

WEST OXFORDSHIRE DISTRICT COUNCIL

UPLANDS AREA PLANNING SUB-COMMITTEE

Date: 17th March 2025

Report of Additional Representations



**WEST OXFORDSHIRE
DISTRICT COUNCIL**

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24/00769/OUT	Land South Of Charlbury Road, Chipping Norton
24/01177/FUL	Land East Of Wroslyn Road, Freeland

Report of Additional Representations

Application Number	24/00769/OUT
Site Address	Land South Of Charlbury Road Chipping Norton Oxfordshire
Date	14th March 2025
Officer	Mike Cassidy
Officer Recommendations	Approve subject to Legal Agreement
Parish	Chipping Norton Parish Council
Grid Reference	431794 E 226121 N
Committee Date	17th March 2025

Application Details:

Outline planning application, with all matters reserved other than principal means of access to the highway, for the construction of up to 104 residential dwellings, together with the provision of open space, landscaping and associated infrastructure.

Applicant Details:

Mr Robert Phillips
C/o Agent

Replacement of Consultations and Representations Section of Report

Replace the 'Consultations' and 'Representations' sections of the report with the following, which includes all representations received:

I CONSULTATIONS

Adjacent Parish Council

Enstone Parish Council objects to this development.

Highways need to look at how traffic will access the A44 from this development. The Lidstone Road was designed as a single track road to Enstone and is getting more and more traffic and more and more dangerous due to the increase in housing on the Burford road and businesses in Chadlington and Kingham area. Google and Waze direct you on the Lidstone road rather than through the Town centre.

Chipping Norton Town Council

Objection to the proposal for the following reasons:

- Policy/Principle - the application is on un-allocated land that is not within the strategic development area for Chipping Norton. Small piecemeal developments such as this are

detrimental to the development of the town, and this highlights the need for a strategic plan.

- Heritage, design / layout, and landscape – Historic England and WODC's Conservation Officer highlight the significance of setting regarding the adjacent Scheduled Ancient Monument. The applicant has stated that there will be minimal harm to the visual setting and impact to the site setting but has not provided photomontage or wireline outlines to provide "more robust visualization of the proposed development in relation to the designated asset."
- Residential amenity – WODC ERS Pollution noted that the Chipping Norton Rifle and Pistol Club which is beside the site was not included in the Noise Impact Assessment. The proximity to the Club may pose a safety concern which has not been addressed. The Lmax noise levels for the site have also been calculated with closed windows contrary to the principles of good acoustic design.
- Impact on waterbody - The Environment Agency raised concerns that Chipping Norton Sewage Treatment Works "is discharging very close to its permitted dry weather flow and does not have the required capacity to accommodate additional flows from this development. We believe that allowing this development before any increases to treatment capacity may result in Thames water exceeding its permitted limit, resulting in deterioration of receiving waterbody."
- Archaeology - OCC Archaeology has raised an objection due to the external contractor's report not being agreed with Oxfordshire County Archaeological Service contrary to their report. The report raises a number of points that need to be addressed.
- Highways – OCC Transport Schedule has raised an objection due to the failure of adequate provision for non-car modes of travel, inadequate proposed means of access to the site, inadequate proposed alterations to the A361 Burford Road/B4026 Charlbury Road junction, and insufficient information to calculate transportation and traffic implications for the site. The proposal will lead to increased traffic on Lidstone Track, a single-track road less than 4m wide (Lidstone Road between the B4026 and Neat Enstone).

Historic England

Historic England does not object to the application on heritage grounds. Conditions securing a scheme for heritage interpretation and education (to be developed in consultation with Historic England and other interested parties) for residents of the development and the surrounding neighbourhood and a scheme for the treatment housing in the areas of development which lie closest to the buffer zone, particularly those areas facing the southwestern edge of the Scheduled Monument (to be developed in consultation with Historic England and other interested parties) should be attached to any permission granted.

To conclude, the development will lead to some harm to the significance of the scheduled monument, but this is likely to be at the very lower end of less than substantial. It will therefore be a matter for your authority to consider the harm against public benefit as required by the NPPF.

OCC Major Planning Applications Team

Transport: No objection subject to conditions relating to means of access, visibility splays, Construction Traffic Management Plan, off-site highway works, parking, refuse vehicles turning, Travel Plan, Travel Information Pack and public footpath crossing works and associated construction safety provision as suggested being attached to any permission granted and a s106 legal agreement being entered into securing a Public Transport Service Contribution (£137,904), Public Rights of Way Contribution (£40,000) and Travel Plan Monitoring Fee (£1,985).

Lead Local Flood Authority: No objection subject to conditions relating to flooding and drainage as suggested being attached to any permission granted.

Education: No objection subject to a s106 legal agreement being entered into securing a Special Education Contribution (£53,845).

Archaeology: No objection. An archaeological evaluation has been carried out on the site during the pre-determination stage, and the approved report has now been submitted. No significant archaeological remains were recorded, and so, there are no further archaeological constraints to this scheme.

Waste Management: No objection subject to a s106 legal agreement being entered into securing a Household Waste Recycling Centre Contribution (£10,596).

Oxfordshire Fire and Rescue Service

No objection to the proposal. From reviewing the proposal details it is advised where required, works will be subject to a Building Regulations application and subsequent statutory consultation with the fire service, to ensure compliance with the functional requirements of The Building Regulations.

Env Health Contamination

No objection subject to condition relating to contamination as suggested being attached to any permission granted.

District Ecologist

Biodiversity Officer - No objection subject to conditions and informatives relating to biodiversity net gain, ecology, external lighting, Construction Environmental Management Plan – Biodiversity, landscaping and habitat management and monitoring as suggested being attached to any permission granted.

Newt Officer - I am satisfied that if this development were to go ahead it would be unlikely to have an impact on great crested newts or their habitats. Despite its size, there is a lack of ponds within 500m (other than the dry one identified) and of suitable habitat so it is very unlikely that newts will be present.

Env Health Noise And Amenity

After considering the updated information provided by the applicant, and also the information obtained on the suggested frequency of use, significant concern remains regarding the potential inability to control the use going forward and the anticipated noise levels across the site currently being over the CIEH Shooting Guidance level of 65dB where annoyance is highly likely to occur. Given the suggested frequency of use by members of the Chipping Norton Rifle and Pistol Clubs (CNRPC) there is a significant enough concern that the noise levels represented in the applicant's Noise reports suggest that future residents could suffer a significant loss of amenity and given the suggested frequency of the shooting events a strong likelihood of a statutory nuisance.

Overall, with the Rifle Range operating as suggested there are significant concerns in terms of the frequency of the noise impacts and further information and assessment may be needed to clarify and satisfy us that the criteria can be met.

WODC - Arts

Request a contribution (£13,104) to be secured by s106 legal agreement to develop temporary public art activity on and off site to foster connectivity for and with residents post occupation.

WODC - Sports

The Council would seek to secure, by way of planning obligations off site contributions for:

- Outdoor pitch provision (£205,734.98) towards improvements and maintenance of pitches in the catchment area.
- Artificial pitch provision (£7,406) towards the cost of a replacement or improvement to artificial pitches in the catchment area.
- Sport Hall provision (£53,624) toward the cost of a replacement or improvement to Sports Halls in the catchment area.

- Swimming pool provision (£59,260) towards the cost of a replacement or improvement to pools in the catchment area.

Environment Agency

The Environment Agency recommend a pre-commencement condition to ensure that all necessary improvements to Chipping Norton STW are made to protect the receiving environment.

Thames Water

No objection to foul water drainage subject to a condition to ensure that any foul water network upgrades required to accommodate the additional flows from the development have been completed.

Thames Water would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer.

Thames Water are currently working with the developer of application 24/00769/OUT to identify and deliver the offsite water infrastructure needs to serve the development. Thames Water have identified that some capacity exists within the water network to serve 50 dwellings but beyond that upgrades to the water network will be required. 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 does not outpace the delivery of essential infrastructure.

The application indicates that SURFACE WATER will NOT be discharged to the public network and as such Thames Water has no objection.

Natural England

No objection. Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection.

A lack of objection does not mean that there are no significant environmental impacts. Natural England advises that all environmental impacts and opportunities are fully considered, and relevant local bodies are consulted.

WODC Conservation And Design Officer

Chipping Norton is a Conservation Area, although this site falls outside. The application site was likely part of the rural setting for the market town, and therefore, I do consider it within the setting. However, although I consider the loss of rural land within the setting of the conservation area would have less than substantial harm; in my opinion it is on the lower level of the scale.

Also, there will be harm to the rural setting of Oldner House (List entry: 1182728), I consider this to be on the lower / moderate level of less than substantial harm. An on-going landscape buffer between the development and Oldner House should mitigate some of this harm if the development is granted permission.

From looking at the illustrative masterplan the massing and density seems excessive, and the housing design disordered and very plain; the usual box-like accommodation we see across the country. I would like to see some better designed and interesting accommodation. It would be great to see design that displays some nod to the SM- Romano-British settlement opposite.

More of a buffer should be provided between the SM and the new development so that the setting is preserved as much as possible.

WODC Tree Officer

No Comment Received.

Wildlife Trust

No Comment Received.

Cotswolds Conservation Board

Having reviewed the application, the Board does not object to the application. The Board considers that the proposed development would not adversely impact the landscape and scenic beauty of the National Landscape, subject to the proposed landscape mitigation and biodiversity enhancements being secured and delivered and would comply with West Oxfordshire Local Plan policies EH1 and EH2 (in respect of the National Landscape and its setting) as well as the requirement at paragraph 182 of the National Planning Policy Framework that development within the setting of AONBs "should be sensitively located and designed to avoid and minimise adverse impacts".

WODC Housing Enabler

The site is within the medium value zone meaning a requirement under Local Plan Policy H3 - Affordable Housing to provide 40% of the completed dwellings as affordable housing. The Planning Statement proposes providing 40% of the dwellings as affordable Housing and the Design/Access Statement shows a policy compliant indicative mix.

WODC Planning Policy Manager

In conclusion, as the Council is currently unable to demonstrate a five-year supply of deliverable housing sites, the 'tilted balance' is engaged, and any adverse impacts of the scheme should significantly and demonstrably outweigh the benefits. However, the Council's five-year housing land supply position statement is in the process of being updated and therefore further clarity will be provided on this situation in the near future.

In terms of the adverse impacts of the scheme, the key impacts appear to be on the landscape, the potential implications of increased traffic levels in the centre of Chipping Norton and the accessibility of the site from key services and facilities within the town. In addition, if this site were to be developed, it would introduce development within this triangular section of land to the south of Charlbury Road and further development would then become very difficult to resist as there are no natural boundaries which would limit the future spread.

The District Council is in the process of reviewing the Local Plan and it would be more appropriate to consider potential development in this location in a more holistic manner, taking account of updated housing need evidence and adjoining land uses. This would allow development to be considered more comprehensively with any linkages between the broader area and local facilities able to be properly assessed and planned. This would also allow the cumulative impacts of development on traffic movements travelling through Chipping Norton to be properly assessed so that the necessary infrastructure can be provided to support growth of the town.

Designing Out Crime Officer	No objection to this application at the outline stage with some informative comments on documents provided for the applicants' consideration when preparing future planning applications.
Oxford Clinical Commissioning Group NHS	No Comment Received.
Climate	No Comment Received.
Southern Gas Networks PLC	No Comment Received.
Env Health Air Quality	No objection subject to S106 contribution (£22,520) towards air quality mitigation measures.
OCC Archaeological Services	The site lies in an area of archaeological interest and potential, south of the newly Scheduled Roman settlement remains east of Chipping Norton. An archaeological evaluation has been carried out on the site during the pre-determination stage, and the approved report has now been submitted. No significant archaeological remains were recorded, and so, there are no further archaeological constraints to this scheme.

2 REPRESENTATIONS

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

2.2 124 letters have been received objecting to the application on the following grounds:

- Existing infrastructure inadequate to cope with new development
- Flood risk
- Harmful impact on wildlife
- Possible impact on scheduled monument
- Traffic
- Highway/pedestrian safety concerns
- Air/Water pollution
- Urban sprawl on green space
- Unallocated site
- Loss of amenity – noise, visual eyesore and light pollution
- Loss of agricultural land
- WODC has adequate provision for housing on other designated areas
- Misleading information relating to sustainability and accessibility. The proposed development is not properly accessible and sustainable
- Limited employment options for increased population.
- Impact on ancient footpath that runs diagonally through the site.
- Lack of social housing provision.
- Increased problems of drainage and sewage in the area.
- Will exacerbate parking problems in the town
- Harm to local character
- Creeping degradation of the character of the Cotswolds AONB
- Wrong location for new homes
- Likely increase in crime and anti-social behaviour
- Harmful impact on SSSI
- Lack of sustainable public transport connections/safe cycling and pedestrian routes
- Loss of countryside amenity which would have a detrimental impact on the mental health of local residents

2.3 1 letter of support:

- New homes needed

2.4 Transition Chipping Norton:

Objection to the proposal for the following reasons:

- The loss of countryside amenity which would have a detrimental impact on the mental health of local residents. The development would also have an impact on visitors to the Scheduled Monument site and SSSI sites directly up the hill.
- The impact of pollution; in particular, surface run-off to the River Glyme at its source.
- The lack of suitable public transport connections: The site is not well-connected to public transport services, and Chipping Norton does not have its own railway station. Siting more housing here would cause more private car journeys along nearby roads creating an increase in traffic.
- The lack of safe cycling and pedestrian routes from the site to the town centre and beyond resulting in further traffic and parking difficulties in the town centre increasing levels of pollution.
- There are no services being proposed within the site, and no jobs created, leading to all future residents having to travel to access all services and places of work and education.
- Lack of adequate sewerage infrastructure with existing concerns regarding the current rates of discharge into local water courses made worse.
- Loss of a greenfield site, in particular food producing land, which will permanently increase the level of food insecurity for future generations.

If the development were to go ahead, conditions relating to play areas; SUDS; pedestrian and cycle way infrastructure improvements; rainwater capture; and zero carbon to maximise sustainability should be attached to any permission granted.

2.5 Evenlodge Catchment Partnership

Objection to the proposal until such time as necessary upgrades to the Chipping Norton Sewage Treatment Work (STW), owned by Thames Water Utilities Limited (TWUL), are undertaken to deal legally with the increased sewage and extra foul water which will be generated by the proposed development.

Amendments to Proposed Conditions (Section 6)

Condition 10

Amend Condition 10 as follows (amendments shown in bold):

10. Prior to the first occupation of the development hereby approved, a Travel Plan, prepared in accordance with the Department of Transport's Best Practice Guidance Note "Using the Planning Process to Secure Travel Plans", **to include details of a Travel information Pack for residents**, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be implemented and operated in accordance with the approved details.

REASON: In the interests of sustainability and to ensure a satisfactory form of development, in accordance with Government guidance contained within the National Planning Policy.

Condition 11

Omit Condition 11 as no longer required (reference to Travel Information Pack now included in wording to Condition 10 as above).

Condition 14

Delete superfluous wording highlighted below:

14. Construction shall not begin until/prior to the approval of first reserved matters; a detailed surface water drainage scheme for the site, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall ~~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";
- 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.

Condition 15

Delete replicated 'Reason' wording highlighted below:

- I. 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.~~

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

Condition 17

Amend Condition 17 as follows (amendments shown in bold):

17. No development shall be occupied until confirmation has been provided that either:- 1. Foul Water Capacity, **including at the Chipping Norton STW**, exists off site to serve the development, or 2. A development and infrastructure phasing plan has been agreed with the Local Planning Authority in consultation with Thames Water. Where a development and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan, or 3. All foul water network upgrades required to accommodate the additional flows from the development have been completed.

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

Condition 18

Omit Condition 18 as no longer required (reference to sewage treatment works now stated in wording to Condition 17).

Application Number	24/01177/FUL
Site Address	Land East Of Wroslyn Road Freeland Oxfordshire
Date	14th March 2025
Officer	Stephanie Eldridge
Officer Recommendations	Refuse
Parish	Freeland Parish Council
Grid Reference	441652 E 212575 N
Committee Date	17th March 2025

Application Details:

Development of 78 residential dwellings (Use Class C3), allotments and site access, plus open space, drainage, landscaping and associated engineering works (revised and additional information received)

Applicant Details:

C/o Agent

Additional Representations:

Transport:

Following the submission of additional information by the applicant, the Local Highway Authority has changed their recommendation and withdrawn their objection to the proposal. Therefore, refusal reason 2 set out in Section 6 of the officer's report should be dismissed.

The full comments received by the Local Highway Authority are available on the Council's website. They are summarised as follows:

Recommendation:

No objection subject to:

- S106 Contributions as summarised in the table below and justified in this Schedule:
- An obligation to enter into a S278 and S38 agreement as detailed below.
- Planning Conditions as detailed below.

Note should be taken of the informatives stated.

S106 Contributions Agreed within response dated 15/08/2024

Contribution	Amount £	Price base	Index	Towards (details)
Highways Works	£25,000	October 2023	Baxter	Measures to support reduced speeds on Wroslyn Road.
Public transport services	£103,428	October 2023	RPI-x	To support the continued provision / enhancement of bus services serving Freeland
Public transport infrastructure (<i>if not dealt with under S278/S38 agreement</i>)	£2,848	October 2023	Baxter	To install new poles, flags and timetable cases to improve bus stops serving the site.
Total	£131,276			

Other obligations:

- Highway works to create site accesses including Traffic Calming measures on Wroslyn Road.
- Pedestrian dropped kerb crossing on Wroslyn Road to connect site to allotments and
- Pedestrian connection onto Pigeon House Lane.

Key points:

- Plans to demonstrate 20mph forward visibility are to be secured through a condition.
- OCC Highway Agreements require blocked pathed junctions to be raised.
- Road layout is to be amended at S38 stage to accommodate refuse vehicle movements.

Ecology:

Following the submission of additional information by the applicant, the Council's Ecologist has provided an updated consultation response which still raises an objection to the application due to the significant loss of biodiversity, a lack of information on great crested newts, dormouse and bats, and the likely significant in-combination effects on the Oxford Meadows SAC.

The full response is available to view on the Council's website. The Ecologists comments are concluded as follows:

COMMENTS

Habitats Regulations Assessment – Oxford Meadows Special Area of Conservation (SAC)

The applicant has provided a Shadow HRA in sections 5.5 to 5.28 of the ecological appraisal report. Natural England have been consulted on the application and have informally (by email only) agreed that although the site is unlikely to result in likely significant effects alone, the council must carry out an Appropriate Assessment to consider in-combination effects with other development plans and projects.

Unfortunately, I am unable to complete an Appropriate Assessment at this time due to an identified need for more modelling of traffic emissions on the A40, which were part of the HRA for the South Oxfordshire and Vale of White Horse Local Plan. This means that the council is unable to approve the application without a completed HRA. At this time, the LPA cannot complete an Appropriate Assessment for in-combination impacts arising from this development proposal and other development plans and projects in the area subject to further modelling work to be agreed with Natural England. I am following this up with neighbouring LPAs and Natural England in the meantime.

The reason for refusal would be that the LPA cannot rule out likely significant effects in combination with other plans and projects on the Oxford Meadows Special Area of Conservation due to air pollution. An Appropriate Assessment is required, and this cannot be completed at this time due to an identified need for additional modelling of traffic emissions on the A40. I have suggested a reason for refusal in the conclusion section below.

Biodiversity Net Gain

There are considerable issues with the biodiversity metric calculations.

- The net gain for *area habitats* is -60.29%. It must be at least 10.0%.
- There are net losses of Medium distinctiveness *area habitats* in 1 broad habitat group, and too few gains at higher distinctiveness categories to offset these losses.
 - The broad habitat group concerned is:
 - Grassland, which loses 30.56 BU, from “Grassland - Other neutral grassland” (38.32 BU pre-intervention, and 7.76 BU post-intervention, so a loss of 30.56 BU)
- There are too many net losses of Low distinctiveness *area habitats*, and too few gains at higher distinctiveness categories to offset these losses.
 - The net change of Low distinctiveness *area habitats* is 4.34 BU.
- There is a net loss of one Very High distinctiveness *hedgerow*, totalling -0.72 BU. The BNG Trading Rules do not permit any net loss of Very High distinctiveness hedgerows.
 - The hedgerow lost is:

- “Species-rich native hedgerow with trees - associated with bank or ditch” (12.96 BU pre-intervention, and 12.24 BU post-intervention, so a loss of 0.72 BU).

In particular, it should be noted that the loss of a very high distinctiveness hedgerow (species-rich hedgerow with trees and associated bank or ditch) is not “allowed” in the metric and this would therefore require a bespoke approach to compensation. This has not been highlighted in the ecological reports or updated technical note submitted with the application.

The following image is an extract of the Headline Results tab in the biodiversity metric, which provides a summary of the final results, including the unit deficit (27.34 area habitat units) and a trading rules issue with regard to the loss of a Very High Distinctiveness hedgerow habitat (like for like compensation is required and has not been included in the metric).

FINAL RESULTS				
Total net unit change <small>(Including all on-site & off-site habitat retention, creation & enhancement)</small>	Habitat units		-23.45	
	Hedgerow units		1.78	
	Watercourse units		0.00	
Total net % change <small>(Including all on-site & off-site habitat retention, creation & enhancement)</small>	Habitat units		-60.29%	Total net gain achieved is less than target set ▲
	Hedgerow units		10.55%	
	Watercourse units		0.00%	
Trading rules satisfied?	No - Check Trading Summaries ▲			
Unit Type	Target	Baseline Units	Units Required	Unit Deficit
Habitat units	10.00%	38.90	42.79	27.34

Overall, there would be a significant loss of biodiversity associated with the current development proposal, and I recommend that this cannot be supported as it is contrary to Local Plan Policy EH3 and paras 187 and 192 of the NPPF, particularly with regard to the loss of most of the species-rich grassland habitat and high value hedgerow.

The Ecology Technical Note includes a section on “minimum information” (section 2.10 to 2.16). Although it is accepted that the purchase of off-site units does not need to be addressed as part of the current application and would usually be confirmed as part of the Biodiversity Gain Plan at discharge of condition stage, the principle of whether the BNG proposals are realistic, achievable and sufficient must be considered by the council in the determination of the planning application.

Habitats

The Ecology Technical Note confirms that 29 metres of hedgerow would be removed as a result of the proposed development; these are for the road access through the western boundary and a pedestrian access point to the north. These hedgerows are “species-rich native hedgerows with trees, associated with a bank or ditch” and therefore have very high distinctiveness in the biodiversity metric. This is the issue flagged above in the BNG section with regard to the loss of 0.72 hedgerow units and the trading rules not being met. The compensation proposed for the loss of these hedgerows is at a lower distinctiveness level and should be like for like compensation. This is therefore unacceptable in accordance with the statutory biodiversity metric and its associated user guide.

My previous comment regarding the ecological value of the field margins has not been clarified.

Therefore, a revised set of biodiversity related refusal reasons is proposed and should replace refusal reason 3 set out in Section 6 of the officer's report. The revised refusal reasons are set out as follows:

Reason for Refusal – BNG

The applicant has failed to demonstrate how the Biodiversity Gain Hierarchy has been considered in the design of the development and the proportions of onsite and offsite post development habitat are considered to be inappropriate. The local planning authority cannot be confident that the biodiversity net gain objective has been met or that the statutory Biodiversity Gain Plan condition is capable of being discharged in accordance with the requirements of Schedule 7A of the Town and Country Planning Act 1990 and Schedule 14 of the Environment Act 2021.

Reason for refusal – net loss of biodiversity

The current proposal would result in a significant loss of biodiversity on-site with minimal mitigation, compensation and enhancement (as indicated by the Biodiversity Net Gain outcome), this is therefore contrary to Local Plan Policy EH3 and paragraphs 187 (d) and 193 (a) of the NPPF.

Reason for Refusal – in-combination effects on the Oxford Meadows SAC

The LPA cannot rule out likely significant effects in-combination with other development plans and projects on the Oxford Meadows Special Area of Conservation due to air pollution. Additional information is required to inform the council's Appropriate Assessment, including updated modelling of traffic emissions on the A40, for which the scope is being agreed with Natural England. A Habitats Regulations Assessment must be completed in accordance with The Conservation of Habitats and Species Regulations 2017 (as amended), Local Plan Policy EH3 and paragraph 195 of the NPPF.

Reason for refusal – lack of information on great crested newts, bats and dormouse and priority species

Insufficient information has been submitted, in particular, ecological survey information, assessment and mitigation to enable the Local Planning Authority to fully assess the extent to which species and habitats, including bats, great crested newts, dormouse and brown hare that are protected under the Wildlife and Countryside Act 1981 (as amended), The Conservation of Habitats and Species Regulations 2017 (as amended) and/or listed as Species of Principal Importance for Biodiversity Conservation under Section 41 of the Natural Environment and Rural Communities Act 2006 (as amended), may be affected by the proposed development. The Local Planning Authority is therefore unable to fully assess the development in respect of the requirements of the National Planning Policy Framework (particularly paragraphs 187, 192 and 193, December 2024), the Planning Practice Guidance; West Oxfordshire District Council's Local Plan Policy EH3; and ODPM Circular 06/2005. The Local Planning Authority is also unable to fully assess the proposals in the light of the 3 derogation tests, as described in ODPM Circular 06/2005 and The Conservation of Habitats and Species Regulations 2017 (as amended) for great crested newts and dormouse.