nature and extent of any contamination, whether or not it originated on site, the report must include a risk assessment of potential source-pathway-receptor linkages. If potential pollutant linkages are identified, a site investigation of the nature and extent of contamination must be carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any development begins. If any significant contamination is found during the site investigation, a Remediation Scheme specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority before any development begins.

The Remediation Scheme, as agreed in writing by the Local Planning Authority, shall be fully implemented in accordance with the approved timetable of works and before the development hereby permitted is first occupied. Any variation to the scheme shall be agreed in writing with the Local Planning Authority in advance of works being undertaken. On completion of the works the developer shall submit to the Local Planning Authority a Verification Report confirming that all works were completed in accordance with the agreed details.

If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.

REASON: To prevent pollution of the environment in the interests of the amenity and to accord with West Oxfordshire Local Planning Policy EH8 and Section 15 of the NPPF.

7. A Construction Environmental Method Statement shall be submitted to and approved, in writing, by the Local Planning Authority before works commence. These shall include details of the method of works including
 - a method statement to protect badgers and their setts in accordance with the 'Badger Survey and Mitigation Strategy' report, dated March 2022
 - measures to protect other species including nesting birds during the construction phases
 - measures to protect ecological features including retained habitats (notably the hedgerows) during the construction phases,
 - measures for storage and disposal of waste
 - minimise the creation and impact of noise, vibration, dust and waste disposal resulting from the site preparation, groundwork and construction phases of the development
 - manage Heavy/Large Goods Vehicle access to the site
 - measures to be employed to prevent the egress of mud, water and other detritus onto the public and any non-adopted highways.

Works shall be implemented in strict accordance to the approved methodology including timescales, unless otherwise agreed in writing.

REASON: To protect wildlife and habitats in accordance with The Conservation of Habitats and Species 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended), the Protection of Badgers Act 1992 and the Wild Mammal Protection Act 1996, Circular 06/2005, paragraphs 174, 179 and 180 of the National Planning Policy Framework (Chapter 15), Policy EH3 of the West Oxfordshire Local Plan 2031 and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006. To prevent pollution of the environment in the interests of the amenity and to accord with West Oxfordshire Local Planning Policy EH8 and Section 15 of the NPPF.

8. Prior to any demolition and the commencement of the development a professional archaeological organisation acceptable to the Local Planning Authority shall prepare an Archaeological Written Scheme of Investigation, relating to the application site area, which shall be submitted to and approved in writing by the Local Planning Authority.

REASON: To safeguard the recording of archaeological matters within the site in accordance with the NPPF (2021).

9. Following the approval of the Written Scheme of Investigation referred to in the previous condition, and prior to any demolition on the site and the commencement of the development (other than in accordance with the agreed Written Scheme of Investigation), a staged programme of archaeological evaluation and mitigation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation. The programme of work shall include all processing, research and analysis necessary to produce

an accessible and useable archive and a full report for publication which shall be submitted to the Local Planning Authority within two years of the completion of the archaeological fieldwork.

REASON: To safeguard the identification, recording, analysis and archiving of heritage assets before they are lost and to advance understanding of the heritage assets in their wider context through publication and dissemination of the evidence in accordance with the NPPF (2021).

10. Prior to above ground works commencing, full details of the solar panels and air source heat pumps (to include specifications and where in each plot they shall be installed) shall be submitted to the Local Planning Authority for approval. The approved solar panels and air source heat pumps shall be installed on every dwelling prior to the first occupation of the dwellings hereby approved.

REASON: In the interests of energy efficiency.

11. A detailed landscape scheme shall be submitted to the Local Planning Authority and approved in writing prior to the erection of any external wall of the development hereby approved.

The entire landscaping scheme shall be completed by the end of the planting season immediately following the completion of the development or the site being brought into use, whichever is the sooner.

Any trees, hedges or plants shown on the approved landscaping scheme to be planted or retained that die, are removed, are damaged or become diseased, or grassed areas that become eroded or damaged, within 5 years of the completion of the approved landscaping scheme, shall be replaced by the end of the next planting season. Replacement trees and plants shall be of the same size and species as those lost, unless the Local Planning Authority approves alternatives in writing.

REASON: To ensure the development is completed in a manner that is sympathetic to the site and its surroundings and to enable the planting to begin to become established at the earliest stage practical in accordance.

12. The development shall proceed in accordance with the Construction Traffic Management Plan dated July 2022 (ref 21-0840) written by Rappor Consultants Ltd.

REASON: In the interests of highway safety and to mitigate the impact of construction vehicles on the surrounding network, road infrastructure and local residents, particularly at peak traffic times.

13. No dwelling shall be occupied until a sensitive external lighting strategy is submitted to and approved, in writing, by the Local Planning Authority. No means of external illumination shall be installed other than in accordance with the approved details and shall not be varied without the permission in writing of the Local Planning Authority.

REASON: To protect wildlife and habitats in accordance with The Conservation of Habitats and Species 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended), the Protection of Badgers Act 1992 and the Wild Mammal Protection Act 1996, Circular 06/2005, paragraphs 174, 179 and 180 of the National Planning Policy Framework (Chapter 15), Policy EH3 of the West Oxfordshire Local Plan 2031 and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

14. No dwelling shall be occupied until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved, in writing, by the Local Planning Authority. The Plan shall include measures for establishment, enhancement and long-term management and management of habitats and open spaces within the site and shall include enhancements and planting schedules devised in accordance with the principles and recommendations set out in the Ecological Appraisal, dated March 2022. This shall include a timetable for management activities as well as a monitoring schedule and shall be fully implemented.

REASON: To protect wildlife and habitats in accordance with The Conservation of Habitats and Species 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended), the Protection of Badgers Act 1992 and the Wild Mammal Protection Act 1996, Circular 06/2005, paragraphs 174, 179 and 180 of the National Planning Policy Framework (Chapter 15), Policy EH3 of the West Oxfordshire Local Plan 2031 and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

15. There shall be no occupation until confirmation has been provided that either:
 1. All foul water network upgrades required to accommodate the additional flows from the development have been completed; or
 2. A development and infrastructure phasing plan has been agreed with Thames Water to allow the development to be occupied. Where a development and infrastructure phasing plan is agreed, no occupation of any dwellings shall take place other than in accordance with the agreed development and infrastructure phasing plan.

REASON: Network reinforcement works are likely to be required to accommodate the proposed development. Any reinforcement works identified will be necessary in order to avoid sewage flooding and/or potential pollution incidents.

16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no development (including windows/doors) permitted under Schedule 2, Part 1, Classes A, AA, B, C, D, E, and G shall be carried out other than that expressly authorised by this permission.

REASON: Control is needed to protect the character and appearance of the development, the wider area and neighbour amenity.

17. Prior to first occupation, a Travel Information Pack shall be submitted to and approved by the Local Planning Authority. The first residents of each dwelling shall be provided with a copy of the approved Travel Information Pack.

REASON: To encourage residents to use sustainable modes of transport as much as possible in line with the NPPF.

18. No dwelling of the development hereby permitted shall be occupied until cycle parking has been provided according to a plan showing the number, location and design of cycle parking for the dwellings that has previously been submitted to and approved in writing by the Local Planning Authority. The cycle parking will be permanently retained and maintained for the parking of cycles in connection with the development.

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

19. The car parking areas (including where appropriate the marking out of parking spaces) shown on the approved plans shall be constructed before occupation of the development and thereafter retained and used for no other purpose.

REASON: To ensure that adequate car parking facilities are provided in the interests of road safety.

20. The dwellings hereby approved shall be designed and constructed to incorporate measures to ensure that as a minimum, they achieve the internal and external ambient noise levels contained in British Standard 8233:2014 Guidance for Sound Insulation and Noise Reduction for Buildings (or later versions).

REASON: In the interests of residential amenity.

INFORMATIVES :-

1. Please note that this consent does not override the statutory protection afforded to species protected under the terms of the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 (as amended), or any other relevant legislation such as the Wild Mammals Act 1996 and Protection of Badgers Act 1992.

All British bat species are protected under The Conservation of Habitats and Species Regulations 2017 (as amended), which implements the EC Directive 92/43/EEC in the United Kingdom, and the Wildlife and Countryside Act 1981 (as amended). This protection extends to individuals of the species and their roost features, whether occupied or not. A derogation licence from Natural England would be required before any works affecting bats or their roosts are carried out.

All British birds (while nesting, building nests, sitting on eggs and feeding chicks), their nests and eggs (with certain limited exceptions) are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000. Works that will impact upon active birds' nests should be undertaken outside the breeding season to ensure their protection, i.e. works should only be undertaken between August and February, or only after the chicks have fledged from the nest.

In the event that your proposals could potentially affect a protected species, or if evidence of protected species is found during works, then you should seek the advice of a suitably qualified and experienced ecologist and consider the need for a licence from Natural England prior to commencing works (with regard to bats).

2. The Ecological Appraisal concluded that the presence of Great Crested Newts is extremely unlikely. However it should be noted that the application site lies within an amber impact zone as per the modelled district licence map, which indicates there is suitable habitat for GCN within the area surrounding the application site. Therefore, anyone undertaking this development should be aware that GCN and their resting places are protected at all times by

The Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended). Planning permission for development does not provide a defence against prosecution under this legislation or substitute the need for a licence if an offence is likely. If a GCN is found at any stage of the works then an ecologist should be consulted and a licence may be required.

3. Please note, the Advance Payments Code (APC), Sections 219 -225 of the Highways Act 1980, is in force in the county to ensure financial security from the developer to off-set the frontage owners' liability for private street works, typically in the form of a cash deposit or bond. Should a developer wish for a street or estate to remain private, then to secure exemption from the APC procedure, a 'Private Road Agreement' must be entered into with the County Council to protect the interests of prospective frontage owners. For guidance and information on road adoptions etc. please visit our website.
4. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

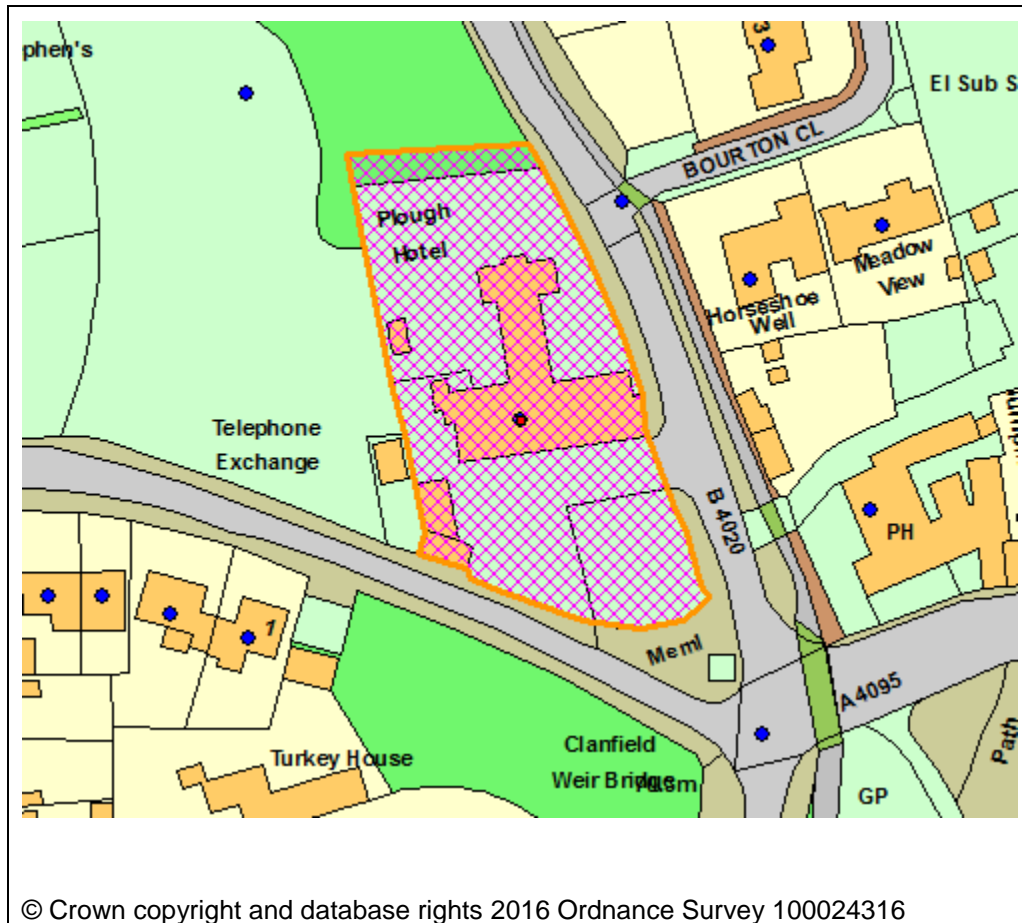
Contact Officer: David Ditchett

Telephone Number: 01993 861649

Date: 23rd November 2022

Application Number	22/02134/FUL
Site Address	The Double Red Duke Black Bourton Road Clanfield Oxfordshire OX18 2RB
Date	23rd November 2022
Officer	Elloise Street
Officer Recommendations	Approve
Parish	Clanfield Parish Council
Grid Reference	428458 E 202072 N
Committee Date	5th December 2022

Location Map



Application Details:

Erection of greenhouse (Retrospective)

Applicant Details:

Mrs Georgina Pearman
The Double Red Duke
Black Bourton Road
Clanfield
Oxfordshire
OX18 2RB

I CONSULTATIONS

Conservation Officer

As discussed on site, the greenhouse is of unobjectionable traditional form, and no great size - and I don't think it makes any significant impact on the setting of the listed building.

So, all is fine from our point of view.

Parish Council

Application No. 22/0134/FUL Greenhouse.

In the Design and Access Statement the setting of The Plough is described as semi-rural. This is incorrect as it has a rural setting. The application does not consider the visual impact of the greenhouse from the Church. In summer the greenhouse is screened by trees, mostly dying elms, but in winter it is visible and has a negative impact on the church.

The greenhouse has no function as it usually does not have any plants inside. It also forms part of a cluster of inappropriate third world sheds and storage along the western site boundary including a shepherd's hut that may not have planning permission. The greenhouse is occupying land that could be usefully used for two car parking places.

One third party consultee comment has been received.

In the Design and Access Statement the setting of The Plough is described as semi-rural. This is incorrect as it has a rural setting. The application does not consider the visual impact of the greenhouse from the Church. In summer the greenhouse is screened by trees, mostly dying elms, but in winter it is visible and has a negative impact on the church.

The greenhouse has no function as it usually does not have any plants inside. It also forms part of a cluster of inappropriate third world sheds and storage along the western site boundary including a shepherd's hut that may not have planning permission. The greenhouse is occupying land that could be usefully used for two car parking places.

The Heritage Statement states that the greenhouse is compatible with the 'special interest' and character of The Plough. It is NOT compatible. The greenhouse does not have a sustainable use because it is never used. I wish to object to this application.

4 PLANNING POLICIES

OS2NEW Locating development in the right places

OS4NEW High quality design
EH9 Historic environment
EH11 Listed Buildings
E1NEW Land for employment
E4NEW Sustainable tourism
NPPF 2021

DESGUI West Oxfordshire Design Guide

The National Planning Policy framework (NPPF) is also a material planning consideration.

5 PLANNING ASSESSMENT

Background information

- 5.1 The application seeks full planning permission for the erection of greenhouse (Retrospective) at Double Red Duke, Black Bourton Road, Clanfield, Bampton.
- 5.2 The application is brought before Members of the Lowlands Area Sub Planning Committee as the Parish Council have objected to the proposed works.
- 5.3 The application site relates to a Grade II Listed building currently being used as a public house and guest accommodation within the residential area of Clanfield.
- 5.4 The main considerations of this application are the impact of the proposed development on the listed building along with the visual amenity and the impact on the proposed development on the residential amenity.
- 5.5 Relevant planning history
 - 20/01003/FUL - Erection of single storey rear extensions. – Approved
 - 20/01004/LBC - Erection of single storey rear extensions. – Approved
 - 20/01809/FUL - Replace existing outbuildings with 6 bedroomed unit for use ancillary to the public house. Associated landscaping works. (Amended Plans) – Approved
 - 20/01810/LBC - Replace existing outbuildings with 6 bedroom unit for use ancillary to the public house. (Amended Plans) – Approved
 - 20/02937/S73 - Variation of condition 3 (materials) and removal of condition 4 (window, door and cladding details) of planning permission 20/01003/FUL and Listed Building consent 20/01004/LBC – Approved
 - 20/03005/ADV - Installation of replacement hanging sign externally illuminated together with an internally illuminated menu case affixed to the main entrance. (Part Retrospective) – Refused
 - 20/03006/LBC - External alterations to install replacement externally illuminated hanging sign and an internally illuminated menu case together with a non-illuminated name sign both affixed to the main entrance. (Part Retrospective) – Refused
 - 21/00698/FUL - Paving to front area, with landscaping and lighting to carpark and pathways – Approved
 - 21/01213/FUL - Erection of timber shed to be used as an office, Indian sandstone pathway and vertical boarded bin store enclosure (part retrospective). – Approved
 - 21/01305/LBC - Exterior alterations to include paving to front area, with landscaping and lighting to carpark and pathways and the addition of a new gate access – Approved
 - 21/02568/S73 - Variation of condition 2 of planning permission 20/01809/FUL to allow use of attic space over bedroom 1 to accommodate separate bath and shower room,

new stairs, insertion of additional first floor and ground floor windows, inclusion of M and E riser rear cupboard (Retrospective). – Approved

- 21/02569/LBC - Variation of condition 2 of listed building consent 20/01810/LBC to allow use of attic space over bedroom 1 to accommodate separate bath and shower room, new stairs, insertion of additional first floor and ground floor windows, inclusion of M and E riser rear cupboard (Retrospective). – Approved
- 22/01332/FUL - Construction of external bar. (Retrospective). - Refused
- 22/02135/LBC - External alterations to erect a double sided hanging sign with linolites, along with the addition of an internally illuminated menu case and small cut panel with painted detail – Approved
- 22/02136/ADV - Erection of a double sided hanging with linolites, along with the addition of an internally illuminated menu case and small cut panel with painted detail - Approved

There have been two recent appeals on this site as detailed below:

- APP/D3125/Z/21/3274959 - Installation of replacement hanging sign externally illuminated together with an internally illuminated menu case affixed to the main entrance. (Part Retrospective) - 20/03005/ADV
- APP/D3125/Y/21/3274941 - External alterations to install replacement externally illuminated hanging sign and an internally illuminated menu case together with a non-illuminated name sign both affixed to the main entrance. (Part Retrospective) - 20/03006/LBC

The two appeal decisions are linked to each other and the inspector made a split decision on the application in which the hanging sign was refused advertisement consent and listed building consent but the menu case and name sign were allowed.

5.6 Taking into account planning policy, other material considerations and the representations of interested parties your officers are of the opinion that the key considerations of the application are:

- Principle
- Design
- Impact on the listed building
- Impact on visual amenity of the street scene
- Residential Amenity

Principle

5.7 Local Plan Policy E1 states within existing employment sites "Proposals to improve the effectiveness of employment operations on existing employment sites will be supported where commensurate with the scale of the town or village and the character of the area. This may include redevelopment, replacement buildings or the expansion of existing employment uses."

5.8 It is important to consider that whilst the established use of this business is a public house and guest accommodation and this would normally fall within Local Plan Policy E4 Sustainable Tourism this proposal is for elements in which the general public would not use but will visually be able to see the greenhouse.

5.9 Your Officers consider that the erection of a greenhouse does fall within the bounds of the policy. The principle of the public house has already been set in previous applications and with this being a

supplementary scheme to the wider development. Your officers have considered that the development is compliant with the principle of existing employment use. There will however need to be further assessment with regards to the impact on the listed building, and the design and siting along with residential and visual amenity.

Design & Siting

- 5.10 The erection of a greenhouse is located in the North-western corner of the site. The application is retrospective as the greenhouse is in place, however Officers would like to highlight that whilst the application is retrospective, this will not have an impact on how the scheme is viewed in planning terms and will be considered the same as any other application.
- 5.11 The greenhouse is located in the north-western corner of the site of the Double Red Duke within the gardens of the host building. The greenhouse is 1.96m in width and 2.67m in length with an eaves height of 1.77m and a maximum height of the greenhouse being 2.68m. The greenhouse is constructed from silvered wood to knee height and then the remaining element of the greenhouse is constructed of typical glazed greenhouse glass with a decorative metal ridge.
- 5.12 Officers consider that the scale and design complies with Policy OS4 of the West Oxfordshire Local Plan 2031 which states that new development should respect the historic, architectural and landscape character of the locality, contribute to local distinctiveness and where possible, enhance the character and quality of the soundings. Section 12(130 b) of the NPPF also states that development should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping to which the proposed complies with.

Impact on the visual amenity of the streetscene

- 5.13 The greenhouse is not visible from the streetscene and therefore does not give rise to any adverse impacts in regards to visual amenity. Your officers consider that the materials of the greenhouse are sympathetic to the listed building and the surrounding areas.

Impact on the Listed Building

- 5.14 It is important to consider that the proposed development is within the setting of the Grade II listed building of the Double Red Duke. Officers are required to take account of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended which states that in considering whether to grant planning permission for any works the local planning authority shall have special regard to the desirability of preserving the building, its setting and any features of special architectural or historic interest which it possesses. Policy EHI 1 also states "Proposals for additions or alterations to, or change of use of, a Listed Building or for development within the curtilage of, or affecting the setting of, a Listed Building, will be permitted where it can be shown to: conserve or enhance the special architectural or historic interest of the buildings fabric, detailed features, appearance or character and setting as well as respect the building's historic curtilage or context or its value within a group and/or its setting, including its historic landscape or townscape context. It is also important for your Officers to take regard to the section 7 of the West Oxfordshire Design Guide which also emphasises that the character, fabric and history of the building should be understood as fully as possible.
- 5.15 With regard to the impact on the listed building, the erection of the greenhouse is not considered to obscure the historical architecture of the existing listed building. The location of the greenhouse

is located to the north-western corner of the red edged area in which the main listed building is located. It has also been considered that the most historical element of the Double Red Duke is the front elevation and the elements adjacent to the greenhouse are of C20 nature. In light of this, your Officers have considered that due to the siting of the greenhouse that this would not be obscuring any special or historical feature of the listed building. In regard to the setting of the listed building, the greenhouse is a modest structure constructed from high quality materials located in an area which has historically been a garden and is not uncommon to have outbuildings of this type within the curtilage of a listed building. In particular as the greenhouse serves a function by growing plants and has been considered sympathetic to the listed building. The proposed development would respect and would maintain the appearance of the heritage asset given the nature of what is proposed and its location and would not be harmful to its setting. The proposed development would conform to policy EHI 1 of the Local Plan.

Residential amenity

5.16 Given the nature of the erection of the greenhouse, your officers are of the opinion that the proposed would not give rise to any adverse impacts in regards to neighbouring amenity issues such as overbearing, overlooking, and loss of light or privacy. The greenhouse is sited a suitable distance away from the main building and also away from any neighbouring properties in which there are no concerns with overlooking or loss of privacy. In addition due to the nature of the greenhouse, a typical use would mean that the greenhouse is used minimally for the growing of plants. Whilst the greenhouse is in close proximity to the boundary, it is of a modest height and an appropriate distance from neighbouring properties to not give rise to loss of light.

5.17 Additionally, no objections have been received from neighbours with no neighbouring amenity concerns of the proposed additions.

Other Matters

5.18 Clanfield Parish Council and a third party consultee have objected to the proposed scheme for the same reasons, one being the design and layout/neighbourliness and the other with regards to highways. The Parish have detailed their concerns with regards to the development not being sympathetic to the existing buildings and surroundings and that the proposed can be seen from the front of the Double Red Duke and from the Grade I listed church. Officers have already expressed their views within the section regarding the impact on the listed building. Whilst your Officers understand with their concerns it has been considered that as the siting of the greenhouse is in a location in which is to minimise the impact on the listed building whilst still serving a purpose. The parish also detailed concerns with the views from the Grade I listed church, however your officers visited on site and deemed even during the winter months that there will be minimal views of the proposed scheme.

5.19 The Parish also have concerns that the greenhouse has no function and it forms a cluster of inappropriate sheds. Officers have considered that the greenhouse is of sympathetic materials and does not harm the listed building. In addition, it was noted during the site visit that there were plants visibly growing in the greenhouse clearly serving the purpose it is proposed for.

5.20 Your Officers understand the Parish concerns with regards to the parking provision and that they state that the greenhouse is occupying land that could be used for two parking spaces. However, the wider scheme of development has already been approved and in place with the parking provision as is. Officers sympathise with the highway concerns however this is not a consideration

for this application is nor can be a deemed an appropriate reason to warrant a refusal for the application. It is also important to consider their comment that the space would be better used as additional parking capacity. However when onsite your case officer has understood that there would not be sufficient space to park cars in this location if the greenhouse was removed and the access to the space would not be appropriate for vehicles. Officers have also considered that the positioning and use of the greenhouse would not give rise to additional vehicles coming to the site to specifically view and use the greenhouse independently.

Conclusion

5.21 In light of the above assessment, the application is recommended for approval as your officers consider it complies with the provisions of policies OS2, OS4, EH9 and EH11 of the adopted West Oxfordshire Local Plan; WODC Design Guide 2016 and the relevant paragraphs of the NPPF 2021.

6 CONDITIONS

- I. That the development be carried out in accordance with the approved plans listed below.

REASON: For the avoidance of doubt as to what is permitted.

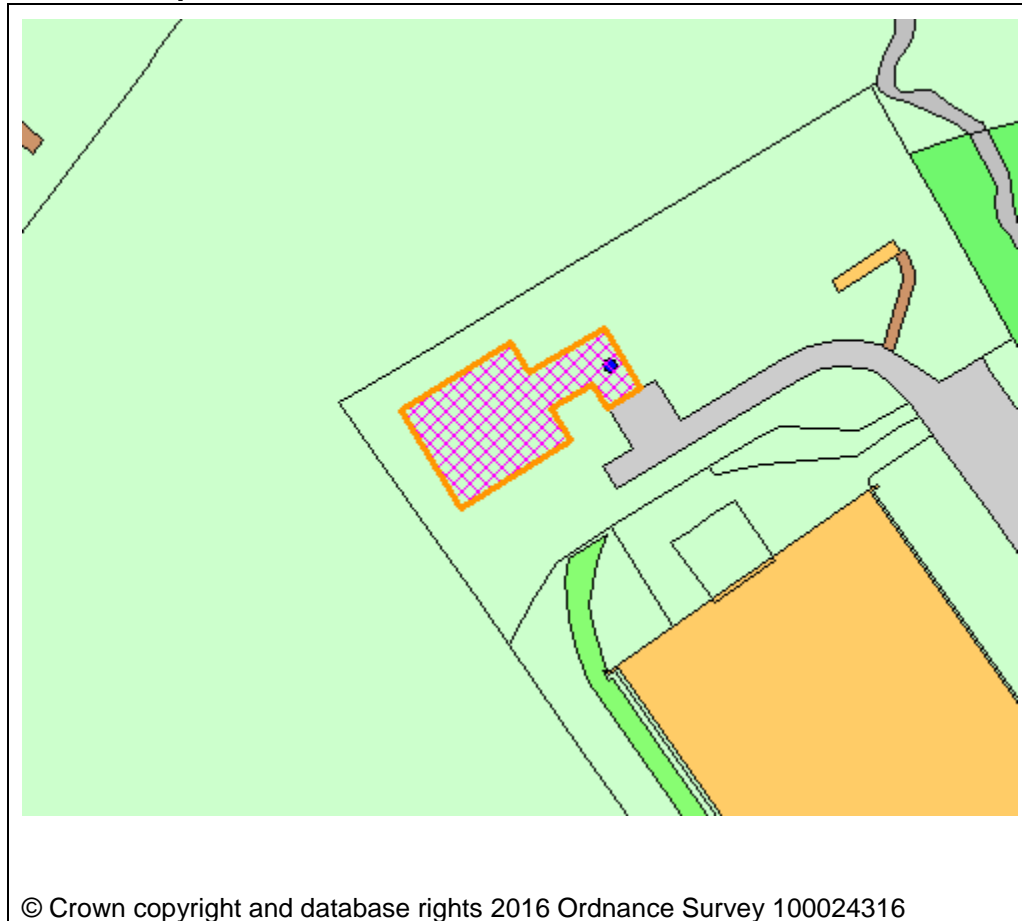
Contact Officer: Eloise Street

Telephone Number:

Date: 23rd November 2022

Application Number	22/02718/S73
Site Address	Land For Tactical Medical Wing RAF Brize Norton Carterton Road Brize Norton Oxfordshire
Date	23rd November 2022
Officer	David Ditchett
Officer Recommendations	Approve
Parish	Brize Norton Parish Council
Grid Reference	429489 E 208003 N
Committee Date	5th December 2022

Location Map



Application Details:

Variation of condition 10 and removal of condition 11 of Permission 21/01197/FUL to allow changes to the biodiversity enhancement and landscaping scheme and removal of the tree/hedge/shrub planting/replacement scheme.

Applicant Details:

Aquila ATMS Ltd on behalf of UK MOD
C/o Agent

I CONSULTATIONS

Parish Council

Thank you for inviting Brize Norton Parish Council to comment on application 22/02718/S73 regarding the variation of condition 10 and removal of condition 11 of Permission 21/01197/FUL to allow changes to the biodiversity enhancement and landscaping scheme and removal of the tree/hedge/shrub planting/replacement scheme.

As the Planning Officer is aware, Brize Norton Parish Council and the residents of Brize Norton were opposed to the location of the radar tower within the TMW and the process by which the site had been chosen. However, despite these objections, planning permission was granted with minimal Conditions. Given the objections raised, BNPC consider that the conditions imposed on the permission should be fully enforced, including Conditions 10 and 11. These conditions which refer to biodiversity enhancement, landscaping and ongoing maintenance as described in the ADAS report, were specifically included at the request of the biodiversity officer and there is no technical reason as to why these should now be dropped at the request of the developer. In addition to biodiversity enhancement, these would also have given some degree of mitigation to the visual impact of the radar tower up to the top of the perimeter wire.

It is therefore, extremely disappointing that RAFBN/MOD are now refusing to permit any landscaping to be carried out within the wire despite it being a Condition to which they agreed, as part of the Permission. Brize Norton Parish Council have held several meetings with RAFBN and Aquila, predominately to discuss landscaping. Our last meeting was held on 6th September 2022 which was also attended by the WODC planning officer and district councillor. BNPC subsequently received the attached email from Aquila which clearly states that RAFBN/MOD will not permit any landscaping within the wire.

RAFBN senior officers constantly remind the Parish Council and residents of Brize Norton that they wish to be 'good neighbours'. With this in mind, BNPC would agree to the removal of Conditions 10 and 11 provided the benefit that would have occurred had these conditions been adhered to, is adequately compensated for. BNPC would consider appropriate compensation to be:

- RAFBN/MOD fund the supplementary planting of a screening hedge outside the wire. Although this land is currently owned by Bloor Homes Ltd, ownership will be transferred to the Parish Council within the next two years,

which means it will have to be maintained by BNPC thereafter.

- Maintenance of this additional landscaping, being provided specifically to benefit the Radar Tower development, is not included in the S106 Agreements for the Brize Meadow development. BNPC therefore request a commuted sum of £20,000.00 to assist with the maintenance of the additional landscaping now required.

District Ecologist

Condition 10 was recommended to secure biodiversity enhancements on-site, including additional planting. However, it has been brought to my attention that additional planting on-site would affect visibility which is pertinent to the existing use of the site. Therefore, the applicant is unable to satisfy the requirements of condition 10. Despite this, the applicant has installed bird and bat boxes which will provide additional roosting and nesting opportunities for protected species therefore, I am satisfied the applicant has enhanced the site where feasible and therefore, condition 10 can be varied.

I recommend the following replacement condition:

- The development shall be completed in accordance with the measures outlined within the submitted consultancy report (Bird and Bat Box File Note, ADAS, dated 16th August 2022). All the recommendations shall be implemented in full, unless otherwise agreed in writing by the local planning authority.

REASON: To provide additional roosting and nesting sites for bats and birds as a biodiversity enhancement, in accordance with paragraphs 174, 179 and 180 of the National Planning Policy Framework (Chapter 15), Policy EH3 of the West Oxfordshire Local Plan 2011-2031 and Section 40 of the Natural Environment and Rural Communities Act 2006.

Condition 11 relates directly to new planting and requires the replacement of any shrubs, trees and hedgerows which are removed, uprooted, destroyed or die. As stated above, the applicant is unable to satisfy this part of condition 10 and therefore, condition 11 should be removed.

2 REPRESENTATIONS

One third party objection received stating 'Not only was the planning application put through with incredible speed, with no regard for it's visual impact on the residents of Brize Meadow or Shilton Park (I can clearly see the tower from Sedge Way on Shilton Park), but now the MOD/RAF want to renege on

the biodiversity condition for the site. This is both incredibly disappointing and will set a terrible precedent if allowed. I hope if additional planting etc can't be done on this site then the MOD/RAF will pay for the equivalent somewhere else in Carterton or Brize Norton?'

3 APPLICANT'S CASE

- 3.1 The applicants Planning Statement explains:
- 3.2 The management of defence establishments requires fencing to be clear of planting and without the potential for access or ingress, and a high degree of visibility is required across the MoD estate.
- 3.3 No additional fencing was proposed under application 21/01197/FUL, and regardless it would in any case be contrary to UK MoD policy to add holes to either existing or new fencing that provides security protection to such a military radar site. The addition of any significant biodiversity planting is equally not considered to be appropriate in the context of a site housing a military radar with limited existing planting onsite and the requirement for high degrees of visibility.
- 3.4 As there are existing trees on site, the site was considered suitable for the installation of bat and bird boxes.
- 3.5 The site therefore does not allow for the introduction of a biodiversity planting scheme for shrubs, trees and hedgerows, or the installation of hedgehog gaps, within the site perimeter. These requirements restrict the scope of biodiversity enhancements which can be carried out.
- 3.6 Noting these aforementioned constraints, this Section 73 application seeks to amend the biodiversity condition to refer to the requirement to provide and maintain bat and bird boxes only. Condition 11, related to the landscaping biodiversity measures required under condition 10, is proposed to be removed.

4 PLANNING POLICIES

OS2NEW Locating development in the right places

OS4NEW High quality design

EH2 Landscape character

EH3 Biodiversity and Geodiversity

EH8 Environmental protection

EH11 Listed Buildings

OS5NEW Supporting infrastructure

CA5 Carterton sub-area strategy

EH4 Public realm and green infrastructure

DESGUI West Oxfordshire Design Guide

NATDES National Design Guide

The National Planning Policy framework (NPPF) is also a material planning consideration.

5. PLANNING ASSESSMENT

- 5.1 This application seeks permission for the variation of condition 10 and removal of condition 11 of Permission 21/01197/FUL to allow changes to the biodiversity enhancement and landscaping scheme and removal of the tree/hedge/shrub planting/replacement scheme.
- 5.2 This application relates to a recently constructed radar tower located adjacent to the existing Tactical Medical Wing within the site boundaries of RAF Brize Norton.
- 5.3 The description of development for the original application (ref. 21/01197/FUL) read 'Installation of a new Primary Surveillance Radar on a new radar tower together with associated works and a new ground-based equipment cabin'.
- 5.4 The original application was before members of the Lowlands Area Planning Sub-Committee on 11.10.2021 where Members resolved to grant permission. The approval was issued on 13.10.2021.
- 5.5 On 14/02/2022 conditions 3 (schedule of materials), 5 (construction phase traffic management plan) and 9 (details of external lighting) of planning permission 21/01197/FUL were discharged by application ref. 21/03906/CND.
- 5.6 Application 22/01207/CND for 'Discharge of condition 10 (scheme for biodiversity enhancement) of planning permission 21/01197/FUL' was withdrawn on 24/08/2022 as insufficient information for the condition to be discharged was submitted to the LPA.
- 5.7 The application is before the Lowlands Area Planning Sub-Committee as the officer recommendation is contrary to the views of the Parish Council.
- 5.8 Taking into account planning policy, other material considerations and the representations of interested parties, officers are of the opinion that the key considerations of the application are:
- Principle of Development;
Biodiversity;
Other Matters; and
Conditions

Principle of Development

- 5.9 The application seeks planning permission to vary condition 10 (biodiversity) and removal of condition 11 (replacement planting) of permission 21/01197/FUL. Section 73 of the Town and Country Planning Act allows for applications for the variation of conditions attached to previously granted permissions. The regulations set out that when determining such applications it is only the question of the conditions attached to the approved consent which may be considered. As such, the principle of the original scheme cannot be re-considered under this application.
- 5.10 The regulations set out that the Local Planning Authority can grant permission with conditions differing from the original permission, or it can refuse the application if it considers that the

original conditions should apply. Therefore, when assessing this application, officers will consider the impact of the proposed changes on biodiversity.

- 5.11 Following this it will also need to be considered what conditions attached to application ref. 21/01197/FUL need to be carried forward, and if any further conditions need to be attached to any new consent.

Biodiversity

- 5.12 Local Plan Policy EH3 (Biodiversity and geodiversity) states 'the biodiversity of West Oxfordshire shall be protected and enhanced to achieve an overall net gain in biodiversity and minimise impacts on geodiversity'.
- 5.13 Paragraph 180 of the NPPF sets out a clear hierarchy for proposals affecting biodiversity. The hierarchy is to firstly, avoid harm; secondly, where this is not possible, to mitigate any harm on-site; thirdly, as a last resort, to compensate for any residual harm.
- 5.14 Prior to the radar tower being erected, the site comprised of hardstanding and amenity grassland with scattered trees in the wider area. As such, the site contained very little biodiversity value. Nonetheless, local and national policy requires development proposals to protect biodiversity and to secure net gain. The Council's Ecologist commented on the original scheme and was satisfied that the impact to biodiversity was acceptable and suggested conditions securing a lighting scheme, bat and bird boxes, hedgehog gaps/holes, a landscape scheme, replacement planting and that works proceed in accordance with the submitted ecology letter.
- 5.15 The submitted planning statement supporting this application explains that 'the management of defence establishments requires fencing to be clear of planting and without the potential for access or ingress, and a high degree of visibility is required across the MoD estate. No additional fencing was proposed under application 21/01197/FUL, and regardless it would in any case be contrary to UK MoD policy to add holes to either existing or new fencing that provides security protection to such a military radar site. The addition of any significant biodiversity planting is equally not considered to be appropriate in the context of a site housing a military radar with limited existing planting onsite and the requirement for high degrees of visibility'.
- 5.16 The MoD explain that, for security reasons, it was not possible to add hedgehog gaps/holes to the fencing or a landscape scheme as it may allow access to the tower and would affect visibility. They have however installed three bird boxes and three bat boxes on trees at the site.
- 5.17 Paragraph 56 of the NPPF is clear that 'Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects'. The purpose of conditions relating to biodiversity were to mitigate the impact (in biodiversity terms) and to secure biodiversity net gain (BNG). As set out, the site contained very little biodiversity value and while the applicant cannot meet all of the requirements of the conditions, they can, and have, installed bat and bird boxes.
- 5.18 Case law (*Medina BC v Proberun* (1991) 61 P & CR 77) advises 'when considering whether to discharge a condition requiring the approval of details, the decision maker must ...ask whether the submitted details are 'satisfactory'. What is satisfactory must logically be assessed by

reference to the purpose of the condition. If the decision maker does not consider the details to be satisfactory, he or she should consider whether they are nonetheless the best that can be achieved in light of the constraints of the site'.

- 5.19 'Proberun' case law principles is not the test for this application as the applicant seeks to vary the condition and not to discharge. Nonetheless, this judgement provides a useful test when dealing with details reserved by condition.
- 5.20 It would have been preferred to secure a landscape scheme, replacement planting and hedgehog holes. However, when taking into consideration the site prior to development beginning, officers are satisfied that the installation of bat and bird boxes will result in net gain at the site, albeit nominal. Indeed, the Council's Ecologist has raised no objection to the proposed changes to the conditions. As such, officers are satisfied that condition 10 can be amended as the purpose of the condition is met (BNG). As condition 11 relates to replacement planting and no planting is proposed, condition 11 is no longer required and can be removed.

Other Matters

- 5.21 Brize Norton Parish Council submitted a comment explaining that they 'would agree to the removal of Conditions 10 and 11 provided the benefit that would have occurred had these conditions been adhered to, is adequately compensated for. BNPC would consider appropriate compensation to be:
- RAFBN/MOD fund the supplementary planting of a screening hedge outside the wire. Although this land is currently owned by Bloor Homes Ltd, ownership will be transferred to the Parish Council within the next two years, which means it will have to be maintained by BNPC thereafter.
 - Maintenance of this additional landscaping, being provided specifically to benefit the Radar Tower development, is not included in the S106 Agreements for the Brize Meadow development. BNPC therefore request a commuted sum of £20,000.00 to assist with the maintenance of the additional landscaping now required'.
- 5.22 Conditions 10 and 11 were suggested by the Council's Ecologist in order to make the application acceptable in biodiversity terms and were not for the purposes of visual screening. Indeed, this is noted in the 'Landscape' section of the Officer Committee Report (dated 11/10/2021) which states 'The nature of the radar and its operational requirements obviously mean that normal landscape mitigation measures such as buffer planting is not possible within the application site'. With that in mind, visual screening of the tower will not be lost, as it was not proposed for that purpose. However, officers acknowledge that the biodiversity benefits of the planting will be lost.
- 5.23 While that is the case. The Environment Act 2021 has now passed, however, secondary legislation is required for it to be implemented. Therefore, the 10% biodiversity net gain requirement set out in the Act is not yet law. Furthermore, Local Plan Policy EH3 and Paragraph 174 of the Framework, both seek a net gain in biodiversity without identifying a specific percentage. Conditions 10 and 11 went beyond what was required by planning policy and BNG (albeit nominal) will be secured by this application. As such, the removal/variation of the conditions are acceptable and officers cannot secure the financial mitigation or planting in a different location requested by the Parish Council.

Conditions

- 5.24 Decision ref. 21/01197/FUL was subject to a total of 11 conditions. The effect of an application under Section 73 of the Act is to grant a wholly new planning permission. Therefore, the conditions attached to the original consent should be replicated on the new permission, reviewed or removed. The conditions have been reviewed and the relevant ones are listed below in the officer's recommendation.

Conclusion:

- 5.25 It is considered that the variation of condition 10 and the removal of condition 11 is acceptable, and in accordance with the policies in the Development Plan and the NPPF, which are not outweighed by other material planning considerations.
- 5.26 It is therefore recommended that the variation of condition 10 and the removal of condition 11 of permission ref. 21/01197/FUL be granted.

6 CONDITIONS

1. The operational noise rating at 1 metre outside the window of any room of a neighbouring residential property, shall not at any time exceed a background noise level of 33dB(LA90) as defined in the Noise Assessment Report Ref 2396W-SEC-00001-02, as measured in accordance with BS4142:2014+A1:2019.

REASON: To minimise noise pollution to a level that provides protection for health, environmental quality and amenity, in accordance with Policy EH8 of the West Oxfordshire Local Plan 2031.

2. On receipt of legitimate formal noise complaints to Council's Environmental Health service, RAF Brize Norton shall undertake a full noise assessment and report to verify that the operational noise condition limit is not being exceeded. And provide the assessment report to the Local Planning Authority within 28 days of the Council's complaint notification.

REASON: To minimise noise pollution to a level that provides protection for health, environmental quality and amenity, in accordance with Policy EH8 of the West Oxfordshire Local Plan 2031

3. Notwithstanding the external lighting approved by application ref 21/03906/CND. No additional external lighting shall be installed within the red line shown on the Site Location Plan (drawing no. DS99100 OA 118A DDT) as submitted with application reference 21/01197/FUL unless agreed, in writing, by the Local Planning Authority prior to the external lighting being installed on site.

All external lighting shall be installed in accordance with the specifications and locations agreed by the Local Planning Authority, and shall be retained as such thereafter.

REASON: To protect foraging/commuting bats in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended), Circular 06/2005, the National Planning Policy Framework, Policy EH3 of the West Oxfordshire Local Plan 2031 and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

4. The development shall be completed in accordance with the measures outlined within the submitted consultancy report (Bird and Bat Box File Note, ADAS, dated 16th August 2022). All the recommendations shall be implemented in full, unless otherwise agreed in writing by the local planning authority.

REASON: To provide additional roosting and nesting sites for bats and birds as a biodiversity enhancement, in accordance with paragraphs 174, 179 and 180 of the National Planning Policy Framework (Chapter 15), Policy EH3 of the West Oxfordshire Local Plan 2011-2031 and Section 40 of the Natural Environment and Rural Communities Act 2006.

Contact Officer: David Ditchett

Telephone Number: 01993 861649

Date: 23rd November 2022