

Division Affected – Witney North and East

PLANNING AND REGULATION COMMITTEE

17th April 2023

The construction of two new west-facing slip roads at the Shores Green junction of the A40; an off-slip to allow eastbound vehicles to exit the A40 onto the B4022 towards Witney and an on-slip to allow westbound vehicles to enter the A40 from the B4022 at this junction. Two existing lay-bys to the west of the A40 overbridge will be removed to accommodate the construction of the slip roads.

Report by Director of Planning, Environment and Climate Change

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Location: A40 / B4022 Shores Green Junction, Witney OX29 6UU

OCC Application No: R3.0039/22

WODC Application No: 22/01051/CC3REG

District Council Area: West Oxfordshire (WODC)

Applicant: Oxfordshire County Council

Application Received: 29th March 2022

Consultation Period: 14th April – 17th May 2022
1st December 2022 – 3rd January 2023

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Executive Summary

1. The report sets out the details of a planning application which has been submitted to develop additional slip roads on and off the A40 to improve access to and from Witney, to enable westbound to enter the A40 and also for vehicles from the west to exit the A40 towards Witney. The report considers the development against the relevant planning policies and other material considerations and makes a recommendation on whether planning permission should be granted.

PART 1- FACTS AND BACKGROUND

Site & Setting (See Plans 1 and 2)

2. The application site comprises of approximately 10.7 ha of land located along the A40 dual carriage way at the existing Shores Green junction onto the B4022 to the east of Witney and is located approximately 600m from the south-east edge of Witney. The A40/B4022 interchange provides one of two connections between the A40 and Witney and is grade separated with east facing slip roads. There is an existing unsegregated footway / cycleway on the northern side of the B4022 slip road serving a bus stop for eastbound buses towards Oxford. This foot way / cycleway runs between the A40 eastbound slip road and the B4022 / Jubilee Way / Cogges Hill Road signalised junction. There is a two-way cycle facility along with shared use facilities for pedestrians. There is an existing footway on the B4022 southern side of the scheme that serves a bus stop for westbound buses towards Witney. The site is located within the administrative boundary of West Oxfordshire District Council.
3. The site consists of woodland, a small area of dense scrub and part of a copse in a corner of the adjacent arable field to the north. The area around the site is dominated by arable farmland with hedgerows and several areas of small copses of woodland. A small drainage ditch, which flows into Chil Brook river, flows through the site from the north to the south east corner.
4. There are a number of residential properties in proximity to the site including properties in Cogges and five other residential clusters within 500m of the site. The nearest property is approximately 20m (pool building) / 41 metres (dwelling) from the red line on the northern side of the existing slip road. The Paddocks which is between the existing slip road and the bridge lies approximately 69 metres to the east of the proposed off east slip road and its junction by the bridge. Windrush Cemetery also lies approximately 503m from the east bound off slip off Oxford Hill just to the north-west of the application area.
5. The surrounding land west of the application site is allocated for the development of 450 new homes as part of the East Witney Strategic Development Area (SDA) under Policy WIT1 of the West Oxfordshire Local Plan (WOLP) 2031. A planning application for the development of up to 495 dwellings and a new Community Hub together with open space and green infrastructure at the site described as "Land South East of Oxford Hill, Witney" is pending determination (ref: 20/02654/OUT).
6. There are no Special Area of Conservation (SAC), Special Protection Areas (SPA) or Ramsar sites located within 2km of the site. The nearest ecological

designated site includes the Oxford Meadows SAC which is located 8.2km to the east of the site. Cothill Fen SAC is located approximately 9.2km to the south east of the site. The Ducklington Mead SSSI is located approximately 1.6km to the south west of the site. The closest Conservation Target Area (CTA) is Lower Windrush Valley (CTA) located 300m to the south east within the wider site.

7. There are two Grade II listed buildings within 500m of the proposed development which are:
 - Ladymead Cottage approximately 140m south east
 - A cottage (9&10 High Cogges), a farmhouse (High Cogges Farmhouse), and a granary all associated with High Cogges Farm approximately 260m south east.
8. There are no listed buildings within the site and the site is not in a Conservation Area. No Scheduled Monuments are located within the site boundary.
9. The site is not located within an Area of Outstanding Natural Beauty (AONB). The boundary of the Cotswold AONB is approximately 4km north west of the site.
10. The proposed development site is in Flood Zone 1 which has the lowest risk of flooding. Flood Zones 2 and 3 are located approximately 1km to the west and south of the site.
11. Public rights of Way nos 353/31/10, 410/8/20 and 410/41/40 run through the proposed development site.

Details of Proposed Development

Design

12. It is proposed to construct new slip roads to enable the following:
 - To allow eastbound vehicles to exit the A40 onto the B4022 towards Witney;
 - To allow westbound vehicles to enter the A40 from the B4022 at this junction; and
 - The removal of two existing laybys which are located to the west of the A40 overbridge.
13. It is proposed that the new slip roads would complement the existing slip roads and would also be grade separated. The new slip roads will be single lane wide with the diverge slip road flaring into two lanes at the approach to the junction.
14. The proposed development would seek to improve the footway and cycle way facilities and proposes a foot / cycle way shared use, commencing from the junction of the B4022 with South Leigh and connecting the existing facilities on

the B4022 / existing A40 on-slip. This alignment would also result in the realignment of the Public Rights of Way (PRoW) .

15. As mentioned above, Rights of Way no 353/31/10, 410/8/20 and 410/41/40 run through the proposed development site. No changes are proposed to these Rights of Way except better connections and accesses are proposed as part of the mitigation measures proposed as below:
16. Creation of a new section of PRoW (footpath) 353/31/10, linking the existing crossing of the A40 to the B4022, thus providing increasing amenity value by way of a continuous recreational route that avoids the dangerous crossing of the dual carriageway;
17. Provision of an enhanced multi-user route along the line of existing PRoW 410/41/30 and 410/41/40, thus increasing accessibility and amenity value for residents wishing to access the countryside from the eastern edge of Witney; The existing footpaths 410/41/30 and 410/41/40 would be closed and replaced by the proposed multi-user route to the north of the proposed slip road to the west of the junction. The existing footpaths 410/08/20 and 410/42/20 north of the proposed slip road would stop at the proposed multi-user path. Footpath 410/41/30 would be closed from where it meets the footpath 410/41/20 which runs as it would merge into the new proposed multi- user path. Footpath 410/41/20 runs north from the proposed site and the proposed multi-user footpath.
18. Signal controlled junctions have been proposed at the connection point of the proposed slip roads with the B4022. The new and improved foot / cycle way would have signal controlled crossings at strategic points and desire lines along the route. A signage strategy is proposed to assist highway users with changes to the highway layout. The proposed development would seek to improve the footway and cycle way facilities and proposes a foot / cycle way shared use, commencing from the junction of the B4022 with South Leigh and connecting the existing facilities on the B4022 / existing A40 on-slip. This alignment would also result in the realignment of the PRoW.
19. Due to safety reasons, the existing two lay-bys which are located to the west of the A40 overbridge would be removed and would not be replaced as part of this application. Neither of the two bus stops within the application area would be moved as part of the proposed development.
20. The proposed changes to the junction have been designed to improve the capacity to address increased levels of congestion as new developments in the Witney area are delivered and to enable a faster and more reliable access into Oxford, whilst promoting more active and sustainable travel.

Drainage

21. The following drainage system is proposed:
 - Gullies on the B4022 to collect surface water from the carriageway and discharge at an unrestricted rate into a series of highway ditches or

culverts under the highway. These would discharge into watercourses local to the site which would then discharge into the River Thames.

- French drains (with intermediate catchpit gullies) to be used on the A40 to the south west of the B4022 which also ultimately discharges unrestricted to the south towards the River Thames.
22. It is proposed that the drainage system would ensure discharge rates are not increased above existing rates even with an increase in impermeable area. This system would enable the provision of increased attenuation of flows, increased biodiversity and improved water quality.
23. The drainage system design also proposes the use of over the edge drainage, utilising filter drains to convey storm runoff from the proposed slip roads to two balancing ponds located to the east of the new on-slip road and south of the B4022, and one balancing pond located to the south west of the proposed off-slip.

Landscaping

24. A total of 88 recorded tree species are on or in close proximity to the site. The trees on the site are largely on the boundaries of the existing highway separating the site from areas of third party land of agricultural fields leading to wider residential areas.
25. The most noteworthy tree within the survey schedule is tree T8 (Category A) which is a veteran tree that has multiple features typical of veteran trees. This tree is considered valuable and considered irreplaceable habitat but is located outside the application area with a suitable root protection area of 15 times the stem diameter provided to it.
26. A total of 15 individual trees, 13 tree groups, part of 11 tree groups, one hedgerow group and part of one hedgerow group are to be removed to facilitate the Proposed Development. This includes six trees classed as high quality (Category A), six individual trees, six tree groups and part of four tree groups classed as moderate quality (Category B) and the remaining three individual trees, five tree groups, parts of seven tree groups, one hedgerow group and part of one hedgerow group classified as low quality (Category C).
27. In addition, one individual tree and two tree groups of very low quality (Category U) are also recommended for removal. These features are not suitable for long-term retention and their removal is justified regardless of the proposed development. All of the trees to be removed are within the adopted red line application boundary and are on the edge of the proposed new highways.
28. Mitigation measures that are proposed for the loss of trees, include additional vegetation adjacent to the new road network, retention of vegetation along the elevated embankment to the east of the B4022 bypass, new areas of species rich grassland including marsh and wet grassland around attenuation ponds.

Biodiversity

29. The proposed development would result in the removal of 1.02ha broadleaved woodland and 2.31ha of mixed plantation woodland and 512m of hedgerow habitats. The proposed development has a target of achieving 10% biodiversity net gain. While the landscaping design is seeking to maximise the space available within the site boundary, further enhancements are required in order to achieve the 10% biodiversity net gain target. This is proposed to be delivered through off-site enhancements at Foxburrow Wood, which is an ecological restoration site in north Witney.
30. A Habitat Regulations Assessment has been provided which states that there are no likely significant effects on the Oxford Meadows Special Areas of Conservation (SAC). Surveys have also been undertaken for protected species which inform the assessment of ecological impacts of the scheme including dormice, bats and badgers.
31. The proposed development would result in the loss of woodland and hedgerow habitat utilised by dormice for nesting and foraging. Habitats would be created and enhanced to provide optimum habitat for hazel dormice.
32. One tree has been found to support a small summer non-breeding brown long eared bat. This tree is proposed to be retained about 25m from the proposed construction compound. The contractor is committed to undertake no works within a 10 metres radius of retained trees that has confirmed high or moderate suitability of supporting roosting bats during the bat active season (avoiding April – October inclusive). A CEMP would be in place to minimise any impact of lighting on bats.

Lighting

33. There is currently no street lighting at the site but the nature of the new proposed development means new lighting is required.
34. The new lighting that is proposed are columns which would be located in the verge at the back of the path with LED luminaries in a single sided alignment to avoid conflicts with the foot / cycle way. The lighting temperature is proposed to be at 3000k (warm white) with dimming overnight by 75% between the hours of 12.00 pm and 6.00 am.

Environmental Impact Assessment

35. The application is supported by an Environmental Impact Assessment (EIA) and an Environmental Statement (ES) was submitted with the application. This covers the range of potential environmental impacts of the proposal. A summary of the findings can be found in Annex 4.

PART 2 – OTHER VIEWPOINTS

36. There were two consultation periods, as a Regulation 25 letter was issued and additional information submitted in response to the comments made during the first consultation period. Further information requested included the following:
- Biodiversity – more details regarding biodiversity metric calculation, ecological baseline conditions at Foxburrow Wood, trading rules for lowland deciduous woodland and scrub habitats.
 - Landscaping and visual impacts (including arboriculture) – details on trees to be removed, further information on tree and hedgerow loss and gains, indicative tree and planting plan, consideration of the introduction of structural planting along the south eastern side of the westbound slip road to further mitigate impact of views from the south, lighting.
 - Climate – update of publications relating to climate change and some typographical errors, provision of carbon factors for emissions
 - Soil – some clarifications.

Consultation Responses

37. The full text of the consultation responses can be seen on the e-planning website¹, using the reference R3.0039/22. These are also summarised in Annex 2 to this report.

Representations

38. 13 third-party representations were received. The comments made are summarised and addressed in Annex 3 to this report.

PART 3 – RELEVANT PLANNING DOCUMENTS

Relevant planning documents and legislation

39. In accordance with Section 70 of the Town and Country Planning Act 1990, planning applications must be decided in accordance with the Development Plan unless material considerations indicate otherwise.

Development Plan Documents

40. The Development Plan for this area comprises:
- West Oxfordshire Local Plan (2018)
 - South Leigh Neighbourhood Plan (2017 – 2031) (part of the site is in this area).

¹Click here to view [R3.0039/22](#)

Emerging Policy

41. West Oxfordshire are working on a new Local Plan 2041. This plan is currently at a very early stage and there are no draft policies to consider. The formal publication of the draft Local Plan is anticipated to be in September 2023.

Other Policy Documents

42. Other documents that are relevant to determining this application include:

- National Planning Policy Framework 2021 (NPPF)
- National Planning Practice Guidance (NPPG)
- National Infrastructure Strategy (November 2020)
- Noise Policy Statement for England (2010)
- Oxfordshire County Council Local Transport Plan 4 (LTP4) 2015-2031
- Witney Transport Strategy 2016

Relevant Development Plan Policies

43. The WOLP policies most relevant to the consideration of this application are:

- Policy OS1: Presumption in Favour of Sustainable Development
- Policy OS4: High quality design
- Policy OS5 : Supporting Infrastructure
- Policy T1: Sustainable Transport
- Policy T2: Highway Improvement Schemes
- Policy T3: Public transport, walking and cycling
- Policy EH2: Landscape Character
- Policy EH3: Biodiversity and geodiversity
- Policy EH4: Public realm and green infrastructure
- Policy EH7: Flood risk
- Policy EH8: Environment protection
- Policy EH9: Historic Environment
- Policy WIT1: East Witney strategic development area (SDA) – 450 homes

44. The relevant policies of the South Leigh Neighbourhood Plan (SLNP) that are most relevant to this application are:

- SLE1: Countryside and Landscape
- SLE2: Countryside Access
- SLE5: Biodiversity
- SLE6: Heritage Assets
- SLE7: Dark Skies
- SLD2: Design
- SLT1: Traffic Management

PART 4 – ASSESSMENT AND CONCLUSIONS

Comments of the Director of Planning, Environment and Climate Change

45. The NPPF sets out a presumption in favour of sustainable development (paragraph 10), which is supported by policy OS1 of the WOLP. This means taking a positive approach to development and approving an application which accords with the development plan, unless material considerations indicate otherwise.
46. The key planning policies are set out above and discussed below in accordance with the key planning issues.
47. The key planning issues are:
 - i. The Principle of the Development
 - ii. Design, Traffic and Rights of Way
 - iii. Air Quality and Dust
 - iv. Noise
 - v. Landscape & Visual Effects
 - vi. Biodiversity
 - vii. Flooding & Drainage
 - viii. Archaeology and Historic Environment

The Principle of the Development

48. WIT1 policy of the WOLP allocated land for the development of 450 dwellings in the East Witney Strategic Development Area (SDA). The improvements to the A40 Shores Green junction are specifically mentioned in policy WIT1 under point c), which states that development of the SDA will be phased in accordance with the timing of provision of supporting infrastructure, including essential improvements to the Shore's Green junction. Therefore, this development is necessary to bring forward the housing allocated in East Witney SDA. The policy also supports sustainable modes of transport and improved connectivity. This will be required including enhancement of footpath and cycle path connectivity with Witney and the A40 corridor as well as the new housing scheme. The East Witney development site is immediately west of the application site and the proposed improvements would support the increased demand on the junction created by development and growth at East Witney.
49. WOLP Policy OS5 states that new development will be required to deliver or contribute towards the timely provision of essential infrastructure. It also states that contributions will be secured from West Oxfordshire planning applications.
50. The East of Witney SDA sets out a number of sustainable transport principles. Development Principle d) refers to transport infrastructure. This states that cycling and walking should have a good network and planning applications should consider the need for highways and transport improvements and mitigate the impact of traffic on surrounding areas.

51. Therefore, the principle of improving the capacity at this junction and improving it for walkers and cyclists, is established by WOLP policies WIT and OS5. The NPPF also provides support for supporting economic development, within Chapter 6.

Design, Traffic and Rights of Way

52. WOLP policy OS4 seeks to ensure high quality design and states that design should contribute to and respect the historic, architectural and landscape character of the locality. It also states that the use or enjoyment of land and buildings nearby should not be harmed including living conditions. Local green infrastructure should be enhanced and habitats of biodiversity value should be protected as well as amenity space. Policy SLD2 of the SLNP states that new development should demonstrate high quality and sustainable design which respects and enhances the historic, architectural and landscape character and quality of the surroundings.
53. Policy EH4 of the WOLP supports the protection of the public realm and green infrastructure for its existing role as well as its biodiversity, recreational, accessibility, health and landscape value and for the contribution they are making towards climate change. The policy also promotes opportunity for walking and cycling including connection to the countryside through a network of footpaths, bridleways and cycle routes. Climate change is discussed below under Policy T1 of the WOLP.
54. The proposed development would support growth and economic development south east of Witney through the provision of upgraded infrastructure, to meet growing demand and provide opportunities to enhance biodiversity as well as amenity space through the improvement of the shared foot / cycle way. It is considered that existing public rights of way will be enhanced. The Rights of Way officer has no objection and is content with the proposed scheme and suggests standard measures to be included including correct routing, mitigation and improvement of routes, protection of public rights of way and users, minimising temporary obstructions and damage and guidance regarding gates. It is recommended that these are secured through planning conditions.
55. The Transport Development Control officer is glad to see that connections are proposed to connect the proposed foot / cycleway to the existing rights of way network which allows the proposed development to connect with Cogges area of Witney. They would wish to see a Construction Traffic Management Plan (CTMP) provided for approval by condition.
56. WODC, Public Health and Cllr Enright requested improved signage for all users. South Leigh and High Cogges Parish Council have requested a road sign at the T-junction for the road leading towards South Leigh village from Shores Green slips. They would like this sign to state that there should be no access for traffic” to South Leigh except those within a weight limit. The Parish Council further suggested that the T-junction could be redesigned to make it difficult for vehicles to turn right from the slip road onto South Leigh Road. As South Leigh is on a through route which needs to remain accessible to all vehicles, putting a weight limit on this road and changing the design of the T-junction is not

considered appropriate or necessary. However, the applicant has confirmed that there is an opportunity to investigate directional signage to be located on the proposed new A40 slip-road to emphasise that only local traffic is to use South Leigh Road. Therefore details and design of any new signage should be required as a condition, should planning permission be granted.

57. Cllr Enright would like to see consideration given to access restrictions on the Hill Farm bridge over the A40 once the slip roads are in place. The farm bridge is outside the application area and lies approximately 1 Km to the east and provides access to and egress from the A40 westbound and eastbound. It therefore currently allows A40 users to change direction. It is considered that the proposed development would mean people would actually be less likely to use the Hill Farm bridge for this purpose if the proposed scheme were to be permitted and implemented as Witney would be connected in both directions to and from the A40. Therefore, it is not considered appropriate or necessary to restrict usage of the Hill Farm Bridge.
58. The landscape advisor has no objection but provided a recommendation for conditions to include further details of proposed planting through a detailed landscape scheme to cover both hard and soft landscaping, as well as SuDS (sustainable drainage systems), Landscape Ecological Management Plan and details of lighting to ensure they do not create an adverse impact on habitat and biodiversity features. The biodiversity officer has no objection subject to conditions which are explained later in the report.
59. South Leigh Parish Council have indicated that they would like consideration of this application with the South Leigh Neighbourhood Plan that particularly specifies the importance of tranquillity and peacefulness of the area. They have stated that houses in High Cogges and along the Witney Road will be affected by this application and request that conditions be added to any planning permission application to include traffic calming. Transport Development Control has advised that a traffic calming scheme has been secured along Witney Road on the advent of the 120-unit housing development on Land East of Witney Road (planning ref: 21/03405/OUT). High Cogges is an access only road that would not accommodate through traffic, therefore it would not be affected by the proposal. Transport DC also said that where a development proposal would lead to less than substantial harm to the significance of a designated community, the harm should be weighed against the public benefits of the proposal including where appropriate securing its optimum viable use. Transport Development Control find the proposal would lead to a very limited harm to the character and appearance of the Parish. The Biodiversity officer has no objection subject to conditions which are explained later in the report.
60. Therefore, subject to conditions, it is considered that the proposed development is in compliance with WOLP policies OS4 and EH4 and policy SLD2 of the SLNP.
61. WOLP policy T1 states that all new development should be designed to maximise opportunities for walking, cycling and the use of public transport and ensure the safe movement of vehicles. Also the policy supports schemes that

would reduce traffic congestion and improve the Air Quality Management Areas (AQMA) at Witney and Chipping Norton.

62. The application scheme at Shores Green is considered to reduce traffic going through Witney Town and the air quality officer at WODC supports the scheme because it will improve the AQMA in Witney. The Climate Change officer from Atkins on behalf of OCC Environment team welcomed that the proposed development is expected to have an overall carbon saving as a result of reduction in traffic management and this would contribute towards achieving objectives of national and local policy. However, it is still important to ensure that consideration of the emissions associated with the transportation of materials during the construction phase is properly considered. Therefore, a condition is recommended that further details on emissions should be provided as part of a carbon management plan that should be in place prior to the start of the construction of the development. The climate change officer has no objection but recommends conditions on the carbon management plan as well as a Construction Environment Management Plan (CEMP). Therefore, subject to the recommended conditions above, this policy further supports the principle of WOLP policy T1.
63. WOLP policy T2 supports highway improvement schemes and states that the Shores Green slip road is a safeguarded strategic highway infrastructure scheme, as part of the allocated urban extensions identified in the Local Plan. West Oxfordshire District Council and the Transport Development Control officer have no objection to the proposed scheme. The District Council has stated that other factors need to be considered including dust, noise and construction waste and that disruption to road users are kept to a minimum.
64. In terms of the safety of the proposed highway infrastructure improvement scheme, National Highways has some concern on the safe and efficient operation of the Strategic Road Network (SRN) of the A34. They have recommended a condition that no development shall take place until a Construction Environment Management Plan (CEMP) has been submitted and approved. National Highways were actually consulted in error; the proposed development is approximately 7 miles from the A34 and therefore, it is considered that there would be no adverse impact on the safety of the use of the A34. Nonetheless, a condition could be attached to any planning permission granted requiring the submission and approval of a CEMP and the applicant is in agreement with this.
65. Policy SLT1 of the SLNP states that any proposals that would result in significant increase in the volume of traffic on roads in the local area would be assessed in terms of their potential impact upon the environment and amenities of the parish. Where necessary, the Parish Council will work with West Oxfordshire District Council and Oxfordshire County Council to identify any appropriate traffic management measures that will serve to mitigate the negative impacts of addition traffic generation.
66. Some members of the public have expressed concern about rat running and increased traffic in surrounding areas including the villages of High Cogges and

South Leigh. Cllr Enright and Cllr Levy have the same concern. High Cogges and South Leigh Parish Council have requested traffic calming measures and stated that an OCC study was undertaken which shows that traffic will increase considerably through the parish with the advent of this junction. WODC has stated that there is a need to ensure that rat running on local roads is reduced and that impacts on local networks are properly assessed and mitigated during the construction phase.

67. OCC Transport Development Control has confirmed that OCC will work closely with the parish council to continually assess the local network during the construction phase when vehicles are more likely to be displaced. The applicant has advised that the County Council is also committed to monitoring the impacts of the scheme on the wider road network both during construction and during the operational stage and will work with South Leigh and High Cogges Parish Council and communities to discuss and develop potential mitigation measures in case of any rat-running that might occur through the village in the future. A meeting was held in April 2022 with the Parish Council to listen to their concerns and consider potential options to address existing problems. The outcome of the meeting was a proposal for a 20mph speed limit in South Leigh which is currently being delivered (as part of the County's roll out of 20mph speed limits in villages county wide). The 20mph scheme at South Leigh was approved at Cabinet in March 2023 and is currently being put in place. OCC Transport Development Control has raised no objections from a technical perspective
68. Therefore, the proposed development is compliant with policy T2 of the WOLP and policy SLT1 of the SLNP.
69. WOLP policy T3 promotes public transport, walking and cycling and that provision should be enhanced to maximise opportunities for these modes of travel to be made safe and convenient to help encourage modal shift and promote healthier life styles. Policy SLE2 of the SLNP states 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 the rights of way will be supported where this preserves and enhances access to the countryside and the rural character and appearance of the area. Members of the public consider that the design and layout of the scheme could have been better designed with less impact on the landscape and landowners. South Leigh and High Cogges has requested that the T-junction could be designed to make it more difficult to turn right
70. The application must be determined as it has been submitted. There has been no objection from the landscape advisor and there has been no objection from the Transport Development Control officer or West Oxfordshire District Council. The Rights of Way officer, Public Health officer, Cllr Levy and some members of the public are in favour of the proposals for its contribution towards "Active Travel". The layout and design of the proposed new junction promotes this and the proposals are considered safe and convenient for cyclists.

71. The Transport Development Control officer has confirmed that the proposed layout and design is acceptable. It offers improvements for cyclists and pedestrians and better connections to the Cogges area of Witney, the A40 for wider sustainable travel and existing rights of way.
72. The Rights of Way Officer has no objection to the proposed development subject to conditions for protection of public rights of way, improved signage, and measures made to improvements to footpaths to enable usage for them for cycling or horse riding and better access for commuters or people with lower agility. This is also echoed by the Public Health officer who also stated that diversion signage needs to be in place. The continued use of public rights of way for walking, cycling and horse riding during the construction stage means ensuring noise, dust, vehicle etc impacts are addressed. Any temporary or permanent surfacing, fencing, structures, standoffs and signage need to be provided and approved prior to the commencement of any construction works and be maintained throughout the construction of the development. Details of how the PRow would still work during construction can be provided through the CEMP condition referenced above
73. South Leigh and High Cogges Parish Council and some members of the public are concerned about the relocation of the existing bus stops. However, the proposal does not include the relocation of either bus stop, although there is a separate proposal to relocate the eastbound stop 500 metres to the west as part of development in the East Witney Strategic Development Area
74. Therefore, subject to conditions to enable the continued safe and improved use of the public right of way, it is considered that the proposed development is in compliance with policy T3 of the WOLP and policy SLE2 of the SLNP.

Air Quality and Dust

75. Policy EH8 of the WOLP states that proposals that are likely to cause pollution or risk to safety will only be permitted if measures can be implemented to minimise pollution and risk to a level that provides a high standard of protection for health, environmental quality and amenity. This includes any detrimental impact to air quality and noise. The policy also states that air quality needs to be supported by an air quality assessment. Development should not create unacceptable levels of noise. Proposals for the development will only be acceptable provided there is no adverse impact to water bodies and ground water resources. Proposed lighting in rural areas should not cause excessive levels of light nor have a detrimental effect on local amenities, character of a settlement or wider countryside, intrinsically dark landscapes.
76. Chapter 5 of the ES Volume 1 presents the findings of an assessment of the likely significant effects of the proposed development on air quality of the site and the surrounding area. It considers the impact of the development on the AQMA, especially the area located in the centre of Witney around the Bridge Street area. One of the responsibilities of West Oxfordshire District Council is to improve air quality especially in those areas where it exceeds the national

quality objective. An AQMA is the embodiment of the type of area that Local Authorities have a duty to address. Members of the public have concerns that the slip roads would not improve the air quality at Bridge Street. However, according to the assessment, it is predicted that air quality would improve if the development went ahead, especially in Witney's AQMA. Despite concerns by local residents with regards to increased pollution to residents and the local area, the District's Air Quality officer welcomes the proposal. The proposal is designed to improve capacity to ensure that traffic continues to flow through the junction, reducing congestion. Therefore, the new junction should lead to better air quality compared to a situation where the roundabout is left as it is and increased traffic leads to frequent queuing.

77. The Public Health officer has stated that a Dust Management Plan should be provided, and has confirmed that this could be required by pre-commencement planning condition.
78. WODC and Public Health have no objections to the application but have advised that management plans should be in place to minimise any impacts on noise, dust, light and construction waste during construction stage.
79. Subject to conditions, the proposal is considered to be in accordance with WOLP policy EH8 in terms of air quality.

Noise and Vibration

80. WOLP policy EH8 states that new development should not take place in areas where it would cause unacceptable nuisance to the occupants of nearby land or buildings from noise or disturbance.
81. The NPPF states that planning decisions should ensure that development is appropriate for its location taking into account the likely effects (including cumulative effects of pollution on health, living conditions and the natural environment (paragraph 185)). In doing so, LPAs should mitigate and reduce to a minimum potential adverse noise effects and avoid noise giving rise to significant adverse impacts on health and quality of life; and identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.
82. The NPPG refers to the NPSE and advises LPAs that, in taking account of the acoustic environment the following should be considered:
 - Whether or not a significant adverse effect is occurring or likely to occur;
 - Whether or not an adverse effect is occurring or likely to occur;
 - Whether or not a good standard of amenity can be achieved.

This would include identifying whether the overall effect of noise is, or would be, above or below the "significant observed adverse effect level" (SOAEL) and the "lowest observed adverse effect level" (LOAEL).

Construction Noise and Vibration

83. The ES predicts that the potentially worst affected receptors from the construction works are residential properties situated close to the existing A40. These properties (and their approximate distance from the RLB of the Proposed Development) include The Paddock, situated between the A40 mainline and the existing B4022 on-slip and properties immediately north of the existing B4022 on-slip, properties on High Cogges to the south of the Proposed Development (150m) and properties on the existing B4022 into Witney (200m). There is the potential for these properties to experience moderate or major impacts especially if night-time works are required. Impacts of such magnitude have the potential to result in significant adverse effects at residential properties.
84. There is the potential for some vibration impacts upon these residential properties. However, it is considered unlikely that most of the construction activities would generate levels of vibration above which annoyance to occupants, or therefore building damage, would be expected to be sustained.
85. Construction noise impacts would be reduced as far as possible through measures to be proposed in a Noise and Vibration Management Plan, which it is proposed would form part of the overall CEMP to be secured through condition. This would include relevant noise criteria, proposed surveys and a range of best practice measures associated with mitigating potential noise and vibration impacts. Such measures are likely to include:
- Implementation of a system of community engagement with local residents.
 - Implementation of a complaints management system to investigate any noise and vibration complaints and ensure appropriate action is taken as required.
 - Implementation of a noise insulation and temporary re-housing policy.
 - The selection of quiet and low vibration equipment and methodologies.
 - A review of construction programme and methodology to consider low noise/low vibration methods (including non-vibratory compaction plant where required).
 - The optimal location of equipment on site to minimise noise disturbance.
 - The provision of acoustic enclosures around static plant, where necessary.
 - The use of less intrusive alarms, such as broadband vehicle reversing warnings.
 - Compliance with working hours, as agreed with the local authority.
 - Limiting out of hours works to those that cannot be reasonably carried out during the daytime.
 - Designation and enforcement of appropriate routes for construction traffic (Heavy Duty Vehicles (HDV) and staff) including restricting HDV movements, outside the immediate vicinity of the works, to the strategic highway network.

Operational Noise and Vibration

86. The ES predicts permanent increases in road traffic noise for properties on the B4022 between the A40 and Cogges Hill Road junction. These effects are

assessed as being significant adverse at seven residential properties and the Windrush Cemetery. The ES predicts that at four noise sensitive receptors (three residential properties and Windrush Cemetery) road traffic noise levels would be above the Significant Observed Adverse Effect Level (SOAEL) only with the proposed development in place. Levels above the SOAEL are also predicted at further properties with or without the proposed development. The SOAEL is the level above which significant adverse effects on health and quality of life occur. No operational vibration impacts are predicted as a maintained road surface would be free of irregularities as part of project design and general maintenance. Therefore, operational vibration does not have the potential to lead to significant adverse vibration effects.

87. Some members of the public have expressed concern regarding the increased noise levels. South Leigh and High Cogges Parish Council have requested mitigation including a condition to include quiet surfaces on the slip road on the South Leigh side, to protect the residents of High Cogges and sound deadening boards and planting along the stretch of the junction particularly near the attenuation pond.
88. The ES states that no practicable mitigation has been identified for the predicted permanent significant adverse effects.
89. The applicant had clarified that the residual significant operational traffic noise effects identified are in the lower portion of the change band, sitting around 1.0-1.5 dB which are unlikely to qualify for noise insulation under the Noise Insulation Regulations 1975 (as amended 1988).
90. Further discussions took place with the applicant who suggested that properties closer to the proposed development at the bottom of the B4022 (Oxford Hill) could be provided with double secondary glazing. However, it is not a planning matter to enforce private properties to install secondary glazing to reduce an adverse impact from any increased noise levels. Separate Regulations (Noise Insulation Regulations 1975 as amended) make provision for Highway Authorities to undertake or to fund noise insulation works in eligible buildings, however the ES suggests that the affected buildings would not be eligible.
91. The applicant has provided details of why they consider mitigation measures are not practicable.
92. *Low noise surfacing:* The ES states that traffic speeds during the day are expected to be too low to see a reduction from low noise surfacing, as speeds would be below 75km/h (46 mph) and according to the Design Manual for Roads and Bridges (DMRB), this applies as a noise correction at speeds of over 75KM/h. Low noise surfacing could be effective at night when vehicle speeds could exceed 75km/h but with only two of the seven properties on Oxford Hill likely to experience night time levels above the SOAEL, and by less than 0.5dB, the applicant does not consider this to be a cost effective, sustainable mitigation measure.

93. *Noise barriers:* The applicant has stated that the effectiveness of noise barriers would be limited by the need to maintain access to affected properties. Barriers could also require the removal of trees which would affect amenity, views and character of the area as well as biodiversity. At the property closest to the B4022, there would not be room to install a barrier without removing the only foot and cycle pavement adjacent to the road. Therefore with reference to the Noise Policy Statement for England (NPSE), the applicant does not consider noise barriers to be a practical mitigation in this case.
94. *Lowering the speed:* As the traffic model shows average speeds with the scheme would be less than 50km/h, it is not considered that lowering the speed limit would offer an effective mitigation, as traffic speeds would already be below the national speed limit due to high volumes of traffic.
95. The Environmental Health Officer (EHO) has confirmed that in their view there are no mitigation measures for predicted traffic noise increases affecting properties on the B4022 between the A40 and Cogges Hill Road Junction and that they have no objection to the application. Therefore, as it is not possible to reduce the noise levels, the impact of the increases in traffic noise and sensitive receptors must be weighed up against the wider benefits of the scheme. Any adverse impacts on human rights would also need to be considered.
96. The NPPG says that planning decisions must take account of the economic and social benefit of noise-generating development in making decisions on applications. However, circumstances where noise exposure would cause extensive and sustained changes in behaviour and/or health without the ability to mitigate the effect of the noise should be avoided regardless of the benefits of the activity causing the noise. Members of the Planning and Regulation Committee will need to weigh the adverse noise effects against other material and policy considerations when reaching a decision on whether or not planning permission should be granted.
97. To conclude, it is considered that the potential construction noise impacts can be addressed through the submission of a CEMP pursuant to a condition attached to any planning permission that may be granted. The properties of concern mentioned above which are predicted to have noise impacts above the SOAEL level permanently are already adjacent to the road and already experience noise levels from passing traffic. The EHO has confirmed that there are no mitigation measures that would assist to reduce the impact of noise levels on adjacent property. I consider the wider benefits of the proposed scheme, including reduction in traffic congestion and air pollution in the centre of Witney, outweigh the significant adverse effects on the identified properties. Therefore, I consider that although the proposal would cause permanent noise disturbance at a small number of properties and this is not fully compliant with WOLP policy EH8, this is outweighed by other considerations.

Contamination.

98. WOLP policy EH8 states that proposals for development of land which may be contaminated must incorporate appropriate investigation into the quality of the land. Where there is evidence of contamination, remedial measures must be identified and satisfactorily implemented.
99. WODC's Contamination Officer wishes a condition to be added to say that in the event of contamination being found, it must be reported to the County Planning Authority and an investigation and a risk assessment should be undertaken along with possible remediation required to reduce risk to human health, buildings and other property to be approved in writing.
100. Subject to such a condition, the proposal is considered to be in accordance with policy EH8 of the WOLP in relation to contaminated land.

Landscape and Visual Effects

101. Policy EH2 of the WOLP states that new developments should seek to conserve and enhance the intrinsic character and appearance of the landscape, quality and distinctive natural and man-made features of the local landscape, including individual or groups of features and their settings such as stone walls, trees, hedges, woodlands, rivers, streams and ponds. Conditions may ensure every opportunity is made to retain such features and ensure their long-term survival through appropriate management and restoration. Proposals should avoid adverse impacts on the landscape via pollution, especially noise and light and measures to maintain or improve the existing level of tranquillity where possible. Proposals where such features would be lost will not be permitted unless the loss can be justified by appropriate mitigation which can be secured to the satisfaction of the Council.
102. Policy SLE1 of the SLNP states that proposals for development should respect and safeguard the countryside and in particular should conserve and where possible enhance the intrinsic character and beauty of the landscape features within the Parish including trees, hedges, woodland, water features, rural landscape and visual setting, tranquillity and perception of remoteness, dark skies. Policy SLE7 of the SLNP states that the existing dark skies in the parish will be maintained. Proposals for external lighting will be kept to a minimum and will be assessed against policy EH8 of the WOLP. Proposals that include external lighting which would have a detrimental impact on dark landscapes, nature conservation, local amenity or character of a settlement or wider countryside would be refused.
103. There has been no objection from the OCC Landscape Advisor. However, in the initial consultation, she considered the Landscape and Visual Impact assessment was acceptable overall, but requested more information about the trees and the hedges that would be lost in terms of which trees would be lost and what degree of new planting would be proposed to compensate for those lost and what gains would be brought. This extra information was provided as part of the Regulation 25 process and the landscape scheme is now considered acceptable in arboriculture terms and it is considered that that vegetation would achieve current cover again over time.

104. The OCC landscape advisor is though still concerned with the loss of two Category A trees and considers that it is important that Category A trees should be kept on the edge of the scheme to minimise landscape and visual impacts and therefore suggests that the retention of trees T4 and T34 should be sought. The OCC arboricultural advisor recommends that the loss of these two trees should be reviewed and recommends a pre-commencement condition for this. The arboriculturalist also requests that an updated tree survey is submitted as part of a pre-commencement condition. Whilst it would be better if the position on the retention of these two trees could be resolved prior to the determination of the application, it is not considered that their loss would be unacceptable when weighed against the other benefits of the scheme and in this instance conditions as suggested would be appropriate.
105. The arboriculturalist has also recommended the submission by condition of a plan to protect the Root Protection Areas of trees to be surveyed and a plan of action to be approved. They also recommend that where features are proposed to be retained but subsequently require removal, that a Capital Asset Valuation of Amenity Trees CAVAT analysis is undertaken to inform the decision and determine an appropriate amount of compensation which could contribute to future tree replacement and maintenance in line with Policy 14 of the Tree Policy for Oxfordshire 2022. However, the committee is advised that conditions cannot be attached with regard to a possible loss of trees which is not proposed in the application at this time. Any change to the development and any conditions to which it may be permitted would require a further amending application.
106. Lighting is proposed, but its design and light temperature would be at a level so as not to have a detrimental impact on residential properties and in order to protect nature conservation, lighting would be limited. Lighting levels would also be lowered through the night-time hours. Details of lighting could be required to be submitted for approval through a condition should planning permission be granted.
107. Conditions should include the following as requested by the OCC ecologist, OCC landscape advisor and arboricultural advisor: a detailed landscaping scheme to cover both hard and soft landscaping as well as sustainable drainage systems, a Landscape Ecological Management Plan (LEMP), , arboriculture method statement, clerk of works supervision to be provided to oversee construction around trees, tree risk management strategy to be submitted and approved and an arboriculture impact assessment, and a CEMP (arboriculture).
108. Therefore, subject to conditions, it is considered that the proposed development is considered to be acceptable and would enhance landscape in the area after some loss and time of maturity, and in accordance with relevant development plan policy EH2 of the WOLP and policies SLE1 and SLE7 of the SLNP.

Biodiversity

109. Policy EH3 of the WOLP states that the biodiversity of West Oxfordshire shall be protected and enhanced to achieve an overall net gain to biodiversity and minimise impact on geodiversity including the use of Habitats Regulations Assessment, protection of protected species, avoiding loss or important wildlife and irreplaceable habitats and that major development should demonstrate net gain in biodiversity through the use of a Biodiversity Impact Assessment Calculator (BIAC). Policy EH4 has been covered earlier in the report. Policy SLE5 of the SLNP is also relevant which states that biodiversity, important habitats and Green Corridors of the Parish will be protected and not be harmed by development and be enhanced to achieve an overall net gain in biodiversity. Any development should promote the enhancement of identified Local Wildlife Sites, Green Corridors and should support the achievement of aims of Conservation Target Areas including the Lower Windrush Valley and the Wychwood Forest Project Area.
110. The OCC ecologist is satisfied that there are no likely significant effects on Oxford Meadows Special Area of Conservation (SAC) and the proposals will therefore not have an adverse effect on the integrity of Oxford Meadows Special Area of Conservation (SAC). No further formal appropriate assessment under the Conservation of Habitats and Species Regulations 2017 is therefore needed. Surveys have been done on protected species which have shown the presence of dormice, bats and badgers and the ecological officer has recommended conditions to request that up to date surveys are carried out prior to the construction of the development as well as relevant licences required to carry out the works to minimise harm to protected species. Habitats should either be protected during construction phase and from lighting in bat roosting trees (i.e. bats) or where habitats for wildlife are lost (i.e. dormice), then it should be replaced with like for like. Otherwise, the ecological officer is satisfied that strategic significance has been assigned correctly and the baseline condition of habitats has been confirmed.
111. Regarding biodiversity net gain (BNG), WODC has stated they support the BNG of 10% and would welcome measures to increase this to beyond the minimum requirements. The OCC ecologist is satisfied that Foxburrow Wood would make a suitable proposed off site location, to achieve net gain for habitat units of 18.67% and has drafted a letter setting out the agreement in principle with Wychwood Forest Trust to deliver offsite BNG at Foxburrow Wood. This would be secured through planning condition including for the 30 year management plan.
112. Despite identification of Foxburrow Wood for delivery of offsite BNG, the trading rules are not met for medium distinctiveness habitat 'mixed woodland plantation' and 'mixed scrub' habitats. To fulfil the requirement for provision of 6.86 units of mixed plantation woodland, an agreement in principle with the Trust for Oxfordshire's Environment (TOE) has been made for them to deliver these units offsite. The provision of a certificate from an Offset Provider for provision of these biodiversity units will also need to be secured via planning condition.

113. If for any reason the above cannot be delivered then an alternative solution to provide the required biodiversity off-setting, BNG and management should be provided for by condition.
114. The trading rules for 1.06 units of mixed scrub habitats have not been met. However, the scheme does provide for management of some existing scrub at Foxburrow Wood and the applicant has put forward the case that the woodland edge and understorey habitats will provide a similar ecological function. Likewise, the scheme provides an uplift in hedgerow habitats of 14.68%, including high distinctive native species and rich hedgerows, which are likely to provide similar ecological functions to the scrub habitats lost. The OCC ecologist is therefore satisfied that the failure to meet the trading rules for the mixed scrub habitats is not of concern in this case.
115. The ecological officer has also requested conditions for a CEMP, lighting scheme and LEMP. The site is not in a Parish Green Corridor.
116. Therefore, subject to these conditions, the application is considered to enhance biodiversity in the area with a gain after a loss and is therefore in accordance with policy EH3 of the WOLP and policy SLE5 of the SLNP.

Soils

117. Regarding soil management of the area, the residual effect of the loss of sub-grade 3b agricultural land (i.e. non Best and Most Versatile) which would be affected by the proposed development is adverse moderate which should be important to consider whilst the effect of the three affected agricultural holdings by the proposed development is minimal. Paragraph 174 of the NPPF states where significant development of agricultural land needs to take place, poorer quality land should be used first which is the case here. There are no policies allocated for this in the WODC Local Plan and the South Leigh Neighbourhood Plan. There is no objection from the OCC Soils Advisor subject to a condition for a soil handling and management plan (SHMP). Therefore the proposed development is considered to be in compliance with paragraph 174 of the NPPF.

Flooding and Drainage

118. Policy EH7 of the WOLP states that flood risk needs to be managed via the sequential risk based approach, set out in chapter 14 of the NPPF of avoiding flood risk to people and property where possible and managing any residual risk (taking into account the impacts of climate change). All sources of flooding should be addressed and measures to mitigate this to reduce their impacts should be in place. Appropriate flood resilient and resistant measures should be used. Sustainable Drainage Systems to manage surface run off and support improvements and support water quality and pressures should be incorporated into the design. A flood risk assessment should be required for development of more than 1 ha and for any proposal in Flood Zone 2 and 3 and Critical Drainage Areas.

119. Some members of the public have concerns where the surface water run off would go. A flood risk assessment was submitted as part of the planning application. The site is in Flood Zone 1, although parts of the site are at high risk of surface water flooding. However, the site has been allocated for the development in the West Oxfordshire Local Plan and there are no other reasonable sites for the development to occur. It is considered that the Sequential test is passed. The development is considered as Essential Infrastructure and so there is no need for the Exception test to be carried out. The Environment Agency has no objection to the proposals. As mentioned above, WODC has stated that SuDS need to be well designed to support ecology and help contribute towards ecological net gain. The Lead Local Flood Authority (LLFA) also have no objection to the proposed SuDS design principles. However, LLFA has requested conditions:
120. Condition 1 on the review of a Drainage Strategy report including the permeability testing to BRE365 should be carried out, to ensure that the infiltration SuDS feature is not located in contaminated land, SuDS attenuation techniques be provided if infiltration is not feasible, design calculations to be provided for all SuDS features for all relevant return periods, detailed catchment plan, fully detailed water drainage drawings, detailed of future maintenance and management of all SuDS features, overland flood paths information and measures to mitigate risk of surface water run-off polluting waters.
121. Condition 2 to state that a record of the approved SuDS details in writing be provided to the planning authority for deposit in the LLFA register. Details should include appropriate file format, photographs to document each key stage of the drainage system when installed on site and photographs to document the completed installation of the drainage features on site.
122. Subject to conditions from the LLFA, the proposal is considered to be in accordance with policy EH7 of the WOLP and chapter 14 of the NPPF relating to flooding and drainage.

Archaeology and the historic environment

123. 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.
124. NPPF paragraph 189 states that historic assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. Paragraph 199 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 200 states that any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification. Paragraph 201 states that where a development would lead to substantial harm, consent should be refused.

Paragraph 202 states that where harm would be less than substantial, the harm should be weighed against the public benefits of the proposal.

125. WOLP policy EH9 states that new developments should conserve and enhance the special character, appearance and distinctiveness of the WODC area heritage assets in a manner appropriate to their historic character and significance and in a viable use that is consistent with their conservation including listed buildings, scheduled ancient monuments as well as planning applications and should demonstrate the adverse impact on historic assets and mitigations to be in place to protect and enhance. Policy SLE6 of the SLNP states similarly.
126. Regarding the historic character of the area, the Environmental Statement identifies that there could be a slight adverse impact on some of the nearest listed buildings, including Ladymead Cottage and High Cogges Farmhouse and Granary. No significant effects are predicted. However, during the operational stage there could be a permanent slight adverse impact to Ladymead Cottage. Ladymead Cottage is located at a distance of approximately 140 metres to the south east of the application area and High Cogges Farmhouse and Granary approximately 260 metres to the south east. Given the distances involved it is the officer conclusion that the identified harm would be less than substantial. The new slip roads and associated infrastructure improvements cannot be delivered other than where they are proposed at the existing A40 junction. As set out above, this development if approved would deliver considerable public benefits. It is considered that when weighted against this the less than substantial harm to the heritage assets is acceptable.
127. The County Archaeologist has stated that the proposed development is in an area of archaeological interest including a high potential for remains related to the post medieval industrial development of the town. However, no objection has been raised subject to conditions including for an archaeological watching brief in accordance with a Written Scheme of Investigation.
128. It is not considered that there would be any harm to, or loss of, the significance of any heritage asset. I therefore consider that the development is compliant with CLP policy ESD15.
129. Due to the distance of the listed buildings from the proposed development site as set out above and that there are no scheduled monuments within the application site, it is considered that there would be no impact of the proposed development on these.
130. The County Archaeologist has raised concerns about the line of the new slip roads and possible impacts on significant archaeological deposits related to the medieval settlement recorded as earthworks in the area. The applicant submitted a desk based assessment for archaeology in the area and some amended plans (showing the location of the attenuation ponds as indicative) to show that the road itself is unlikely to have any impact on significant archaeological deposits related to the medieval settlement recorded as earthworks in the area. There is still the potential for the proposed attenuation

ponds to impact on medieval remains. The OCC archaeologist has stated that a programme of archaeological evaluation and mitigation including preservation in situ where required, would need to be undertaken ahead of any development but stated this can be secured through appropriately worded conditions. The location of the ponds may need to be amended should the evaluation phase of this stage programme identify significant archaeological remains. The archaeologist recommends conditions prior to demolition and the commencement of the development to secure a Written Scheme of Investigation and staged programme of evaluation. Subject to these conditions, the development is acceptable in terms of impacts on archaeology and in accordance with paragraphs 189, 199-202 of the NPPF, policy EH9 of the WOLP and policy SLE6 of the SLNP.

Sustainable Development

131. The NPPF contains a presumption in favour of sustainable development. This has environmental, economic and social roles, reflected in WODC policy OS1. The proposal would provide for improved access into and from Witney and improved air quality. However, it would have significant noise impacts both temporarily and permanently once operational which must be weighed in the balance against the benefits. It cannot therefore be concluded that it is entirely in accordance with the aims of delivering sustainable development as set out in the development plan and NPPF.

Financial Implications

132. Not applicable as the financial interests of the County Council are not relevant to the determination of planning applications.

Legal Implications

133. There are not considered to be any legal implications arising from this report.

Equality & Inclusion Implications

134. In writing this report, due regard has been taken of the need to eliminate unlawful discrimination, harassment and victimisation, advanced equality of opportunity and foster good relations between different groups. It is not however considered that any issues with regard thereto, are raised in relation to consideration of this application.

Conclusions

135. The proposed development would upgrade the existing Shore's Green A40 junction to provide west facing slip roads with improved capacity and provision for pedestrians and cyclists, to support the forthcoming development to the south of Witney and to reduce congestion and improve access between Oxford

and the A40. The proposals are supported by policies aimed at ensuring there is suitable infrastructure for allocated development and growth.

136. The proposals are in accordance with development plan policies regarding transport, rights of way, air quality, landscape, biodiversity, flooding and the historic environment. There would be residual permanent significant noise impacts which render the development to not be entirely in accordance with development plan policy with regard to noise. However, it is considered that this is outweighed by the wider overall benefits of the development as set out above. Planning permission should be granted subject to conditions as discussed above.

RECOMMENDATIONS

137. **It is RECOMMENDED that planning permission for application R3.0039/22 be approved subject to conditions to be determined by the Director of Planning, Environment and Climate Change, to include those set out in Annex 1.**

Rachel Wileman

Director of Planning, Environment and Climate Change

Annexes:

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| Annex 1: | Conditions |
| Annex 2: | Consultation Responses |
| Annex 3: | Summary of Representations |
| Annex 4: | Environmental Impact Assessment Summary |
| Annex 5: | European Protected Species |
| Annex 6: | Compliance with National Planning Policy Framework |

Background papers: None

Other Documents:

West Oxfordshire Local Plan (2018)

National Planning Policy Framework 2021 (NPPF)

National Planning Practice Guidance (NPPG)

National Infrastructure Strategy (November 2020)

Noise Policy Statement for England (2010)

Oxfordshire County Council Local Transport Plan 4 (LTP4) 2015-2031

Witney Transport Strategy 2016

Annex 1 – Conditions

1. Complete accordance with approved plans and particulars.
2. Three year commencement.
3. Construction Environment Management Plan (CEMP) to include measures to minimise noise and vibration, construction waste, protection of biodiversity, temporary footpaths – submission, approval, implementation.
4. Construction Traffic Management Plan to include hours of construction, traffic management – pre-commencement, submission, approval and implementation
5. Dust Management Plan - pre commencement, submission, approval, implementation.
6. Lighting details to include design and lumiere details – submission, approval and implementation.
7. Public Rights of Way – measures of correct routing, mitigation and improvement of routes, protection of public rights of way and users, temporary obstructions, damage (repairs within 24 hours unless longer repair agreed with OCC) and guidance regarding fencing, gates and signage. Submission, approval and implementation.
8. Final landscaping scheme details of hard and soft landscaping as well as Sustainable Drainage Systems - submission, approval and implementation.
9. Landscape Ecological Management Plan (LEMP) – submission, approval and implementation.
10. Archaeological mitigation prior to commencement of development implemented in accordance with the approved Written Scheme of Investigation (WSI) for submission, approval and implementation.
11. Following approval of WSI and prior to demolition on the site and commencement of development, a staged programme of archaeological evaluation and mitigation to be carried out by the commissioned archaeological organisation in accordance with the WSI – submission, approval and implementation.
12. Carbon Management Plan – further details on emissions submission prior to the start of the construction of the development.
13. Pre commencement – review of the retention of trees T4 and T34
14. Root Protection Areas of tree to be surveyed and plan of action – submission, approval and implementation.
15. Arboricultural Method Statement – submission, approval and implementation.
16. Clerks of work supervision to be provided to oversee construction around trees and a tree risk management strategy – submission, approval and implementation.
17. Contaminated land to be reported with remediation if necessary.
18. No development shall commence unless and until, in combination with onsite measures as set out in the approved Revised Biodiversity Net Gain Report in order to deliver a minimum of 10% net gain in biodiversity units above the baseline:
 - a) A detailed management and monitoring plan covering a minimum of 30 years for delivery of 26.67 offsite biodiversity units at Foxburrow Wood as set out in the Revised Biodiversity Net Gain Report is submitted to and approved in writing by the County Planning Authority; and

b) A certificate confirming the agreement of an Offsetting Provider approved by the County Planning Authority to deliver a Biodiversity Offsetting Scheme for the provision of 6.86 units of mixed plantation woodland has been submitted to and approved in writing by the County Planning Authority. The written approval of the County Planning Authority shall not be issued before the certificate has been issued by the Offsetting Provider. The details of the biodiversity enhancements shall meet the trading rule requirements as set out in the approved Revised Biodiversity Net Gain Report and shall be documented by the Offsetting Provider and issued to the County Planning Authority for their records;

19. Soil handling and management plan (SHMP) – submission, approval and implementation.
20. Review of Drainage Strategy report – submission, approval and implementation.
21. A record of the approved SuDS details – submission, approval and implementation for deposit in the LLFA register.
22. Preparation and submission of a climate vulnerability risk assessment annex, approval and implementation
23. Protected Species surveys – submission, approval and implementation of any necessary mitigation.
24. Submission of details of proposed signage at the junction with South Leigh Road.

Informatives:

1. Protected Species licencing;
2. Applicant to contact the Network Management Team regarding construction times and relationship with the wider A40 programme.

Annex 2 - Consultation Responses Summary

West Oxfordshire District Council – Planning

1. Is supportive of the scheme as would reduce traffic congestion. However, they have a few comments as follows:
 - a) Need to ensure that the impacts of construction are minimised in terms of the environment (noise, dust, light, construction waste etc) and disruption to road users are kept to a minimal.
 - b) Need to ensure that rat running on local roads (including South Leigh Road and Dry Lane) are reduced. Modelling undertaken to support the planning application suggest that the proposed improvements would reduce that.
 - c) Need to ensure impacts on local networks are properly assessed and mitigated during the construction phase.
 - d) Opportunities for active travel but need to ensure a safe and convenient access to the A40 corridor. The cycle / pedestrian link should be of a sufficient width to promote safety given the level of traffic on this corridor. A technical note appears to misunderstand the A40 active travel link running along the south of the East Witney SDA is not proposed to replace the need for a link to the bus stops at Witney Hill.
 - e) Due to the A40 is already an important bus corridor and the proposed measures along this corridor including dedicated bus lanes and associated bus priority measures, it is vital that the junction seamlessly linked to the proposed priority bus lane and supports current bus movements along the B4022 (Newland and Oxford Hill in Witney) which is a busy and important bus route.
 - f) Would be useful to know how much vegetation cover would be lost and how much would be compensated. Also they stated it would be useful to provide the proposed indicative tree and shrub planting details.
 - g) Supports the biodiversity net gain of 10% and would welcome measures to increase this beyond the minimum requirements.
 - h) Lighting to be minimised to protect diversity.
 - i) Signage is essential and needs to be clear to support the travel linkages including any lowering of speed limits. Signage is equally important to encourage sustainable commuting and leisure pursuits.
 - j) SUDS need to be well designed to support ecology and help contribute towards ecological net gain.
 - k) In summary, the District Council welcomes this application in principle subject to the comments provided above regarding the construction phase etc. Not

only is this scheme essential to serve planned development in Witney, notably the East Witney SDA, but would also help to relieve long-standing issues of congestion and air pollution in the town and thus support wider planned growth too. The works are also necessary to complement the range of measures proposed to improve the A40 corridor.

West Oxfordshire District Council Air Quality Officer

2. The proposed development is welcomed as it is considered to improve air quality at the site and surrounding area in particular within the Witney Air Quality Management Area. The outcome would be welcome and has no further comments at this time.

West Oxfordshire District Council Environmental Health

Final response

3. I am happy with the extra information and agree that there are no practical effective noise attenuation measures due to the low vehicle speed in this vicinity.
I therefore have no objections.

First response

4. Is concerned that there are no mitigation measures proposed for predicted traffic noise increases affecting properties on the B4022 between the A40 and Cogges Hill Road junction. Would like to see practicable mitigation measures to address these predicted adverse effects at these properties.

West Oxfordshire District Council Contamination Officer

Reg 25 response

5. The additional information does not appear to be related to contaminated land and therefore has nothing to add to his previous comments.

First response

6. Wishes a condition to be added to say that in the event of contamination being found, it must be reported to the Local Planning Authority and an investigation and risk assessment should be undertaken and possible remediation required to remove risk to human health, buildings and other property to be approved in writing by the Local Planning Authority.

Witney Town Council

7. Welcomes the application and looks forward to it. Would bring a safer and less congested access to the town.

South Leigh and High Cogges Parish Council

8. South Leigh Parish Council understand that the junction has been a safeguarded / proposed development in the Local Plan for a few years but they wonder whether it will do the job it is intended to or at least a great deal of money will be spent and the reduction in traffic will be minimal, we accept that that it is the current plan and therefore limit our comments to the following:
9. Would like consideration of this application with the South Leigh Neighbourhood Plan that particularly specifies the importance of tranquillity and peacefulness of the area.
10. The houses in High Cogges and along the Witney Road will be greatly affected by this application and yet no notice seems to have been taken of them in the planning application. We would like to see conditions added to the planning application to cover the following:
 - a) Physical Traffic calming measures put in throughout the main roads of the village. An OCC study was undertaken and shows that traffic will increase considerably through the parish with the advent of this junction. This study was done under the assumption that the A40 would be dualled up to Eynsham. If this doesn't happen then the problem will be worse.
 - b) Run quiet surfaces on the slip road on the South Leigh side to protect the residents of High Cogges.
 - c) Sound deadening boards and planting along the stretch of the junction particularly near the attenuation pond.
 - d) Signage at the T junction showing no access to the village, except a weight limit and an arrangement at the t junction that makes it awkward to turn right.
 - e) Shaded street lighting so as to light the road but not the countryside and the houses in High Cogges.
 - f) Relocation of the Bus stop on the slip road to be more accessible to the village

Ducklington Parish Council

11. Councillors fully agree with the construction of the off road and laybys etc.

Eynsham Parish Council

12. No objection

Footpath Society

13. The plans show a shared use path on Witney side of the A40 but has no legend showing how it will be accessed by rights of way 410/8 and 410/42. Footpath 353/31 seems to be catered for but no connection for 353/28. The Society also states that the design statement shows no detail and there is no document entitled "Treatment of Rights of Way".

Oxfordshire Geology Trust

14. No objection.

Local OCC Councillor (Cllr Duncan Enright)

Reg 25 response

15. In principle, he supports the application as an important part of the transport network freeing Witney town centre from through traffic. His concern is to ensure that additional traffic does not go through South Leigh as a result of the proposed scheme. Traffic calming and appropriate signage might be appropriate. Cycling should be safe and where possible on segregated paths. Safe transition for motor vehicles to and from the A40 is important. Would be good to consider restrictions on the farm bridge over the A40 once the slip roads are in place, as the bridge is currently used as an alternative route by local residents wishing to travel west from Witney.

First response

16. Strongly of the opinion that this scheme should proceed without delay (good for walking and cycling and should reduce traffic in Witney as well as improve air quality) and would bring huge benefits to the whole of the growing community of Witney and neighbouring villages.

Local OCC Councillor (Cllr Dan Levy)

17. He is supportive in principle to the creation of the new junction at Shores Green.
18. The proposed design appears to be acceptable for the use of Active Travel, albeit with potentially more delay for people on bikes going to or from South Leigh compared with the current arrangements. The bulk of cycle traffic will continue to use the existing A40 cycle route to Barnard Gate, unaffected by the new junction. It would be excellent if this junction were to be linked to a cycle route by passing Oxford Hill, in the event that the development of land to the north-west of the junction goes ahead.
19. The benefits of the new junction should include the reduction of car traffic in Witney, and substantially reduced use of the bridge to the east of Shores Green as a U turning facility.

20. He has concerns about the effect of the new junction on traffic volumes in surrounding areas. In particular, there will be an incentive for some drivers to use South Leigh as a route to Stanton Harcourt, and potentially to link the A40 and the A420, and in some circumstances as a preferred route to Oxford via Eynsham, if the A40 is busy. I would expect the County Council to assess traffic volumes, with a view to preventing or deterring rat-running if it becomes a problem. In the short term, implementing a weight restriction on South Leigh Road, to the south of the junction with High Cogges, would be advisable.

Ministry of Defence

21. They stated that they have no safeguarding objections to the proposed development.

Historic England

22. Not offering advice and states that it is not necessary to consult on the application again.

Natural England

Reg 25 response

23. No further comments on this application

First response

24. No objection. Provides general advice with reference to the NPPF and general guidelines / acts for landscape, Best and most versatile agricultural land and soils, protected species, local sites and priority habitats and species, ancient woodland, ancient and veteran trees, Environmental gains, access and recreation, Rights of way, access land, coastal access and National trails and biodiversity duty.

Environment Agency

25. No objection

Arboricultural (Atkins)

Reg 25 response

26. The applicant confirms that there are no trees subject to a Tree Preservation Order (TPO) present within or adjacent to the site and the scheme is not set within a Conservation Area. The scheme will not impact on any Ancient Woodland designation.

27. The extent of tree removals is detailed within the summary table provided in Appendix C of the Regulation 25 response by the applicant. The total area of tree removal (canopy cover) is 3.7 ha (88% of total tree canopy area surveyed) and hedgerow removal, a total of 86 linear metres (19% of total hedgerows surveyed). This includes partial removal of tree groups or lengths of hedgerows. This data was submitted as part of the revised AIA at the request of OCC.
28. The applicant has confirmed removals by overlaying the proposals and through applying the permanent and temporary clearance areas to facilitate the construction of the scheme.
29. Tree replacements at the time of planting cover 2.6 ha, as confirmed in the response to the OCC Regulation 25 Request Letter, which represents a nett loss of approximately 1.1 ha (11,000m²) and 70% of the tree removals. The applicant has provided further data regarding predicted canopy cover following a period of 15 years growth, suggesting an additional gain on canopy cover of 2.8 ha (28,123m²) at that time. The application sets out an approach in determining this increase in canopy cover after the 15 year period.
30. Proposed new hedgerow planting totals 948 linear metres, which is a nett gain of 862 linear metres.
31. The AIA makes recommendations as to how the construction might take place without damage to tree roots of retained trees. This includes the retention of existing sub-base materials for areas of resurfacing and bespoke construction approaches. The AIA makes it clear that any works within RPAs would be done under arboricultural supervision and this is welcomed.
32. The need for any onsite incursion into the RPAs of trees that were not able to be plotted and determined accurately in advance, are to be surveyed and a plan of action agreed by the project Arboriculturist prior to any invasive works being undertaken.
33. It is recommended that if the proposals are approved and where features are proposed to be retained but subsequently require removal, that a CAVAT analysis is undertaken to inform the decision and determine an appropriate amount of compensation which could contribute to future tree replacement and maintenance in line with Policy 14 of the Tree Policy for Oxfordshire 2022.
34. The Regulation 25 Response states that tree removals are all within the redline scheme boundary, though it is noted that there are removals beyond both the existing and proposed highway boundary lines, which may mean tree removals on private land for which third party consent will be required. Such matters must be clarified and actioned at the earliest feasible stage with consent of the tree owner obtained in writing.
35. Comments made on the accuracy of data, statutory and non-statutory designation impacts. Ash dieback can be seen in the comments from Atkins for Arboriculture on the website.

36. A summary of their findings include the following. Tree losses as a result of the scheme would be at nearly 90% of those within the survey area. Opportunities have been taken to maximise replacement tree planting, although this will only provide approximately 70% of the original area, assumed to be primarily due to the additional land take of the new road and associated infrastructure. Extensive new hedge planting will compensate to some degree for the shortfall in replacement tree planting. New planting will take time – possibly up to 20-30 years - to reach the size of the trees that will be removed in places. Although covering a smaller total area, new planting covers a slightly wider extent than at present, as the new highway boundary will generally be relocated beyond the line of the existing. Over time the scale and presence of the new planting will be visually similar to the existing situation. Whilst the nett loss in planting contravenes planning policy that seeks to protect and enhance existing tree features, recognises that the removals and replacement planting should be seen in the context of a relatively narrow highway corridor. The loss of 6no. high amenity value trees should be reviewed as part of pre-commencement conditions in order to try and reduce this number. Atkins are happy with the proposals subject to conditions. They would like to see conditions to include:
- a) Pre-commencement condition to ensure written confirmation is obtained by the applicant for any third party tree or landowner to tree removals on their land and compensatory off-site planning agreements;
 - b) Pre-commencement condition for further tree works to show the location of high amenity value trees not directly within the footprint of the proposed scheme;
 - c) Arboricultural Method Statement;
 - d) Clerk of Works Supervision to be provided to oversee construction around trees;
 - e) Tree risk management strategy to be submitted;
 - f) Arboricultural Impact Assessment full consultation and agreement with owners of off tree sites is required before works can commence to privately owned trees;
 - g) CAVAT analysis of any trees that are proposed to be retained but for which removal is proposed during the works;
 - h) Construction Environmental Management Plan (Arboriculture)

First response

37. Atkins had requested more information and clarity regarding arboriculture including more detailed plans, clarification of labels on the plans i.e. Tree protection plans and that the tree constraints plan needed to be made clearer. Further information for the Arboricultural Impact Assessment was needed e.g.

how will applicant consent be gained for third party tree impacts, how will the removals be mitigated, other design options to retain Category A trees.

Climate Change (Atkins on behalf of OCC)

Reg 25 Response

38. Although it is welcomed that the development is expected to have an overall carbon saving as a result of a reduction in traffic congestion, and that this will contribute to national and local policy, it is still important to ensure that carbon savings are made throughout the whole lifecycle of the project, including during construction. For example, consideration of the emissions associated with transportation of materials during the construction phase is not currently included in the assessment, but can potentially be influenced by the contractor during construction.
39. It is therefore recommended that further detail on emissions is provided as part of a carbon management plan that should be in place prior to construction of the development and should include the approach to reducing whole life carbon emissions. This is best practice and is in line with local policy.
40. With regards to climate vulnerability they have stated that although it is not fully evidenced in the application, it is expected that significant climate vulnerability impacts would be avoided on this project by good design practice and adherence to appropriate standards.
41. They have no objection subject to a condition requiring a carbon management plan be submitted and approved prior to the start of construction. They also would like to see conditions on Climate vulnerability addressing:
 - a) Climate vulnerability risk assessment annex;
 - b) Construction Environment Management Plan (CEMP);

First response

42. Some information in Chapter 7 needed to be updated to reflect planning policy guidance and user guides. More details were needed on calculations for emissions, material transport distance, estimates, a request for a carbon management plan and carbon factors for emissions. Regarding the Sustainability Statement, GHG emissions / operational emissions as reference / appendix verification should be provided.

Agriculture and Soils (Atkins on behalf of OCC)

Reg 25 response

43. The agricultural sections of Chapters 9 and 13 are compliant with national and local legislation and guidelines and correctly follow the assessment guidelines set out in DMRB LA 109 and LA 112.
44. The assessments are accurate and sufficiently detailed to support this planning application. As stated above, the residual effect of the loss of agricultural land in Subgrade 3b (Non-BMV) is significant, whilst the effect on the three affected agricultural holdings themselves is not significant.
45. Atkins have no objection subject to a condition to address a Soil Handling and Management Plan (SHMP).

First response

46. Atkins has stated some clarifications / amendments needed to be stated i.e. in terms of referencing. Further information was required on how paragraphs 9.6.11 – 9.6.17 relates to the overall CEMP should be introduced in 9.6.11 rather than 9.6.16. The difference between Soil resource plan and soil handling strategy needs to be explained in 9.6.15.

National Highways

Reg 25 response

47. Their response remains the same as the first response below.

First response

48. Has some concern on the impact of the proposed development on the safe and efficient operation of the SRN in this case the A34. They recommend that conditions should be attached to any permissions that may be granted. They refer to Annex A for recommended planning conditions and reasons including that no development shall take place until a Construction Environment Management Plan has been submitted and approved in writing by the Local Planning Authority in consultation with National Highways with a reason to mitigate any adverse impact on the A34.

Thames Valley Police

Reg 25 response

49. They have nothing further to add at this stage.

First response

50. No objection.

Scottish and Southern Electricity Network

51. No objection and is happy with the consideration of the overhead powerlines and underground cables within the area of works. Is happy to send over a plan of their records if this helps.

National Grid

Reg 25 response

52. Confirmed that there are no National Grid assets affected in this area.

First response

53. No comments were received

OCC Archaeology

Reg 25 response

54. The submitted amendments do not alter their previous comments.

Second response

55. Following the first response made by Archaeology, the agents and applicant have submitted a revised desk based assessment and amended plans. The line of the new road itself is now unlikely to impact on significant archaeological deposits related to the medieval settlement recorded as earthworks in the area. There is however still the potential for the proposed attenuation ponds to impact on mediaeval remains.
56. The updated plans that have been submitted however have highlighted that the location of these ponds are indicative only. A programme of archaeological evaluation and mitigation, including preservation in situ where required, will still need to be undertaken ahead of any development but this can be secured through an appropriately worded condition on any planning permission. The indicative location of these proposed attenuation ponds may need to be amended should the evaluation phase of this staged programme identify significant archaeological remains.
57. Should planning permission be granted, the archaeologist recommends that the applicant should be responsible for ensuring the implementation of a staged programme of archaeological investigation to be undertaken ahead of the period of construction. This can be ensured through the conditions requiring an Archaeological Written Scheme of Investigation for submission and approval by the Local Planning Authority and that following this approval, a staged programme of archaeological evaluation and mitigation including preservation in situ where required and be submitted to the Local Planning Authority within two years of completion of the archaeological fieldwork.

First response

58. An archaeological evaluation is required prior to determination of any planning permission. A written scheme of investigation has been agreed for this evaluation but this has yet to be undertaken. The evaluation must be carried out by a professionally qualified archaeological organisation and aim to define the character and extent of the archaeological remains within the application area.

OCC Transport Development Control

Reg 25 response – additional comments

59. Extra comment have been received from Transport DC in order to respond to the concerns with the rat running through High Cogges and South Leigh and to respond to the comments made by High Cogges and South Leigh Parish Council. The Transport Development Control Officer has stated that the team did not find any apparent concern over the roads within the South Leigh and High Cogges parish that shall likely have an impact warranting the isolated mitigation. The officer also understood that a traffic calming scheme has been secured along Witney Road on the advent of the 120-unit housing development on Land East of Witney Road (Planning ref: 21/03405/OUT). The High Cogges is an access only road that will not accommodate through traffic. The County Council would not be able to justify the planning conditions or measures to the accord.
60. The officer also stated that where a development proposal will lead to less than substantial harm to the significance of a designated community, this harm should be weighed against the public benefits of the proposal including, where appropriate securing its optimum viable use. Therefore, the officer find that the proposal would lead to very limited harm to the character and appearance of the parish.
61. The officer also stated that in terms of the environmental impacts, I note that the surrounding area was not considered to be particularly sensitive and as such, there was no requirement for traffic related noise to warrant noise barriers.
62. Transport Development Control has stated that he has great sympathy with the parish council's request. i.e.
- Relocation of the bus stop on the slip road to make it more accessible. That shall be explored further.
 - Improvement to the signage regime to accord with the new road layout and most importantly putting in restrictions for certain vehicles to gain access into the village.
 - As a rule, the lighting of the junction shall be sympathetic to the existing properties.

63. The officer has stated that OCC will work closely with the parish to continually assess the local network during the construction phase when vehicles are more likely to be displaced.

Reg 25 response

64. Their comments remain the same as the previous comments. However, having seen the additional information including the provision of connections between the proposed foot / cycleway and existing Public Rights of Way to the north west, these are welcome additions to the scheme as they allow for connections to be made to the Cogges area of Witney and particularly planning residential development in the area. These do not change the previous response on the application.

First response

65. No objection, subject to a condition for a Construction Traffic Management Plan (CTMP). Foot / Cycle connection. The Transport DC officer has stated the informatives would be required to advise the applicant to contact the Network Management Team regarding construction times and relationship with the wider A40 programme.

OCC Rights of Way

Reg 25 response

66. The officer has no additional comments to make and no objection / comment on this scheme.

First response

67. Considers the proposed development necessary as would improve accessibility for the A40 and connectivity for pedestrians and cyclists.
68. The officer suggests standard measures to be included for the application, affecting public right of way including correct routing, mitigation and improvement of routes, protection of public right of way and users, temporary obstructions and damage and a measure regarding gates and right of way.

OCC Public Health

Reg 25 response

69. They echo the comments made by the Rights of Way team that public access to walking, cycling and horse riding routes should be maintained at all times, including during the construction phase. They welcome ongoing discussions at the design stage regarding temporary access and public right of way. Public

Health recommends that wayfinding signs are installed to encourage active travel between Witney and the surrounding areas.

70. They welcome comments from WODC and endorse their recommendation that during the construction phase the impact of operations (noise, dust, light and construction waste) should be minimised for both residents and public right of way users through the implementation of robust management plans.

First response

71. Is satisfied with the development overall, no objection but has a few concerns regarding the development that has arisen from the Equality Impact Assessment and the negative and positive impacts this can have on health and wellbeing during construction and longer term.
72. The negative impacts from construction needs to be considered including:
- Air quality – a robust dust management plan is required;
 - Impacts of the temporary closure of cycle and footpaths (need diversion signage)
 - Temporary closure of ProW can affect opportunities for walking.
 - Need wayfinding signs to promote active travel between Witney and villages in its hinterland.
73. Local businesses to be informed of potential delays associated with single lane traffic on the B4022.

OCC LLFA

Reg 25 response

74. They have no further comments to add following their response below.

First response

75. No Objection subject to Conditions.
76. Generally they don't object to the SuDS design principles. However, they recommend conditions including:

Condition 1:

Conditions are based on the review of the Drainage Strategy report (Aecom, Appendix 14-A: Drainage Strategy of Environmental Statement II, March 2022).

- a) The SuDS hierarchy for discharging surface water drainage should be followed and demonstrated thoroughly.
- b) The Drainage Strategy report (Aecom, Appendix 14-A: Drainage Strategy of Environmental Statement II, March 2022) shows that infiltration is not feasible, based on BGS information. However, permeability testing to

BRE365 should be carried out, to determine the soakage potential for SuDS for the proposed development.

- c) Details that the proposed infiltration SuDS feature (if found applicable) is not located in contaminated land and that a 1m freeboard is provided between the groundwater level and the base of the infiltration SuDS feature. For open SuDS features a freeboard of 300mm should be provided above the maximum water level for the critical storm event of 1 in 100 year + 40%cc.
- d) Should infiltration be found unfeasible, SuDS attenuation techniques should be applied. For brownfield areas, the design must demonstrate that the lowest possible flow rate has been adapted which should be a minimum of 40% reduction of the existing. Greenfield run-off rates to Q_{bar} to be applied for all new impermeable areas.
- e) Design calculations to be provided for the proposed SuDS features, for all relevant return periods (1 in 1 year, 1 in 30 year and 1 in 100 year + 40% climate change) demonstrating the critical duration used for design. Calculations should be cross-referenced to the drainage design layout with pipe/manhole numbering to be able to carry out the assessment.
- f) A detailed catchment plan to be provided to demonstrate and identify each area, whether it is brownfield or greenfield and it's proposed drainage method.
- g) Fully detailed surface water drainage drawings to be provided to show all drainage features, pipe gradients, direction of fall and pipe numbering. Manhole invert and cover levels to be shown. All proposed SuDS features to include cover and invert levels and to show that these do not clash with existing services. Construction detail drawing to be provided.
- h) Details of the future maintenance and management of all SuDS features should be provided in line with the SUDS Manual as a stand-alone document.
- i) Information on overland flood flow paths and their maintenance should be demonstrated. An exceedance flow route plan for the entire site should be provided with levels and indicate that exceedance flows are contained within the site boundary.
- j) Measures to mitigate the risk of surface water run-off polluting waters.

Agreement from the EA for the proposed works needs to be in place prior to construction.

Condition 2

A record of the approved SuDS details shall be submitted to and approved in writing by the Local Planning Authority, for deposit in 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.

OCC Ecology

Reg 25 response

77. The ecologist has no objection. Comments from previous responses regarding Habitat Regulations Assessment and Protected Species are as in the first response. However conditions / obligations will be required to secure measures to protect and enhance species and habitats.
78. The ecologist is satisfied that strategic significance and has been assigned correctly and the baseline condition of habitats has been confirmed.

Biodiversity Net Gain

79. Biodiversity Metric 3.0 has been used to calculate net gains and losses in biodiversity units for the scheme. On-site calculations demonstrate the scheme would result in a net loss of -40.94% habitat units, a net gain of 14.68% hedgerow units, and a gain of 317.79% river units.
80. To achieve a net gain, increases across habitat, hedgerow and river units is needed. Therefore, a site for off-site habitat enhancement has been identified to secure some of the additional habitat units needed. The proposed off-site net gain location is at Foxburrow Wood. Inclusion of enhancements at Foxburrow Wood are calculated to result in an overall net gain for habitat units of 18.67%. Having reviewed the Revised Biodiversity Net Gain report, I am satisfied that Foxburrow Wood provides a suitable site for off-site mitigation. A letter setting out an agreement in principle with the Wychwood Forest Trust to deliver offsite biodiversity net gain at Foxburrow Wood has been provided in Annex K of the Revised BNG Report.
81. Delivery of 26.67 offsite biodiversity units at Foxburrow Wood, as set out in the Revised BNG Report, and a detailed 30 year management and monitoring plan, will need to be secured.
82. Despite identification of Foxburrow Wood for delivery of offsite BNG, the trading rules are not met for medium distinctiveness habitat 'mixed woodland plantation' and 'mixed scrub' habitats. To fulfil the requirement for provision of 6.86 units of mixed plantation woodland, an agreement in principle with the Trust for Oxfordshire's Environment (TOE) has been made for them to deliver these units offsite. The provision of a certificate from an Offset Provider for provision of these biodiversity units will need to be secured via planning condition.
83. The trading rules for 1.06 units of mixed scrub habitats have not been met. However, the scheme does provide for management of some existing scrub at Foxburrow Wood and the applicants put forward the case that the woodland edge and understorey habitats will provide a similar ecological function. Likewise, the scheme provides an uplift in hedgerow habitats of 14.68%, including high distinctive native species and rich hedgerows, which are likely to

provide similar ecological functions to the scrub habitats lost. I am therefore satisfied that the failure to meet the trading rules for the mixed scrub habitats is not of concern in this case.

Habitats Regulations Assessment

84. The ecologist is satisfied that there are no likely significant effects on Oxford Meadows Special Area of Conservation (SAC) as set out in Appendix 6-K of the Environmental Statement and the proposals will therefore not have an adverse effect on the integrity of Oxford Meadows Special Area of Conservation (SAC).

Protected Species

85. Some surveys have been carried out and species noted include dormice, bats and badgers.

Dormice

86. A nest is present. An up-to-date survey will be required prior to commencement and a European Protected Species Mitigation Licence is needed. A working method for clearance of vegetation will be needed, low lighting scheme, habitat planting and provision of dormouse boxes.

Bats

87. A roost was present and some trees have potential for bat roosts. An up-to-date survey is required prior to commencement. Precautionary methods of felling is needed for some trees including a buffer zone around all confirmed and moderate suitable trees is required from April – October during which time, no work will take place within the buffer zone. A low impact lighting scheme is advised as well as specific measures identified to reduce lighting levels to below 1lux at tree 5.

Badgers

88. Surveys suggested that badgers are active in the local area but no setts found within the scheme boundary or a 30m buffer. An up-to-date survey is required prior to commencement.

Recommended conditions:

89. The ecologist recommends conditions for the following:
- a) Construction Environmental Management Plan;
 - b) Protected Species Surveys;
 - c) Protected Species Licencing;
 - d) Biodiversity Net Gain including off site biodiversity management and offsetting;
 - e) Lighting Scheme;
 - f) Landscape and Ecological Management and Maintenance Plan (LEMP)

First response

90. No in-principle objection to the scheme, but more information is required regarding Biodiversity Net Gain and the biodiversity metric calculations need to be reviewed on habitats in / close to the application site as well as more details

required on baseline conditions, achievement of habitat and trading rules for lowland deciduous woodland, and scrub habitats have not been met. Reassurance is also needed for accessibility for appropriate management to be undertaken in areas of proposed species rich grassland that are relatively small and isolated.

91. Is satisfied that in the Habitat Regulations Assessment there are no significant effects on Oxford Meadows Area of Conservation (SAC). Regards Protected Species, a Protected Species Mitigation Licence will be needed for works to proceed lawfully. For bats a low impact lighting scheme is advised as well as measures to reduce lighting levels.
92. Protected Species and habitat surveys are required prior to the commencement of any works to ensure current site conditions are evaluated. Recommends conditions for:
 - a) A Construction, Environment Management Plan to include:
 - Risk assessments;
 - Identification of biodiversity protection zones including buffer
 - Practice measures to avoid or reduce impact on species and habitats
 - Timing and scope of surveys
 - Lighting scheme and safeguards for light sensitive wildlife
 - Pollution prevention measures
 - No soil storage mounds to extend into root protection zones
 - Location and time of sensitive works to avoid harm to biodiversity features (protected species)
 - Responsible persons, roles and lines of communication.
 - b) Protected Species Surveys
 - c) Protected Species Licencing
 - d) Biodiversity Net Gain
 - e) Lighting Scheme
 - f) Landscape and Ecological Management Maintenance Plan (LEMP)

OCC Landscape Advisor

Reg 25 response

93. The new comments should be read with the previous comments as below.
94. Regarding vegetation loss, the vegetation loss information shows that the development will result in overall loss in canopy cover. The information has been reviewed and considered in detail in the arboriculture comments and is guided by that advice.
95. She noted that the scheme is deemed acceptable in arboriculture terms on the basis that the planting will cover a wider extent than removals and replacement planting need to be considered in the context of a relatively narrow highway corridor and that vegetation cover need to be similar to the existing situation over time. The landscape advisor is content with these judgements. A condition is required to provide further details of proposed planting.
96. Is still concerned about the loss of Cat A trees for temporary reasons, needs to be avoided e.g. T34 for the compound area. She also considers it important that Cat A trees to be kept on the edge of the scheme to minimise landscape and visual effects to assist the successful integration of the scheme into the local landscape. As such, the retention of T34 and T4 should be sought.
97. The arboriculture comments recommend the loss of these two high quality trees to be reviewed and support the recommendation of a pre-commencement condition as outlined in the comments.
98. Lighting is recommended to address both the ecological and landscape requirements of the lighting.
99. Conditions are recommended as follows:
 - a) Detailed landscaping scheme to cover both hard and soft landscaping proposals, as well as sustainable drainage systems. (SuDs).
 - b) Landscape Ecological Management Plan (LEMP)
 - c) Lighting

First response

100. No in-principle objection. Has a few concerns regarding level of vegetation loss and impact of lighting. Needs more information on which trees will be lost and which ones removed due to road / construction compounds and which one for ongoing management implications.
101. It is difficult to understand what degree of new planting will be proposed to compensate for those trees and hedges lost. Need more information on what tree and hedgerow cover loss and gains is required.

102. Considers the Landscape Visual Impact Assessment is acceptable overall but some short-term effects may have been potentially underestimated in places.
103. No issues with the lighting for the underpass but would like to see whether lighting can be avoided or the level of lighting reduced especially on the south side of the A40.
104. Further planting details and information on long term management are required but can be conditioned.
105. If the application is approved then conditions are required for the detailed landscaping scheme, Landscape and Ecological Management Plan and lighting.

Other consultees no comment received:

106. The following have been consulted but no response was received:

BBOWT
British Horse Society
Campaign Manager
Open Spaces Society
Southern Gas Network
Thames Water

Annex 3 – Summary of Representations

1. Thirteen representations were received from individuals (8 objections, 4 support and 1 comment neither support or object), making the following points:

Support comments:

- Essential to enhance the centre of Witney
- Plan long overdue.
- A40 will be a true by-pass for Witney.
- Looking forward to this – saves travel time and safe skirting on the A40 around a very busy town.
- Proposal is crucial to improve both the east bound traffic and westbound traffic as people use the farmer's bridge which causes congestion when in the west bound direction two lanes becomes one.
- Reduces traffic in Witney.

Objection reasons:

Noise:

- Impact of noise from removal of trees on amenity and High Cogges especially from the removal of screening trees. Noise reducing barriers and older tree barriers would also help to reduce noise and provide screening.
- Need better quality longer sound reducing road surfaces that are maintained, noise reducing fencing.
- Larger tree screening.

Officer's Response: This is considered in the report.

Vegetation:

- Loss of vegetation and impact on biodiversity
- Effectiveness of CAVAT.
- Concerns re Biodiversity Net Gain and offset with unsatisfactory non comparable biodiversity enhancement offsite at Foxburrow Woods. Replacing trees, scrubs and wetland meadow for functional water features used for drainage are not the same. Cramming everything into one offset site is not good for people's wellbeing and wildlife.
- Removal of vegetation and mature ones too.
- Large areas of vegetation loss = environmental loss and screening loss to High Cogges residents and wider views.

Officer's Response: These are considered in the report, and there is no objection from the landscape advisor, the arboriculturalist and ecologist subject to conditions which covers CAVAT, Biodiversity Net Gain and the removal and loss of vegetation.

Impact on landscape / landowners:

- Lack of consultation with landowners on design and layout of scheme. Could have been better designed with less impact on the landscape and landowners.

- Little consultation with landowners on the landscaping works, drainage designs and noise impacts.
- Until further consultation occurs, then the planning application should be rejected.
- Project large impact on High Cogges appearance. Some will be blocked by the A40 cutting but with a rising slip this will have a detrimental visual impact.

Officer's Response: The scheme has to be considered as it is proposed. Landscape and design are considered in full in the main report.

Impact on Amenity/bus stops:

- Scheme will have a profound affect on the ability of those living in High Cogges to enjoy their homes and gardens.
- PROW proposals are vague and not clear and object to those where changes affect residents privacy.
- Not clear what is happening to the bus stop nearest to High Cogges – need a bus access. Proposal only seem to include walking and cycling.
- Removing or moving of bus stops to more distant point or unsafe waiting.
- Improve 'active travel' opportunities.
- Lighting will affect stargazing and nocturnal bats and animals. – light pollution.
- Minimise Lighting.
- Drainage issues – where will the water go?
- Drainage pond and maintenance area – attract illegal camping and antisocial behaviour.
- Increased pollution to residents and local area.
- Fear of High Cogges becoming a rat run.
- Road speed limits going to South Leigh and High Cogges should be reduced to 30 miles per hour.
- Request planning stop or amend the plans.
- Would like to see: better quality noise reducing road surfaces, noise reducing fencing, larger tree screening, BNG, protection of mature vegetation, minimise lighting, don't move bus stops further away from High Cogges and improve active travel opportunities.
- Roundabout at the top of the junction would be better.
- Hamlet of High Cogges will be adversely affected if the proposal goes ahead.

Officer's Response: The bus stops will not be removed or relocated as part of these proposals. Transport Development Control have advised that the eastbound (north of the A40) bus stop would be relocated by about 500m to the west as part of the separate East Witney SDA proposals. Lighting and ProW have been considered in the report and there is no objection from PROW and lighting to have details submitted via a condition in order to avoid light pollution and any impact on bat roosts. The Local Lead Flood Authority and the Environment Agency have been consulted regarding drainage and surface run off and neither have any objection and the LLFA team have suggested conditions relating to SuDS. BNG has been considered and is covered by proposed conditions. The Ecologist has no objection to the scheme. Arboriculture and the Landscape Officer have no objection to the scheme regarding

tree loss subject to conditions as discussed in the report. Any impact on noise will be part of the submission of a Construction Environmental Management Plan secured by condition. Speed limits are outside the remit of this planning application. The scheme is proposed to reduce traffic and congestion and the air quality officer has no concerns with regard to increased air quality pollution.

Traffic:

- Won't be a viable route and traffic will continue to use Bridge Street.
- Council's closure of the High Street has slowed traffic through the high street portion of town and the slip roads won't help that.
- Scheme will have no impact on traffic in Bridge Street as it is proposed to build 400 houses at Cogges where the residents would use cars to and from Witney for schools, doctors, leisure via Bridge Street.

Officer's Response: It is considered that the proposed scheme will reduce the amount of traffic through Bridge Street and Witney town centre and the air quality officer supports the scheme as it would assist to improve air quality in the AQMA.

Overall scheme benefit:

- Project only of limited benefit to Witney
- Doesn't think the slip roads will improve the air quality at Bridge Street.
- Scheme not cost benefit. Better money be spent on other projects like purchasing Swinford toll bridge.
- Against running of the proposed cycle route adjacent to the A40 due to uncontrolled crossing of two traffic lanes on the A40 northbound slip road.
- Proposals are a duplication of the cycle and pedestrian links between the A40 and Witney Town Centre proposed in planning application 20/02654/OUT at West Oxfordshire DC.

Officer's response: The scheme would improve the whole area in terms of congestion and pollution as well as safety. There are no concerns from Transport DC and the Air Quality Officer at WODC.

Compliant with policy:

- Doesn't comply with NPPF Paragraph 170b
- Against policies of the West Oxfordshire Local Plan Policy EH2, EH4, EN8 and OS4
- Against policies for South Leigh Parish Neighbourhood Plan SLE1, SLE5 (biodiversity), SLE7

Officer's Response: Please see report regarding response to the above.

General comments:

Planting:

- Planting seems minimal
- Needs more planting including for area that is brown hatched area south of the proposed hedge.

- More planting = less road noise
- How would the scheme achieve the “Environment Plan” produced under Michael Gove’s watch in 2019 25 increase in biodiversity?

Officer’s Response: Comments regarding planting are discussed in the report.

Impact on High Cogges:

- Concerns re noise reaching High Cogges residents.
- How does the scheme impact High Cogges?

Officer’s Response: Comments regarding noise are discussed in the report and also above.

Impact on traffic:

- Likely to increase traffic through South Leigh particularly during the development of the dual carriageway section of the A40 to Barnard Gate.

Officer’s Response: Transport DC has stated that they will work closely with South Leigh and High Cogges Parish Council to continually assess the local network during the construction phase when vehicles are more likely to be displaced.

Effectiveness of overall proposed scheme

- PROW 353/28/10 crosses the A40 to the west of the junction – seems to be submerged in a drainage pond on the North side of the carriage way, making access impossible.
- Information provided in this application is so extensive and poorly signposted and impossible for user to find details.
- How does the scheme meet its obligations in relation to the neighbourhood plan of the Parish of South Leigh and High Cogges?
- Is the traffic and pollution modelling shows whether these slip roads are actually needed in relation to the move to more electric vehicles and working from home?

Officer’s Response: PRow and Transport DC have no issues with the proposed development. Some of the PRow plans have been resubmitted as part of the Regulation 25 process and reconsulted.

Application process:

- Information about proposed development in application extensive on website.
- Difficult to find information on website.
- No-one from Planning come to talk personally to the residents of High Cogges to find out feelings before planning this project and guess comments will be ignored.

Comment from JE Mawle Trust:

The Trust own the land comprising the East Witney Strategic Development Area (EWSDA) which is allocated for circa 450 homes in the adopted Local Plan under policy

WIT1. They submitted the outline planning application under reference WODC 20/02654/OUT. This is still pending for decision.

The Trust supports the two west facing slip roads at Shores Green. However, the Trust opposes to one element of the proposed ancillary works – the proposed cycle route running along the A40. The reason for this are as follows:

- Uncontrolled crossing of two traffic lanes on the A40 northbound slip which would exclude most potential users / have safety concerns and subject to the findings of a Road Safety Audit would be found to be unsafe;
- The County Council's proposal is inferior to and an unnecessary duplication of the cycle and pedestrian links between the A40 and Witney Town Centre proposed by the Trust in its outline planning application - the technical note entitled 'Comparison of Active Travel Routes Issue 2: 5 January 2022' (copy attached), which was prepared by Glanville on behalf of the Trust demonstrates that the route through EWSDA would provide the best performing route for active travel between East Witney SDA, Witney, Eynsham, Oxford as well as to the bus stop interchange on Oxford Hill proposed as part of the application under ref 20/02654/OUT. Conversely, the A40 Link would only serve to contribute to the worst performing route, and as such would not be expected to make a significant contribution towards active travel;
- The County Council's proposed cycle route adjacent to the A40 does not integrate with the proposed development submitted under ref 20/02654/OUT because it does not connect with the proposed routes submitted under ref: 20/02654/OUT. Furthermore, the concept of the connection along the A40 is unsupported by guidance and policy which requires public cycle paths to be well overlooked.
- Adopted 'POLICY OS4: High quality design' of the West Oxfordshire Local Plan states that proposals should ensure that '*the likelihood of crime and the fear of crime is reduced*'.
- Having such a route close by but not overlooked or integrated will work against efforts to build community and place. As noted in the 'Comparison of Active Travel Routes Issue 2: 5 January 2022' the A40 Link promoted by the County Council as an alternative to the Oxford Hill Link would in fact be the least safe and desirable of any of the possible alternatives
- In light of the Trust's alternative route, the proposed cycle route adjacent to the A40 is neither required nor reasonably related to the Trust's application. It follows therefore that it is not a scheme that the Trust can reasonably be required to fund by way of a financial payment secured by way of a S106 Planning Obligation related to application reference 20/02654/OUT.

- The Trust has relayed these concerns to the County Council at a number of meetings and in correspondence and by way of the afore-mentioned Technical Note and with regard to that note, it is disappointing that the Trust has not had the courtesy of a reply from the Council.
- Finally, and on a more positive note, we are instructed to confirm that the Trust remains committed through application reference 20/02654/OUT to providing the land under its control that is required for the main elements of the west-facing slip roads.

Officer's response:

Planning application reference R3.0039.22 is a planning application to be judged on its own merits. We cannot guarantee that planning application 20/02654/OUT would be approved. However, efforts should be made to ensure that both application sites connect. The applicant has stated that the shared use path terminates at the end of the slip road and ties into the PRow. The alignment of the shared use path does not tie into the SDA development currently and I am satisfied with the comments given by the applicant.

Reg 25 consultation:

Below are some of the questions raised by the members of the public including the applicants response:

Local resident 1:

Has the OCC included all the mitigation measures agreed with the South Leigh and High Cogges Parish Council as this is who most residents expressed their views and they represent us?

Applicant Response: Mitigation measures brought to our attention during our preliminary design stage have been considered and will be investigated further at the detailed design stage. A close communication channel is in place between OCC and SLPC, allowing concerns from the Parish Council to be taken on board and considered accordingly.

How will High Cogges residents safely walk to Witney? There seems to be a lack of pavements indicated on the plan.

Applicant Response: As indicated on the revised General Arrangement Drawings, via Footpath 353/28/10 from South Leigh. Residents of High Cogges can also gain access to the PRowS 410/41/30 and 410/41/20 using the proposed signal crossings at the scheme junctions located at B4022 for onwards travel which is planned to provide adequate footpath connectivity towards Cogges and Witney.

How will High Cogges residents cross the junction to walk and cycle along the A40 towards Oxford? There seems to be a lack of pavements indicated on the plan.

Applicant Response: High Cogges residents will be able to use the proposed signalised crossing heading Westbound on the A40 where the new on-slip is proposed to be constructed. Residents crossing the A40 heading Eastbound will have access to the newly proposed integral cycle track and integral footpath for onward connectivity heading towards Oxford.

With the removal of the layby where can High Cogges residents pick up the bus to travel into Witney and to Oxford? The bus stop put in down Oxford hill is too far away, much further than currently. How are we expected to not take a car and use public transport? I have several members of the family that regularly use the buses to Witney and Oxford.

Applicant Response: The existing bus layby on the A40 eastbound slip road is proposed to be relocated by about 500 m to the west as part of the East Witney SDA proposals. The westbound bus stop to the south of the A40 on the South Leigh / High Cogges junction is proposed not to be moved.

What is the purpose of the new shared surface which joins the PROW 353/31/10? This continues onto our land at Long Acre, High Cogges. We are concerned this will increase the use of the footpath by bicycles, wheeled vehicles and horses thus impacting on our privacy and peace. This is a footpath and not a bridleway and is unsuitable for this type of use. We also do not want the legal ramifications this will cause us.

Applicant Response: The design has been amended to relocate the proposed highway boundary to allow the proposed shared-use path on the north side of the A40 to be continued further to the west (which in the previous scheme design was shown to be tying into the existing Public Right of Way (410/41/30)). The PRoW previously provided a connection to the A40 which is now being severed and will instead be redirected towards the B4022 where it will be connected to the proposed signalised crossing.

It is pertinent to mention here that this relocated PRoW is not proposed to be an integral cycle track and footpath and is only planned to be a gravel pathway approximately 2m in width.

Local resident 2:

A specific concern we have is that in a previous conversation with <name removed> last year she mentioned there was a plan to divert a public footpath and a ditch along the new boundary of our property, adjacent to the proposed new junction. It was explained that we would be responsible for maintaining these and that is completely unacceptable to us. We have been unable to identify this on your plans as the new boundaries are not completely clear however I would like to stress that this is something we would absolutely not agree to. Please can you let me know if this proposal still stands and clarify the precise new boundaries.

Applicant Response:

Whilst a full planning application has been submitted, the scheme is currently at a preliminary design stage, i.e. the design is not finalised and is subject to The next stage of the project is the detailed design stage, where we will explore the designs to greater detail including outlining clear boundaries.

The current proposals which is the subject of the planning application indicates that the PRow impeding onto your land however, it is important to note that there are no plans for the responsibility of this PRow to be relinquished by the Council. As for the proposed ditch indicated within the plans, we are cognisant that this too encroaches into your land however, the maintenance of this ditch and responsibility would only remain with the Council if there was a need to capture the excess water running off Highways only. Rest assured your concerns are taken with the upmost importance and will be considered during the detailed design stage.

Officer's comments:

This is a full application and so if planning permission is granted then it will be for the development as submitted. Any "amendments" would be through detailed schemes to be submitted to conditions should planning permission be granted as set out in Annex 1, Any other amendments to the application if approved would require some form of further application.

Annex 4 – Environmental Impact Assessment Summary

1. An Environmental Statement has been submitted with this application, setting out the findings of the Environmental Impact Assessment. This is summarised below.
2. Chapter 1 contains the introduction. Chapter 2 summarises the EIA Methodology and includes the EIA Scoping Report, the EIA Scoping Opinion and the EIA Scoping Opinion Responses.
3. Chapter 3 summarises Alternatives and Design Evolution which includes an overview of pre-submission public consultation. The chapter also discusses the stages of design that the proposed development progressed through to reach the final design as submitted. Details of alternative design options were considered.
4. Chapter 4 contains details of the proposed development giving detail of the location and site and what is proposed. It covers lighting, drainage, landscaping and biodiversity net gain as well as the construction programme, site of compounds and welfare facilities, access and egress, earthworks, highway works, plant required, waste from construction, excavation and demolition, operation, Construction Environment and Management Plan (CEMP) and contractors.
5. Chapter 5 covers Air Quality. It assessed air quality in relation to public exposure and ecological receptors focussing on nitrogen dioxide (NO₂), nitrogen oxides (NO_x) and particulates (PM_{2.5} and PM₁₀). It covers the development during construction once operational and concludes that there would be no significant effects. Therefore, it concludes that monitoring and mitigation is not required on identified receptors. It includes assessments on ADMS- Roads Model Conditions and also Local Air Quality Assessment Results. It suggests that the CEMP would ensure a good practice construction phase.
6. Chapter 6 discusses Biodiversity and includes as appendices surveys on Desk Study Report, Phase 1 Habitat Survey, Great Crested Newt Survey Report, Bat Survey Report, Hazel Dormouse Survey Report, Ornithological Survey Report, Barn Owl Survey Report, Badger Survey Report, Aquatic Ecology Survey Report, Air Quality and Ecology Report, Habitat Regulations Assessment (HRA), Biodiversity Net Gain Report. The chapter concludes that a moderate adverse effect is predicted in relation to hazel dormouse, therefore mitigation is proposed including timings of works, phased vegetation clearance and pre-clearance checks. Overall, taking into account the mitigation which has been incorporated into the design, no significant effects are predicted. Slight adverse effects are predicted in relation to bats, hedgerows, broad-leaved woodland and Witney Lake and Meadows. The HRA concludes there would be no significant impacts on the Oxford Meadows SAC and that measures within the CEMP would be implemented which would minimise impacts on ecological receptors, reducing dust emissions, appropriate

management of waste , lighting and appropriate training for construction workers on protected species awareness etc.

7. Chapter 7 focuses on Climate Change and assesses both Greenhouse Gas (GHG) emission and climate change vulnerability during the construction and operational stage. The findings have shown that there would be a minor adverse significance in the GHG emissions and mitigation measures are proposed. It concludes that the overall impact would be minimal in the national context. Climate change vulnerability has been assessed as not significant during constructional and operational stages, and therefore no monitoring is required.
8. Chapter 8 covers Cultural Heritage and includes information on Known Heritage Assets and a Heritage Desk-based Assessment. It concludes that during construction stage there could be a slight adverse impact on some of the nearest listed buildings, including Ladymead Cottage and High Cogges Farmhouse and Granary. No significant effects are predicted. During the operational stage there could be a permanent slight adverse impact to Ladymead Cottage. A programme of archaeological fieldwork will be undertaken for archaeological remains within the footprint of the proposed development prior to the construction works.
9. Chapter 9 focuses on Geology and Soils, the impact of the proposed development on these and includes correspondence with Oxfordshire Geological Trust and Preliminary Sources Study Report (PSSR). Standard measures would be taken to minimise impact to human health and waters from contaminated land as well as to soil during the construction stage. The moderate adverse impact would be from the loss of agricultural land.
10. A Landscape and Visual Impact Assessment is provided in Chapter 10. It concludes that visual effects during the construction phase would mainly be for receptors using rights of way, vegetation removal and the use of plant and construction compounds. No other significant visual effects are expected during the construction phase. There would be more visual impacts during year 1 operational phase from the increased highway footprint and the loss of vegetation, views of lighting and signage, but as vegetation mature this will lessen. Mitigation measures would include new hedgerow and tree planting, lowest output of LED lighting with minimal lighting spill, new areas of species rich grassland, retention of vegetation along the elevated embankment to the east of the B4022 underpass for screening, and creation of a new section of footpath 353/31/10.
11. Chapter 11 focuses on materials assets and waste. It includes a Waste Minimisation Statement and an Outline Site Waste Management Plan. It concluded that no significant adverse effects are predicted to material assets or waste at construction and operational stage and therefore no mitigation measures are proposed.
12. Chapter 12 contains the noise and vibration assessment. It states that at construction stage there is the potential for ambient noise to be increased at

the nearest properties. It concludes that there is the potential for significant effects from operational noise at seven properties and Windrush Cemetery adjacent to the B4022. It recommends that further consideration is given to construction noise and vibration impacts once the detailed design and construction methods are developed. A CEMP is to be prepared and implemented. It concludes that there are no further practicable mitigation measures for those sensitive receptors which would experience permanent significant increases in noise from the operation of the scheme.

13. The impact of the proposed development on population and human health is discussed in Chapter 13. This chapter includes the Agricultural Circumstances Report. A number of Public Right of Ways in the vicinity of the site were assessed using similarly using a worst case scenario and the results shown them to be neutral to slight not significant impacts. As for human health, due to the temporary nature of the construction stage, the chapter considers the adverse impact to human health to be neutral. A CEMP is proposed to further alleviate the effects of construction.
14. Chapter 14 focuses on road drainage and the water environment and houses the Drainage Strategy, Flood Risk Assessment, Surface Water Quality Monitoring Results, Water Framework Directive Assessment and the Road Runoff and Spillage Risk Assessment. During the construction phase, this will be monitored through a CEMP. The chapter highlights that a Sustainable Drainage System would be implemented as part of the major design to ensure no significant impacts at complete and operational stage.
15. Chapter 15 is for Traffic and Transport. However, the Transport Assessment is submitted separately. The Chapter predicts that during the construction stage there could be a minor adverse (not significant) effect in relation to driver stress and delay and the existing bus stop could be slightly relocated temporarily. At complete and operational stage, the chapter reports that there could be a moderate adverse significant impact on the B4022 approach and a minor adverse (not significant) impact on the B4022 (S) at the B4022 / Jubilee Way / Coggs Hill Road signalised junction. The chapter mentions some mitigation in the form of a Construction Traffic Management Plan (CTMP) during the construction stage but no other significant adverse effects due to the proposed development are anticipated once complete and operational.
16. Chapter 16 identifies the potential cumulative effects with ten other developments in the area. It also considered the combined effects of different impacts arising from the proposed development. It has been assumed that some developments will be under construction at the same time as the proposed development.
17. Chapter 17 focuses on residual effects and mitigation. Each chapter has identified mitigation measures and where possible these have been incorporated into the design process of the proposed development.

Regulation 25 information

18. Following the Regulation 25 requested for further information. A number of further documents were submitted. They were as follows:

- Biodiversity – more details regarding biodiversity metric calculation, ecological baseline conditions at Foxburrow Wood, trading rules for lowland deciduous woodland and scrub habitats. A revised Biodiversity Net Gain (BNG) report concluded that BNG on the site would be at loss and in order for the site to achieve at least 10% BNG, further habitat mitigation is required off site at Foxburrow Wood. Woodland replacement is required in order to satisfy trading rules for the mixed woodland plantation.
- Landscaping and visual impacts (including arboriculture) – details on trees to be removed, further information on tree and hedgerow loss and gains, indicative tree and planting plan, consideration of the introduction of structural planting along the south eastern of the westbound slip road to further mitigate impact of views from the south, lighting. These were submitted through revised general arrangement and landscaping plans as well as cross sections. A revised Arboricultural Impact Assessment concluded that all the trees to be within the red line application boundary and would be necessary for the development. The report mentioned mitigation measures for the replacement of trees. It also concluded how the soil structure for areas of new trees where the ground is currently unsurfaced and how they will be protected.
- Climate – update of publications relating to climate change and some typographical errors, provision of carbon factors for emissions
- Soil – some clarifications were needed to be made to the report in terms of typos and referencing.

Annex 5 - European Protected Species

The Local Planning Authority in exercising any of their functions, have a legal duty to have regard to the requirements of the Conservation of Species & Habitats

Regulations 2017 (as amended) which identifies 4 main offences for development affecting European Protected Species (EPS).

1. Deliberate capture or killing or injuring of an EPS
2. Deliberate taking or destroying of EPS eggs
3. Deliberate disturbance of a EPS including in particular any disturbance which is likely to:
 - a) to impair their ability –
 - i) to survive, to breed or reproduce, or to rear or nurture their young, or
 - ii) in the case of animals of a hibernating or migratory species, to hibernate or migrate; or
 - b) to affect significantly the local distribution or abundance of the species to which they belong.
4. Damage or destruction of an EPS breeding site or resting place.

The ecological survey results indicate that European Protected Species (bats and dormice) are likely to be present.

The survey submitted with the application details the following mitigation measures for bats: An up-dated survey will be required prior to commencement.

A precautionary method of felling is needed for trees 2,3 and 4. A buffer zone around all confirmed and moderate suitability trees is required from April-October, during which time no work will take place within the buffer zone. A low impact lighting scheme is advised, and specific measures identified to reduce lighting levels to below 1lux at tree 5 (e.g. a hood, cowl or shield to direct light away from the tree).

The mitigation measures detailed within the survey are considered to be convincing and in your officers opinion will secure “offence avoidance” measures.

Your officers would therefore recommend the above conditions for a CEMP, pre-commencement surveys and a lighting strategy to secure the implementation of the offence avoidance measures to ensure that no offence is committed.

The proposed development is likely to result in an offence under the Conservation of Species & Habitats Regulations 2017 (as amended) with regard to dormice.

Officers therefore have a duty to consider whether the proposal would be likely to secure a licence. To do so the proposals must meet with the three derogation tests which are:

- There are imperative reasons of overriding public interest (e.g. health and safety, economic or social);
- There is no satisfactory alternative;
- The action will have no detrimental impact upon population of the species concerned e.g. because adequate compensation is being provided.

The evidence submitted includes mitigation measures that will be put in place to ensure that the proposal will not have a detrimental impact upon the population of dormice potentially present within the scheme area.

It is recommended that a note be appended to the decision advising the applicant as to the need to secure a licence before commencing development.

Annex 6 - Compliance with National Planning Policy Framework

In accordance with paragraph 38 of the NPPF Oxfordshire County Council takes a positive and creative approach and to this end seeks to work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. We seek to approve applications for sustainable development where possible. We work with applicants in a positive and creative manner by;

- offering a pre-application advice service, as was the case with this application, and
- updating applicants and agents of issues that have arisen in the processing of their application, for example in this case revised landscape drawing where provided and also revised drawings to reflect the archaeological desk assessment.