



To: **Members of the Planning & Regulation Committee**

***Notice of a Meeting of the Planning & Regulation
Committee***

Monday, 5 June 2023 at 2.00 pm

Meeting Rooms 1&2 - County Hall, New Road, Oxford OX1 1ND

If you wish to view proceedings online, please click on the Live Stream Link on the website. However, this will not allow you to participate in the meeting.

Martin Reeves
Chief Executive

25 May 2023

Committee Officer: **Jonathan Deacon**
Tel: 07759 311701; E-Mail: jonathan.deacon@oxfordshire.gov.uk

Members are asked to contact the case officers in advance of the committee meeting if they have any issues/questions of a technical nature on any agenda item. This will enable officers to carry out any necessary research and provide members with an informed response.

Membership

Chair – to be elected
Deputy Chair – to be elected

Councillors

Robin Bennett
Felix Bloomfield
Yvonne Constance OBE
Imade Edosomwan

Mohamed Fadlalla
Stefan Gawrysiak
Judy Roberts
David Rouane

Councillor Geoff Saul
Les Sibley
Ian Snowdon
Councillor Richard Webber

Notes:

- ***Date of next meeting: TBC***

Members of the public are welcome to attend the meeting and listen to the discussion for Part 1 of the Agenda. As set out in the agenda it is expected that the Committee will resolve to exclude the press and public from the meeting under Part II of the Agenda on the grounds that it is likely in view of the nature of the business being transacted or the nature of the proceedings that exempt information would be disclosed as defined in Part I of Schedule 12A to the Local Government Act 1972 (as amended).

If you have any special requirements (such as a large print version of these papers or special access facilities) please contact the officer named on the front page, but please give as much notice as possible before the meeting.

AGENDA

PART 1 (IN PUBLIC)

- 1. Election of Chair for the 2023-24 Council Year**
- 2. Election of Deputy Chair for the 2023-24 Council Year**
- 3. Apologies for Absence and Temporary Appointments**
- 4. Declarations of Interest - see guidance note below**
- 5. Minutes of the previous meeting (Pages 1 - 4)**

To approve the minutes of the meeting held on 17 April 2023 and to receive information arising from them.

6. Petitions and Public Address

Members of the public who wish to speak at this meeting can attend the meeting in person or 'virtually' through an online connection.

To facilitate 'hybrid' meetings we are asking that requests to speak or present a petition are submitted by no later than 9am four working days before the meeting i.e., 9am on Tuesday 30 May 2023. Requests to speak should be sent to jonathan.deacon@oxfordshire.gov.uk.

If you are speaking 'virtually', you may submit a written statement of your presentation to ensure your views are taken into account. A written copy of your statement can be

provided no later than 9am 2 working days before the meeting. Written submissions should be no longer than 1 A4 sheet.

7. A40 / B4022 Shores Green Junction, Witney (Pages 5 - 90)

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 for Planning, Environment and Climate Change.

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.

8. Sutton Courtenay Landfill Site, Appleford Sidings (Pages 91 - 108)

Application to modify or discharge Section 106 Planning Obligations to remove the existing waste catchment area and amend permissive path at Sutton Courtenay Landfill Site.

Report by Director for Planning, Environment and Climate Change.

It is RECOMMENDED that

- i) Oxfordshire County Council enter into a deed of variation to amend the existing Section 106 legal agreement with regards to removing the hinterland restriction and amending the date for the provision of a permissive path.
- ii) The Director of Planning, Environment and Climate Change is authorised to enter into negotiations with the applicant and any other parties to the legal agreement with regard to making the variations set out in this report.

9. Proposed Planning Enforcement Notice (Pages 109 - 120)

Report on proposed Planning Enforcement action against unauthorised waste development.

Report by Director of Planning, Environment and Climate Change

Councillors declaring interests

General duty

You must declare any disclosable pecuniary interests when the meeting reaches the item on the agenda headed 'Declarations of Interest' or as soon as it becomes apparent to you.

What is a disclosable pecuniary interest?

Disclosable pecuniary interests relate to your employment; sponsorship (i.e. payment for expenses incurred by you in carrying out your duties as a councillor or towards your election expenses); contracts; land in the Council's area; licenses for land in the Council's area; corporate tenancies; and securities. These declarations must be recorded in each councillor's Register of Interests which is publicly available on the Council's website.

Disclosable pecuniary interests that must be declared are not only those of the member her or himself but also those member's spouse, civil partner or person they are living with as husband or wife or as if they were civil partners.

Declaring an interest

Where any matter disclosed in your Register of Interests is being considered at a meeting, you must declare that you have an interest. You should also disclose the nature as well as the existence of the interest. If you have a disclosable pecuniary interest, after having declared it at the meeting you must not participate in discussion or voting on the item and must withdraw from the meeting whilst the matter is discussed.

Members' Code of Conduct and public perception

Even if you do not have a disclosable pecuniary interest in a matter, the Members' Code of Conduct says that a member 'must serve only the public interest and must never improperly confer an advantage or disadvantage on any person including yourself' and that 'you must not place yourself in situations where your honesty and integrity may be questioned'.

Members Code – Other registrable interests

Where a matter arises at a meeting which directly relates to the financial interest or wellbeing of one of your other registerable interests then you must declare an interest. You must not participate in discussion or voting on the item and you must withdraw from the meeting whilst the matter is discussed.

Wellbeing can be described as a condition of contentedness, healthiness and happiness; anything that could be said to affect a person's quality of life, either positively or negatively, is likely to affect their wellbeing.

Other registrable interests include:

- a) Any unpaid directorships

- b) Any body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority.
- c) Any body (i) exercising functions of a public nature (ii) directed to charitable purposes or (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union) of which you are a member or in a position of general control or management.

Members Code – Non-registrable interests

Where a matter arises at a meeting which directly relates to your financial interest or wellbeing (and does not fall under disclosable pecuniary interests), or the financial interest or wellbeing of a relative or close associate, you must declare the interest.

Where a matter arises at a meeting which affects your own financial interest or wellbeing, a financial interest or wellbeing of a relative or close associate or a financial interest or wellbeing of a body included under other registrable interests, then you must declare the interest.

In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied:

Where a matter affects the financial interest or well-being:

- a) to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
- b) a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest.

You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

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Agenda Item 5

PLANNING & REGULATION COMMITTEE

MINUTES of the meeting held on Monday, 17 April 2023 commencing at 2.00 pm and finishing at 2.25pm

Present:

Voting Members: Councillor Geoff Saul – in the Chair

Councillor Richard Webber (Deputy Chair)

Councillor Robin Bennett

Councillor Felix Bloomfield

Councillor Yvonne Constance

Councillor Imade Edosomwan

Councillor Mohamed Fadlalla

Councillor Stefan Gawrysiak

Councillor Judy Roberts

Councillor David Rouane

Councillor Ian Snowdon

Officers: David Periam, Development Management Team Leader

Mary Hudson, Principal Planning Officer,

David Mytton, Solicitor

Bryony Crossland Davies, Interim Committee Officer

1. APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS

Apologies for absence were received from Councillor Les Sibley.

2. DECLARATIONS OF INTEREST-SEE GUIDANCE NOTE BELOW

There were none.

3. MINUTES

(Pages 1 - 6)

It was **RESOLVED** that the minutes of the meeting on 18 July 2022 be confirmed as a true record and signed by the Chair.

The Development Management Team leader, David Periam, provided an update on the following resolution from the 18 July 2022 meeting:

- a) The Planning and Regulation Committee's previous conclusion from its meeting on 9th September 2019 (Minute 39/19) that mineral working on the Radley ROMP site has permanently ceased be rescinded and that the Prohibition Order of that date but not yet served is revoked; and,

- b) Officers seek to agree a date with H. Tuckwell and Sons Ltd. by which a ROMP Application will be submitted."

The 28th of February had been agreed in relation to b) and a review of the Mineral Planning Permission (ROMP) Application had been submitted within the deadline. The application was out for consultation and would be presented to the Committee for consideration in due course.

4. PETITIONS AND PUBLIC ADDRESS

Bal Tiwana, Associate Planner, Stantec, attended the meeting to speak on behalf of the Applicant at Item 5.

Cllr Nicky Brooks, Chair of the South Leigh and High Cogges Parish Council and Cllr Dan Levy, local Member, were also in attendance to address the meeting at item 5.

A decision on item 5 was deferred thus speakers did not address the meeting.

5. A40 / B4022 SHORES GREEN JUNCTION, WITNEY

(Pages 7 - 74)

The report presented a planning application for 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 would be removed to accommodate the construction of the slip roads.

Prior to the meeting, correspondence was received from the South Leigh and High Cogges Parish Council and the local Member in which serious concerns were raised.

Previously, the Parish Council did not object to the application subject to certain measures being in place. Due to non-delivery of those items the Parish Council's position was now one of very clear objection. This significant change in position was a matter of concern to Councillors and officers.

The Chair proposed deferral of this item to give officers time to fully review the issues raised in the submissions.

A Member requested that a carbon impact statement be provided when the item came back to the Committee.

Councillor Webber seconded the proposed deferral.

The Chair called for a vote on the proposed deferral. The votes cast were as follows:

For: 11

Against: 0

Abstentions: 0

RESOLVED:

That a decision on the A40/B4022 Shores Green Junction, Witney be **DEFERRED** to a future meeting of the Committee.

6. D & M PLANT HIRE LTD, DIX PIT, LINCH HILL, STANTON HARCOURT

(Pages 75 -114)

Mary Hudson, Principal Planning Officer, introduced the item.

The Principal Planning Officer updated the Committee on progress of planning application MW.0059/19.

This was a retrospective application for the use of land for manufacturing recycled aggregates from construction, demolition and excavation waste materials.

Application MW.0059/19 was approved by the Planning and Regulation Committee on 9th September 2019, subject to a routeing agreement first being entered into.

The routeing agreement had not been completed thus the decision notice was not issued. The applicant advised that they would prefer to complete the routeing agreement but, if this was not possible, they would be prepared to accept an additional condition on the consent limiting annual throughput to 20,000 tonnes. The application originally proposed 40,000 tpa.

The Committee was asked to consider whether the application should be determined on the basis that no routeing agreement was forthcoming but that additional conditions could be used to achieve the same purpose.

Cllr Bennett queried how the Council would measure this difference given the development had been operating for three years without an agreement.

The Principal Planning Officer stated that there was a condition on the waste limit which would be provided on a quarterly basis.

Cllr Constance asked by whom an agreement or condition would be enforced.

The Principal Planning Officer explained that it would be a condition that records of HGVs travelling from and to the site be provided by the operator. If there was a specific reason for concern a member of the Monitoring and Enforcement team would visit the site to count.

Cllr Bennett asked how figures provided by the operator could be verified.

The Principal Planning Officer responded that any specific reasons for concern could result in a site visit.

Members were reminded that a weight restriction on individual vehicles could not be enforced, rather an overall vehicle tonnage would be set. The Council would receive a quarterly report of waste tonnage imported to the site.

Members of the Committee stressed the importance of protecting residents from a high volume of through traffic by heavy commercial vehicles. They felt that by approving this application at least some restrictions on the number of journeys travelled between 7:30-09:00 and 16:30-18:00 along the B4449 would be in place.

Cllr Gawrysiak proposed that the Committee accept the proposal. This was seconded by Cllr Bennett.

The Committee **AGREED** unanimously that planning permission for application MW.0059/19 be approved subject to conditions to be determined by the Director of Planning, Environment and Climate Change including the matters set out in Annex 1 to this report.

7. POLICY ANNEX (RELEVANT DEVELOPMENT PLAN AND OTHER POLICIES) *(Pages 115 - 128)*

RESOLVED: that the report, which presented the full text of the planning policies referred to in the other application reports on the agenda, be noted.

Meeting closed at 2:25pm

Division Affected – Witney North and East

PLANNING AND REGULATION COMMITTEE

5th June 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

Contact Officer: Anna Herriman

Email: anna.herriman@oxfordshire.gov.uk

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

Contents

Part 1- Facts and Background

Part 2 – Other Viewpoints

Part 3 – Relevant Planning Documents

Part 4 – Assessment and Conclusions

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.
2. The planning application was on the agenda for the Planning and Regulation Committee on 17th April 2023, but following the publication of the report, further e-mails and accompanying letter were received from South Leigh and High Cogges Parish Council (SLHCPC) on 12th and 14th April 2023. The letter stated that they considered there to be significant legal implications arising from the original committee report and that the decision should be adjourned for a meeting with SLHCPC. They considered that the report contained errors and suggested that they may challenge any decision made if the application was granted on the 17th April 2023. SLHPC considered that the focus of the report was on Witney, with inadequate considerations on the effects that the development proposed will have on South Leigh and High Cogges, indeed compounding the effect of the focus on Witney by inaccuracies about South Leigh. The text of the e-mail and letter are included in the summary of consultation responses in Annex 2 to this report.
3. Following the advice of the Solicitor, consideration of the report was deferred by the committee to enable time for consideration of the additional points made. This report has been updated to consider the points raised in the letter by SLHPC and following meetings held between the applicant and the Parish Council and information provided to clarify points raised. The report has also been updated with regard to the consideration of carbon emissions as requested by a member of the committee when the report was deferred. Some minor clarifications and corrections have also been made.

PART 1- FACTS AND BACKGROUND

Site & Setting (See Plans 1 and 2)

4. 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. NB – In commenting on the original report, SLHCPC stated that this paragraph neglects to mention that the junction is at the entrance to High Cogges and South Leigh. This paragraph describes the site location in conjunction with the plans accompanying this report. It is not considered that the paragraph is inaccurate, but it can be confirmed that the application site is at the entrance to High Cogges and South Leigh as show on the plans.

5. 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. The Lymbrook, which flows into Chil Brook river, flows through the site from the north to the south east corner.
6. There are a number of residential properties in proximity to the site including properties in High 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.
7. 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).
8. 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. There is a pending conservation area application for South Leigh and High Cogges which has been made to West Oxfordshire District Council but no conservation area designation at this time.
9. 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.
10. 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.
 11. 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.
 12. 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.
 13. 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

14. 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.
15. 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.
16. 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) .
17. 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:
18. 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;

19. 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.
20. 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.
21. 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.
22. 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

23. 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.
24. 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.
25. 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

26. 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.
27. 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.
28. 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).
29. 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.
30. 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

31. 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.
32. 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.

33. 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.
34. 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

35. There is currently no street lighting at the site but the nature of the new proposed development means new lighting is required.
36. 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

37. 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

38. 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

39. 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

40. 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

41. 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

42. 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).

Emerging Policy

43. 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

44. Other documents that are relevant to determining this application include:
- National Planning Policy Framework 2021 (NPPF)

¹Click here to view [R3.0039/22](#)

- National Planning Practice Guidance (NPPG)
- National Infrastructure Strategy (November 2020)
- Noise Policy Statement for England (2010)
- Oxfordshire County Council Local Transport and Connectivity Plan 2022 to 2050 (July 2022) (LTCP). NB- This replaces the former Local Transport Plan 4 (LTP4) 2015-2031. However, the strategies set out as part of the LTP4, including the Area Strategy for Witney which includes the Shores Green junction improvements, remains adopted policy.
- Witney Transport Strategy 2016

Relevant Development Plan Policies

45. 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

46. 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

47. 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.

48. The key planning policies are set out above and discussed below in accordance with the key planning issues.
49. 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

50. 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.
51. 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.
52. 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.
53. 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.
54. The LTCP, which does not form part of the development plan but is a material planning consideration, sets a clear vision to deliver a net-zero transport and travel system in Oxfordshire. It identifies that there are situations where new road

schemes and road capacity enhancements will be required. The Area Strategy for Witney set out in the former LTP4 remains adopted policy. POLICY WIT1 of the Area Strategy for Witney states that to establish a transport network that supports future growth and attracts economic investment at Witney the County Council will work closely with the District Council, developers and local partners to improve access to the strategic transport networks and manage through traffic by securing, amongst other highway improvements, West-facing slip roads at A40 Shores Green junction and improvements to the B4022 Oxford Hill junction with Jubilee Way and Cogges Hill Road to be delivered by housing development at East Witney. This will provide an all movement junction east of Witney, and a second river crossing for local journeys. Complementary measures in the surrounding rural area may also be sought to support this scheme.

Design, Traffic and Rights of Way

55. 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.
56. 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.
57. 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.
58. 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.

59. 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.
60. The Highway Authority (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.
61. 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.
62. 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 and has not been required in consultation with the Highway Authority (Transport Development Control). 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.
63. SLHCPC raised concerns on the original committee report that not only does the officer comment in the above paragraph reject the suggestion of Cllr Enright but rejects the proposals on the basis of South Leigh being “on a through route”. SLHCPC stated that the whole point of the discussion, undertakings and agreements with OCC were to reduce traffic flow and prevent rat running as the Neighbourhood Plan intends. SLHCPC has 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. Some members of the public have also 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. 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.

64. South Leigh is on the road which joins the B4449 near Sutton and the B4022 and so it is a through route albeit it is a minor rural road. The undertakings and agreements referred to are understood to have been with OCC as the applicant rather than with officers of OCC as Planning Authority.
65. SLHCPC 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 granted to include traffic calming. In their original consultation response they referred to an OCC study having been undertaken that shows that traffic will increase considerably through the parish with the advent of the proposed junction, that this study was done under the assumption that the A40 would be dualled up to Eynsham and that if this doesn't happen then the problem will be worse. In commenting on the original report, they clarified that the traffic calming considered necessary would be on South Leigh Road, Chapel Road, Church End, Station Road, Stanton Harcourt Road and Barnard Gate Road in order to mitigate the increased traffic which from OCCs own survey would be using the main village roads and which they reiterate are single track, with no pavements with pedestrians and cyclists using the same space as cars, have no lighting and have several blind bends.
66. The Highway Authority (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
67. High Cogges is an access only road that would not accommodate through traffic, therefore it would not be directly affected in this way by the proposal although traffic entering and leaving High Cogges has to turn onto or from the road running through South Leigh.
68. Your officers requested that the applicant clarify what study or studies have already been carried out and their findings. The applicant has responded as follows:

The Applicant team has written to SLHCPC to clarify which OCC study they are referring to. No response has been received, however, we're assuming that reference is being made to traffic modelling undertaken in 2016 as part of a study ('TRA5' West Oxfordshire Local Plan Evaluation of Transport Impacts, 2016, Atkins – attached FYI only) that formed part of the evidence base for the West Oxfordshire Local Plan 2031. This study did not just assess the forecast traffic impact of the Access to Witney Scheme but rather it assessed the impacts of a scenario with all preferred Local Plan (LP) development sites across West Oxfordshire e.g. 10,800 new homes alongside a proposed package of supporting highway infrastructure improvements across the District (including Shores Green West Facing Slip Roads, A40/Down's Rd Roundabout, West End Link 2, Witney - Northern Perimeter Road, Eynsham P&R, A40 Eastbound Bus Lanes). It did not assume that the A40 would be dualled up to Eynsham. Traffic impacts were compared to a 'do-minimum' scenario without preferred LP development and the transport package described. This study forecast some increases in traffic on the rural minor road network alongside the A40, such as through South Leigh, in 2031 in both the AM and PM peak hours. It should also be noted that this work was based on an older and countywide traffic model rather than the more recently developed A40 corridor model used for the Access to Witney Scheme Transport Assessment.

69. The applicant has also provided Automatic Traffic Count and Automatic number-plate Recognition surveys undertaken in May 2022. The Highway Authority (Transport Development Control) officer has considered the above referenced information and commented as follows:

The Parish Council raised concerns regarding the potential for the west facing slip roads at Shores Green to increase traffic through South Leigh and surrounding villages. Reference was made to a previous OCC study that stated traffic levels would increase on the minor roads. I understand that clarification has been sought on which report is being referred to however this has not been fully established. It is however believed to be a Transport Technical Note in support of work undertaken in developing the WODC Local Plan. This stated that 'some increases in traffic on the rural minor road network alongside the A40, such as through South Leigh, in 2031 in both AM and PM peak hours' was forecast. This traffic forecast was undertaken using an older version of the OSM strategic model than that used in the Transport Assessment for the Shore Green slip roads which has been through an additional process of updating data and validating the model results for the A40 corridor in order to support the assessment of the highway schemes there. This updated model the outputs of which are presented in the Transport Assessment supporting the scheme does not show a material change in traffic levels through South Leigh.

Notwithstanding the above it is apparent that there is a material level of traffic that passes through South Leigh on the way to other destinations and therefore depending on where that traffic is coming from and going to there is the possibility that this could increase if the west facing slips were to make this more attractive. The applicant team has provided copies of Origin/Destination surveys for the area which I have reviewed. These surveys have used ANPR cameras to identify where vehicles enter and leave the survey area and

therefore can be used to identify trends of vehicles moving through the study area. This area covers the B4022/A40 off slip at High Cogges, the B4449 south to Sutton/Stanton Harcourt, the B4449 north towards Eynsham, the B4044 to Swinford/Botley and the B4449 south of its junction with the A40. Only journeys that are recorded as less than 30 minutes have been considered as these are most likely to be through journeys.

Analysis of the results shows that for vehicles entering the zone at High Cogges i.e. from the B4022/A40 westbound approximately 15% of identified vehicles return to that junction ie enter and leave South Leigh the same way, whereas the rest join the B4449. A further 22% of the total turn south towards Stanton Harcourt and the remaining 62% heads north on the B4449 towards Eynsham. The majority of this traffic has a destination around the south side of Eynsham (most likely the employment area) as it does not reach the B4449 towards the A40 or the B4044 towards Swinford.

Broadly the same pattern can be seen for traffic that has a destination on the B4022 as the majority of this traffic has an origin either south of Eynsham or from the Stanton Harcourt area.

Therefore whilst it is apparent that there is traffic passing through South Leigh there is no evidence that this is traffic that would otherwise be using the A40 as the number of vehicles recorded reaching the B4044 to Swinford or the B4449 to re-join the A40 are immaterial and it would appear to be 'local' traffic between Witney/Eynsham/Stanton Harcourt, this likely relates to the existing difficulty in reaching the A415 at Ducklington from the east side of Witney. The provision of west facing slip roads at Shores Green would certainly make it easier for vehicles to access the route through South Leigh however the numbers are likely to be limited with few identifiable destinations that would benefit. The survey data shows that there is potential to be a positive impact from the scheme in that movements originating from the east side of Witney and heading towards the Stanton Harcourt area (and vice versa) would benefit from access to the A40 and the Ducklington junction leading to the A415 which is likely to be more attractive both in terms of ease of movement and journey time.

Therefore whilst there is likely to be wider benefits relating to the proposals for traffic calming in and around South Leigh I do not consider that these are necessary to make the proposed development acceptable.

70. The applicant has provided a Position Statement which is attached as Annex 8 to this report (NB there are two versions following an update provided following a further meeting with SLHPC on 23rd May, both are provided for completeness). In this they state that they have sympathy with the concerns raised by SLHCPC about existing problems of traffic rat running and speeding through South Leigh and acknowledge that the proposed development could exacerbate this issue, particularly when there is heavy congestion on the A40. They state that the County Council is committed to ongoing monitoring of the traffic impacts of the Scheme through South Leigh and across the local road network. Monitoring will take place during the Scheme's construction period, and for a minimum 12-month period following opening of the Scheme.

They agree that it would also be beneficial to deliver a complimentary scheme of traffic calming measures in South Leigh to slow traffic and discourage rat running through the village which would build upon the 20mph speed limit that has recently been introduced in the village. They go on to say that the applicant team and the County Council's highways team has been working closely with SLHCPC to develop a feasibility design for a scheme of traffic calming measures along South Leigh Road, Chapel Road and Station Road. The County Council is committed to finalising the scheme design and to providing funding for the delivery of these complimentary traffic calming measures. The funding will be subject to the proposed development gaining all necessary permissions and approvals to proceed to construction.

71. The initial response of SLHCPC to the initial version of the Applicant's Statement is attached as Annex 9. In this they advise that they are grateful for the work done on this aspect but although a suggested plan that meets their requirements has been drawn up, they were awaiting further information regarding funding options. And looking forward to the meeting on 23rd May. Any further comments received from SLHCPC will be circulated to the committee prior to the committee meeting.
72. The applicant is therefore saying that it is committed as part of the County Council as Highway Authority to provide traffic calming measures through South Leigh in addition to the 20 mph speed limit put in place. They are not saying though that they consider this is necessary in order to make the proposed development the subject of this application acceptable in planning terms.
73. Whilst there has also been no requirement from the Highway Authority (Transport Development Control) for traffic calming to be provided through South Leigh or on any other local roads in order to make the development proposed acceptable and it is not your officers' advice that it is necessary, if members nonetheless consider that this would be significant and harmful and that it would arise principally from the provision of the development proposed in the application, then it is open to members to consider that traffic calming is required to make the development acceptable. If so, then this would need to be provided for through a Unilateral Undertaking entered into prior to the grant of planning permission. It can be clarified that the reference to traffic calming along the Witney Road referred to in paragraph 59 of the original report is not relevant to this proposal and can be disregarded.
74. 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.

75. 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.
76. 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.
77. Subject to conditions, it is considered that the proposed development is in compliance with WOLP policies T2, OS4 and EH4 and policies SLT1 and SLD2 of the SLNP.
78. 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.
79. 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 advisor 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.
80. Therefore, subject to the recommended conditions above, this policy further supports the principle of WOLP policy T1.
81. 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. SLHCPC has requested that the T-junction could be designed to make it more difficult to turn right. SLHCPC states that in the original report this does not accurately state the position and the officer should have been informed, that as far as SLHCPC are concerned, it was a suggestion from OCC that the junction could be designed to make it more difficult to turn right.

82. 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 Highway Authority (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.
83. 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.
84. 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
85. 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
86. 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

87. 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.
88. 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.
89. 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.
90. 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.
91. Subject to conditions, the proposal is considered to be in accordance with WOLP policy EH8 in terms of air quality.

Noise and Vibration

92. 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.

93. 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.
94. 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

95. 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.
96. 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.
97. 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

98. 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.
99. 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.
100. The ES states that no practicable mitigation has been identified for the predicted permanent significant adverse effects.
101. 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).
102. 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.

103. The applicant has provided details of why they consider mitigation measures are not practicable.
104. *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.
105. *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.
106. *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.
107. In their original consultation response SLHCPC requested:
 - a) Run quiet surfaces on the slip road on the South Leigh side to protect the residents of High Cogges.
 - b) Sound deadening boards and planting along the stretch of the junction particularly near the attenuation pond.
108. They stated that they not had disclosed to them any report which suggests road speeds will be less than 46mph – cars will be coming onto a slip road from a road with a 70mph speed limit. They questioned whether their speed would drop immediately to below 50mph and if it were to do so there would be consequential greater fumes, engine noise etc. Again, although the houses on Oxford Hill are important it is the hamlet of High Cogges to which they were referring.

109. The modelled road speeds are from the Environmental Statement submitted with the application. The properties which the ES identifies as being permanently above the SOAEL are those on Oxford Hill, not those in High Cogges. Nonetheless it followed further meetings with SLHCPC and as set out in the Position Statement attached as Annex 8 the Applicant's acoustics advisor provided clarity in respect of noise modelling which demonstrates that there are minimal noise impacts at the properties in High Cogges, resulting from the construction of the proposed slip roads. The Applicant's acoustics advisor has also explained the technical reasons as to why the introduction of noise barriers and quiet surface roads would not offer a meaningful reduction in noise levels for the residents at the properties in High Cogges.
110. The applicant has identified opportunities to increase tree planting to provide greater visual screening between the proposed on slip and properties in High Cogges. The details of this can be provided for through planning condition should planning permission be granted to the application. Your officers would consult the Parish Council on any scheme submitted to discharge such a condition.
111. In their initial response to the Position Statement, the SLHCPC has commented that the experts have reported that neither a noise barrier nor quiet run surfaces will make a significant difference to the noise levels for their residents. They advise that they have to accept that they are professionals but the Parish Council but do find it difficult to understand how a new slip road carrying traffic that is non-existent at the moment and will be closer to the houses, cannot have an effect on the noise levels at High Cogges. They advise that they have been talking about this issue for the last two years and have always been led to believe that both things will be delivered to the extent that it was recorded in the minutes at one of the Parish Council meetings. They report that they are deeply disappointed that their expectations are not going to be delivered. If, the sound boards and run quiet surfaces are not going to be provided then they ask that the needs of their residents are met by following the route that one of the experts suggested and that is a speed limit on this stretch of the A40 of 50mph once the project is implemented. It is understood that this stretch doesn't come under the Access to Witney plan but consider this would be a relatively easy and financial sensible route cheaper than the sound boards and other noise prevention that they thought we had been promised). They would like to see this as a condition to the planning application being granted
112. 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.
113. 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.

114. 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.

115. 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.
116. 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.
117. 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

118. 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.

119. 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.
120. 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.
121. 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.
122. 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.

123. 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. SLHPC has requested shaded street lighting so as to light the road but not the countryside and the houses in High Cogges.
124. In its Position Statement attached as Annex 8, the Applicant has advised that in its meetings with the Parish Council it has provided clarification on lighting levels, lighting design, placement and direction and has advised that light pollution and the impacts on properties in High Cogges would be minimal as most lighting columns will face the B4022 and the light would shine onto the carriageway, not towards the housing. The lights would also be time controlled and output would be reduced to 75% between midnight and 6am to reduce night-time impact on 'dark skies'. In response, SLHCPC has advised that they are grateful for the detailed specifications and descriptions of the lighting and feel much happier that this will be appropriate for their parish.
125. A detailed lighting scheme should be required to be submitted for approval through a condition should planning permission be granted. Your officers would consult the Parish Council on any scheme submitted to discharge such a condition.
126. 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).
127. 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

128. 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.

129. 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.
130. 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.
131. 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.
132. 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.
133. 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.

134. The ecological officer has also requested conditions for a CEMP, lighting scheme and LEMP. The site is not in a Parish Green Corridor.
135. 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

136. 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

137. 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.
138. SLHCPC has advised that the Lymbrook often floods throughout the village and extra water being funnelled down this route will worsen the situation. Some members of the public also 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:

139. 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 to 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, detail 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.
140. 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.
141. 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

142. 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.
143. 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.
144. 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. The pending application for the South Leigh and High Cogges conservation area is noted but is not considered to carry significant weight in the determination of the application.

145. 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. 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.
146. 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.
147. 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.

Climate Change

148. WOLP policy OS4 states that new development should demonstrate resilience to future climate change. All Oxfordshire Local Authorities have declared a climate emergency in recognition of climate change, and Oxfordshire County Council has

adopted a Climate Action Framework which commits to operating at net-zero carbon by 2030 and enabling a zero-carbon Oxfordshire by 2050.

149. A member of the committee queried the provision for carbon management and climate change. A detailed assessment of the climate change impacts is set out in the Environmental Statement the ES Volume I (Chapter 7 Climate Change) and the ES Non-Technical Summary (Section 6.3). A briefing note summarising these received from the applicant can be seen in Annex 7 of this report. An assessment was undertaken and overall it is concluded that the scheme would not have significant adverse effects on the climate both during construction and when operational. A summary of the climate change assessment findings can be seen in the briefing note. This includes that:

- the total greenhouse gas (GHG) emissions related to construction activity are calculated to be in the order of 2,208 tonnes CO₂ equivalent, of which 43% are associated with embodied carbon in raw construction materials. The emissions resulting from construction and demolition contribute less than 0.01% towards the UK's GHG Inventory and associated relevant five-year carbon budgets and is therefore not considered to be significant.
- Average annual GHG emissions with the operation of the Scheme are estimated to be in the order of 487,815 t CO₂e per year, which is 524 tonnes CO₂ equivalent lower than without the Scheme. The calculated reduction in GHG emissions is due to a predicted reduction in traffic congestion and journey times in the area resulting from the improved connections provided by the junction. This change is also not considered to be significant.

150. It is recommended that any permission for this development is subject to a condition requiring the submission, approval and implementation of a carbon management plan, which must provide further details on emissions and include details of how whole life carbon emissions will be reduced and consider opportunities to reduce emissions associated with the transportation of materials during the construction phase. This carbon management plan should be required to be submitted and approved prior to commencement of construction and should remain in place during construction and be updated as needed during that period alongside the appointed contractors CEMP.

151. The climate change advisor has no objection but recommends the condition referred to above requiring a carbon management plan as well as a Construction Environment Management Plan (CEMP). It is considered that the carbon management plan is appropriately provided prior to the commencement of construction as a requirement of a condition, because the information submitted with the planning application and EIA in relation to carbon and climate change satisfactorily demonstrates that the development is capable of being carried out in accordance with relevant planning policy. Therefore, the detail of the carbon management plan can be dealt with through condition.

152. Subject to a condition requiring a carbon management plan, the proposal is considered to be in accordance with WOLP policy OS4.

Sustainable Development

153. The NPPF contains a presumption in favour of sustainable development. This has environmental, economic and social roles, reflected in WODC policy OS1.
154. 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.

Other – letter from SLHCPC - conditions

155. The letter received on 14th April from SLHCPC concludes that SLHCPC would like liaison with OCC in relation to proposed conditions 6, 7, 8 and 24 (lighting details, measures for the public rights of way, final landscaping details and submission of signage details). They would also like additional conditions to cover a traffic management plan, noise mitigation to protect High Cogges, traffic calming measures throughout the village and a compulsory weight restriction in the village.
156. There is no requirement to consult on submissions made to discharge planning conditions, however your officers' practice is to consult Parish Councils on submissions made prior to approval and therefore there would be an opportunity for SLHCPC to comment on the submissions for conditions 6, 7, 8 and 24. There is already a condition proposed for a Construction Traffic Management Plan and also a Construction Environment Management Plan, which would address construction noise impacts. Transport Development Control have not required traffic calming in relation to this application. It is noted that there is now a 20-mph limit in place through South Leigh and members will note the commitment set out in the applicant's Position Statement to provide further traffic calming measures albeit it is not accepted this is necessary to make the development proposed in the application acceptable in planning terms. The request for a weight limit is a separate matter for OCC as Highways Authority, as the Highway Authority (Transport Development Control) officer has not advised that it is needed in relation to this application.

Financial Implications

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

Legal Implications

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

Equality & Inclusion Implications

159. 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

160. 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.

161. Your officers have sought to address the comments and concerns received from South Leigh and High Cogges Parish Council in the report and, where considered material to the determination of the application, the officer advice is that they can be addressed through conditions. As set out in the report, should the committee be minded nonetheless to consider that the requested traffic calming measures are necessary to make the development acceptable then these could be provided through a Unilateral Undertaking should the applicant be prepared to enter into it.

162. 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

163. **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:

- 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
- Annex 7: Climate Change and Carbon Management
- Annex 8: Position Statement of the applicant provided on 23rd May 2023
- Annex 9: South Leigh and High Cogges Parish Council response to initial version of the Position Statement.

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
- Oxfordshire County Council Local Transport and Connectivity Plan
- 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

First response

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

Further responses (E-mail received 12th April 2023 and letter received 14th April 2023)

E-mail 12th April

I'm writing to you now as the Chair of South Leigh and High Cogges Parish Council. I cannot begin to tell you how disappointed, cross and let down we feel about the recently published agenda papers for this meeting, in particular the item on Access to Witney scheme.

I'm particularly annoyed that the agenda papers - which I only stumbled on by chance today, were published over the Bank Holiday period and declared a deadline for comments of Tuesday of this week when OCC had given us no indication hitherto that the agreements and understanding I thought we had were effectively being trashed

To remind you, we have worked long and hard with OCC with many meetings/discussions in which we have tried to maintain a business like and sensible attitude. We didn't object to the planning application even though we had concerns as we were aware that this upgraded junction has been in the WODC District Plan for many a year. Instead, we concentrated on how we could mitigate the negative aspects of this project to protect our parish.

After many meetings and many, many hours of work we believed we had come to an acceptable arrangement with OCC over mitigation for noise pollution through the use of sound deadening boards and traffic calming methods (this was to be in addition to the 20mph speed limit) to deal with the predicted (as revealed in OCC's own study) increase in traffic through South Leigh itself. Indeed there are some obvious errors of fact in the papers not least in relation to High Cogges Road

You can imagine my horror then when I read in the submission for this planning application meeting that all these matters had been completely disregarded without any prior explanation to ourselves and indeed not even a notification of the meeting.

Frankly this makes a complete nonsense of the consultation process. It seems you've led us down the garden path and hung us out to dry!

This complete change of position on the part of OCC either means here was never a real intention to engage with us or (perhaps) something has happened unknown and not declared to us by OCC which has caused OCC itself to change its mind

We need to know what has happened and why the complete change in attitude by OCC which basically has wasted everyone's time

Frankly this leaves me no option but to, by way of this e mail, immediately to request through the Freedom of Information process - that copies of all the recorded meetings with South Leigh Parish Council are made available to us. We feel that no decision should be made on this planning application until this information is provided, we have had a reasonable amount of time to study the papers and report back to the Parish Council. I would anticipate a further Freedom of Information request relating to the internal papers of OCC on this matter to establish just how and why our perceived understandings and agreements have now being completely ignored without any explanation or apology. This consultation is

completely and fatally flawed. It is no consultation to pretend to agree matters and then just blank us completely on what we thought was agreed

This is my initial heart felt response of bitter disappointment and obviously I must consult with my fellow parish councillors and I expect we will be submitting a more detailed response before Monday. In the meantime I have endeavoured to contact our political representatives and will continue to do so. I don't think this is any way to treat, even a small public body like a parish council.

Letter 14th April

**The representations of South Leigh and High Cogges Parish Council
("SLHCPC").**

This document should be recorded as **an initial letter before action** in the event that R3.0039/22 is granted in the form proposed on the basis of the undated report ("the report") from the Director of Planning, Environment and Climate Change annexed to Agenda Item 5.

Please also have regard to the email sent by the Chair of SLHPC on 12th April 2023 to Jonathan Deacon and others and which should be before the committee.

We therefore submit that paragraph 133 is inaccurate and there are **significant "legal implications arising from this report"** and the Committee should, having received this, consider whether the decision should be adjourned for a meeting with SLHCPC.

Further this letter should also be viewed in conjunction with Freedom of Information requests in relation to recordings, screen shots, agendas and minutes of meetings held on various occasions where representations were made by OCC and understandings reached which have not been referred to or taken into account in the report.

SLHCPC puts OCC on notice that in the event (1) this application is granted in its current form and (2) there are representations made by OCC that have not been implemented and or (3) understandings reached which are not respected, SLHCPC will seek costs on an indemnity basis on any judicial review hearing.

Before turning to the grounds on which SLHCPC rely for challenging any decision made (1) in the current form and (2) on the basis of the current report from the Director of Planning, Environment and Climate Change, SLHCPC specifically draws the committee's attention to paragraph 10 in Annex 2 – Consultation Responses Summary.

As you know SLHCPC has from the first not sought to stop this junction but rather to achieve adequate mitigations and protections for the inhabitants of the parish.

SLHCPC note they welcome certain observations in, for instance, paragraphs 65ff and 85 and condition 24 in Annex 1 and record that SLHCPC had what appeared to be constructive engagements over a number of Team meetings with officers such as Anna

Herriman, Amro Hajhamdou, and Richard Gordge and wish to record that SLHCPC would hope that that might continue.

Further SLHCPC accepts that there is reference to the Parish Neighbourhood Plan see e.g. paragraph 102 albeit SLHCPC assert that reference does not mean that the SLHCPC accept (1) that it has been taken into account appropriately (2) give the correct weight as a democratically endorsed document – see its exclusion from paragraph 6 of the report.

Obviously, the Committee will be taking responsibility for a number of issues e.g. paragraphs 133 referred to above and also paragraph 96 “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.” SLHCPC will aver that the committee on the basis of the flawed report examples given below will be unable to weigh adequately or at all the pros and cons and the material and other policy considerations that in law they must do.

SLHCPC makes the obvious point that if the decision is granted in its current form and on the basis of the flawed report the decision becomes a reviewable decision and the SLHC will say (1) there is a breach of natural justice in that inadequate time has been given for the report to be considered, representations to be made and arrangements to be made to speak, (2) the committee will have taken into account matters that a] are irrelevant or b] inaccurate and/or (3) be in breach of representations made by OCC that have not been implemented and or (4) understandings reached which are not respected.

Examples of the flawed information and or approach in the report which SLHCPC will develop and add to on a formal review hearing are

- (1) The focus of the report - see paragraphs 20,48 and 62 is on Witney, there is inadequate considerations on the effects that the junction will have on South Leigh and High Cogges, indeed compounding the effect of the focus on Witney by inaccuracies about South Leigh see paragraph 58 and 59
- (2) Paragraph 2 neglects to mention that the junction is at the entrance to High Cogges and South Leigh
- (3) Paragraph 3 mentions a drainage ditch – this is in fact the Lymbrook – which often floods throughout the village – extra water being funnelled down this route will worsen the situation
- (4) Paragraph 4 mentions Cogges – that is a different place and should be High Cogges and there are around some 25 houses in High Cogges within 500 metres and some closer, particularly their gardens running towards and nearer the proposed junction, with one property being within 69 metres to the east of the proposed off east slip road. Therefore under paragraph 52 the policies referred to have not been correctly applied
- (5) Paragraph 6 – the South Leigh Parish Neighbourhood Plan with its relevant protection clauses should be noted as well as a pending conservation area application

- (6) Paragraph 56 is a remarkable paragraph not only does it reject the perfectly reasonable suggestion of Cllr Enright but rejects the proposals on the basis of South Leigh being “on a through route” – (one wonders from where to where) and without stating the obvious that almost all villages are on a through route; the whole point of the discussions, undertakings and agreements with OCC were to reduce traffic flow and prevent rat running as the Neighbourhood Plan intends
- (7) The statements in Para 59 are irrelevant and or not understood - traffic calming along the Witney Road is not the point: it is traffic calming on South Leigh Road, Chapel Road, Church End, Station Road, Stanton Harcourt Road and Barnard Gate Road that is the concern and the point was to mitigate the increased traffic which from OCCs own survey (see paragraph 66) would be using the main village roads and which we reiterate are single track, with no pavements with pedestrians and cyclist using the same space as cars, no lighting and have several blind bends. We would dispute the whole of this paragraph
- (8) Paragraph 65ff needs to recognise that considerable work and resolution to this issue has already occurred and it is unclear why the officer has not taken it into account or referred to it
- (9) Paragraph 69 does not accurately state the position and the officer should have been informed, that as far as SLHCPC are concerned, it was a suggestion from OCC that the junction could be designed to make it more difficult to turn right
- (10) Paragraph 92ff, as far we are aware, SLHCPC has not had disclosed to us by OCC any report which suggests road speeds will be less than 46mph – cars will be coming onto a slip road from a road with a 70mph speed limit. We would question whether their speed would drop immediately to below 50 and it were to do so there would be consequential greater fumes, engine noise etc. Again although the houses on Oxford Hill are important it is the hamlet of High Cogges to which we were referring

It is to be regretted that we as democratic institution have to say to another democratic institution that an open term where conditions “are to be determined by the Director of Planning, Environment and Climate Change” would not be accepted and that

SLHCPC would suspend any action, save the consultation with solicitors and public relation advisers, as follows :-

There is appropriate liaison by OCC with SLHCPC in relation to Condition 6, 7, 8, 24

Given where we are today (and indeed a previous unfortunate act on behalf of OCC relating to a commission of a piece of work re the Barnard Gate Road which was terminated without notice or consultation with SLHCPC) we would require written undertakings and planning conditions with a schedule of meetings where OCC will work with us both initially, during the further design period, during construction and thereafter with traffic surveys completed at particular times.

We further propose that as conditions in Annex 1 (to follow on from those proposed)

- 25 A Disclosed and Discussed Traffic management plan
- 26 Sounds boards and or planting are including in the scheme as detailed in the map provided to OCC officers – not as mentioned in the report for the houses on Oxford Hill but also by the side of the new westgoing slip road and attenuation ponds to protect the houses in High Cogges from additional noise given that the prevailing wind will bring more noise to these houses.
- 27 Traffic calming measures through out the village
- 28 A compulsory weight restriction is introduced on roads within 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

Additional comments on ATC and ANPR survey information

59. The Applicant team has written to SLHCPC to clarify which OCC study they are referring to. No response has been received, however, we're assuming that reference is being made to traffic modelling undertaken in 2016 as part of a study ('TRA5' West Oxfordshire Local Plan Evaluation of Transport Impacts, 2016, Atkins – attached FYI only) that formed part of the evidence base for the West Oxfordshire Local Plan 2031. This study did not just assess the forecast traffic impact of the Access to Witney Scheme but rather it assessed the impacts of a scenario with all preferred Local Plan (LP) development sites across West Oxfordshire e.g. 10,800 new homes alongside a proposed package of supporting highway infrastructure improvements across the District (including Shores Green West Facing Slip Roads, A40/Down's Rd Roundabout, West End Link 2, Witney - Northern Perimeter Road, Eynsham P&R, A40 Eastbound Bus Lanes). It did not assume that the A40 would be dualled up to Eynsham. Traffic impacts were compared to a 'do-minimum' scenario without preferred LP development and the transport package described. This study forecast some increases in traffic on the rural minor road network alongside the A40, such as through South Leigh, in 2031 in both the AM and PM peak hours. It should also be noted that this work was based on an older and countywide traffic model rather than the more recently developed A40 corridor model used for the Access to Witney Scheme Transport Assessment.

The applicant has also provided Automatic Traffic Count and Automatic number-plate Recognition surveys undertaken in May 2022. The Highway Authority (Transport Development Control) officer has considered the above referenced information and commented as follows:

The Parish Council raised concerns regarding the potential for the west facing slip roads at Shores Green to increase traffic through South Leigh and surrounding villages. Reference was made to a previous OCC study that stated traffic levels would increase on the minor roads. I understand that clarification has been sought on which report is being referred to however this has not been fully established. It is however believed to be a Transport Technical Note in support of work undertaken in developing the WODC Local Plan. This stated that 'some increases in traffic on the rural minor road network alongside the A40, such as through South Leigh, in 2031 in both AM and PM peak hours' was forecast. This traffic forecast was undertaken using an older version of the OSM strategic model than that used in the Transport Assessment for the Shore Green slip roads which has been through an additional process of updating data and validating the model results for the A40 corridor in order to support the assessment of the highway schemes there. This updated model the outputs of which are presented in the Transport Assessment supporting the scheme does not show a material change in traffic levels through South Leigh.

Notwithstanding the above it is apparent that there is a material level of traffic that passes through South Leigh on the way to other destinations and therefore depending on where that traffic is coming from and going to there is the possibility that this could increase if the west facing slips were to make this more attractive. The applicant team has provided copies of Origin/Destination surveys for the area which I have reviewed. These surveys have used ANPR cameras to identify where vehicles enter and leave the survey area and therefore can be used to identify trends of vehicles moving through the study area. This area covers the B4022/A40 off slip at High Cogges, the B4449 south to Sutton/Stanton Harcourt, the B4449 north towards Eynsham, the B4044 to Swinford/Botley and the B4449 south of its junction with the A40. Only journeys that are recorded as less than 30 minutes have been considered as these are most likely to be through journeys.

Analysis of the results shows that for vehicles entering the zone at High Cogges i.e. from the B4022/A40 westbound approximately 15% of identified vehicles return to that junction ie enter and leave South Leigh the same way, whereas the rest join the B4449. A further 22% of the total turn south towards Stanton Harcourt and the remaining 62% heads north on the B4449 towards Eynsham. The majority of this traffic has a destination around the south side of Eynsham (most likely the employment area) as it does not reach the B4449 towards the A40 or the B4044 towards Swinford. Broadly the same pattern can be seen for traffic that has a destination on the B4022 as the majority of this traffic has an origin either south of Eynsham or from the Stanton Harcourt area.

Therefore whilst it is apparent that there is traffic passing through South Leigh there is no evidence that this is traffic that would otherwise be using the A40 as the number of vehicles recorded reaching the B4044 to Swinford or the B4449 to re-join the A40 are immaterial and it would appear to be 'local' traffic between Witney/Eynsham/Stanton Harcourt, this likely relates to the existing difficulty in reaching the A415 at Ducklington from the east side of Witney. The provision of west facing slip roads at Shores Green would certainly make it easier for vehicles to access the route through South Leigh however the numbers are likely to be limited with few identifiable destinations that would benefit. The survey data shows that there is potential to be a positive impact from the scheme in that movements originating from the east side of Witney and heading towards the Stanton Harcourt area (and vice versa) would benefit from access to the A40 and the Ducklington junction leading to the A415 which is likely to be more attractive both in terms of ease of movement and journey time.

Therefore whilst there is likely to be wider benefits relating to the proposals for traffic calming in and around South Leigh I do not consider that these are necessary to make the proposed development acceptable.

Reg 25 response – additional comments

60. 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) *(NB – The officer has subsequently acknowledged following comments received from SLHPC that this development is not relevant to the comments made by SLHPC with regard to the need for traffic calming to be provided on local roads in and around South Leigh)*. 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.
61. 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 finds that the proposal would lead to very limited harm to the character and appearance of the parish.
62. 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.

63. 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.

64. 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

65. 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

66. 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

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

First response

68. Considers the proposed development necessary as would improve accessibility for the A40 and connectivity for pedestrians and cyclists.

69. 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

70. 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.
71. 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

72. 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.
73. 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.
74. Local businesses to be informed of potential delays associated with single lane traffic on the B4022.

OCC LLFA

Reg 25 response

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

First response

76. No Objection subject to Conditions.

77. 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 its 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

78. 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.

79. The ecologist is satisfied that strategic significance and has been assigned correctly and the baseline condition of habitats has been confirmed.

Biodiversity Net Gain

80. 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.

81. 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.

82. 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.

83. 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.

84. 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

85. 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

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

Dormice

87. 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

88. 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

89. 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:

90. 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

91. 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.
92. 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.
93. 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

- 94. The new comments should be read with the previous comments as below.
- 95. 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.
- 96. 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.
- 97. 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.
- 98. 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.
- 99. Lighting is recommended to address both the ecological and landscape requirements of the lighting.
- 100. 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

101. 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.
102. 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.
103. Considers the Landscape Visual Impact Assessment is acceptable overall but some short-term effects may have been potentially underestimated in places.
104. 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.
105. Further planting details and information on long term management are required but can be conditioned.
106. 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:

107. 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 PRow's 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.

Annex 7 – Climate Change and Carbon Management

BRIEFING NOTE: CLIMATE CHANGE ASSESSMENT AND CARBON MANAGEMENT PLAN

INTRODUCTION AND KEY DOCUMENTS

A detailed assessment of the climate change impacts of the Access to Witney scheme is set out within the Environmental Statement (ES) submitted in support of the planning application. It should be noted this was revised to revision P02 following the receipt of a Regulation 25 request from Oxfordshire County Council (OCC) as the planning authority. The information on the climate change can be found on the OCC planning portal: [Planning Register | Oxfordshire County Council](#)

ES Volume I (Chapter 7 Climate Change) sets out a detailed climate change impact assessment which assessed the lifecycle greenhouse gas emissions during construction and operation of the Scheme, as well as the Scheme's vulnerability to climate change.

ES Non-Technical Summary (Section 6.3) provides a non-technical summary of the climate change assessment.

CLIMATE CHANGE ASSESSMENT

The assessment was undertaken in line with the Design Manual for Roads and Bridges (DMRB) LA 114 Climate (Highways England, 2021). Overall, the assessment concluded that the Scheme would not have significant adverse effects on the climate during construction and once operational. A summary of the climate change assessment findings are provided below:

Construction Phase Effects

- The climate assessment identified that based on the maximum parameters and build out of the Scheme, the total greenhouse gas (GHG) emissions related to construction activity are calculated to be in the order of 2,208 tonnes CO₂ equivalent, of which 43% are associated with embodied carbon in raw construction materials. The emissions resulting from construction and demolition contribute less than 0.01% towards the UK's GHG Inventory and associated relevant five-year carbon budgets and is therefore not considered to be significant.
- Climate change risks to the Scheme during the construction period which are related to weather extremes (e.g. flooding, snow, ice, storms, hot weather or very hot weather) could affect the ability to construct the scheme, and cause damage to materials, plant and equipment. However, these are not expected to be significant.
- The Principal Contractor's Construction Environmental Management Plan (CEMP) will set out monitoring to be undertaken during the construction stage to ensure that the mitigation measures embedded in the design are

appropriately implemented to reduce carbon emissions where possible and manage climate change vulnerability risks.

Operational Phase Effects

- Average annual GHG emissions with the operation of the Scheme are estimated to be in the order of 487,815 tCO₂e per year, which is 524 tonnes CO₂ equivalent lower than without the Scheme. The calculated reduction in GHG emissions is due to a predicted reduction in traffic congestion and journey times in the area resulting from the improved connections provided by the junction. This change is also not considered to be significant.
- Given the embedded design mitigation and management measures proposed as part of the Scheme, such as maintenance of the drainage system, net gain of biodiversity and the design to withstand a 1 in 100 year flood event, no significant climate change vulnerability impacts have been identified for the operational phase of work.
- The improved active travel facilities delivered as part of the Scheme will also improve sustainable connectivity to Witney, encouraging more walking and cycling and helping reduce GHG emissions. The Scheme will also achieve 10% biodiversity net gain and provide sustainable drainage systems.

CARBON MANAGEMENT PLAN (PROPOSED PLANNING CONDITION)

Annex 1 of the Planning Officer's Report proposes that as a condition of the planning consent a Carbon Management Plan (CMP) is required to be submitted for approval prior to the commencement of construction. The report notes that the CMP should provide further details on emissions and include the approach to reducing whole life carbon emissions, particularly considering opportunities to emissions associated with transportation of materials during the construction phase.

If consent is granted the applicant would commence production of the CMP at the outset of detailed design of the scheme and it would be submitted to the LPA for approval prior to the commencement of construction. It would need to remain in place during construction and updated as needed during that period alongside the appointed contractors CEMP.

Annex 8 – Applicant's Position Statement

ACCESS TO WITNEY (LPA REF: R3.0039/22)

APPLICANT POSITION STATEMENT – 18TH MAY 2023

INTRODUCTION

This Position Statement has been prepared by Oxfordshire County Council (OCC), in its role as Applicant of the Access to Witney (AtW) Scheme planning application

(LPA Ref: R3.0039/22) to provide an update in relation to discussions with South Leigh and High Cogges Parish Council (SLHCPC), following the deferral of the determination of the planning application by OCC's Planning and Regulation Committee on 17th April 2023, following issues raised by SLHCPC.

Since the Committee meeting on 17th April, a series of meetings and discussions have taken place between members of the Applicant team and representatives of SLHCPC to discuss the issues that have been raised. Notable meetings that have taken place are listed below:

- 17th April (immediately following the April 2023 Planning Committee meeting)
- 27th April (walk and talk in South Leigh village to discuss traffic issues and potential traffic calming measures)
- 9th May (meeting to discuss noise, lighting, landscaping, and traffic calming)

A further meeting is scheduled to take place on 23rd May to discuss traffic calming. The Applicant has provided this summary of the latest position of the issues raised by SLHCPC to support the Local Planning Authority, as it prepares to present the application for determination at OCC's Planning and Regulation Committee on 5th June 2023.

NOISE AND VISUAL IMPACT

At the meeting on 9th May the Applicant's acoustics advisor (AECOM) has provided clarity in respect of noise modelling which demonstrates that there are minimal noise impacts at the properties in High Cogges, resulting from the construction of the proposed slip roads.

The Applicant's acoustics advisor has also explained the technical reasons as to why the introduction of noise barriers and quiet surface roads would not offer a meaningful reduction in noise levels for the residents at the properties in High Cogges.

The Applicant's landscape advisor (AECOM) has provided SLHCPC with clarity in relation to the landscaping proposals and has identified opportunities to increase tree planting to provide greater visual screening between the proposed on slip and properties in High Cogges. SLHCPC has been advised that the final landscaping details will be subject to approval by the LPA via a proposed planning condition attached to the planning application (if approved).

APPLICANT POSITION STATEMENT – 23 MAY 2023

INTRODUCTION This Position Statement has been prepared by Oxfordshire County Council (OCC), in its role as Applicant of the Access to Witney (AtW) Scheme planning application (LPA Ref: R3.0039/22) to provide an update in relation to discussions with South Leigh and High Cogges Parish Council (SLHCPC), following the deferral of the determination of the planning application by OCC's Planning and Regulation Committee on 17th April 2023, following issues raised by SLHCPC. Since the Committee meeting on 17th April, a series of meetings and discussions have taken place between members of the Applicant team and representatives of SLHCPC to discuss the issues that have been raised. Notable meetings that have taken place are listed below:

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The Applicant's landscape advisor (AECOM) has provided SLHCPC with clarity in relation to the landscaping proposals and has identified opportunities to increase tree planting to provide greater visual screening between the proposed on slip and properties in High Cogges. SLHCPC has been advised that the final landscaping details will be subject to approval by the LPA via a proposed planning condition attached to the planning application (if approved).

Following confirmation obtained from the LPA, SLHCPC has been advised that it will be formally consulted on the detailed landscaping plan (when the application to discharge the detailed landscaping condition is submitted for consideration).

LIGHTING

SLHCPC has requested that shields be attached to lights that will focus the proposed lighting associated with the proposed slip-roads downwards towards the proposed road, rather than outwards towards residential properties in High Cogges. The Applicant has provided clarification on lighting levels, lighting design, placement and direction and has advised that light pollution and the impacts on properties in High Cogges will be minimal as most lighting columns will face the B4022 and the light will shine onto the carriageway, not towards the housing. The lights will also be time controlled and output will be reduced to 75% between midnight and 6am to reduce night-time impact on 'dark skies'.

SLHCPC has been advised that the final lighting proposals will be subject to approval by the LPA via a proposed planning condition attached to the planning application (if approved). Again, SLHCPC has been advised that it will be formally consulted on the final lighting proposals; when the planning application to discharge the detailed lighting condition is submitted for consideration.

TRAFFIC CALMING

OCC has sympathy with the concerns raised by SLHCPC about existing problems of traffic rat running and speeding through South Leigh and acknowledges that the proposed ATW Scheme could exacerbate this issue, particularly when there is heavy congestion on the A40. OCC is committed to ongoing monitoring of the traffic impacts of the Scheme through South Leigh and across the local road network. Monitoring will take place during the Scheme's construction period, and for a minimum 12-month period following opening of the Scheme.

OCC agrees that it would also be beneficial to deliver a complimentary scheme of traffic calming measures in South Leigh to slow traffic and discourage rat running through the village. It would build upon the 20mph speed limit that OCC has recently introduced in the village.

The Applicant team and OCC's highways team has been working closely with SLHCPC to develop a feasibility design for a scheme of traffic calming measures along South Leigh Road, Chapel Road and Station Road. OCC is committed to finalising the scheme design and to providing funding for the delivery of these complimentary traffic calming measures*. The funding will be subject to the AtW Scheme gaining all necessary permissions and approvals to proceed to construction.

**Note: The traffic calming scheme funding will be for an amount up to the cost of the following proposed measures: (1) some additional 20mph repeater signs and road markings (2) a speed indicator device and posts (x4) (3) five village 'gateway' type features (4) four single build-out priority features (5) a single narrow priority feature with a pedestrian crossing - as shown on the traffic calming plan shared with SLHCPC on 23rd May 2023. Public consultation for these measures will be required to demonstrate local community support.*

Annex 9 – South Leigh and High Cogges Parish Council response to Applicant's Position Statement dated 18th May 2023

Thank you for forwarding me this paper - Nick Blades had kindly advised me that it was going to be prepared.

We have been very grateful for the seriousness that OCC have taken our concerns and the time that has been made.

We have had good discussions and have a fuller understanding - but there are outstanding issues - these we hope to deal with at a meeting this coming week.

So I going to make some comments here which, I hope, will be sorted by the end of next week

NOISE AND VISUAL IMPACT

The experts have reported that neither a noise barrier or quiet run surfaces will make a significant difference to the noise levels for our residents. We have to accept that they are professionals and we are not - however we do find it difficult to understand how a new slip road carrying traffic that is non existent at the moment and will be closer to the houses, can not have an effect on the noise levels at High Cogges

We have been talking about this issue for the last 2 years and have always been led to believe that both things will be delivered to the extent that I felt confident enough to record it in our minutes at one of our parish council meetings.

We are deeply disappointed that our expectations are not going to be delivered - we have many e mails and different notes of minutes showing that the officers led us to believe that this would happen. If, the sound boards and run quiet surfaces are not going to be provided then we ask that the needs of our residents are met by following the route that one of the experts suggested and that is a speed limit on this stretch of the A40 of 50mph once the project is implemented. I understand that this stretch doesn't come under the Access to Witney plan - surely this would be a relatively easily and financial sensible route (much cheaper than sound boards and other noise prevention that we thought we had been promised). I do appreciate that it will need conversations with other teams - but surely this is possible? We would like to see this as a condition to the planning application being granted

We are grateful for the increase in tree planting to provide more visual screening and that the amount of planting will be part of a planning condition that we will be consulted on

LIGHTING

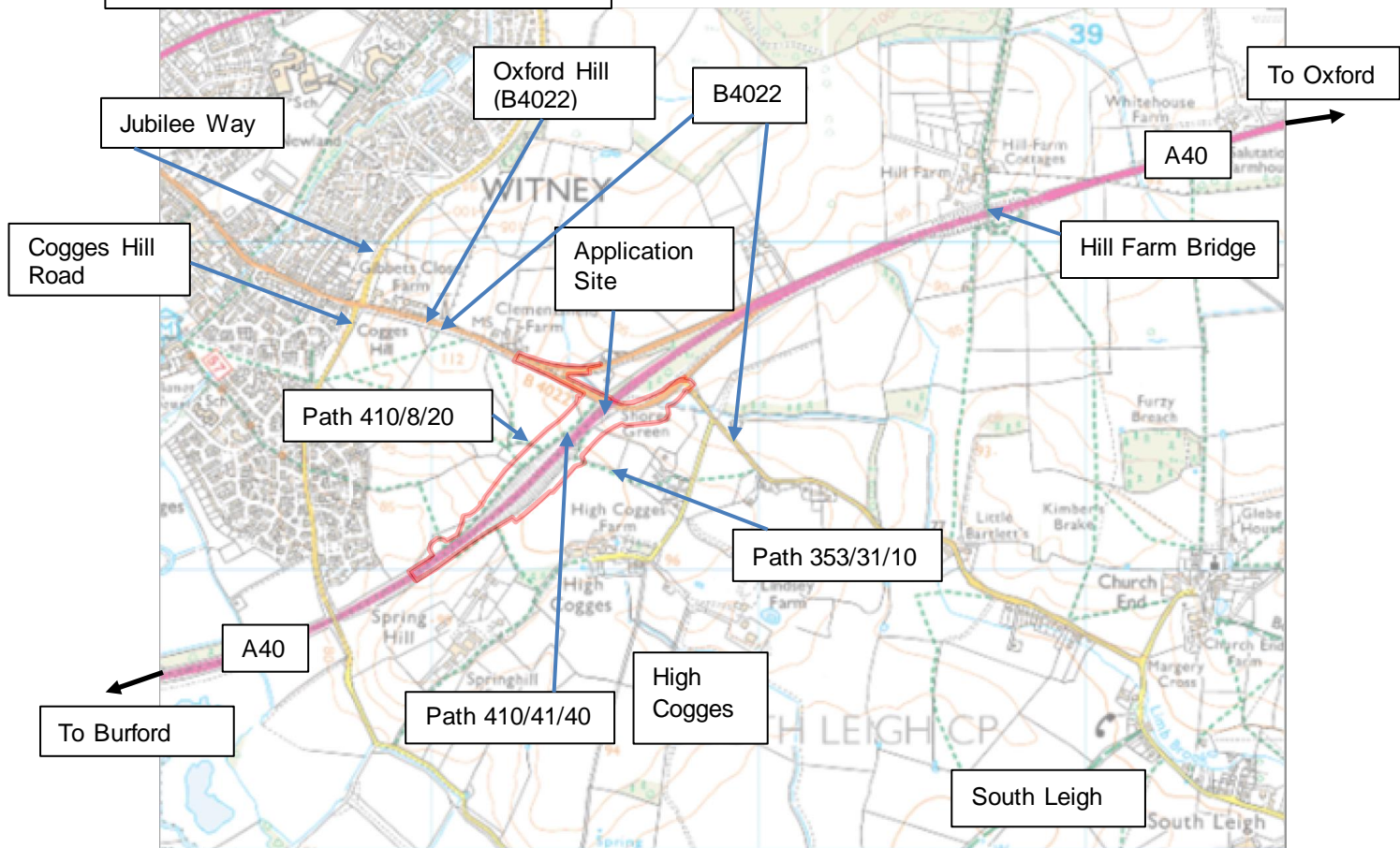
Again we are grateful for the detailed specifications and descriptions of the lighting and feel much happier that this will be appropriate for our parish

TRAFFIC CALMING

We are again grateful for the work that the OCC team have done on this aspect but although a suggested plan that meets our requirements has been drawn up - we await further information regarding funding options.

We are looking forward to the meeting on 23rd May but in the meantime could you please forward this e mail onto the committee

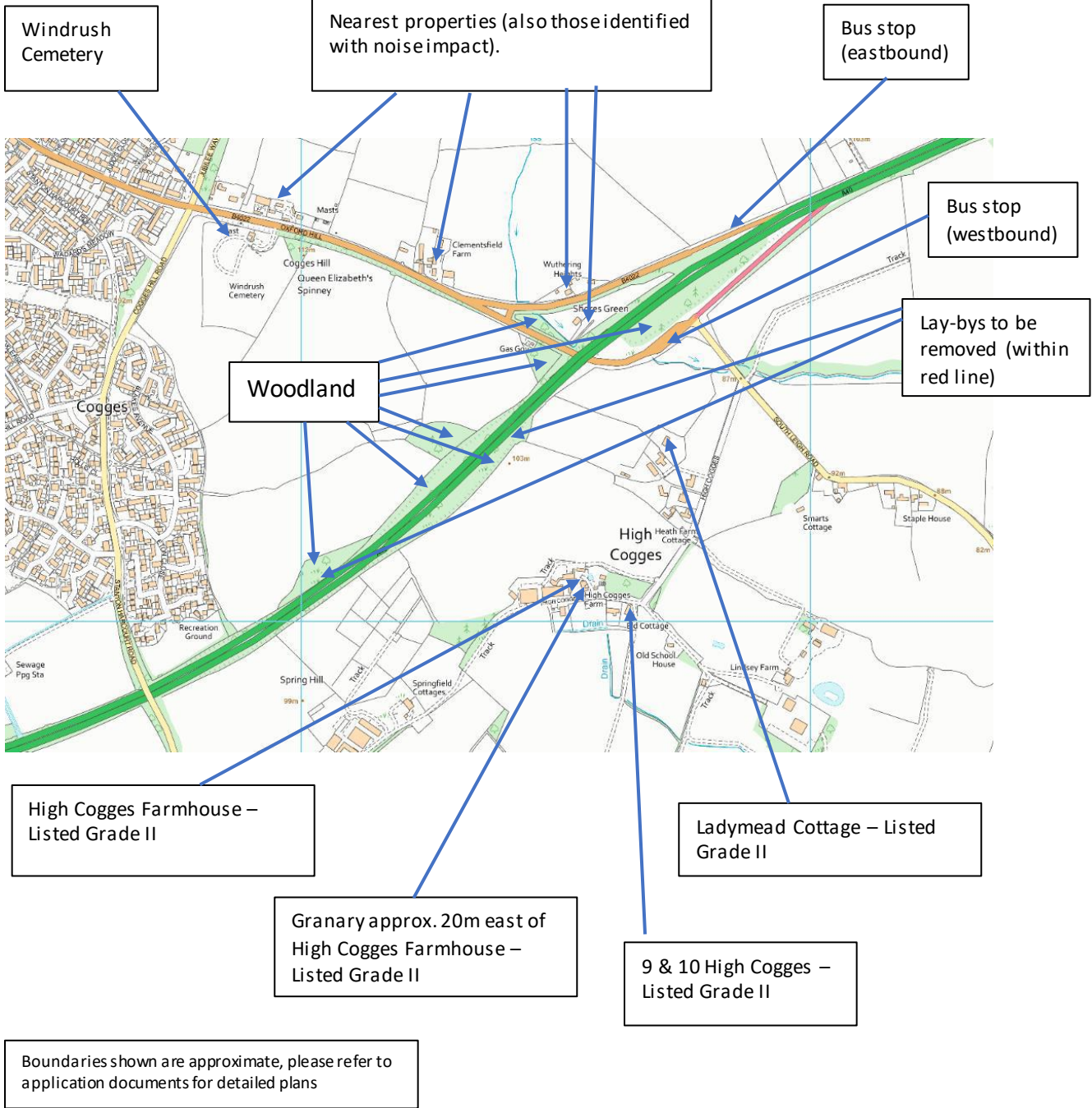
Plan 1 – A40 Access to Witney slip roads R3.0039/22 (Shores Green)



Boundaries shown are approximate, please refer to application documents for detailed plans

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Plan 2 – A40 Access to Witney slip roads R3.0039/22 (Shores Green)



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Division Affected: Sutton Courtenay and Marcham

PLANNING AND REGULATION COMMITTEE

Application to modify or discharge Section 106 Planning Obligations to remove the existing waste catchment area and amend permissive path at Sutton Courtenay Landfill Site

Report by Director of Planning, Environment and Climate Change

Contact Officer: Mary Hudson **Tel:** 07393 001 257

Location: Sutton Courtenay Landfill Site, Appleford Sidings, OX14 4PP

Application No: MW.0034/23 **District Ref:** P23/V0529/CM

Applicant: FCC

District Council Area: Vale of White Horse

Date Received: 27th February 2023

Consultation Period: 9th – 30th March 2023

Contents:

- Part 1 – Facts and Background
- Part 2 – Other Viewpoints
- Part 3 – Relevant Policies
- Part 4 – Analysis and Conclusions

Summary

1. This report sets out the details of a Section 106 A application to amend a legal agreement associated with an existing planning permission. The applicant proposes to remove the hinterland obligation, which currently means that waste can only be brought in to the landfill from Oxfordshire, Reading, Bracknell, Wokingham and West Berkshire. They also propose a change to the timescale for delivery of a permissive path. This report considers whether these obligations continue to serve a useful purpose and recommends that the application is approved, and a deed of variation is entered into to, to amend the terms of the legal agreement.

• Part 1 – Facts and Background

Location (see plan 1)

2. Sutton Courtenay Landfill Site covers 263 hectares between Appleford and Sutton Courtenay villages, containing land in both parishes.

Site and Setting

3. Sutton Courtenay is a 264-hectare site. The site is bordered by the B4016 to the north and by the Oxford to London railway line to the east. Didcot power station lies immediately south and to the west lies open agricultural land.
4. The site is crossed by two private roads, Portway which runs east-west and Corridor Road which runs north-south. These roads are both rights of way for at least part of their lengths.
5. There are two vehicular accesses to the site, one to the north and one to the south. The northern access is onto the Sutton Courtenay to Appleford Road (B4016) and over the Thames at Culham Bridge. Landfill traffic is required to use the southern access, which exits onto a roundabout on the Didcot perimeter road (A4130.) The site has a rail siding entering the site from the east off the main Oxford to London line.
6. The closest properties to the site are Hill Farm and Bridge House, which lie adjacent to the planning permission boundary. Bridge Farm House, Crossing Cottage and properties on Chambrai Close and Main Road, Appleford fall within 100 metres of the application boundary.
7. Oxfordshire County Council are dealing with a planning application for the 'HIF1' road scheme. This application has not yet been determined. If approved, this would permit the construction of a new road which would cut through the site from the south east to north west, which would require amendments to the approved restoration proposals.

Background and history

8. Sand and gravel working at the Sutton Courtenay site commenced in the 1930s and landfilling has been ongoing as part of the restoration works since the 1970s. A number of consents have been permitted over the years to alter the duration of the landfilling consent and vary the conditions associated with the operations. There are a number of active consents for minerals and waste developments within the landfill site. Some of these are temporary for the life of the landfill.
9. A planning application was submitted in 1992 to consolidate all earlier permissions and extend mineral extraction and landfilling. This was issued

in 1996 (SUT/APF/616/33-CM.) In 2001 a new permission was issued (SUT/APF/616/45 CM) which varied the conditions to allow an increased proportion of waste to be imported by road for a temporary period. In 2009 a permission (APF/616/56-CM) was issued to extend the landfill end date for the landfill from 2012 to 2021. This was issued following the completion of a routeing agreement and a Section 106 legal agreement dated 4th November 2008. This agreement covers highway contributions, a levy for waste imported by road, long term management, footpath provision and a hinterland restriction limiting waste imported by road to that originating in Oxfordshire, West Berkshire, Reading, Wokingham and Bracknell Forest. This replaced the hinterland area of the previous Section 106 agreement, which was based on distance from the site rather than local authority areas.

10. Permission SUT/616/59-CM was issued in 2010. Amongst other changes this further extended the life of the landfill, until 2030. This was issued following the completion of a supplemental Section 106 legal agreement dated 12th October 2009. This agreement ensured that the provisions of the 2008 agreement, including the hinterland, continued to apply and replaced the plan for the long-term management of the restored site and included a new footpaths plan.
11. In 2014 a further Section 73 application was made to amend the conditions on the landfill consent, to extend the date for the completion of sand and gravel extraction under the mineral processing plant. Although mineral extraction operations were complete within the landfill, the processing plant was within the site and covered by the landfilling consent. When permission P14/V0479/CM (OCC reference MW.0009/14) was issued it became the main consent for landfilling operations. No new legal agreements were needed as the existing Section 106, supplemental Section 106 and routeing agreement would continue to apply, including the hinterland provisions.
12. In 2015 a further Section 73 application was approved, amending the conditions on the extant landfilling consent to amend the landfill phasing, the restoration plan for phase 3, the restored contours of phase 3 and the restoration method for phases 3 and 4. This resulted in permission P15/V0530/CM (OCC reference MW.0039/15) which was issued in August 2015. This is the extant permission for landfilling. No new legal agreements were needed as the existing Section 106, supplemental Section 106 and routeing agreement would continue to apply, including the hinterland provisions.

Details of the Application

13. This is an application made under Section 106A of the Town and Country Planning Act 1990 (as amended). This allows a person against whom a planning obligation is enforceable to apply to modify or discharge the obligations in a Section 106 agreement.

14. FCC have applied for two modifications to the obligations contained in the 4th November 2008 agreement and the 12th October 2009 supplemental agreement. The changes proposed are removal of the obligation relating to the waste hinterland and a revision to the timescale for the provision of one of the permissive paths required as part of the restoration.

Waste Hinterland

15. The existing legal agreement requires that no waste is imported by road, other than from Oxfordshire, West Berkshire, Reading, Wokingham and Bracknell. This replaced an earlier hinterland restriction which showed the hinterland as a radius on a plan, not linked to local authority boundaries. The restriction was considered to be necessary to ensure that waste was disposed of near its source and waste was not transported long distances by road.
16. Oxfordshire County Council's monitoring team regularly check compliance with conditions and legal agreements on active waste sites. The monitoring team identified that waste was coming in from outside of the approved hinterland area and raised this non-compliance with the operator.
17. As a result, the applicant has made this application to regularise the situation by removing the hinterland restriction so that waste can be brought from anywhere. No information has been supplied predicting what proportion might still come from the current hinterland and what proportion might be from further afield, or indicated likely sources of waste from outside the current hinterland. However, data showing the source of waste to the landfill over recent years indicate that waste is brought from across the South East in quantities which far exceed waste imported from within the approved hinterland.
18. This proposed change relates to the source of waste, rather than the quantity of waste. Condition 52 on the planning consent (MW.0039/15) limits annual waste imports to 600 000 tonnes, with no more than 350 000 tonnes by road. These limitations on the quantity of waste would remain unchanged.

Permissive Path

19. The applicant is seeking to amend the timescale for provision of a north-south permissive path running from the existing Byway Open to All Traffic (BOAT) on Portway, north and then north west to meet footpath 373/12/40 which on its definitive route runs east-west in the northern part of the site.
20. This footpath 373/12/40 is currently diverted along the northern boundary of the site, to allow completion of restoration of Phase 3. However, the permissive path would meet this footpath at the point where the definitive

route and the diversion meet, so this diversion would not impact the provision of the permissive path.

21. The existing Section 106 legal agreement requires that the path be put in 'progressively' during the restoration of the relevant part of the site and opened to the public no later than 30th September 2023. The application states that this cannot be provided within the timescale specified in the agreement because a cement plant occupies the land. This is understood to refer to an operation which crushes and recycles reject building blocks and a mineral processing area, both operated by other parties.
22. It is proposed that the path would be provided after landfilling has ceased in 2030, as the life of the other activities on the site are linked to this.

• Part 2 – Other Viewpoints

Representations

23. Two representations were received. The first expresses concern about HGVs passing through Henley on Thames and requests clarification of the routes to be used. No change proposed to the maximum HGV movements or the routes permitted by the routeing agreement. The routeing agreement is intended to ensure that HGVs do not travel through local villages to reach the site and therefore the routeing plan does not cover, or place any restriction on, the roads in Henley on Thames.
24. The second supports the objections from the Parish Councils. It goes on to state that it is unacceptable that the hinterland agreement has already been breached and that a company be allowed to be in breach of a planning condition aimed at protecting the amenity of the local community and preventing the transport of waste over long distances. It was clear from discussion at the liaison meeting that the old concrete batching plant is being removed and therefore there is no need to further delay the implementation of the permissive path.
25. The hinterland is secured by a legal agreement, rather than a condition. It is the usual approach when a breach of planning control is identified to invite the applicant to make an application to regularise the development as being carried out, to establish whether it is acceptable. The application refers to a cement plant being the reason for the delay to the implementation of the path. At the liaison meeting it was queried whether this referred to the concrete batching plant. However, it then became clear that it referred to the block crushing operations which have permission until 2030 and does prevent the implementation of the permissive path in the affected area.

Consultation Responses

Sutton Courtenay Parish Council

26. Object. The suggestion that the current hinterland restriction dates back 14 years and so is out of date is disingenuous as it was effectively implemented after FCC lost a contract to take waste from London. The provisions are not considered to be out of date and the need for sustainable waste management is even more relevant today due to global warming reduction targets. There were several reasons for the restriction including growing public concern that Sutton Courtenay was being used as a waste bin for London and the South East and the need to husband landfill void. Whilst it was related to the proximity principle, it was also to protect the amenity of local communities after the extensive and noisy imports from London and to avoid providing a disincentive to self-sufficiency in the wider area. The applicant has not proved that there is a requirement to restart waste imports from the wider south east and London in order to complete the landfill by 2030. It is possible under OMWCS policy W6, but there must be proof it is necessary. The available void should be filled by 2030 without the need to go outside the hinterland. The application should have specified the timescales. If waste is brought from a wider area it should be by rail. However, rail imports by Hanson and Forterra are already severely affecting Appleford residents. The impacts of the HIF road scheme also need to be considered. Further FCC rail traffic would add to noise pollution. The Milton Keynes appeal referred to in the application documents is not comparable as it had a much larger void.
27. At first glance the request in relation to the permissive path seems understandable. However, this should have been completed some time ago and allowance made for it when Hanson expanded the concrete batching facility. This highlights the ongoing saga of the permissive paths and FCC's failure to implement the agreed footpath plan and OCC's inability to enforce permissions and conditions.

Appleford Parish Council

28. Object. The application should include supporting information regarding the volumes of waste, void and fill rates. It should be clear what proportion of the remaining void would be filled with waste from outside the current hinterland. Residents are concerned about noise nuisance and no information has been provided on this. A noise management plan is required including all three operators, FCC, Hanson and Forterra. The impact of increased activity due to HIF1 being constructed (if approved) should be addressed. A new application should be required rather than an amendment to the Section 106 agreement. It seems strange that they are seeking amendments to agreements in relation to permissive path provision given that existing conditions have not been addressed and remain outstanding.
29. Further Response – Would like to respond further in light of clarifications. Object to an increase in road transport over current levels. Relevant

information on expected tonnages has not been provided. Longer trips from outside the hinterland are contrary to climate and sustainability policies. The existing hinterland restriction was applied for good reason. Maximum tonnages should not be treated as a target to achieve. If the HIF1 road is approved, waste deliveries will pass close to Appleford. The HIF1 traffic assessment assumes the same volume of traffic, but the relaxation of the S106 would result in more HGV traffic.

Didcot Town Council

30. Didcot Town Council's Planning and Development Committee would like to object to this application in regard to the extension of the waste catchment area, the additional waste being brought into the town, and the additional vehicle movements it will bring. The Committee are also disappointed with the delay to reinstating/creating public right of way.

Vale of White Horse District Council

31. It is noted that waste management practices and the availability of landfill within the south-east of England have evolved over the last 14 years since the restriction was placed on the permission. In the interests of local amenity and road safety, request that OCC give consideration to ensuring that the proposal continues to be bound by the existing condition 52 limiting the annual import of waste to 600 000 tonnes, no more than 350 000 tonnes to be imported by road.

OCC Rights of Way Officer

32. No comments on the hinterland restriction removal provision. Regarding the permissive path issue; although this delay isn't particularly welcome, I don't think an objection is possible. We would urge the applicant and wider site operatives to commit to improve all existing PRoW and permissive routes through and connecting to the site to deliver public benefits and contribute towards achieving positive relationships with local communities. The same goes for bringing forward restoration activities.

OCC Transport Development Control

33. No response received.

- **Part 3 - Relevant Planning Documents**

Relevant Development Plan and other policies

34. This is not a planning application for new development and therefore does not need to be assessed against development plan policy in the same way as a planning application would. The test for this application is whether the

relevant provisions continue to serve a useful purpose. However, a consideration of relevant planning policy can be helpful in making that assessment.

35. The Development Plan for this area comprises:

- The Vale of White Horse Local Plan 2031 Part 1 (VLP1)
- The Vale of White Horse Local Plan 2031 Part 2 (VLP2)
- Oxfordshire Minerals and Waste Local Plan Part 1: Core Strategy (OMWCS)
- Oxfordshire Minerals and Waste Local Plan 1996 (Saved Policies) (OMWLP)

Emerging Policy

36. South Oxfordshire and Vale of White Horse District Councils are working together to prepare a new Joint Local Plan 2041 (JLP). Once the JLP is adopted, it will replace the VLP1 and VLP2. The plan is at an early stage of preparation and therefore carries no weight in decision-making.

37. The Sutton Courtenay Neighbourhood Plan area was formally designated on 27th January 2017. The Parish Council has started the process of gathering evidence and engaging with the local plan. Given the very early stage of preparation of the plan, it carries no weight in decision-making.

38. In December 2022, the Oxfordshire Minerals and Waste Local Development Scheme (13th Edition) (OMWDS) was approved at Cabinet. This sets out a process for pursuing a new Minerals and Waste Local Plan which will combine Part 1 and Part 2, and upon adoption will replace the OMWCS 2017. The emerging OMWLP is scheduled for submission in March 2025 and there are no draft policies to consider at this time. The OMWCS 2017 remains part of the Development Plan, until the adoption of a new OMWLP.

Relevant Policies

39. The relevant Oxfordshire Minerals and Waste Core Strategy (OMWCS) policies are:

- M10 – Restoration of mineral workings
- W6 – Landfill
- C1 – Sustainable development
- C2 – Climate Change
- C5 – Local environment, amenity and economy
- C11 – Rights of Way

40. The relevant Oxfordshire Minerals and Waste Local Plan (OMWLP) 1996 policy is:

SC3: Routeing agreements in the Sutton Courtenay Area

41. The relevant Vale of White Horse Local Plan Part 1 (VLP1) policies are:
 CP 1 – Presumption in favour of sustainable development
 CP17 – Delivery of Strategic Highway Improvements within the South East Vale sub-area
 CP18 - Safeguarding of Land for Transport Schemes in the South East Vale Sub-Area

42. The relevant Vale of White Horse Local Plan Part 2 (VLP2) policies are:

CP 18a – Safeguarding of Land for Strategic Highway Improvements
 DP 23 – Impact of development on amenity

43. Other material considerations include:

National Planning Policy Framework (NPPF)
 National Planning Policy for Waste (NPPW)
 Planning Practice Guidance (PPG)

• **Part 4 – Analysis and Conclusions**

Comments of the Director of Planning, Environment and Climate Change

Background

44. This is not a planning application for new development and therefore the relevant considerations are different. The test for a Section 106A application is whether the relevant provisions continue to serve a useful purpose. This is not necessarily the same as being fully compliant with current development plan policy.

Hinterland Area

45. The hinterland area was modified through the 4th November 2008 Section 106 agreement. The previous hinterland area for the site was not based on local authority areas, but a radius from the site which created practical difficulties due to the way that waste is collected and managed. The restriction was required to ensure that the development was carried out in a sustainable manner by preventing waste being transported to the site by road over long distances. The site has a rail siding and the hinterland area does not apply to waste transported by rail. There is no geographical restriction on the source of waste brought in by rail.

46. The applicant has argued that the restriction is now 14 years old and is not supported by current planning policy as the OMWCS does not specifically support the imposition of waste catchment areas and the supporting text refers to waste being brought to Oxfordshire from London and Berkshire with the expectation that this would continue. They point to government guidance, including NPPW paragraph 4, which states that planning authorities should plan for this disposal of waste while, 'recognising that new facilities will need to serve catchment areas large enough to secure the economic viability of the plant.'
47. It is correct that the OMWCS, adopted in September 2017, does not provide any specific policy support for imposing hinterland restrictions on waste facilities. Paragraph 5.13 acknowledges that Oxfordshire receives substantial quantities of waste from other areas, and this is anticipated to continue for as long as the landfills in Oxfordshire operate. However, this simply describes the existing hinterland restriction on Sutton Courtenay. Policy W6 states that provision will be made for the disposal of waste from other areas (including London and Berkshire) at existing non-hazardous landfill facilities, again reflecting the hinterland agreement.
48. I consider that provision is made for waste from outside Oxfordshire under the existing hinterland provisions. Waste can be brought in from road from parts of Berkshire and by rail from London and all other areas. Therefore, the hinterland restriction is not considered necessarily contrary to policy W6. However, policy W6 does lend some support to proposals to provide for the disposal of non-hazardous waste from outside Oxfordshire at existing non-hazardous landfill facilities.
49. Paragraph 4 of the NPPW is not considered directly relevant as this proposal relates to an existing landfill facility. It is not a new facility and does not relate to a 'plant'. Paragraph 4 is understood to relate to decisions on new waste management plants, for example Energy Recovery Facilities (ERF).
50. Oxfordshire County Council was unsuccessful in negotiating an agreement or agreeing a condition to require a hinterland for the importation of waste by road on the Ardley ERF. However, this is not considered directly comparable to the hinterland agreement for Sutton Courtenay Landfill Site. At Ardley it was proposed to impose a condition requiring waste processed at the plant to be from within Oxfordshire and stating that waste from adjoining counties could also be imported only if there was residual capacity. The inspector noted that the site was in the north of Oxfordshire and close to the M40 and it would be more sustainable and consistent with the proximity principle to accept waste from close to the Oxfordshire boundary, albeit outside the county, if the facility would be the one which was the nearest. In the case of Sutton Courtenay, it is a landfill facility, and the site is located centrally within the hinterland area.
51. The applicant has undertaken a detailed analysis of landfill capacity within the South East Waste Authority Planning Advisory Group (SEWPAG) and

Greater London and concluded that there is a significant shortfall in non-hazardous landfill capacity, most of the remaining capacity is in Buckinghamshire, Milton Keynes and Oxfordshire, and there will be a continued need for landfill capacity for waste which cannot be recycled. If current disposal rates are maintained landfill capacity in the SEWPAG area will run out within a relatively short timeframe therefore the remaining capacity, such as that at Sutton Courtenay is becoming strategically important.

52. It is accepted that there are not many remaining non-hazardous landfill facilities in the south east and therefore those that remain are becoming important on a regional level. This is reflected in the monitoring data showing that Sutton Courtenay Landfill Site has already been taking significant quantities of waste from outside the hinterland area, contrary to the Section 106 provisions.

53. Sutton Courtenay Parish Council (SCPC) has objected to the proposal. They suggest that the application is incorrect in stating that the current hinterland restrictions date back 14 years as they were actually implemented after FCC lost a contract to bring waste from London. In fact, when waste was brought from London to Sutton Courtenay landfill site, it was transported by train. The current hinterland boundary has been in force since 2009, as stated in the application. Prior to that there was a similar hinterland boundary that was based on a radius from the site rather than local authority boundaries. SCPC set out potential difficulties associated with an increased rail traffic associated to the landfill site, however the hinterland only applies to road traffic. The applicant is already able to bring in waste by rail without a limit on the area it can be brought from. Therefore, concerns about increases to tonnages brought by rail are not considered relevant to this application.

54. Appleford Parish Council has also objected to the application. They are concerned about increased noise from the rail sidings and initially queried whether there would be an increase in waste volumes. No change is proposed to the annual limit on waste importation and the hinterland only applies to waste imported by road so does not affect imports through the rail sidings. They requested more information about current void space and recent fill rates. A further response confirmed that they have concerns about any increase over existing road transport, regardless of the fact that no change is proposed to the maximum tonnage. They also express concerns about climate and sustainability impacts.

55. It must be considered whether the hinterland restrictions serve a useful purpose. It is understood that the original purpose of the hinterland provisions was to ensure that waste was managed at one of the nearest suitable locations and waste did not travel large distances as this would not be a sustainable approach.

56. Planning permission for landfilling at Sutton Courtenay expires at the end of 2030. Only small quantities of waste are now sent to Sutton Courtenay landfill from within Oxfordshire, as suitable waste is now treated at the Ardley Energy Recovery Facility, rather than disposed of at landfill. Using the Environment Agency Waste Data Interrogator, in 2021 (the most recent date for which data is available) approximately 65 000 tonnes of waste was imported to Sutton Courtenay from within Oxfordshire and approximately 80 000 tpa was imported from outside Oxfordshire but within the approved hinterland area. A total of approximately 713,000 tonnes was imported to the landfill site. The Environment Agency Remaining Landfill Capacity report states that Sutton Courtenay landfill site had a remaining void of 2 355 040 cubic metres at the end of 2021. It is therefore clear that the remaining void would not be filled by the end date of 2030 if the existing hinterland requirements remained in force and were enforced.
57. Whilst there remains policy support for ensuring that development is sustainable and carbon emissions are minimised, it is considered that the costs of transporting waste to the landfill would act to prevent waste from travelling very large distances for disposal. Although data shows that waste has been brought from outside the hinterland, it is generally from within the South East region. There are some areas that do not have a non-hazardous landfill site in close proximity and so waste which must be landfilled has to travel further.
58. It is considered that there could be a benefit to the local community for the site to be filled and restored as soon as possible, subject to the planning condition limitations on the import of waste by road, which would not change. Continuing restrictions on the areas from which waste can be imported from would mean that landfilling and restoration of the site could not be completed within the timescales required by the planning consent.

Consideration of Other Policies

59. The test for a Section 106A application is whether the relevant provisions continue to serve a useful purpose. This is not necessarily the same as being fully compliant with current development plan policy. However, a consideration of planning policy is helpful in making this determination.
60. OMWCS policy W6 states that provision will be made for disposal of Oxfordshire's non-hazardous waste at existing facilities. It goes on to state that landfill sites shall be restored in accordance with the requirements of OMWCS policy M10. OMWCS policy M10 refers to sites being restored to a high standard and in a timely manner. The development, without the hinterland requirement, would allow for the disposal of Oxfordshire waste and waste from outside Oxfordshire to be disposed of at an existing facility, in line with W6. As noted above, it is not considered that policy W6 gives specific support for the importation of waste from outside the existing hinterland, however the proposal is not contrary to it. The continuation of the existing development without the hinterland would help to ensure that

the site could be restored in a timely manner in accordance with approved plans, in accordance with OMWCS policy M10.

61. OMWCS policy C5 states that waste development must not have an unacceptable adverse impact on the local environment, human health and safety or residential amenity, including through traffic, noise, air quality, litter and odour. VLP2 policy DP 23 states that proposals should demonstrate that they will not result in significant adverse impacts on the amenity of neighbouring uses when considering both individual and cumulative impacts in relation to a range of factors including noise, emissions and pollution. OMWLP policy SC3 states that planning permission will not be granted unless there is a routing agreement to encourage HGVs to use the Didcot Perimeter Road, prevent HGVs from entering local villages and limit HGV use of Culham Bridge. There would be no change to existing limits to waste imports, or the existing routing agreement setting out the routes which HGVs must take to bring waste to the site. Overall, the continuation of the existing development without the hinterland is considered to be in accordance with OMWCS policy C5 and OMWLP policy SC3.
62. OMWCS policy C2 states that proposals should take account of climate change for the lifetime of the development. The importation of waste over longer distances from outside the existing hinterland has the potential to increase the transport related carbon emissions associated with the development. However, it is recognised that waste is travelling further to existing landfill sites as non-hazardous waste landfills close and more waste is diverted to treatment facilities, which have a positive impact on carbon emissions and climate change compared with disposal at landfill. Therefore, the development without the hinterland restriction, is not considered to be contrary to OMWCS policy C2.
63. VLP1 policy CP18 safeguards land for highway schemes and states that planning permission will not be granted for development which would prejudice the construction or effective operation of the schemes listed. VLP1 policy CP17 lists a new strategic road connection and River Thames crossing between the A415 and the A4130 north of Didcot. VLP2 policy CP18a safeguards land to support the delivery of a new Thames road crossing between Culham and Didcot and adds further detail. It is not considered that the removal of the hinterland agreement would prejudice the road scheme proposed in the area.
64. VLP1 policy CP 1 and OMWCS policy C1 reflect the NPPF's presumption in favour of sustainable development. The proposal, without the hinterland, is considered to be in accordance with development plan policies and therefore comprises sustainable development.
65. Overall, it is considered that the development would be acceptable in terms of compliance with planning policy without the hinterland agreement.

Permissive Path

66. OMWCS policy C11 states that improvements and enhancements to the rights of way network will generally be encouraged, and public access sought to restored mineral workings, especially if this can be linked to wider provision of green infrastructure. Where appropriate, operators and landowners will be expected to make provision for this as part of the restoration and aftercare scheme.
67. The application states that the path cannot be provided within the timescale set out in the Section 106 agreement, due to a cement plant. This is understood to refer to the processing plant for the sand and gravel quarry (which has consent under MW.0039/15 (which requires final restoration of the wider site by 30th September 2031 and topsoiling of the whole site by 30th September 2036) and a block recycling operation (which has consent under MW.0135/15 until 31st December 2030, with final restoration by 31st December 2032).
68. Due to the existing developments occupying the site, it is accepted that it is not possible to provide this permissive path until after the restoration of the land.
69. The applicant has proposed a revised timescale for the provision of the permissive path until landfilling ceases at the end of 2030. This is considered to be acceptable and it is recommended that the date for the provision of this path for use by the public is linked to the completion of restoration of the block crushing operations, which is required by December 2032. There has been no objection from the OCC Rights of Way team and it is clear that it cannot be safely installed and used by the public until the current operations have ceased. This is in accordance with OMWCS policy C11. Any requirement to put the path in prior to the cessation of minerals and waste development on that part of the site is not appropriate. It is acceptable for the footpath to be installed as part of the restoration following the cessation of the development currently taking place in this part of the site.

Conclusions

70. In relation to the proposal to remove the hinterland restriction on waste imported to the landfill by road, this is considered acceptable. This requirement no longer serves a useful purpose, because if it was complied with, waste importation levels would be too low to complete the landfill within the approved timeframes thus potentially prolonging the development (subject to planning permissions) or affecting the implementation of the approved restoration scheme. Since the Section 106 agreement was originally completed, a number of non-hazardous landfill sites in the South East have closed and those that remain are becoming more important on a regional level.

71. In relation to the proposal to delay the provision of a permissive path until the cessation of concrete batching operations in the area, this is considered to be acceptable. It would not be safe or practical to install this footpath until minerals and waste activities have ceased in this area.

Financial Implications

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

Legal Implications

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

Equality & Inclusion Implications

74. 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.

RECOMMENDATION

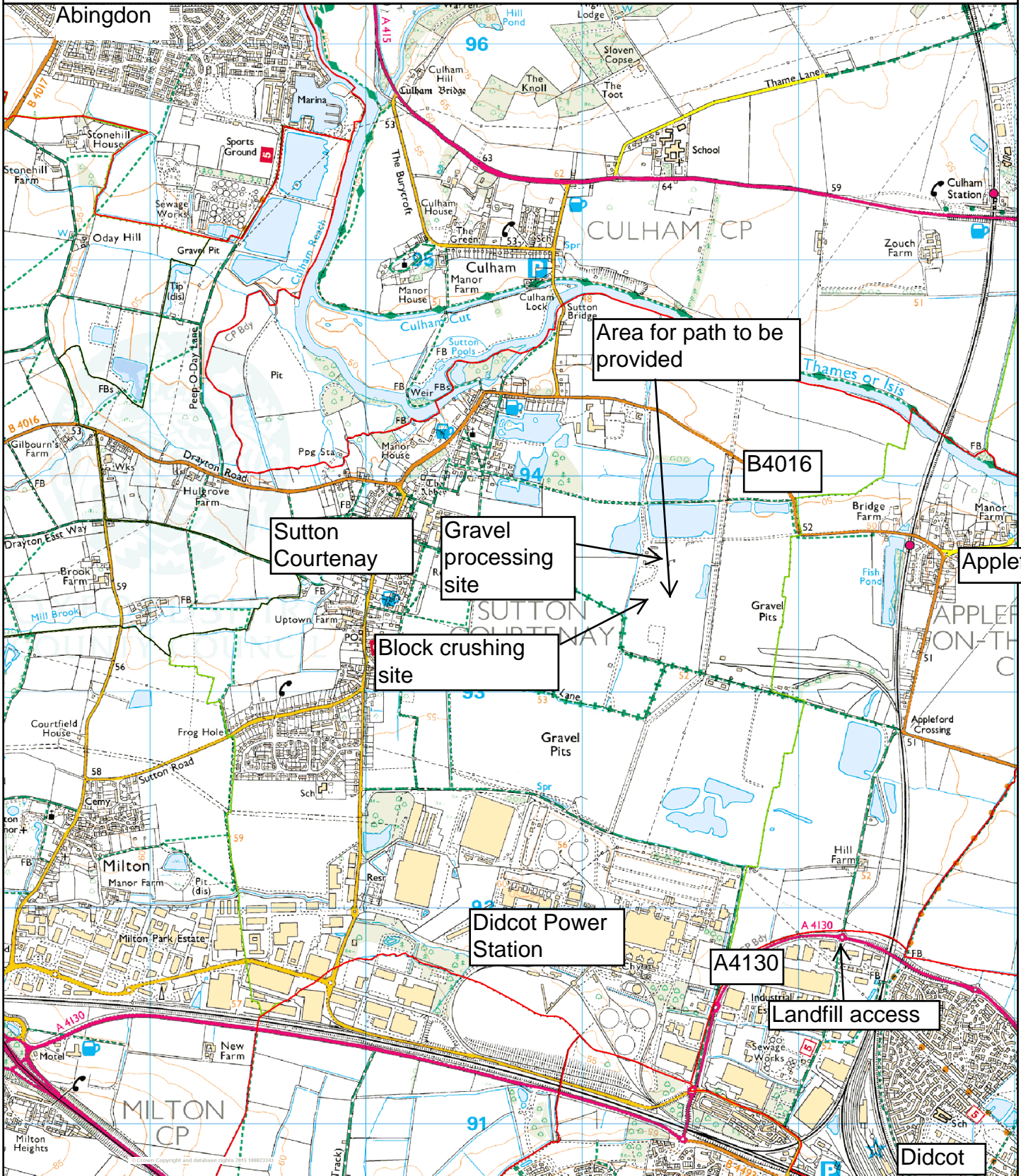
75. It is **RECOMMENDED** that

- i) Oxfordshire County Council enter into a deed of variation to amend the existing Section 106 legal agreement with regards to removing the hinterland restriction and amending the date for the provision of a permissive path.**
- ii) The Director of Planning, Environment and Climate Change is authorised to enter into negotiations with the applicant and any other parties to the legal agreement with regard to making the variations set out in this report.**

RACHEL WILEMAN
Director of Planning, Environment and Climate Change

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Sutton Courtenay Landfill Site - Location Plan



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Note: Plan is indicative only, application plans can be viewed on the e-planning website using reference MW.0034/23

Scale 1/24723 Date 3/7/2015

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