

To: Members of the Planning & Regulation Committee

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

**Monday, 17 April 2023 at 2.00 pm**

**Room 2&3 - County Hall, New Road, Oxford OX1 1ND**



Martin Reeves  
Chief Executive

April 2023

Committee Officer: **Jonathan Deacon**  
Tel: 07759 311701; E-Mail: [jonathan.deacon@oxfordshire.gov.uk](mailto: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 – Councillor Geoff Saul  
Deputy Chair - Councillor Richard Webber

#### *Councillors*

Robin Bennett  
Felix Bloomfield  
Yvonne Constance OBE  
Imade Edosomwan

Mohamed Fadlalla  
Stefan Gawrysiak  
Judy Roberts  
David Rouane

Les Sibley  
Ian Snowdon

---

#### **Notes:**

- ***Date of next meeting: 5 June 2023***

**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**

- 1. Apologies for Absence and Temporary Appointments**
- 2. Declarations of Interest - see guidance note below**
- 3. Minutes (Pages 1 - 6)**

To approve the minutes of the meeting held on 18 July 2022 and to receive information arising from them.

- 4. 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 11 April 2023. Requests to speak should be sent to [jonathan.deacon@oxfordshire.gov.uk](mailto: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.

- 5. A40 / B4022 Shores Green Junction, Witney (Pages 7 - 74)**

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.

**6. D & M Plant Hire Ltd, Dix Pit, Linch Hill, Stanton Harcourt (Pages 75 - 114)**

Use of land for manufacture of recycled aggregate and soils.

Report by Director of Planning, Environment and Climate Change.

It is RECOMMENDED 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)**

Full text of the planning policies referred to in the other application reports on the agenda

## **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.

This page is intentionally left blank

# Agenda Item 3

## PLANNING & REGULATION COMMITTEE

**MINUTES** of the meeting held on Monday, 18 July 2022 commencing at 2.00 pm and finishing at 3.30 pm

**Present:**

**Voting Members:** Councillor Geoff Saul – in the Chair

Councillor Richard Webber (Deputy Chair)  
Councillor Robin Bennett  
Councillor Imade Edosomwan  
Councillor Mohamed Fadlalla  
Councillor Stefan Gawrysiak  
Councillor Judy Roberts

**Other Members in Attendance:** Councillor Bob Johnston (for Agenda Item 6)

**Officers:** Jennifer Crouch (Principal Solicitor, Environmental), David Periam (Development Management Team Leader), Neal Richmond (Senior Enforcement Officer), Jack Latkovic (Interim Head of Governance – Committee Services) and Jonathan Deacon (Interim Democratic Services Officer)

*The Committee considered the matters, reports and recommendations contained or referred to in the agenda for the meeting and decided as set out below. Except as insofar as otherwise specified, the reasons for the decisions are contained in the agenda and reports, copies of which are attached to the signed Minutes.*

### **35/21 APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS**

(Agenda No. 1)

Apologies for absence had been received from the following Members of the Committee: Cllr Yvonne Constance OBE, Cllr Felix Bloomfield, Cllr David Rouane, Cllr Ian Snowdon, and Cllr Les Sibley. Cllr Constance had observed the meeting via remote video link but did not participate in the debate or vote on any item on the agenda.

### **36/21 DECLARATIONS OF INTEREST - SEE GUIDANCE NOTE OPPOSITE**

(Agenda No. 2)

There were none.

### **37/21 MINUTES**

(Agenda No. 3)

It was **RESOLVED** that the minutes of the meeting on 6<sup>th</sup> June 2022 be confirmed as a true record and signed by the Chair.

**38/21 PETITIONS AND PUBLIC ADDRESS**

(Agenda No. 4)

In respect of Item 6 on the agenda: Serving of the Prohibition Order for The Review of the Mineral Planning Permission (ROMP) at Thrupp Farm and Thrupp Lane, Radley, representations were received from Nick Dunn (on behalf of H Tuckwell & Sons, who are preparing the ROMP), Cllr Bob Johnston (Kennington and Radley Division, Oxfordshire County Council) and Richard Dudding (on behalf of Radley Parish Council).

The Chair advised that the ROMP application item was being considered prior to the Progress Report on Minerals and Waste Site Monitoring and Enforcement item. This took into account that there were speakers addressing the Committee.

**39/21 SERVING OF THE PROHIBITION ORDER FOR THE REVIEW OF THE MINERAL PLANNING PERMISSION (ROMP) AT THRUPP FARM AND THRUPP LANE, RADLEY**

(Agenda No. 6)

As resolved at the meeting of the Planning and Regulation Committee on 6<sup>th</sup> September 2022, the Committee considered a report providing an update on progress with regard to the work on the application and Environmental Statement for the review of conditions for the ROMP areas DD1 and DD2. It was recommended in the report that the Planning and Regulation Committee's conclusion from its meeting on 9<sup>th</sup> September 2019 that mineral working on the Radley ROMP site had permanently ceased be updated to reflect new information demonstrating an ongoing intention to continue mineral working on the Radley ROMP site and that the unserved Prohibition Order was revoked. It was also recommended that officers be instructed to seek an agreed date for the submission of the ROMP application.

David Periam, Development Management Team Leader, stated at the meeting that it had previously been expected that the ROMP application would have been submitted by now. However, evidence had been provided by H Tuckwell & Sons of the work undertaken on the site prior to submitting an application and Environmental Statement and this was reflected in the report.

Mr Dunn, on behalf of H Tuckwell & Sons, commented that there had been three legal opinions received which did not support a full or partial prohibition order for the Radley ROMP site. It was also the second time that a recommendation had been made in relation to the site that the prohibition order should be rescinded. There was a genuine intention to extract minerals from the site and progress an environmental impact assessment. H Tuckwell & Sons were currently working on the quarry design. There was no legal justification to pursue a prohibition order. The current plan was to submit the ROMP application in early 2023. Mr Dunn added that the threat of a prohibition order should not hang over the efforts to progress the application.



In response to questions from Members of the Committee, Mr Dunn made the following points:

- a) Ecological surveys had been restarted in Spring 2022 and these would continue to the Autumn. Once these were completed, he would be in a position to complete the environmental impact assessment which was likely to take place in February 2023. If the ROMP application was delayed beyond this time, he would be willing to submit a report setting out progress and what still needed to be done.
- b) In respect of a planning application received by the Vale of White Horse District Council from Terra Firma Roadways Ltd relating to land within the ROMP permissions DD2 area being part of the Curtis's Yard, where there were concerns the planning application would conflict with the restoration conditions of the ROMP permissions, Mr Dunn expressed the view that the ROMP area was a defined planning boundary. The legal advice he had received was that if Terra Firma's planning permission was granted, the areas would be removed from the ROMP. He was seeking to improve the whole ROMP area in lieu of a decision from the Vale of White Horse District Council.

The Committee heard from Mr Dudding. He stated that Radley Parish Council's view was that a prohibition order was no longer justified for the main part of the ROMP area. However, it was felt that a prohibition order was still required for the north-western part of the area which he called 'Area A'.

Mr Dudding explained that Area A was on one side of a disused railway line and the ROMP the other. Planning permissions for Area A had originally been granted in 1954 and 1955 and applied solely to this area with no overlaps. When new planning conditions had been applied in 2000, the distinction had remained. He asserted that mineral extraction had been exhausted in Area A by 1979 and this area had remained unrestored. Most of the ROMP area was owned by JCSL but was subject to an agreement with H Tuckwell & Sons to extract the remaining minerals. Area A, Mr Dudding stated, fell outside the terms of this agreement. He added that the legislation applied to land not to ROMP areas so it was appropriate to apply the prohibition order for Area A only. The legislation allowed for prohibition orders for part of a ROMP area where there were strict controls relating to different operators' circumstances.

Mr Dudding referred to the County Council's assertion that a prohibition order for Area A alone would prevent an environmental statement being produced for the entire site, at odds with the Government guidance. He made the point that the guidance did not address the current situation and was only advisory practice guidance. If there was a statutory requirement to provide a partial prohibition order, this could not be trumped by the guidance.

Mr Dudding had concerns about the applicant's activities at Area A and feared that there would be no restoration of the area prior to 2043 without a partial prohibition order being adopted for Area A.

In response to questions from Members, Mr Dudding clarified that he believed the prohibition order for Area A would lead to restoration of this area in line with previous

planning permission and the merits of the industrial site area could be considered on their own terms. He questioned the likelihood that the application would be submitted with the appropriate restoration conditions for Area A.

Councillor Bob Johnston, the local Member, addressed the Committee. He endorsed the comments by Mr Dudding. He referred to the area having been an issue for 40 years and considered that a significant reason for this was that poorly worded conditions had been attached to the planning permission in the 1980s. He commented on the Terra Firma application as yet being undetermined by the Vale of White Horse District Council and expressed concerns that there could be an industrial estate at this greenbelt location by stealth. He expressed doubts that the site would be restored after 40 years.

Regarding the Terra Firma application, it was queried whether there was anything that the County Council could do to resolve the position. It had been suggested by Councillor Johnston that either the County Council or the District Council could consider enforcement action. Mr Periam advised that if there was to be an investigation of Curtis's Yard or the buildings, this was a matter for the District Council. Mr Richmond added that the County Council could usually only enquire through a PCN if it believed that there was a specific matter being contravened, such as waste use, which was relevant to a County Council function. The service of a PCN in of itself would not prevent any development from becoming immune from enforcement formal action. Councillor Johnston stated that he would raise the matter with the District Council.

In response questions, Mr Periam advised the following:

- a) he did believe it would be possible to proceed with a prohibition order in the future should H Tuckwell & Sons' plans not come to fruition. Jennifer Crouch, Principal Solicitor, confirmed that this was the case.
- b) Mr Periam expected that any application received from H Tuckwell & Sons would address the whole of the DD1 and DD2 areas with enforceable conditions proposed, including for Curtis's Yard and Area A.
- c) The risk would lie with the County Council of costs being awarded against it if a prohibition order was put in place and challenged. The prohibition order would have to be confirmed by the Secretary of State before it came into effect and there was the potential for a public inquiry. Ms Crouch confirmed that if the County Council was not successful at a public inquiry in relation to a prohibition order, it would bear the costs of all the other parties involved.

Councillor Gawrysiak formally proposed the recommendations as set out on page 59 of the report. He stated it was enormously frustrating for Councillor Johnston and Radley Parish Council over many years but a clear commitment had been received from Mr Dunn that there would a ROMP application would be submitted, including Site A. The scheduled date was February 2023. If there was any delay, Mr Dunn had given a further commitment to explain in a report what progress had been made and what still needed to be done. The Terra Firma application was separate to what was before the Committee at this time. Councillor Roberts was a seconder for the recommendations. Councillor Webber suggested that the Chair could write to the District Council setting out the difficulties caused by the status of the Terra Firma

application. Councillor Bennett stated that there was the option of seeking a prohibition order should H Tuckwell & Sons' plans not come to fruition.

The Chair called for a vote on the recommendations. The votes cast were, as follows:

For: 7

Against: 0

Abstentions: 0

**RESOLVED that:**

- a) The Planning and Regulation Committee's previous conclusion from its meeting on 9<sup>th</sup> 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.

**40/21 PROGRESS REPORT ON MINERALS AND WASTE SITE MONITORING AND ENFORCEMENT**

(Agenda No. 5)

The Committee received a report providing a summary of the work undertaken by the County's planning monitoring and enforcement team. It gave updates on the schedule of compliance monitoring visits for the period 1 April 2021 to 31 March 2022 and on the progress of planning enforcement actions.

Neal Richmond, Senior Enforcement Officer, gave a presentation at the meeting and clarified the following in response to questions from Members regarding the work of the Monitoring and Enforcement Team.

- a) The Monitoring and Enforcement Team were commended for the work they undertook, and the level of monitoring and enforcement of sites that they achieved. This is especially so, given the number of facilities existing and taking into account the team's limited resources. . Mr Richmond and Mr Periam advised that there had been rare cases of enforcement notices being appealed and costs being awarded against the County Council by the Planning Inspectorate. There were many more instances of enforcement notices being upheld in the Council's favour.
- b) Mr Richmond was asked whether the limited resources of the Monitoring and Enforcement Team could be used more effectively in terms of visits. He replied that the schedule was reviewed annually and sometimes events led to more visits at a specific location. There was still some catch up in the monitoring of sites following the Covid Lockdown period.
- c) Members were advised that the vast majority of monitoring visits by the Team were pre-announced. A lot of the sites were well run and the County Council was keen that the sites' representatives were available for the visits.
- d) It was confirmed that the Monitoring and Enforcement Team was unable to charge a fee for monitoring an unauthorised site which was not part of an existing facility. The Team was also unable to charge a fee for the recycling sites that were monitored.

- e) The Team could not steer or direct people towards providing recycling sites. Any planning applications were considered on their own merits and were subject to planning policies.
- f) The Team had an awareness of when sites were required to be restored and a period of aftercare was required after the planning permission ended.

**RESOLVED:** that the Schedule of Compliance Monitoring Visits and the Schedule of Enforcement Cases be noted.

..... in the Chair

Date of signing .....

## Division Affected – Witney North and East

### PLANNING AND REGULATION COMMITTEE

17<sup>th</sup> April 2023

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

#### Report by Director of Planning, Environment and Climate Change

**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:** 29<sup>th</sup> March 2022

**Consultation Period:** 14<sup>th</sup> April – 17<sup>th</sup> May 2022  
1<sup>st</sup> December 2022 – 3<sup>rd</sup> 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.

## **PART 1- FACTS AND BACKGROUND**

### **Site & Setting (See Plans 1 and 2)**

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

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

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

## **Details of Proposed Development**

### *Design*

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

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

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

#### *Drainage*

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



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

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

### *Landscaping*

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

### *Biodiversity*

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

### *Lighting*

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

### **Environmental Impact Assessment**

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

## **PART 2 – OTHER VIEWPOINTS**

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

#### Consultation Responses

37. The full text of the consultation responses can be seen on the e-planning website<sup>1</sup>, using the reference R3.0039/22. These are also summarised in Annex 2 to this report.

#### Representations

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

## **PART 3 – RELEVANT PLANNING DOCUMENTS**

### **Relevant planning documents and legislation**

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

### **Development Plan Documents**

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

---

<sup>1</sup>Click here to view [R3.0039/22](#)

### ***Emerging Policy***

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

### **Other Policy Documents**

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

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

### **Relevant Development Plan Policies**

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

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

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

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

## **PART 4 – ASSESSMENT AND CONCLUSIONS**

### **Comments of the Director of Planning, Environment and Climate Change**

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

#### **The Principle of the Development**

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

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

### **Design, Traffic and Rights of Way**

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

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

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

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

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



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

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

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

### **Air Quality and Dust**

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

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

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

### **Noise and Vibration**

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

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

### Construction Noise and Vibration

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

### Operational Noise and Vibration

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

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

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

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

### **Contamination.**

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

### **Landscape and Visual Effects**

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

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

## **Biodiversity**



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

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

### **Soils**

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

### **Flooding and Drainage**

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

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

### **Archaeology and the historic environment**

123. The Planning (Listed Buildings & Conservation Areas) Act 1990 Section 66(1) requires special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest it possesses while section 72(1) requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.
124. NPPF paragraph 189 states that historic assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. Paragraph 199 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 200 states that any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification. Paragraph 201 states that where a development would lead to substantial harm, consent should be refused.

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

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

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

### **Sustainable Development**

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

### **Financial Implications**

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

### **Legal Implications**

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

### **Equality & Inclusion Implications**

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

### **Conclusions**

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

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

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

## RECOMMENDATIONS

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

**Rachel Wileman**

**Director of Planning, Environment and Climate Change**

Annexes:

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

Background papers: None

Other Documents:

West Oxfordshire Local Plan (2018)

National Planning Policy Framework 2021 (NPPF)

National Planning Practice Guidance (NPPG)

National Infrastructure Strategy (November 2020)

Noise Policy Statement for England (2010)

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

Witney Transport Strategy 2016



## Annex 1 – Conditions

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



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

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

***Informatives:***

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

## Annex 2 - Consultation Responses Summary

### West Oxfordshire District Council – Planning

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

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

### **West Oxfordshire District Council Air Quality Officer**

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

### **West Oxfordshire District Council Environmental Health**

#### *Final response*

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

#### *First response*

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

### **West Oxfordshire District Council Contamination Officer**

#### *Reg 25 response*

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

#### *First response*

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

### **Witney Town Council**

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

### **South Leigh and High Cogges Parish Council**

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

### **Ducklington Parish Council**

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

### **Eynsham Parish Council**

12. No objection

## **Footpath Society**

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

## **Oxfordshire Geology Trust**

14. No objection.

## **Local OCC Councillor (Cllr Duncan Enright)**

### *Reg 25 response*

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

### *First response*

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

## **Local OCC Councillor (Cllr Dan Levy)**

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

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

### **Ministry of Defence**

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

### **Historic England**

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

### **Natural England**

#### *Reg 25 response*

23. No further comments on this application

#### *First response*

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

### **Environment Agency**

25. No objection

### **Arboricultural (Atkins)**

#### *Reg 25 response*

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

27. The extent of tree removals is detailed within the summary table provided in Appendix C of the Regulation 25 response by the applicant. The total area of tree removal (canopy cover) is 3.7 ha (88% of total tree canopy area surveyed) and hedgerow removal, a total of 86 linear metres (19% of total hedgerows surveyed). This includes partial removal of tree groups or lengths of hedgerows. This data was submitted as part of the revised AIA at the request of OCC.
28. The applicant has confirmed removals by overlaying the proposals and through applying the permanent and temporary clearance areas to facilitate the construction of the scheme.
29. Tree replacements at the time of planting cover 2.6 ha, as confirmed in the response to the OCC Regulation 25 Request Letter, which represents a nett loss of approximately 1.1 ha (11,000m<sup>2</sup>) 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 (28,123m<sup>2</sup>) at that time. The application sets out an approach in determining this increase in canopy cover after the 15 year period.
30. Proposed new hedgerow planting totals 948 linear metres, which is a nett gain of 862 linear metres.
31. The AIA makes recommendations as to how the construction might take place without damage to tree roots of retained trees. This includes the retention of existing sub-base materials for areas of resurfacing and bespoke construction approaches. The AIA makes it clear that any works within RPAs would be done under arboricultural supervision and this is welcomed.
32. The need for any onsite incursion into the RPAs of trees that were not able to be plotted and determined accurately in advance, are to be surveyed and a plan of action agreed by the project Arboriculturist prior to any invasive works being undertaken.
33. It is recommended that if the proposals are approved and where features are proposed to be retained but subsequently require removal, that a CAVAT analysis is undertaken to inform the decision and determine an appropriate amount of compensation which could contribute to future tree replacement and maintenance in line with Policy 14 of the Tree Policy for Oxfordshire 2022.
34. The Regulation 25 Response states that tree removals are all within the redline scheme boundary, though it is noted that there are removals beyond both the existing and proposed highway boundary lines, which may mean tree removals on private land for which third party consent will be required. Such matters must be clarified and actioned at the earliest feasible stage with consent of the tree owner obtained in writing.
35. Comments made on the accuracy of data, statutory and non-statutory designation impacts. Ash dieback can be seen in the comments from Atkins for Arboriculture on the website.

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

*First response*

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



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

### **Climate Change (Atkins on behalf of OCC)**

#### *Reg 25 Response*

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

#### *First response*

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

### **Agriculture and Soils (Atkins on behalf of OCC)**

#### *Reg 25 response*

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

*First response*

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

**National Highways**

*Reg 25 response*

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

*First response*

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

**Thames Valley Police**

*Reg 25 response*

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

*First response*

50. No objection.

## **Scottish and Southern Electricity Network**

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

## **National Grid**

### *Reg 25 response*

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

### *First response*

53. No comments were received

## **OCC Archaeology**

### *Reg 25 response*

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

### *Second response*

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

*First response*

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

**OCC Transport Development Control**

*Reg 25 response – additional comments*

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

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

*Reg 25 response*

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

*First response*

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

## **OCC Rights of Way**

*Reg 25 response*

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

*First response*

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

## **OCC Public Health**

*Reg 25 response*

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

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

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

*First response*

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

**OCC LLFA**

*Reg 25 response*

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

*First response*

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

Condition 1:

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

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

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

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

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

#### Condition 2

A record of the approved SuDS details shall be submitted to and approved in writing by the Local Planning Authority, for deposit in the Lead Local Flood Authority Asset Register. The details shall include:

- a) As built plans in both .pdf and .shp file format.
- b) Photographs to document each key stage of the drainage system when installed on site.
- c) Photographs to document the completed installation of the drainage structures on site.

## OCC Ecology

### *Reg 25 response*

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

### *Biodiversity Net Gain*

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



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

*Habitats Regulations Assessment*

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

*Protected Species*

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

*Dormice*

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

*Bats*

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

*Badgers*

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

*Recommended conditions:*

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

*First response*

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

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

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

## OCC Landscape Advisor

### *Reg 25 response*

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

### *First response*

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

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

**Other consultees no comment received:**

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

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

## **Annex 3 – Summary of Representations**

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

### ***Support comments:***

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

### ***Objection reasons:***

#### *Noise:*

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

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

#### *Vegetation:*

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

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

#### *Impact on landscape / landowners:*

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

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

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

*Impact on Amenity/bus stops:*

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

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

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

*Traffic:*

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

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

*Overall scheme benefit:*

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

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

*Compliant with policy:*

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

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

**General comments:**

*Planting:*

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

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

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

*Impact on High Cogges:*

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

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

*Impact on traffic:*

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

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

*Effectiveness of overall proposed scheme*

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

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

*Application process:*

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

***Comment from JE Mawle Trust:***

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



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

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

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

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

**Officer's response:**

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

**Reg 25 consultation:**

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

**Local resident 1:**

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

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

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

*Applicant Response: As indicated on the revised General Arrangement Drawings, via Footpath 353/28/10 from South Leigh. Residents of High Cogges can also gain access to the 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 (NO<sub>2</sub>), nitrogen oxides (NO<sub>x</sub>) and particulates (PM<sub>2.5</sub> and PM<sub>10</sub>). 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.

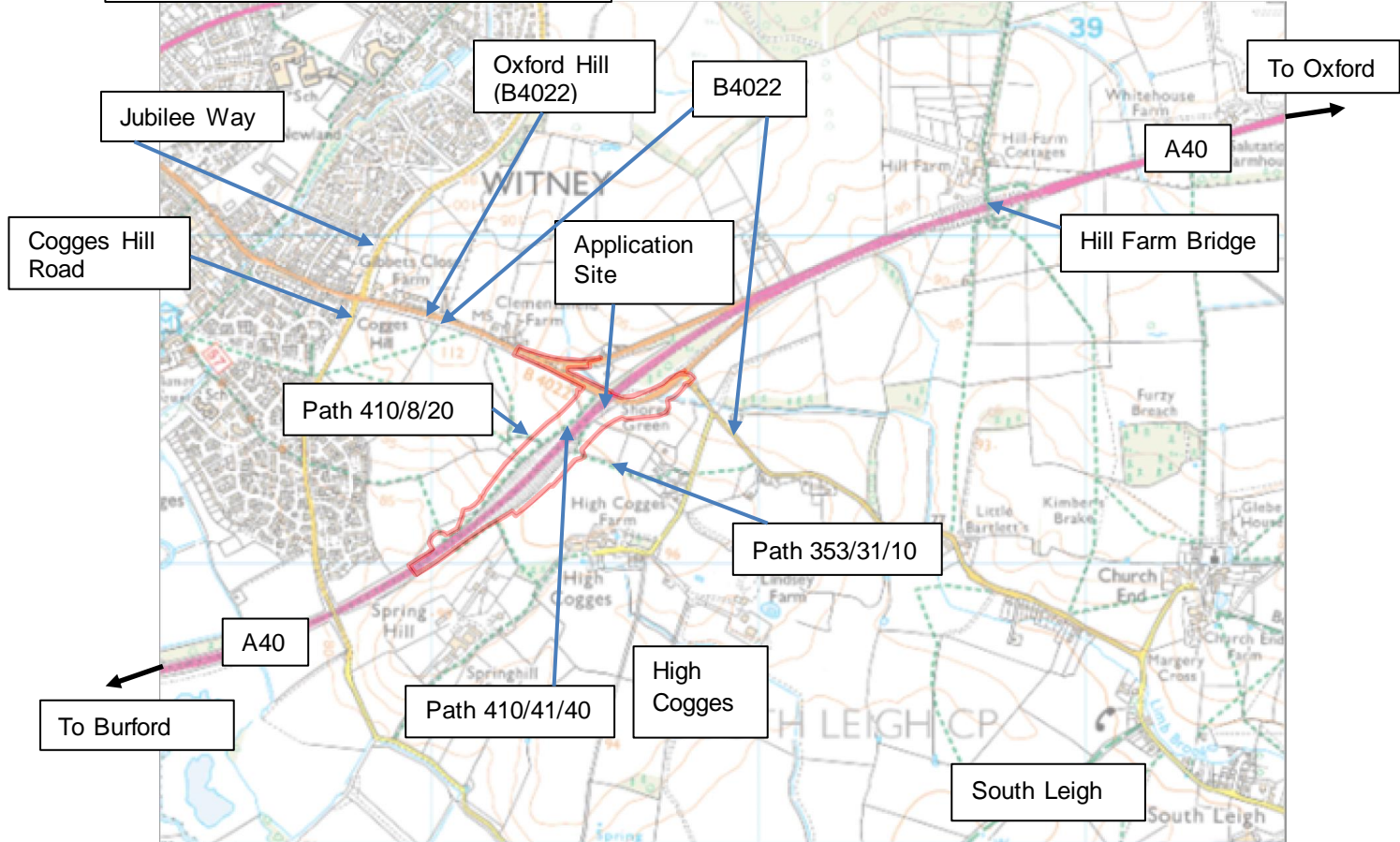
## **Annex 6 - Compliance with National Planning Policy Framework**

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.

This page is intentionally left blank

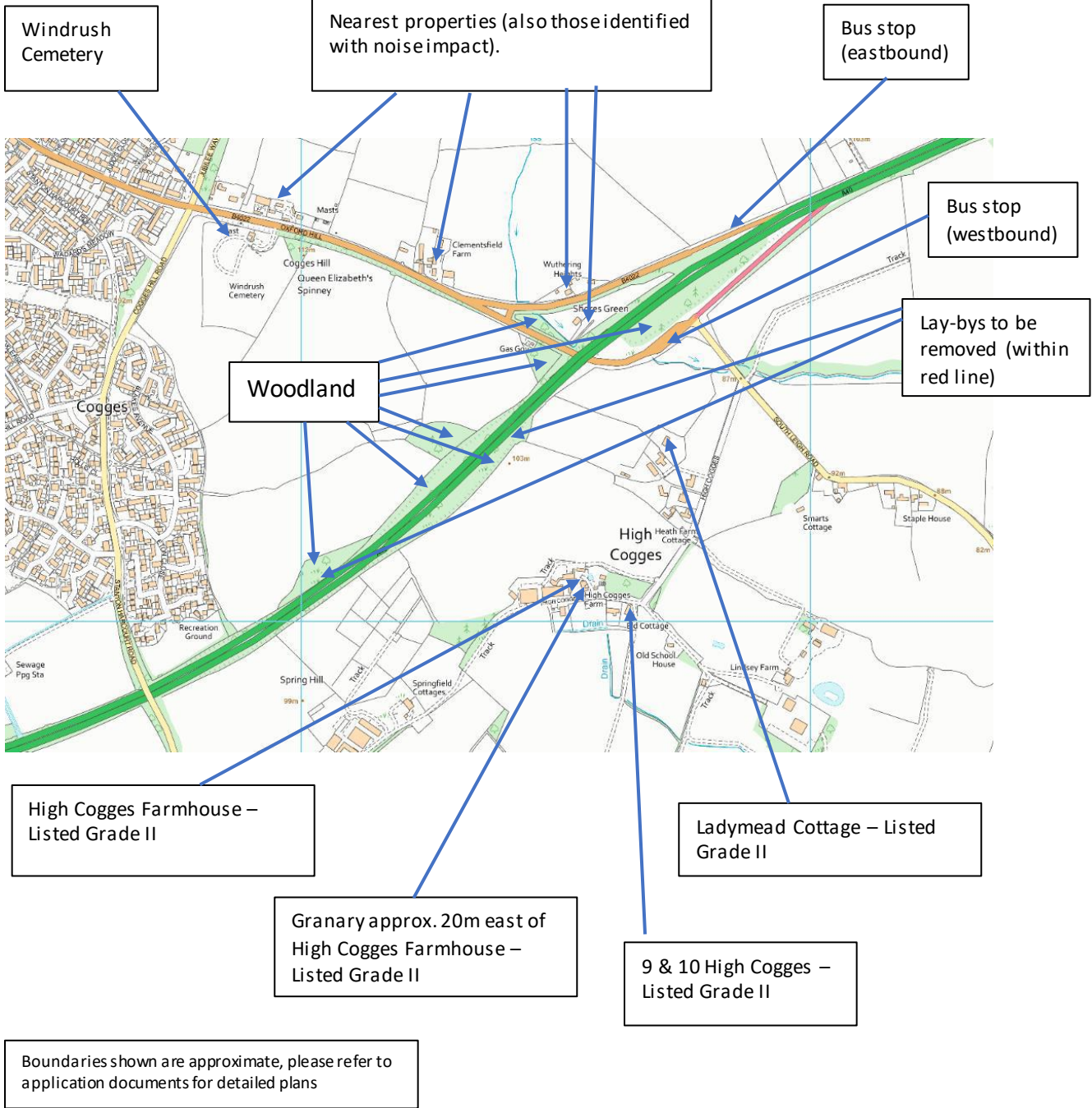
Plan 1 – A40 Access to Witney slip roads R3.0039/22 (Shores Green)



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

This page is intentionally left blank

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



This page is intentionally left blank



**DIVISION AFFECTED: Eynsham**

**PLANNING AND REGULATION COMMITTEE – 17<sup>th</sup> April 2023**

**Report by Director for Planning, Environment and Climate Change**

**Use of land for manufacture of recycled aggregate and soils**

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

**Location:** D & M Plant Hire Ltd, Dix Pit, Linch Hill, Stanton  
Harcourt, OX29 5BB

**Application No:** MW.0059/19      **District Ref:** 19/01776/CM

**Applicant:** D & M Plant Hire Ltd

**District Council Area:** West Oxfordshire

**Application Received:** 4<sup>th</sup> June 2019

**Consultation Period:** 20<sup>th</sup> June 2019 – 11<sup>th</sup> July 2019

**Contents**

- Part 1- Facts and Background
- Part 2 – Relevant Planning Documents
- Part 3 – Assessment and Conclusions

## **PART 1- FACTS AND BACKGROUND**

### **Introduction**

1. This report seeks to update members of the Planning & Regulation Committee on the 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 (CDE) waste materials. The full details of the proposals and the site are set out in the original report to the September 2019 meeting of the Planning and Regulation committee, provided as Annex 2. The minutes of that meeting are provided as Annex 3.

### **Site and Setting**

2. The application site is located about 1 kilometre south of Stanton Harcourt. The towns of Witney and Eynsham are located 5 kilometres (3 miles) to the north west and north east, respectively, of the site.

### **Failure to Complete Routeing Agreement**

3. Application MW.0059/19 was approved by the Planning & Regulation Committee on 9<sup>th</sup> September 2019, subject to a routeing agreement first being entered into.
4. The draft routeing agreement prohibits heavy commercial vehicles associated with the development from travelling along the B4449, between the Main Road/B4449 junction and the B4449/Sutton Lane junction between 07:30 to 09:00 hours and 16:30 to 18:00 hours Monday to Friday inclusive. Plan 1 shows the proposed route.
5. The decision notice has not been issued as the routeing agreement has not been completed. Initially there was a delay with the progression of the agreement due to a third party who also needed to sign the agreement. There was a further delay as the routeing agreement referred to a lease which had not been completed. The routeing agreement was redrafted to remove the need for the third party to sign it. However, there was no progress with the site lease, which made it impossible to progress the routeing agreement. The delays with the lease are understood to be due to the third party, rather than the applicant.
6. Oxfordshire County Council's Monitoring and Enforcement team's files show that a mobile screen and crusher were found to be on the development site in August 2020, and a file note dated May 2021 explains that the recycling of inert waste had recently commenced, without planning permission. The Monitoring and Enforcement team visited the site most recently on 22<sup>nd</sup> September 2022 and although the site was not operational that day, there were large stockpiles of material.

7. The routeing agreement was originally requested by OCC Transport Development Control, and they confirmed in January 2023 that they still consider the routeing agreement would be necessary to make the proposed development acceptable.

#### Proposed New Conditions

8. The applicant has advised that they would prefer to complete the routeing agreement. However, if this is 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 tonnes per annum throughout. Therefore, such a condition would halve the number of vehicle movements associated with the development. The applicant has stated that this would not be likely to generate more than an average of 12 movements per day. It is not possible to condition an average figure, but the applicant has confirmed that they would accept further conditions for a daily maximum of 24 HGV movements, i.e. 12 in and 12 out and a weekly maximum of 130 movements.
9. Efforts would be made to avoid the route through Sutton during peak times, in line with current practice, therefore complying with the terms proposed for the routeing agreement.
10. Transport Development Control have advised that a limit of 20 000tpa would reduce the number of trips to a level that would not require a routeing agreement. They state that with only 12 trips per day it should be possible to avoid passing through Sutton during the 1.5 hour long peaks in the morning and afternoon. Therefore, the purpose of the routeing agreement could be met through the use of conditions instead.
11. The committee is therefore asked to consider whether the application should be determined on the basis that no routeing agreement is forthcoming but that additional conditions could be used to achieve the same purpose.

## **PART 2 – RELEVANT PLANNING DOCUMENTS**

12. The relevant policies are:

#### Oxfordshire Minerals and Waste Core Strategy 2017 (OMWCS)

- C5 (Local Environment, amenity and economy)
- C10 (Transport)

#### Oxfordshire Minerals and Waste Local Plan 1996 (OMWLP) (saved policies)

- SH2 (Traffic increase in Sutton)

- SH3 (Limit the use of the A415 through Standlake and southwards over Newbridge)
13. Saved policy SH2 of the OMWLP states that planning permission will not be granted for waste disposal where the development would lead to a significant increase in traffic through Sutton, unless the Sutton bypass had been built and brought into use. The Sutton bypass has not been built and is no longer planned and the policy has been assessed as only partially compliant with the NPPF. However, the principle of avoiding unacceptable traffic impacts in Sutton is considered consistent with the NPPF.
  14. Saved policy SH3 of the Oxfordshire Minerals and Waste Local Plan (OMWLP) explains that routeing agreements will be sought to limit use of the A415 through Standlake and southwards over Newbridge. The preferred routes will be the A415 north of Standlake, or the B4449 via the Blackditch, Sutton and Eynsham bypass. The Sutton bypass has not been constructed, but the principle of ensuring that waste development does not have unacceptable adverse impacts in sensitive locations, including Sutton, is considered to be consistent with the NPPF.
  15. OMWCS policy C5 states that proposals for waste developments shall demonstrate that they will not have an unacceptable adverse impact on residential amenity and other sensitive receptors, including from noise, traffic, vibrations and the cumulative impact of development.
  16. Policy C10 of the OMWCS expects waste developments to make provision for suitable access to the advisory lorry routes in ways that maintain and, if possible, leads to improvements in residential amenity.
  17. Paragraph 6.60 of the Oxfordshire Minerals and Waste Core Strategy explains that the harmful impact of lorry traffic can be reduced by routeing agreements to control traffic movements at particular times.
  18. The routeing agreements protocol agreed by Planning and Regulation committee in June 2018, is a material consideration. This states that development which may be considered to have adverse highway impacts which would otherwise warrant planning permission being refused may be made acceptable through the applicant and the County Council as Mineral and Waste Planning Authority (MPA) entering into a vehicle routing agreement to require that vehicles be routed so as to avoid certain roads, possibly at all times or possibly at certain times of day e.g. to avoid conflict with peak hour traffic and/or arrivals and departures at school opening and closing times.

## **PART 3 – ASSESSMENT AND CONCLUSIONS**

### **Comments of the Director of Planning, Environment and Climate Change**

19. At the September 2019 meeting of Planning and Regulation committee, Councillor Mathew and Councillor Reynolds raised concerns about the impact

that the development may have on the residents of Sutton who live close to the B4449.

20. A routeing agreement cannot be imposed on an applicant and must be freely entered into. The applicant was prepared to enter into a routeing agreement. However, it has not been possible to complete the agreement within a reasonable timescale. Although the applicant has indicated that they would prefer to complete the routeing agreement, it is considered that as over 3 years has passed, the chances of this being signed are slim. Therefore, the applicant has suggested a condition limiting throughput to 20 000tpa. They have agreed to further conditions limiting maximum HGV movements to 24 per day and 130 per week.
21. OCC Transport Development Control have confirmed that if a condition were added to limit the throughput to 20 000 tpa, the proposed routeing agreement would not be necessary to make the development acceptable.
22. The routeing agreement was required to protect the amenities of residents of Sutton by ensuring that HGVs avoid the B4449 during the morning and afternoon peak times.
23. HGVs associated with the (currently unauthorised) development are not currently restricted from using the prohibited section along the B4449 during peak times. However, the applicant has indicated that they have been avoiding the route through Sutton during peak times. There have not been any complaints.
24. Conditions cannot be used to directly control the route taken by HGVs as this relates to land outside the control of the applicant. However, a further additional condition could be used to require signage to be erected and maintained at the site entrance advising HGV drivers that the route through Sutton is prohibited at peak times.
25. Without the routeing agreement, the development as originally proposed would not accord with OMWLP policies SH2 and SH3 which aim to reduce HGV movements through Sutton, to ensure operations do not have unacceptable adverse impacts. However, in my view the imposition of the proposed additional conditions would provide an alternative means of ensuring that the development would meet the aims of these policies. It should be possible to avoid HGV movements through Sutton at peak times. This route restriction wouldn't be enforceable, but if HGVs did use this route during peak times the numbers would be low. Even at the maximum number of 24 HGV movements per day or 130 per week, it is considered that HGVs through Sutton at peak times could be avoided or reduced to such a level that there would be no discernible impact on amenity as not all of the movements would be at peak times or heading towards or coming through Sutton. The annual throughput limit and the maximum daily HGV movements would be conditioned and therefore these would be enforceable.

26. In the absence of a routeing agreement and without the additional conditions, I consider that the development may be harmful during peak periods to the amenity of residents who live on and close to the section of the B4449 that was proposed to be prohibited during peak times. In particular, the routeing agreement was required to protect the living conditions of residents by providing them with respite from HGV movements associated with the development, and their associated impacts, such as noise and vibrations, during the early hours of the day and the afternoon peak periods Monday – Friday inclusive. Therefore, either the routeing agreement or the additional conditions limiting throughout to 20 000 tpa, a maximum of 24 HGV movements per day, a maximum of 130 HGV movements per week and associated signage is necessary.
27. Without the routeing agreement in place, the amenity of the residents was considered not to be adequately protected, contrary to OMWCS policy C5. However, the proposed additional conditions are considered to satisfactorily protect amenity in accordance with this policy.
28. In the absence of the proposed routeing agreement, the development as originally proposed would have a negative impact on residential amenity, as discussed above, and therefore would not maintain or improve residential amenity during peak periods. Therefore, the development was also considered contrary to OMWCS policy C10. However, if the proposed additional conditions to limit throughput, maximum daily movements and signage are imposed, it is not considered that the development would have significant impacts on amenity, and it is considered it would be in accordance with OMWCS policy C10.
29. Overall, I consider that the proposed additional conditions for a 20 000 tpa throughput limit, maximum of 24 HGV movements per day, maximum of 130 movements per week and signage advising drivers to avoid the route through Sutton during the morning and afternoon peak, would be a suitable alternative to the routeing agreement. These conditions would ensure that the proposal was in accordance with relevant development plan policies aimed at protecting amenity and restricting HGV access through Sutton, including OMWLP saved policies SH2 and SH3, and OMWCS policies C5 and C10.
30. Annex 1 to this report contains the proposed conditions. These are the same as those agreed by Planning and Regulation Committee in September 2019, with three changes i) amendment to the annual throughput limit from 40 000 tpa to 20 000 tpa; ii) maximum of 24 HGV movements per day; iii) maximum of 130 HGV movements per week and iv) requirement for signage to be erected and maintained at the site to advise HGV drivers to avoid the route through Sutton during the morning and evening peak (07.30-09.00 and 16.30-18.00 Mondays to Fridays). These conditions are considered necessary given that the routeing agreement has not been completed. Subject to these additional conditions, the routeing agreement is no longer considered necessary and is not included in the recommendation below.

### **Financial Implications**

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

### **Legal Implications**

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

### **Equality & Inclusion Implications**

33. In writing this report due regard has been taken of the need to eliminate unlawful discrimination, harassment and victimisation, advance 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**

34. This was a retrospective application for the use of land for manufacturing recycled aggregates from construction, demolition and excavation (CDE) waste materials. The application was approved by the Planning & Regulation Committee on 9<sup>th</sup> September 2019 subject to a routeing agreement and conditions.
35. Well over three years have now passed, and the routeing agreement has not been completed. Whilst the applicant has indicated that they would like further time to complete the routeing agreement, it is considered that there is not a reasonable prospect of it being completed in a reasonable timescale. In the meantime, the development is operating without planning permission.
36. The committee may decide to allow further time for the completion of the routeing agreement, refuse the application or approve the application without the routeing agreement. It is recommended that the application is approved without the routeing agreement, but with the additional conditions outlined above. This will ensure that the development is carried out in such a way that protects amenity and complies with policies, whilst allowing a permission to be issued so that the conditions can be properly enforced if necessary.

## **RECOMMENDATION**

**It is RECOMMENDED 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**

Rachel Wileman  
Director of Planning, Environment and Climate Change.

March 2023



## Annex 1 – Conditions

1. Manufacturing of recycled waste to cease on or before the 31st December 2028 and restoration of the site to be no later than 31st December 2029.
2. No more than 20,000 tonnes of waste to be processed per annum. (***New condition replacing previous 40 000 tpa limit as routeing agreement has not been completed***)
3. Records of waste tonnages imported to the site to be provided on a quarterly basis.
4. Records of daily vehicle movements to be provided on a quarterly basis.
5. The development shall be carried out strictly in accordance with the particulars of the development, plans and specifications contained in the application except as modified by conditions of this permission.
6. Noise from the operations shall not exceed 55dB (A) LAeq 1 hour.
7. Hours of site operations to be limited to 7.00 am to 6.00 pm Mondays to Fridays and 7.00 am to 1.00 pm on Saturdays including HGVs entering and leaving the site with no operations or movements on Sundays, public and bank holidays.
8. Submission, approval and implementation of a scheme of measures for the suppression of dust.
9. Submission, approval and implementation of an external lighting scheme.
10. Restoration to be implemented in accordance with approved restoration scheme.
11. Submission, approval and implementation of biodiversity enhancement scheme
12. Signage to be erected and maintained at the site advising HGV drivers to avoid the route through Sutton during the morning and evening peak (07.30-09.00 and 16.30-18.00 Mondays to Fridays) (***New condition required as routeing agreement has not been completed***)
13. No more than 24 HGV movements per day (***New condition required as routeing agreement has not been completed***)
14. No more than 130 HGV movements in any 7 day period (***New condition required as routeing agreement has not been completed***)

This page is intentionally left blank

**For: PLANNING AND REGULATION COMMITTEE – 9 SEPTEMBER 2019**

**By: DIRECTOR FOR PLANNING AND PLACE**

**Development Proposed:**

**Use of land for manufacture of recycled aggregate and soils**

**Division Affected:** Eynsham

**Contact Officer:** Naomi Woodcock **Tel:** 077554103464

**Location:** D & M Plant Hire Ltd, Dix Pit, Linch Hill, Stanton Harcourt, OX29 5BB

**Application No:** MW.0059/19 **District Ref:** 19/01776/CM

**Applicant:** D & M Plant Hire Ltd

**District Council Area:** West Oxfordshire DC

**Date Received:** 4 June 2019

**Consultation Period:** 20 June – 11 July 2019

**Contents:**

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

**Recommendation Summary:**

Approval.

## **Part 1 – Facts and Background**

### **Location (see Site plan 1)**

1. The village of Stanton Harcourt lies about 1 Km to the north of the application site and the towns of Witney and Eynsham are located about 5 kilometres (3 miles) to the north west and north east respectively. Oxford is about 10 kilometres (6 miles) to the east. The West Oxfordshire District Local Plan landscape character assessment places the application site within the Lower Windrush Valley and Eastern Thames Fringes Landscape Character Areas and floodplain Wetland Landscape Type.
2. The application site comprises an area about 0.32 hectare in size, immediately to the north of the applicant's existing depot within the Dix Pit Waste Management Complex at Stanton Harcourt. There is a lake to the north and a landfill site to the east, while to the west there is a former block making works (Conbloc), a waste transfer station, a household waste recycling centre and various workshops and small scale industrial units lie to the south. All these units as well as the landfill site and the Recycled Aggregate Plant to the north are served by a purpose-built, tarmacked haul road running to up to Blackditch near the junction with the B4449. Blackditch also provides access to the Lakeside (Oasis) Industrial Estate on the edge of Stanton Harcourt about 1 Km metres to the north-east of the application site. The base of the application site lies some 3 metres below adjoining land. With the exception of the eastern boundary and access point from the Dix Pit haul road, the perimeter of the site is largely enclosed by existing trees and woodland. The site lies within the area of an existing mineral and landfill permission for which the end date is 31 December 2028 with restoration required by 30 August 2030.
3. The nearest residential property is Cutmill Farm about 440 metres to the southwest, and the village of Stanton Harcourt lies about 1km to the north. The Devil's Quoits Ancient Monument, which was a Neolithic henge and stone circle (now reconstructed), lies about 300 metres to the northeast.

### **Details of the Development**

4. The development is partly retrospective as the use of the land has already commenced. The site is proposed to be used, in conjunction with the remaining term of the existing depot (i.e. until 31 December 2028), for manufacturing recycled aggregates from construction, demolition and excavation (CDE) waste materials. The process would involve crushing and screening of the materials to produce a range of recycled materials for re-use as building materials. Re-usable soil-making materials would also be recovered as a by-product of the process. The proposed layout of the site is shown on drawing no.: 252DMAR/3. The site would be enclosed by a 2 metres high metal palisade fence and gates for security purposes.

5. The applicant anticipates that the facility would handle up to about 40,000 tonnes per annum (tpa) of material, which would generate a maximum average of 32 daily HGV (heavy goods vehicle) movements. This is based on 275 working days in any year, and is a worst case scenario, as they assume that for one trip either in or out of the site the lorry is empty. However, it is stated that there would in reality be a significant proportion of lorries that would be fully loaded for both movements in and out of the site, i.e. returning from a delivery of aggregates with a load of waste materials or vice versa. It is anticipated that this backloading would be at a rate of at least 50% if not more, which would reduce the average movements to 24 per day. If 75% of trips are backloaded then the movements would reduce to 20 per day. The applicant states that as transport is a significant cost element of the business, there is a strong incentive to reduce lorries entering or leaving the site empty. Some trips at the beginning and the end of the day would also be combined with lorries leaving and returning to the D & M depot in any event, which would mean that the increase in lorry movements are actually likely to be even lower.
6. Following cessation of the use which would be in line with the existing end dates on the minerals and landfill permission, the fencing and gates would be removed and the land would revert to the landowner in order for it to be restored to grassland, or such other scheme as is approved under the mineral/landfill permission.
7. In support of the application it is stated that it is considered the development is in accordance with development plan policies including those with regard to providing additional recycled and secondary aggregate capacity and locational criteria including that it is at an active mineral working or landfill site, is already in waste management or industrial use and is previously developed, derelict or underused. It is not considered that the development would have any harmful landscape impacts. It is considered that it may be possible to implement improved planting of the perimeter of the site, using native and shrub species consistent with those of the local area. In addition, suitable bat and bird boxes could be erected in existing trees surrounding the site at agreed locations. These measures would achieve net biodiversity gains. The site and machinery would be subject to noise and dust controls and it is considered in any instance that the distance to the nearest residential property would ameliorate any amenity impacts. No external lighting is proposed as part of the application and the submission of any such proposals for approval could be the subject of a planning condition. It is not considered that the application would lead to any significant traffic impacts including through Sutton. It is considered that the application constitutes sustainable development.
8. Additional supporting information was submitted by the applicant on 5 August to address concerns raised about transport impact, noise and dust impacts. In particular, the applicant explains that they are agreeable to entering into a routeing agreement subject to the exception that D&M Plant lorries that would be leaving the premises to start work for the day, or to come back to finish at the end of the day and park up, as these are existing business movements that are

currently already allowed independently of the proposed new activity and have no such restriction.

9. The additional supporting information also explains that the proposed works complies with the World Health Organisations guidance on general daytime outdoor noise levels and the noise limits as set out within the National Planning Practice Guidance for mineral sites.
10. In terms of dust, the additional supporting information explains that a rate of 200mg/m<sup>2</sup>/day is commonly accepted as the guideline figure for when complaints (from local residents) are likely, and whilst the zone of influence will vary depending on factors such as source emission strength, wind direction, and terrain, any dust escaping from the site (due to lack of mitigation or control) is likely to drop out within about 100 m.
11. The additional supporting information also details that a crusher would be brought in when needed and would only be used occasionally for a few weeks or months a year. The modern crusher would include dust suppression systems such as jet sprays or misting nozzles mounted at the loading point and at the end of the receiving conveyor.

## **Part 2 – Other Viewpoints**

### **Third Party Representations**

12. No third party responses have been received.

### **Consultation Responses**

13. Whilst no written response has been received, it is understood that the local member, Councillor Charles Mathew objects to the application in principle but also in relation to the adverse impact of additional HGVs on the local road network including on the village of Sutton.
14. *West Oxfordshire District Council Environmental Protection Officer (Noise) first response:* No objection in principle and no conditions to recommend in terms of noise control and amenity protection.
15. *West Oxfordshire District Council Environmental Protection Officer (Noise) second response:* 'The opinion on noise is useful, although I don't agree with the distance attenuation decibel value suggested. I understand in acoustics it is actually 1.5 dB less than that the level referenced. (In a free field - a doubling of the distance from a noise source reduces the sound pressure level with 6 decibel). Notwithstanding this error of fact, I have no objection to the application in principle and no conditions relating to noise to recommend, given the substantial distance between source and potential receivers'.
16. *West Oxfordshire Environmental Protection Officer (Dust):* 'The activity would be regulated by the Environment Agency in the event it was given permission, so

they would regulate the operational aspect. As standard procedure with this sort of application, I would request that the applicants submit a dust management plan for consideration, as part of the application process’.

17. *Northmoor Parish Council*: ‘The site for this work is close to the Northmoor Parish boundary and would affect residents of this Parish. The Council objects for three reasons, an increase in HGV traffic, potential noise and dust contamination. 1) HGV traffic in the Lower Windrush Valley already exceeds acceptable levels on local rural unclassified roads that presents a danger to both cyclists and pedestrians, and is frequently alarming when travelling by motor-car. The high volume of HGV traffic that comes from the business parks at Stanton Harcourt and Standlake has already seen an increase due to the high level of new housing being constructed within the locality, and there is still the traffic that will arise when quarrying for aggregates at the Stonehenge site in Northmoor begins commercial operations sometime in 2020. Moving past Eynsham onto the Witney to Oxford A40, now more often at a standstill than moving traffic, the present development of some 1000 new homes west of Eynsham and the proposed Garden Village to the north of Eynsham will add even more to this gridlock. So no more consents for more HGVs. 2) Noise is also a concern. Yes, the site is not adjacent to any immediate housing, but there are a small number of houses on Cow Lane that would be affected, and noise can travel long distances, the noise of motor racing on the west of Standlake can clearly and annoyingly be heard here in Northmoor. 3) Dust Contamination is a similar unwanted consequence. The site is to the west of Northmoor and the prevailing wind will carry this dust towards this village. There appears to have been trial workings already on this site and the roadway that goes past is covered in sand grit. We object to this Application for the reasons given. The prospect that a better environment was on the horizon with the ending of landfill at Dix Pit and its possible reclamation for the enjoyment of its residents would be severely set back if consent was given.’
18. *Environment Agency*: No objections. ‘This site has been subject to historic sand and gravel extraction and therefore the underlying geology is likely to be the Oxford Clay. The application site is adjacent to but not located over the authorised FCC landfill therefore we have no particular concerns about this Aggregate Recycling Facility that will need to be regulated by an Environmental Permit’.
19. *Natural England*: No comments to make on this application.
20. *Oxfordshire Fire and Rescue*: No objection to this application.
21. *Transport Development Control as the Local Highways Authority*: No objection. ‘The proposal is to create a material recycling facility that would handle 40,000 tonnes per annum. This would result in an approximate worst-case average of 32 HGV movements per day. This application is directly comparable to the expansion of the nearby Sheehan’s site (MW.0073/17), which was to increase throughput by 75,000 tonnes. This application was initially refused due to the impact on the amenity of the residents of Sutton village due to the increased number of HGVs, but was approved on appeal. OCC Highways did not object to

the proposal. MW.0073/17 included a Transport Assessment which contained a detailed turning count at the junction of Blackditch and the B4449. Approximately 75% of HGVs associated with the site travelled to/from the east, through the village of Sutton. If the same distribution is applied to the application site, this would imply 24 HGVs per 12-hour period, i.e. one each-way per hour on average. The number of HGVs is around half that of the Sheehan's expansion so there are no grounds to object to this latest proposal. There is a routing agreement attached to the Sheehan's site and I would expect to see a similar agreement applied to this permission, if granted. This would prevent any HGVs from passing through Sutton village during the peak hours (07:30 to 09:00 and 16:30 to 18:00). I find the application proposals acceptable from a highway safety and traffic movement point of view'.

22. *Landscape Specialist*. No objection. 'The proposed development is not expected to cause additional landscape or visual impacts'.

23. *County Archaeologist*. There are currently no archaeological constraints to this application.

24. *Rights of Way Officer*. No comments.

### **Part 3 – Relevant Planning Documents**

#### **Relevant planning documents and legislation (see Policy Annex Item 10 to the committee papers)**

25. Planning applications should be decided in accordance with the Development Plan unless material considerations indicate otherwise.

26. The relevant development plan documents are:

- Oxfordshire Minerals and Waste Local Plan Part 1: Core Strategy (OMWCS)
- Oxfordshire Minerals and Waste Local Plan (saved policies) (OMWLP)
- West Oxfordshire Local Plan 2031 (WOLP)

27. The OMWCS was adopted in September 2017 and covers the period to 2031. The Core Strategy sets out the strategic and core policies for minerals and waste development, including a suite of development management policies. It is anticipated that Part 2 of the Plan will include Site Allocations and any further development management policies that may be necessary in relation to the allocated sites.

28. The OMWLP was adopted in July 1996 and covered the period to 2006. 46 policies within the OMWLP were 'saved' until the adoption of the OMWCS and 16 of these policies continue to be saved until the Part 2 Site Specific document is adopted. The saved policies are non-strategic site-related policies.



29. Other material considerations are:

- i) The National Planning Policy Framework (NPPF) and National Planning Policy for Waste are also material considerations; and
- ii) The National Planning Practice Guidance (NPPG) Minerals published 2014.
- iii) The County Council's Lorry Routeing Agreements Protocol 2018.

### **Relevant Policies**

30. The relevant policies are:

#### **OMWCS**

- M1 - Recycled and secondary aggregate
- W1 – Oxfordshire Waste to be managed
- W2 – Oxfordshire Waste Management targets
- W4 – Locations for facilities to manage the principal waste streams
- W5 - Siting of waste management facilities
- C1 - Sustainable Development
- C5 – Local environment, amenity & economy
- C10 – Transport

#### **OMWLP 1996**

- SH2 – Stanton Harcourt Sutton Bypass
- SH3 – Routeing agreements

#### **WOLP 2031**

- EH8 – Environmental Protection
- OS1 – Presumption in Favour of Sustainable Development
- OS4 – High Quality Design

## **Part 4 – Analysis and Conclusions**

### **Comments of the Director for Planning and Place**

31. The key policy issues to consider in determining this application are:

- i) sustainable Development;
- ii) need for the development;
- iii) environmental and amenity impacts;
- iv) impact on the local highway network; and
- v) impact on the natural environment.

### **Sustainable Development**

32. Policy C1 of the OMWCS and OS1 of the WOLP seek to deliver sustainable development. In particular these policies state that planning applications that accord with the policies in this plan will be approved, unless material considerations indicate otherwise.
33. The key planning issues for this application are summarised above in paragraph 30. The rest of this section of the report assesses whether these key issues of the proposed development accord with development plan policy.

### **Need for development**

#### *Demand for recycled aggregate materials*

34. Policy M1 of the OMWCS states that aggregate mineral supply to meet demand in Oxfordshire should be from recycled and secondary aggregate materials in preference to primary aggregates, in order to minimise the need to work primary aggregates.
35. Policy M1 also states that permission will normally be granted for temporary recycled aggregate facilities at aggregate quarries and landfill sites that are located in accordance with policies W4 and W5 of the OMCS, taking into account the benefits of providing additional recycled aggregate capacity and unless the adverse impacts of doing so significantly and demonstrably outweigh the benefits. Where permission is granted for such a facility at a time-limited mineral working or landfill site this will normally be subject to the same time limit as that applying to the host facility and the site shall be restored in accordance with the requirements of policy M10 for restoration of mineral workings at the end of its permitted period. Except where a new planning permission is granted for retention of the facility beyond its permitted end date, temporary facility sites shall be restored at the end of their permitted period.
36. In my view the proposed development accords with the aims of the first part of policy M1 of the OMWCS as the manufacture of circa 40,000tpa of recycled aggregates, would minimise the need to work primary aggregates. I am of the view that the planning proposal accords with the aims of policy M1 of the OMWCS.
37. Paragraphs 42 - 46 below discuss whether the location of the proposed development accords with policies W4 and W5 of the OMWCS.
38. In my view the proposed time limits and restoration of the temporary facility are in line with the aims of policy M1 of the OMWCS as the cessation of development would be in line with the existing end dates of the minerals and landfill permission. After which, the land would revert back to the landowner in order for it to be restored to grassland, or such other scheme as is approved under the mineral/landfill permission

#### *Management of waste in Oxfordshire*

39. Policy W1 of the OMWCS ensures that provision is made for waste management facilities that provide capacity which allows Oxfordshire to be net self-sufficient in the management of its principal waste management streams (including CDE waste materials) over the period to 2031.
40. Given that the development is seeking permission to manage CDE waste until 31 December 2028, I am of the view that the planning application accords with the aims of planning policy W1 of the OMWCS.

*Oxfordshire's waste management target*

41. Planning policy W2 of the OMWCS seeks to provide capacity to manage the principle waste streams in a way that allows for the maximum diversion of waste from landfills. In particular, policy W2 of the OMWCS seeks to recycle 70% of inert waste by 2031.
42. In my view the manufacturing of recycled materials from CDE waste would contribute to the diversion of waste away from landfills and subsequently help Oxfordshire to meet its target of recycling 70% of its inert waste by 2031. I am therefore of the view that the proposed development accords with policy W2 of the OMWCS.

*Location and siting of waste management facilities*

43. Planning policy W4 of the OMWCS advises that non-strategic waste management facilities (i.e. facilities producing 20,000tpa – 50,000tpa) should be located in or close to Banbury, Bicester, Oxford, Abingdon and Didcot, the other large towns (Witney and Wantage & Grove) and the small towns (Carterton, Chipping Norton, Faringdon, Henley-on-Thames, Thame and Wallingford), as indicated on the Waste Key Diagram. Policy W4 further explains that locations further from these towns may be appropriate where there is access to the Oxfordshire lorry route network.
44. I am of the view that the application site falls outside of the Witney non-strategic waste management area as shown on the Waste Key Diagram. However, the Waste Key diagram shows that the site is within close proximity to a local access road which forms part of the Oxfordshire lorry route network. Therefore, I consider that the site location is supported by policy W4 of the OMWCS.
45. Planning policy W5 of the OMWCS gives priority to the siting of waste management facilities on land that is already in waste management or industrial or an active mineral working or landfill site.
46. Given that the application site lies within an area which has an existing mineral and landfill permission, I am of the view that the siting of the development is supported by policy W5 of the OMWCS.

*Safeguarding waste management sites*

47. The application is supported by policy W11 of the OMWCS which seeks to safeguard operational waste management sites with planning permission for the duration of their planning permission.

**Impact on the local environment and amenity**

*Noise*

48. Policy C5 of the OMWCS requires proposals for waste development to demonstrate that they will not have an unacceptable adverse impact on residential amenity including from noise.
49. Policy OS4 of the WOLP 2031 seeks to ensure that new development does not harm the use or enjoyment of land and buildings nearby, including living conditions in residential properties.
50. Planning Policy EH8 of the WOLP 2031 ensures that new development does not take place in areas where it would cause unacceptable nuisance to the occupants of nearby land and buildings from noise or disturbance.
51. Northmoor Parish Council have raised concerns about noise. In particular they consider that some properties on Cow Lane would be affected as noise can travel long distances.
52. The Environmental Protection Officer (noise) is of the view that no conditions are required given the substantial distance between source and potential receivers.
53. The applicant explains that all equipment to be used would be modern and acoustically screened or fitted with silencers.
54. In my view, subject to a suitable limitation on hours of operation, the proposed development would not have an adverse impact on residential amenity in terms of noise, nor would it harm the living condition of nearby occupants or cause unacceptable noise nuisance to nearby occupants due to the:
- i) 440m distance between the application site and the nearest dwellings;
  - ii) buildings and planting between the application site and the nearest dwellings, which would help to minimise any noise impacts;
  - iii) acoustic screening and filters on the equipment; and
  - iv) the supportive comments provided by the Environmental Health Protection Officer (noise).

*Dust*

55. Policy C5 of the OMWCS requires proposals for waste development to demonstrate that they will not have an unacceptable adverse impact on the local environment and human health and safety including from dust.
56. Planning policy EH8 of the WOLP 2031 explains that proposals which are likely to cause pollution or result in exposure to sources of 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.
57. Northmoor Parish Council also raise concerns about dust. In particular, they cite that the application site is to the west of Northmoor and that prevailing winds will carry this dust towards the village.
58. The parish council also comment that the roadway adjacent roadway to the site is covered in sand grit due to the trial workings that have taken place on site.
59. The Environmental Protection Officer (Dust) considers it appropriate to impose a dust management condition.
60. The applicant explains that the materials and running areas would be dampened in dry conditions to control dust and that the crusher would have a dust suppression system.
61. Whilst the proposed development would expose the local environment and human health and safety to dust pollution, I do not consider this impact to be unacceptably adverse, particularly given the:
- i) proposed dust control measures;
  - ii) the distance between the application site and the nearest residential dwelling;
  - iii) Environment Agency robust regulation of the operational activities. I agree with the comments of the Environmental Protection Officer (Dust).
62. I do however consider it necessary to impose a dust management scheme condition to minimise the dust pollution to a level that provides a high standard of protection for health, environmental quality and amenity.

*Light pollution*

63. Planning policy C5 of the OMWLP also seeks to ensure that waste development do not have an unacceptable adverse impact on the local environment and residential amenity, including from light pollution.

64. WOLP 2031 Policy EH8 also seeks to ensure that any lighting installation does not have a detrimental effect on local amenity
65. As no external lighting is proposed, I am of the view that the proposed development will not give rise to any light pollution, particularly for residents. However, to ensure that any future lighting does not have a detrimental effect on local amenity or an unacceptable adverse impact on the local environment and residential amenity, a suitably worded lighting condition could be attached to any consent which may be given.

### **Impact on the local highway network**

66. Policy C10 of the OMWCS requires waste developments to make provision for safe and suitable access to the advisory lorry routes shown on the Oxfordshire Lorry Route Maps in ways that maintain: the safety of all road users including pedestrians; the efficiency and quality of the road network; and residential and environmental amenity, including air quality.
67. Policy C5 of the OMWCS requires proposals for waste development to demonstrate that they will not have an unacceptable adverse impact on the local environment and human health and safety, including from traffic.
68. Saved Policy SH2 of the OMWLP explains that planning permission will not be granted for mineral extraction or waste disposal, where the development would lead to a significant increase in traffic in Sutton or prolongation of significant traffic intrusion, unless the Sutton bypass has been constructed and brought into use.
69. Saved policy SH3 of the OMWLP explains that the County Council will seek routeing agreements with operators in order to limit the use of the A415 through Standlake and southwards over Newbridge.
70. Paragraph 109 of the National Planning Policy Framework explains that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
71. Northmoor Parish Council are of the view that existing HGV traffic in the Lower Windrush Valley exceed acceptable levels on local rural unclassified roads which present a danger to cyclists and pedestrians.
72. The parish council express concern about the increase in HGV traffic from business parks at Stanton Harcourt and Standlake as a result of the new housing in the local area. They also express concern about future traffic on the local and

wider road network resulting from the quarrying works at the Stonehenge site in Northmoor, new housing west of Eynsham and the proposed Garden Village to the north of Eynsham.

73. Transport Development Control has advised that the B4449 is part of the Oxfordshire lorry network and that the residual cumulative impacts on the road network are not seen as severe.
74. Transport Development Control consider the planning proposal to be acceptable from a highway safety and traffic movement point of view. However, they do consider it necessary to require that a routeing agreement be entered into (similar to that of the Sheehan's Recycled Aggregates site) to prevent any HGVs from passing through Sutton village during the peak hours (07:30 to 09:00 and 16:30 to 18:00).
75. Whilst the parish council has raised concerns about future traffic movements, this application can only be assessed against the impacts that the development would have on the existing highway network.
76. The application explains that at worse case scenario, the development would attract 32 daily HGV (heavy goods vehicle) movements over a 275 working day year. At best, the development would attract 20 daily HGV movements across the same period if 75% of trips are backloaded.
77. Transport Development Control has raised no concerns about the number of HGV movements on the existing local highway network. As they have also advised, the permission was granted on appeal earlier this year for a development at the nearby Sheehan's Recycled Aggregates Plant which had been refused by the County Council on the grounds that there would be an unacceptable impact on the amenity of residents in Sutton village arising from the additional HGV movements. In his decision letter, the inspector appointed by the Secretary of State commented:

*I am mindful that, where residents are already sensitive to traffic volumes, any additional traffic may have a perceived impact on the residents. However, the B4449 is identified as being capable of accommodating additional traffic, and having reviewed the traffic surveys, and taking into account the level of traffic that is actually associated with the appeal site I do not consider that the level of traffic associated with this proposal would result in an increase that would have a significantly detrimental impact on the amenity of residents such to justify dismissing the appeal.*

78. Therefore, it is concluded that the level of additional vehicle movements generated by this development would be unlikely to have a significantly different impact to those that were considered as part of the earlier appeal referenced above. It is not therefore considered that it can be demonstrated that the application would be contrary to policy C5 of the OMWLP through unacceptable

adverse traffic impacts. In addition, paragraph 109 of the NPPF states that an increase in vehicular movements alone is not a reason for refusal on highway grounds.

79. Northmoor Parish Council are concerned about the safety of cyclists and pedestrians on unclassified roads. However, unlike most unclassified roads, the haul road which provides access to the application site is restricted to 20mph and is regularly used by HGVs. In addition, Transport Development Control comment that the application is acceptable from a highway safety perspective. In my view, the application is supported by Policy C10 of the OMWCS as the application makes provision for safe and suitable access to the advisory lorry routes in ways that maintain the safety of all road users. The efficiency and quality of the network would be maintained as the increase in vehicular movement is not considered to have an unacceptable adverse impact. An assessment of the environmental and amenity impacts, as required by policy C10 of the OMWCS, have been carried out in paragraphs 48 – 65 above.

80. I agree with Transport Development Control that the residual cumulative impacts on the road network are not severe, particularly given speed restriction on the haulage road which helps to minimise vehicular and pedestrian/cyclist conflict, the good and close access to the lorry network. In addition, it is not considered that the maximum number of HGV movement would have an unacceptable adverse impact.

81. I do think it necessary for the applicant to enter into a routeing agreement to restrict HGV movements through Sutton during peak hours as set out above. I consider that this would reflect the aims of saved OMWLP planning policies SH2 and SH3.

82. Members will also be aware of the council's Lorry Routeing Agreements protocol which was adopted by the Planning and Regulation Committee in June 2018. This includes that if an application is received in an area where there has been an ongoing concern with regard to existing vehicle movements but there has been no history of non-compliance on the part of the applicant, the routeing agreement will include a provision that if the Council reasonably determines that there have been substantiated, persistent or flagrant breaches of that agreement then operations will cease until a security deposit has been paid to the County Council to be used to fund the council's costs incurred in monitoring the agreement, investigating suspected breaches of the agreement and securing compliance with the agreement as necessary. The security deposit would not normally exceed an amount of £5,000 per year for the number of years of the development or a minimum of £25,000.

83. As members are aware, a routeing agreement cannot be imposed on an applicant and must be freely entered into. If the applicant was not prepared to freely enter into such an agreement then consideration would need to be given as to whether there were then grounds for refusal of the application. Officers will update the committee on whether the applicant is prepared to enter into a



routeing agreement and its terms at the committee meeting. However, it is advised that should permission be refused on grounds related to the applicant not entering into a routeing agreement or not being prepared to do so due to certain of its terms and such a refusal was appealed, the Secretary of State would have to consider what weight to attach to the council's Lorry Routeing Agreements Protocol which does not form part of the development plan.

### **Impact on the natural environment**

#### *Biodiversity*

84. Policy C7 of the OMWCS and policy EH3 of the WOLP requires new developments to deliver a net gain in biodiversity.
85. The supporting statement advises that there is scope for the planning proposal to deliver a net gain in biodiversity.
86. To ensure that the application accords with policy C7 of the OMWCS, a biodiversity enhancement condition can be imposed.

#### *Landscape*

87. Planning Policy C8 of the OMWCS and policy EH2 of the WOLP requires development to respect the local landscape quality.
88. The Landscape specialist is of the view that the development will not cause any additional landscape or visual impacts.
89. In my view the proposed development would respect the local landscape quality as:
- i) No tree removal is proposed as part of the works;
  - ii) The development would be temporary in nature; and
  - iii) The development would be viewed from within the context of an existing mineral and landfill area.
90. I therefore consider that the proposed development accords with policies C8 of the OMWCS and EH2 of the WOLP 2031.

### **Conclusions**

91. This application seeks permission to temporarily use 0.32ha of land at Dix Pit for the manufacturing of recycled aggregate and soils.
92. The need for the development is supported by OMWCS policies M1, W1, W2, W4, W5 and W11.

93. Subject to conditions, the development would not have an unacceptable adverse noise, dust or lighting impacts and the application is therefore considered to be in line with the aims of planning policy C5 of the OMWCS and policies EH8 and OS4 of the WOLP.
94. Subject to a routeing agreement restricting HGV movements from occurring through Sutton during peak hours the planning proposal is in line with OMWCS planning policies C5, C10, SH2, SH3 and therefore would not have an unacceptable adverse impact on the highway network. The application is also supported by paragraph 109 of the NPPF and therefore should not be refused on highway grounds.
95. Subject to condition the development would deliver a net biodiversity gain.
96. The proposal would respect the landscape character of the area.

### **RECOMMENDATION**

- 97. It is RECOMMENDED that subject to a routeing agreement first being entered into planning permission for Application MW.0059/19 be approved subject to conditions to be determined by the Director for Planning and Place including the matters set out at Annex 3 to this report.**

SUE HALLIWELL  
Director for Planning & Place

August 2019

## PLANNING & REGULATION COMMITTEE

**MINUTES** of the meeting held on Monday, 9 September 2019 commencing at 2.00 pm and finishing at 4.10 pm

**Present:**

**Voting Members:** Councillor Jeannette Matelot – in the Chair

Councillor Mrs Anda Fitzgerald-O'Connor  
 Councillor Mike Fox-Davies  
 Councillor Bob Johnston  
 Councillor G.A. Reynolds  
 Councillor Judy Roberts  
 Councillor Dan Sames  
 Councillor John Sanders  
 Councillor Alan Thompson  
 Councillor Richard Webber

**Other Members in Attendance:** Councillor Lynda Atkins (for Agenda Item 7)  
 Councillor Judith Heathcoat (for Agenda Item 8)  
 Councillor Charles Mathew (for Agenda Item 9)

**Officers:**

Whole of meeting G. Warrington & D. Mytton (Law & Governance); D. Periam and Mrs M Hudson (Planning & Place)

Part of meeting

**Agenda Item**                      **Officer Attending**  
 7.                                      K. Griffin (

*The Committee considered the matters, reports and recommendations contained or referred to in the agenda for the meeting, together with a schedule of addenda tabled at the meeting and decided as set out below. Except as insofar as otherwise specified, the reasons for the decisions are contained in the agenda, reports and schedule, copies of which are attached to the signed Minutes.*

**34/19 APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS**  
 (Agenda No. 1)

<i>Apology for Absence</i>	<i>Temporary Appointment</i>
Councillor Stefan Gawrysiak Councillor Peter Handley Councillor Damian Haywood	(no temporary appointment) (no temporary appointment) (no temporary appointment)

--	--

**35/19 DECLARATIONS OF INTEREST - SEE GUIDANCE NOTE OPPOSITE**

(Agenda No. 2)

No declarations made.

**36/19 MINUTES**

(Agenda No. 3)

The minutes of the meeting held on 15 July 2019 were approved and signed.

**Minute 31/19 - Extraction Of Sand, Gravel And Clay Including The Creation Of New Access, Processing Plant, Offices With Welfare Accommodation, Weighbridge And Silt Water Lagoon System With Site Restoration To Agriculture And Nature Conversation Including Lakes With Recreational Afteruses And The Permanent Diversion Of Footpath 171/15 And Creation Of New Footpaths At Land At Fullamoor Plantation, Clifton Hampden, Abingdon, OX14 3DD - Application MW.0074/18**

Mr Periam advised that as no further material comments had been received a refusal notice for Application MW.0074/18 had therefore been issued.

**37/19 PETITIONS AND PUBLIC ADDRESS**

(Agenda No. 4)

<i>Speakers</i>	<i>Item</i>
Roger Thomas (Friends of Radley Lakes) Richard Dudding (Radley Parish Council) Douglas Symes (Agent)	) ) ) 6. Radley ROMP ) )
Kevin Griffin – OCC Matthew Richards (Ridge & partners) Lynne Harrison (Wallingford School) County Councillor Lynda Atkins	) ) ) 7. Wallingford School – Application R3.0143/18 ) )
Glen Yarwood (Little Coxwell Parish	) 8. Faringdon Quarry – Application

Council) County Councillor Judith Heathcoat	)MW.0068/19 )
Suzi Coyne (Agent) County Councillor Charles Mathew	) 9 – Dix Pit – Application )R3.0059/19

**38/19 CHAIRMAN'S UPDATES**

(Agenda No. 5)

There were no updates.

**39/19 SERVING OF THE PROHIBITION ORDER FOR THE REVIEW OF THE MINERAL PLANNING PERMISSION (ROMP) AT THRUPP FARM AND THRUPP FARM, RADLEY**

(Agenda No. 6)

The Committee considered (PN6) a report setting out the issue of whether minerals development at Thrupp Farm and Thrupp Farm, Radley had permanently ceased and whether or not a Prohibition Order for the Review of the Mineral Planning Permission (ROMP) should be served.

Roger Thomas spoke on behalf of the Friends of Radley Lakes community organisation who supported the making of the Prohibition Order. They had no objection in principle to further gravel extraction here, but the prolonged inactivity had created uncertainty and impeded planning for the wider area. Posing the question whether or not it appeared on the evidence available, that mineral working was likely to resume at this site he felt that on the basis of evidence over the past half-century that would not seem to be the case. The main unextracted area was Area 5 permission for which had been granted in 1971. There had been no extraction in this area since then. The general consensus locally as to why extraction of this area had not even begun, nearly 50 years on was that as Area 5 lay in the floodplain extraction would quite simply be uneconomic. In summary, all the evidence suggested that a resumption of mineral working here was unlikely and would appear to have permanently ceased at this site.

Richard Dudding spoke on behalf of Radley Parish Council who supported the proposed prohibition order. Permissions to extract minerals there dated back to 1954 with most of the former workings restored and no extraction having taken place since about 1995. As minerals workings ceased the area had wonderful potential for nature conservation and quiet recreation. Minerals, however, remain in the ground in a field called Nyatt [Area 5] with the operator maintaining they would eventually be extracted. However, to judge the credibility of that claim it would be necessary to look also at another site nearby in Area 1 consisting of a yard that had previously serviced minerals operations. Since 1982, if not before, the operator let that yard for industrial and commercial activities unrelated to minerals while arguing that it would eventually be needed to service the Nyatt operations and, therefore, should not be restored to greenfield. This had enabled them to obtain temporary planning permissions for uses which would otherwise have had no chance of being allowed – given the green belt

location and the unsatisfactory road access. In 1992 following a public inquiry an Inspector agreed to allow the uses for a further period, but this was based on his firm belief that the Nyatt minerals would be fully extracted by 2008 at very latest and possibly sooner. However, 27 years after that decision there was no sign of extraction even starting. In 2012 Tuckwells obtained planning permission for the Nyatt minerals to be conveyed to their yard for treatment but that permission lapsed in 2017. In our view statements by the operators did not reflect their actual intent but were a device to justify prolonging their unrelated commercial activity at their yard blighting the future of the Lakes area and in the Parish council's view the County Council would be fully justified in serving a prohibition order.

Responding to Councillor Johnston Mr Dudding confirmed that uncertainty had affected the development of Radley Lakes and also the neighbourhood plan.

Douglas Symes then spoke on behalf of the two owners and operators of Thrupp Farm and Sutton Wick Quarry making it clear that the intention had always been to resume working at Radley when permitted reserves had run out at Sutton Wick. There was evidence to support that and county council officers were aware of that as stated in paragraph 14 of the report before the Committee. It was also the intention that an application for a review of conditions would be made when the Sutton Wick site was due to finish and closer to the time that working at Thrupp Farm would be resumed. Surveys had been carried out to support that but to have two coterminous sites working was unsustainable and would create greater disruption to local amenity. A planning application to use the Thrupp Lane plant site to process material from Thrupp Farm prepared over the last 8 months was almost ready to be submitted and so to interpret the absence of any application so far as evidence that it is not intended to resume working was contrary to what had been said in writing to the county council and other interested parties. That would be presented in support of any appeal against any prohibition notice. He argued that the long history of evidence on this site made it clear that working would resume while explaining the need to manage effectively finite resources. Challenging the conclusion reached by county officers he concluded that any decision to serve a prohibition notice would be strongly challenged on the basis of sound evidence.

He then responded to questions from:

Councillor Johnston – working had ceased to allow Sutton Wick to work first and although the 2 sites had different accesses it had been considered unsustainable to work both sites at the same time. He did not accept the point made by Councillor Johnston that an EIA put forward some years ago had been deficient. That was incorrect.

Councillor Fox-Davies – the Thrupp Farm and Sutton Wick applications were separate. Thrupp Farm had a completion date of 2042 and with reserves of 1 million tonnes that did not imply the site was worked out.

Councillor Fitzgerald-O'Connor – Sutton Wick was expected to be worked out by 2027.

Mr Periam confirmed that there was information to support the figure of a million tonnes in reserve but that was not included within the landbank figure. The site was not within areas of search in the emerging Minerals and Waste Plan and the EIA referred to earlier by Councillor Johnston had not constituted a good assessment adding that that had in fact been immaterial in the end.

Councillor Roberts expressed some concern that an expiry date of 2042 for the Thrupp Farm permission could affect the Council's position if challenged.

Mr Periam felt sure the landowners would challenge any decision to serve a prohibition notice but he considered that the County Council were not acting unreasonably in reaching such a conclusion.

**RESOLVED:** (on a motion by Councillor Johnston, seconded by Councillor Reynolds and carried by 9 votes to 1) that it be determined that mineral working on the site had permanently ceased and that accordingly there was a duty on the Mineral Planning Authority to serve a Prohibition Order of the mineral permissions covering areas DD1 (Plan 1) and DD2 (Plan 2).

**40/19 PROVISION OF A NEW 64 SPACE CARPARK, COMPRISED OF A 43 SPACE FORMALLY LAID OUT PAVED PARKING AREA WITH AN OVERFLOW GRASS-PROTECTED AREA PROVIDING THE ADDITIONAL 21 SPACES. WORKS INCLUDE THE ADAPTION OF THE EXISTING SITE OPENING AND INSTALLATION OF AN ACCESS BARRIER AT FIELD AREA DIRECTLY TO THE WEST OF ST GEORGES ROAD AND NORTH OF MILLINGTON ROAD, WALLINGFORD, OXON, OX10 8HL - APPLICATION R3.0143/18**

(Agenda No. 7)

The Committee considered (CMDE7) an application for provision of a new 64-space staff only car park in connection with the planned expansion of Wallingford School, St Georges Road, Wallingford required as the development for the extension of Wallingford School would remove some of the existing parking currently provided. The application was being reported to Committee because of objections received during a first consultation phase from Sport England, South Oxfordshire District Council and third-party objections based on loss of playing field provision, noise and visual impacts of additional traffic, increased air pollution and the requirement for a car park. A second consultation reducing the number of spaces from 100 to 64 was due to end on 6 September although the objections over loss of playing field space and impact on air quality had not been removed.

Kevin Griffin confirmed that the application had been required to support the expansion of Wallingford School necessary as a result of housing growth. The application, which represented a net growth of 36 spaces, was being proposed on an area of land not regarded as suitable for recreation use by the school.

Lynne Harrison confirmed that the proposed area in St Georges Road had not been used for many years due mainly to logistics including lack of changing facilities, although there had been some limited use by a local youth football club. However, that had stopped with the club moving to use the astro pitch facilities at the school.

Matthew Richards confirmed that as space on the current Wallingford school site was very restricted resiting the car park off-site would help to avoid any adverse impact on current on-site facilities as a result of the necessary planned expansion of the school.

Responding to Councillor Sames Mr Griffin accepted that while the birth rate was declining increased housing would result in increased numbers and regarding child obesity by resiting the car park off-site they were avoiding any impact or reduction off on site facilities.

Councillor Lynda Atkins supported the application which was about meeting the needs of Wallingford and the surrounding area. The County Council had a duty to provide educational needs and if that was not done there would be a requirement to transport children to other schools. The field proposed for the new car park did not work logistically for the school and with no other reasonable option available as the school was surrounded by housing this presented a sensible option to meet the pressing needs of Wallingford School.

Councillor Sames considered the proposal contradictory to paragraph 97 of the NPPF which prevented playing fields being developed on unless 3 tests had been met. That as far as he could see had not been addressed neither had the site been declared site surplus to requirements. That could leave the Council open to challenge.

Mr Mytton replied that the NPPF contained a number of relevant references to this application which the report mentioned.

Councillor Reynolds acknowledged the level of objection to the proposal but considered that the points made by the local member along with the clear need for the school to expand were enough to override those concerns.

Mr Periam confirmed that if the Committee were minded to approve the application then because Sport England had objected it would need to be referred to the Secretary of State for him to decide if an inquiry was required.

**RESOLVED:** (on a motion by Councillor Sanders, seconded by Councillor Thompson and carried by 7 votes to 1, Councillor Sames recorded as voting against and Councillor Roberts and Councillor Reynolds as abstaining) that the Director for Planning and Place be authorised to either:

A i) should planning permission to application no. P19/S0191/FUL be approved by South Oxfordshire District Council and this application first being referred to the Secretary of State to provide the opportunity for the application to be called in for his own determination, as required under the Town and Country Planning (Consultation) (England) Direction 2009 and the Secretary of State not calling in the application for his own determination following referral to him, approve application no. R3.0143/18 subject to conditions to be determined by the Director of Planning and Place including:

1. The development should be carried out in strictly in accordance with the particulars of the development, plans and specifications contained in the



application, except as modified by conditions of this permission. The approved plans and particulars to comprise:

- Application form dated 22/11/2018
  - Transport Statement 17/10/2018
  - Proposed Car Park Road Construction Details
  - Proposed Car Park Surface Finishes and Kerbs
  - Additional Information August 2019 – Existing Site Plan – Car Park – Drawing No 0007 Rev C
  - Additional Information August 2019 – Location Plan – Car Park – Drawing No. 0005 Rev D
  - Additional Information August 2019 – Block Plan – Car Park – Drawing No. 0006 Rev D
  - Additional Information August 2019 – Proposed Site Plan – Car Park – Drawing No. 0008 Rev E
  - Additional Information August 2019 – Design and Access Statement Dated August 2019
  - Sketch plan of entrance Drawing no. 5001158 August 2019.
2. Work should not commence on the construction of the car park until the extension to Wallingford School to be permitted by permission P19/S0191/FUL had been completed or until such earlier time as the County Planning Authority might approve.
  3. Prior to the commencement of the development, a detailed plan of the access including amendments to the layby should be submitted to and approved in writing by the County Planning Authority.
  4. No works of construction should take place until a detailed landscaping plan, planting scheme and habitat management plan had been submitted to and approved in writing by the County Planning Authority. The works should be carried out strictly in accordance with the approved details and should be retained in that manner thereafter.

Informative

The proposal should comply with section 12, para. 127 of the National Planning Policy Framework (NPPF) and also Planning Practice Guidance on 'Design' and consider issues to create safe, connected and efficient streets, crime prevention, security measures and cohesive & vibrant neighbourhoods'.

ii) should South Oxfordshire District Council be minded to approve P19/S/0191/FUL, that they be advised that the County Council considered a condition should be attached, that the school extension should not be

brought into use until a car park had been provided for additional staff parking in the vicinity of the school and such car park is available for use.

or

**B** should planning permission to application no. P19/S0191/FUL be refused by South Oxfordshire District Council, to refuse planning permission for application no. R3.0143/18 for the following reasons:

1. The proposed development would lead to significant impacts on amenity, including air quality and would be contrary to policies CSWAL1 of the SOCS and policies EP1, WAL1, and ENV12 of the ESOLP.
2. The proposed development would lead to pollution emissions, noise and vibration, and would therefore be contrary to saved policies EP1 and EP2 of the SOLP, and policies ENV12 and DES6 of the ESOLP.
3. The proposed development makes no provision for a modal shift to public transport, cycling or walking. It is therefore contrary to policy CSM1 of the SOCS, and policy TRANS5 of the ESOLP.
4. The development would lead to a loss of playing field space and so existing recreational provision contrary to policy CF1 of the SOLP.

**41/19 REQUEST FOR PRIOR APPROVAL OF THE INSTALLATION AND USE OF A CONCRETE BATCHING PLANT TO PRODUCE READY-MIXED CONCRETE FOR SALE AT LAND AT FARINGDON QUARRY, FERNHAM ROAD, FARINGDON, OXFORDSHIRE, SN7 7LG - APPLICATION MW.0068/19**

(Agenda No. 8)

The Committee considered (PN8) a report on whether Prior Approval should be granted for the installation and use of a concrete batching plant to produce ready-mixed concrete at Faringdon Quarry (planning permission no. MW.0068/19). This was an application for Prior Approval of Permitted Development under Part 17, Class B of the General Permitted Development (England) Order (As Amended) 2015 and was being reported to Committee because objections had been received from the local County Councillor, Little Coxwell Parish Council, Faringdon Town Council and other third parties.

Mr Periam presented the report together with additional information set out in the addenda which included a revised recommendation.

Glen Yarwood on behalf of Little Coxwell Parish Council and residents considered the introduction of a concrete batching plant wholly unacceptable, completely disproportionate and a major departure from the initial quarrying of local materials for onward sale. Objections related to noise, traffic, dust and pollution, impact on the rural countryside, water supply and commercial considerations. Little Coxwell was a rural location with a large number of walkers

on local footpaths and horses located in the fields opposite the site and all using local bridleways and roads. Noise from the machinery would have a huge effect as would the visual impact. Dust and pollution would be distributed over a wide area and it was dismissive to suggest this would or could be mitigated by modern dust collection systems. That was clearly not the case as evidenced at other similar sites. The investment made in this sort of equipment suggested an intent to gain as much revenue as possible and, therefore, activity on site would inevitably increase. There was likely to be a higher increase in traffic than had been suggested with a more realistic figure of 10 vehicles an hour if equipment was used at full capacity. That investment also seemed to be contradictory to the site closing in 2026 which suggested an extension to the working life of the quarry. The potential for dust and pollution from cement dust which can be extremely harmful was considerable and it made little sense to introduce this sort of risk in an area when no demonstrable need for the material had been shown to exist. A 7-metre high piece of equipment would be visible and it was not acceptable to suggest that it would blend in on an existing industrial site or increase what was already an eyesore in the rural community. Water supply could be affected if the plant was on the same supply as the local community which already suffered from low water pressure. The parish council were strongly requesting that the application be refused.

Endorsing the above comments County Councillor Judith Heathcote emphasised the rural and agricultural location of this site and the consequences for the surrounding area. The site stood adjacent to the A420 where traffic levels were steadily increasing and with the expansion of Swindon safety levels were decreasing to such an extent that the road had been identified for inclusion in the Major Roads Network Proposals and had been the subject of numerous A420 safety meetings with officers and other local county councillors whose divisions straddled the road. The A420 had many junctions notably Buckland, which had been improved, Buckland Marsh, Littleworth, Little Coxwell and Great Coxwell and it is these that accounted for the majority of accidents with drivers at the Littleworth junction preferring to turn left out of Littleworth rather than risk a right turn across oncoming traffic. That manouvere was being replicated at other junctions. Commercial traffic did not follow advisory signing to use the A34 to the M4 preferring instead the A420. Little Coxwell had one junction onto A420 where traffic was moving at and often exceeding 60 mph and to suggest that that junction was acceptable with sufficient splays and sightlines was at best questionable. Water requirements for the batching plant via a storage tank would affect local water pressure. I would urge the Committee to take on board the concerns I and other local residents have raised regarding conditions on the A420, impact on a rural and agricultural area, health and welfare from pollution, dust and noise and the serious need for the Little Coxwell junction to be improved.

Responding to Councillor Sames she confirmed that road improvements had not been carried out and residents did not want to see dirt and pollution problems experienced at similar sites replicated here.

Councillor Fitzgerald-O'Connor expressed concern regarding pollution and dust and agreed that any additional movements onto the A420 would be a major concern.

Mr Periam explained that the type of conditions which could be imposed on this type of application were limited to those which reduced injury to the amenity of a neighbourhood from a particular development or whether it could be sited elsewhere. Regarding the latter officers had felt that the location here where suitable material for concrete production was worked would contribute to meeting market demand in this part of the county and surrounding areas. Regarding the former and in response to specific questions he confirmed that it would not be possible to condition or refuse permission on highway capacity or safety impacts. However, a condition to mitigate against noise and dust could be considered as an

impact on local amenity and a limit on vehicle movements to 22 per day to protect local horseriders and local inhabitants and residents.

**RESOLVED:** (on a motion by Councillor Johnston, seconded by Councillor Roberts and carried by 6 votes to 3, Councillor Sames, Councillor Reynolds and Councillor Fitzgerald-O'Connor recorded as voting against and Councillor Webber recorded as abstaining) that the prior approval be granted for the installation and use of a mobile Concrete Batching Plant to produce ready-mixed concrete for sale under Part 17, Class B of the Town & Country Planning (General Permitted Development) (England) Order 2015 (as amended), and in accordance with

- (a) the detailed proposals for the location, height, design and appearance of the plant, as contained within the application and listed in the Schedule of Approved Plans and Documents.

Schedule of Approved Plans and Documents

- (i) Request letter dated 09.07.19
  - (ii) Location Plan – Drawing No. DG.EST.FAR.CBP.01
  - (iii) Concrete Batching Plant Location Plan – Drawing No. DG.EST.FAR.CBP.02
  - (iv) MCM60 & MCS50 Silo Layout with existing 10m screws – Drawing No. Wiltshire MCM60 Layout
  - (v) MCM60 & MCS50 – Silo Layout with existing 10m screws (colour) – Drawing No. Wiltshire MCM60 Elevation Layout
  - (vi) Technical Note dated 29.05.19
  - (vii) Faringdon CBP Technical Note Addendum dated 21.08.19
- (b) on condition that the submission of a screening planting scheme be submitted to and approved in writing by the Minerals Planning Authority and implemented prior to the installation of the mobile batching plant and additional conditions (under Part 17, Class B.2(2) of the GDPO) to protect the amenity of the neighbourhood to:
- (i) Limit the number of vehicle movements to 22 per day
  - (ii) Ensure robust dust and noise monitoring
  - (iii) Ensure use of wheelwashing facilities

**42/19 USE OF LAND FOR MANUFACTURE OF RECYCLED AGGREGATE AND SOILS AT D & M PLANT HIRE LTD, DIX PIT, LINCH HILL, STANTON HARCOURT, OX29 5BB - APPLICATION R3.0059/19**

(Agenda No. 9)

The Committee considered (PN9) an application for the temporary use of 0.32ha of land for the manufacture of recycled aggregate and soils at the request of the local member. Objections had been received from Northmoor Parish Council due to the transport, dust and noise impacts.

Mrs Hudson presented the report.

Suzi Coyne for the applicant welcomed the recommendation. The proposed use of the land would prevent material going to landfill and was sited away from properties. The applicant recognising the strong local concerns regarding traffic was happy to enter into a routeing agreement but considered it unreasonable to have to pay a security deposit as outlined in the Council's lorry routeing protocol as he had a tracking system to monitor lorry movements and as there would only be a maximum of 3 movements an hour with no history of persistent breaches the County Council needed to demonstrate that such a payment was justified.

She then responded to:

Councillor Johnston – confirmed all company vehicles were fitted with the tracking device.

Councillor Roberts – only company lorries and vehicles were used. There were no sub-contractors.

Councillor Mathew confirmed that active recycling and preparatory work had been carried out prior to permission being obtained. He supported recycling and secondary aggregate production but had concerns regarding noise and dust including for those working next door to the operation. He continued to have concerns over the use of B449 through Sutton and its impact on residents. He queried whether the applicant had permission to use a private haul road and quoting County Council policy that no new applications would be approved until a Sutton bypass had been built stressed that the present situation remained unacceptable.

Responding to Councillor Fox-Davies he confirmed that the routeing agreement had not been flouted by D & M Plant Hire but they had, in his view, not shown respect to planning regulations.

Councillor Reynolds expressed concern regarding incremental gain. Applications individually often seemed to be acceptable but that was not the case collectively and he was against this application on the grounds of concern regarding heavy traffic and the impact on Sutton residents living close to the road.

Councillor Johnston stated that there needed to be a demonstration of severe harm in order to justify refusal of an application but he did not consider that that had been done in this case.

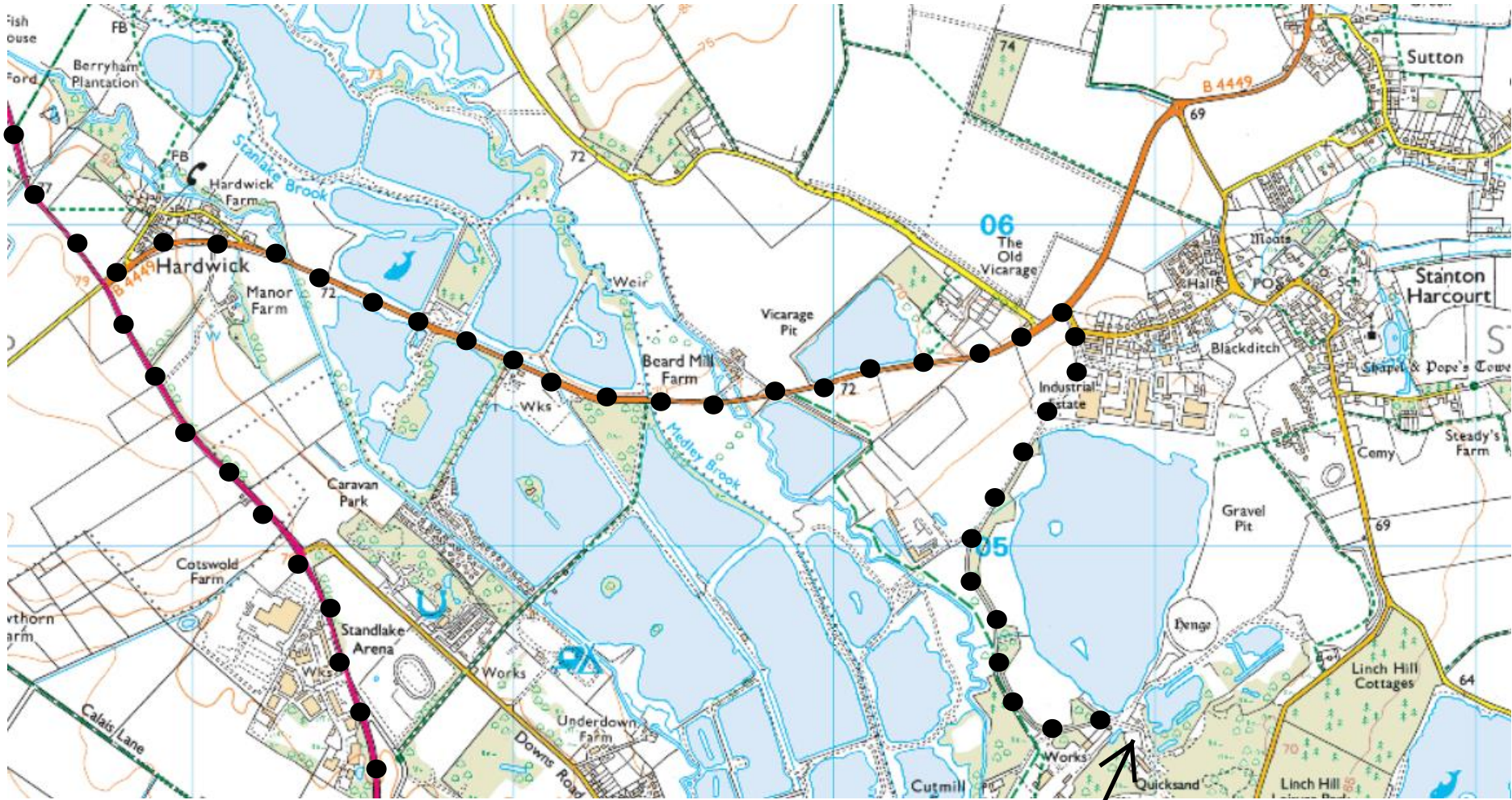
**RESOLVED:** (on a motion by Councillor Fox-Davis, seconded by Councillor Johnston and carried by 7 votes to 2, Councillor Sames and Councillor Reynolds recorded as voting against) that subject to a routeing agreement first being entered into planning permission for Application MW.0059/19 be approved subject to

- (i) conditions to be determined by the Director for Planning and Place including the matters set out at Annex 3 to the report PN9; and
- (ii) an informative on the consent stating that the reason that a security deposit was not sought for the routeing agreement was that the applicant did not have a poor track record of complying with routeing agreements.

..... in the Chair

Date of signing .....

# Plan 1



Page 113

● ● ● Approved Route

The Site

This page is intentionally left blank



## **Policy Annex (Relevant Development Plan and other Policies)**

### **Oxfordshire Minerals and Waste Local Plan – Core Strategy 2031 (OMWCS)**

#### POLICY C5: LOCAL ENVIRONMENT, AMENITY AND ECONOMY

Proposals for minerals and waste development shall demonstrate that they will not have an unacceptable adverse impact on:

- the local environment;
- human health and safety;
- residential amenity and other sensitive receptors; and
- the local economy;  
including from:
  - noise;
  - dust;
  - visual intrusion;
  - light pollution;
  - traffic;
  - air quality;
  - odour;
  - vermin;
  - birds;
  - litter;
  - mud on the road;
  - vibration;
  - surface or ground contamination;
  - tip and quarry-slope stability;
  - differential settlement of quarry backfill;
  - subsidence; and
  - the cumulative impact of development.

Where necessary, appropriate separation distances or buffer zones between minerals and waste developments and occupied residential property or other sensitive receptors and/or other mitigation measures will be required, as determined on a site-specific, case-by-case basis.

#### POLICY C10: TRANSPORT

Minerals and waste development will be expected to make provision for safe and suitable access to the advisory lorry routes shown on the Oxfordshire Lorry Route Maps in ways that maintain and, if possible, lead to improvements in:

- the safety of all road users including pedestrians;
- the efficiency and quality of the road network; and
- residential and environmental amenity, including air quality.

Where development leads to a need for improvement to the transport network to achieve this, developers will be expected to provide such improvement or make an appropriate financial contribution.

Where practicable minerals and waste developments should be located, designed and operated to enable the transport of minerals and/or waste by rail, water, pipeline or conveyor.

Where minerals and/or waste will be transported by road:

- a) mineral workings should as far as practicable be in locations that minimise the road distance to locations of demand for the mineral, using roads suitable for lorries, taking into account the distribution of potentially workable mineral resources; and
- b) waste management and recycled aggregate facilities should as far as practicable be in locations that minimise the road distance from the main source(s) of waste, using roads suitable for lorries, taking into account that some facilities are not economic or practical below a certain size and may need to serve a wider than local area.

Proposals for minerals and waste development that would generate significant amounts of traffic will be expected to be supported by a transport assessment or transport statement, as appropriate, including mitigation measures where applicable.

### **Oxfordshire Minerals & Waste Local Plan 1996 (OMWLP) (saved policies)**

#### **POLICY SH2: TRANSPORT**

Planning permission will not be granted for mineral extraction or waste disposal, including development which would intensify existing workings, where the development would lead to a significant increase in traffic in Sutton or prolongation of significant traffic intrusion, unless the Sutton bypass has been constructed and brought into use. If necessary, weight restrictions will be placed within the village following construction of the bypass.

#### **POLICY SH3: TRANSPORT**

The County Council will seek routing agreements with operators in order to limit the use of the A415 through Standlake and southwards over Newbridge. The preferred routes will be the A415 north of Standlake to the Ducklington bypass, or the B4449 via the Blackditch, Sutton and Eynsham bypasses.

### **West Oxfordshire District Council Local Plan 2031**

#### **POLICY OS1: PRESUMPTION IN FAVOUR OF SUSTAINABLE DEVELOPMENT**

Planning applications that accord with the policies in this Local Plan (and, where relevant, with policies in Neighbourhood Plans) will be approved, unless material considerations indicate otherwise.

Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise – taking into account whether:

- Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or
- Specific policies in that Framework indicate that development should be restricted.

#### POLICY OS4: HIGH QUALITY DESIGN

High design quality is central to the strategy for West Oxfordshire. New development should respect the historic, architectural and landscape character of the locality, contribute to local distinctiveness and, where possible, enhance the character and quality of the surroundings and should:

- demonstrate high quality, inclusive and sustainable design with the provision of a safe, pleasant, convenient and interesting environment where the quality of the public realm is enhanced and the likelihood of crime and fear of crime is reduced; and
- not harm the use or enjoyment of land and buildings nearby including living conditions in residential properties; and
- demonstrate resilience to future climate change, particularly increasing temperatures and flood risk, and the use of water conservation and management measures; and
- conserve or enhance areas, buildings and features of historic, architectural and environmental significance, including both designated and non-designated heritage assets and habitats of biodiversity value; and
- enhance local green infrastructure and its biodiversity, including the provision of attractive, safe and convenient amenity open space commensurate with the scale and type of development, with play space where appropriate.

Designers of new development will be expected to provide supporting evidence for their design approach. They should have regard to specific design advice contained in supplementary planning guidance covering the District. The West Oxfordshire Design Guide, Oxfordshire Historic Landscape Appraisal, Landscape Assessments, Conservation Area Appraisals and Cotswolds AONB guidance documents are key tools for interpreting local distinctiveness and informing high design quality. 36 West Oxfordshire Local Plan 2031 - Adopted September 201

#### POLICY OS5: SUPPORTING INFRASTRUCTURE

New development will be required to deliver, or contribute towards the timely provision of essential supporting infrastructure either directly as part of the development, or through an appropriate financial contribution.

On larger development sites, phasing of development will be required and later phases may be contingent on essential infrastructure being in place.

This will include, where applicable the strategic infrastructure items identified within the Council's Infrastructure Delivery Plan (IDP) and CIL Regulation 123 list as well

as non-strategic infrastructure requirements including those associated with individual development proposals.

Such provision will be secured through appropriate mechanisms including the use of planning conditions, planning obligations and the Community Infrastructure Levy (CIL).

#### POLICY T1: SUSTAINABLE TRANSPORT

Priority will be given to locating new development in areas with convenient access to a good range of services and facilities and where the need to travel by private car can be minimised, due to opportunities for walking, cycling and the use of public transport, particularly where this would help to reduce traffic congestion on the routes around Oxford and the Air Quality Management Areas at Witney and Chipping Norton.

In addition to this;

- All new development will be designed to maximise opportunities for walking, cycling and the use of public transport, ensure the safe movement of vehicles and minimise the impact of parked and moving vehicles on local residents, business and the environment
- To promote increased home working and telecommuting, all new residential and commercial developments will be required to make provision for superfast broadband.
- Mixed-use developments will be supported in principle in accessible, sustainable locations subject to compliance with other relevant local plan policies.

Proposals for new developments that have significant transport implications either in themselves or in combination with other proposals will be required to include a Transport Assessment (TA), and a travel plan, in accordance with County Council requirements.

#### POLICY T2: HIGHWAY IMPROVEMENT SCHEMES

All new development will be required to demonstrate site access and an acceptable degree of impact on the local highway network.

Development proposals that are likely to generate significant amounts of traffic, shall be supported by a Transport Assessment (TA) and a Travel Plan.

Where necessary to mitigate the impact of development and support planned growth, contributions will be sought from new development towards new and/or enhanced highway infrastructure either directly as part of the development or in the form of an appropriate financial contribution.

The following strategic highway infrastructure schemes are proposed to be safeguarded and delivered as part of the committed and allocated urban extensions identified in this Local Plan:

- Downs Road junction, Witney
- Shores Green Slip Roads, Witney
- West End Link Road, Witney
- Northern Distributor Road, Witney
- Eastern Link Road, Chipping Norton
- Western Spine Road, Eynsham

The Council will identify and safeguard necessary strategic highway improvements associated with the Oxfordshire Cotswolds Garden Village through the Area Action Plan (AAP) process.

The Council will continue to support the provision of A-road access to Carterton via the B4477 together with the provision of west facing slip roads at the junction of the A40 and B4477. Contributions will be sought from new development as appropriate.

The Council will continue to work in partnership with OCC in relation to securing improvements to the A40 between Witney and Oxford. This will include the provision of an eastbound bus lane in conjunction with the proposed Park and Ride at Eynsham to help address congestion in the short to medium term, together with longer term improvements including the provision of a westbound bus lane from Oxford to Eynsham and dualling of the A40 between Witney and Eynsham.

Contributions will be sought from new development and other potential sources of funding as appropriate.

In addition, the Council will work in partnership with the County Council to deliver other 'non-strategic' highway improvements necessary to support the quantum and distribution of growth identified in the Local Plan with contributions to be sought from new development as appropriate.

### POLICY T3: PUBLIC TRANSPORT, WALKING AND CYCLING

All new development will be located and designed to maximise opportunities for walking, cycling and the use of public transport.

Where opportunities for walking, cycling and using public transport are more limited, other measures will be sought to help reduce car use as appropriate (e.g. measures to promote home working or the opportunity for linked trips e.g. through mixed-use development).

New development will be expected to contribute towards the provision of new and/or enhanced public transport, walking and cycling infrastructure to help encourage modal shift and promote healthier lifestyles with particular regard to be given to safe and convenient routes to school.

Development that fails to make adequate provision of measures to encourage the use of non-car modes of transport will not be favourably considered.

West Oxfordshire District Council will continue to work in partnership with the highway authority, developers, local councils, bus and rail operators and other voluntary and community sector organisations, to:

- Increase the use of bus, rail and community transport through the provision of improved services, facilities and information including specific schemes identified in the Local Transport Plan (Connecting Oxfordshire) and IDP; and
- Provide safe and convenient travel within and between the network of towns and villages in West Oxfordshire, particularly for pedestrians, cyclists and other vulnerable road users, users of public and community transport including specific schemes identified in the Local Transport Plan and IDP.

## POLICY EH2: LANDSCAPE CHARACTER

The quality, character and distinctiveness of West Oxfordshire's natural environment, including its landscape, cultural and historic value, tranquillity, geology, countryside, soil and biodiversity, will be conserved and enhanced.

New development should conserve and, where possible, enhance the intrinsic character, 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 be imposed on development proposals to ensure every opportunity is made to retain such features and ensure their long-term survival through appropriate management and restoration.

Proposals which would result in the loss of features, important for their visual, amenity, or historic value will not be permitted unless the loss can be justified by appropriate mitigation and/or compensatory measures which can be secured to the satisfaction of the Council.

Proposed development should avoid causing pollution, especially noise and light, which has an adverse impact upon landscape character and should incorporate measures to maintain or improve the existing level of tranquillity and dark-sky quality, reversing existing pollution where possible.

Special attention and protection will be given to the landscape and biodiversity of the Lower Windrush Valley Project, the Windrush in Witney Project Area and the Wychwood Project Area.

## POLICY EH3: BIODIVERSITY AND GEODIVERSITY

The biodiversity of West Oxfordshire shall be protected and enhanced to achieve an overall net gain in biodiversity and minimise impacts on geodiversity, including by:

- giving sites and species of international nature conservation importance and nationally important sites of special scientific interest the highest level of protection from any development that will have an adverse impact;
- requiring a Habitats Regulations Assessment to be undertaken of any development proposal that is likely to have a significant adverse effect, either

alone or in combination, on the Oxford Meadows SAC, particularly in relation to air quality and nitrogen oxide emissions and deposition;

- protecting and mitigating for impacts on priority habitats, protected species and priority species, both for their importance individually and as part of a wider network;
- avoiding loss, deterioration or harm to locally important wildlife and geological sites and sites supporting irreplaceable habitats (including ancient woodland, Plantations on Ancient Woodland Sites and aged or veteran trees), UK priority habitats and priority species, except in exceptional circumstances where the importance of the development significantly and demonstrably outweighs the harm and the harm can be mitigated through appropriate measures and a net gain in biodiversity is secured;
- ensuring development works towards achieving the aims and objectives of the Conservation Target Areas (CTAs) and Nature Improvement Areas (NIAs);
- promoting the conservation, restoration and re-creation of priority habitats, ecological networks and the protection and recovery of priority species populations, particularly within the CTAs and NIAs;
- taking all opportunities to enhance the biodiversity of the site or the locality, especially where this will help deliver networks of biodiversity and green infrastructure and UK priority habitats and species targets and meet the aims of CTAs;
- ensuring that all applications that might adversely affect biodiversity are accompanied by adequate ecological survey information in accordance with BS 42020:2013 unless alternative approaches are agreed as being appropriate with the District Council's ecologist;
- all major and minor applications demonstrating a net gain in biodiversity where possible. For major applications this should be demonstrated in a quantifiable way through the use of a Biodiversity Impact Assessment Calculator (BIAC) based on that described in the DEFRA Biodiversity Offsetting guidance or a suitably amended version. For minor applications a BIAC will not usually be required but might be requested at the Council's discretion;
- all development incorporating biodiversity enhancement features.

All developments will be expected to provide towards the provision of necessary enhancements in areas of biodiversity importance.

#### POLICY EH4: PUBLIC REALM AND GREEN INFRASTRUCTURE

The existing areas of public space and green infrastructure of West Oxfordshire will be protected and enhanced for their multi-functional role, including their biodiversity, recreational, accessibility, health and landscape value and for the contribution they make towards combating climate change.

Public realm and publicly accessible green infrastructure network considerations should be integral to the planning of new development.

New development should:

- avoid the loss, fragmentation loss of functionality of the existing green infrastructure network, including within the built environment, such as access to

waterways, unless it can be demonstrated that replacement provision can be provided which will improve the green infrastructure network in terms of its quantity, quality, accessibility and management arrangements

- provide opportunities for walking, and cycling within the built-up areas and connecting settlements to the countryside through a network of footpaths, bridleways and cycle routes
- maximise opportunities for urban greening such as through appropriate landscaping schemes and the planting of street trees
- provide opportunities for improvements to the District's multi functional network of green infrastructure (including Conservation Target Areas) and open space (through for example extending spaces and connections and/or better management), particularly in areas of new development and/or where stakeholder/partnership projects already exist or are emerging, in accordance with the Council's Green Infrastructure Plan, its Open Spaces Strategy, Playing Pitch Strategy, Living Landscape Schemes, locally identified Nature Improvement Areas and any future relevant plans (such as Neighbourhood Plans) and programmes as appropriate
- consider the integration of green infrastructure into proposals as an alternative or to complement 'grey infrastructure' (such as manmade ditches and detention ponds and new roads)
- demonstrate how lighting will not adversely impact on green infrastructure that functions as nocturnal wildlife movements and foraging corridors.

Contributions towards local green infrastructure projects will be sought where appropriate. If providing green infrastructure as part of a development, applicants should demonstrate how it will be maintained in the long term

## POLICY EH7: FLOOD RISK

Flood risk will be managed using the sequential, risk-based approach, set out in the National Planning Policy Framework, of avoiding flood risk to people and property where possible and managing any residual risk (taking account of the impacts of climate change).

In assessing proposals for development:

- the Sequential Test, and if necessary, the Exception Test, will be applied;
- all sources of flooding (including sewer flooding and surface water flooding) will need to be addressed and measures to manage or reduce their impacts, onsite or elsewhere, incorporated into the development proposal;
- appropriate flood resilient and resistant measures should be used;
- sustainable drainage systems to manage run-off and support improvements in water quality and pressures on sewer infrastructure will be integrated into the site design, maximising their habitat value and ensuring their long term maintenance;
- a site-specific flood assessment will be required for all proposals of 1 ha or more and for any proposal in Flood Zone 2 and 3 and Critical Drainage Areas;
- only water compatible uses and essential infrastructure will be allowed in a functional flood plain (Flood Zone 3b);



- land required for flood management will be safeguarded from development and, where applicable, managed as part of the green infrastructure network, including maximising its biodiversity value.

## POLICY EH8: ENVIRONMENTAL PROTECTION

Proposals which are likely to cause pollution or result in exposure to sources of 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. The following issues require particular attention:

### Air quality

The air quality within West Oxfordshire will be managed and improved in line with National Air Quality Standards, the principles of best practice and the Air Quality Management Area Action Plans for Witney and Chipping Norton. Where appropriate, developments will need to be supported by an air quality assessment.

### Contaminated land

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.

### Hazardous substances, installations and airfields

Development should not adversely affect safety near notifiable installations and safeguarded airfields.

### Artificial light

The installation of external lighting and lighting proposals for new buildings, particularly those in remote rural locations, will only be permitted where:

- the means of lighting is appropriate, unobtrusively sited and would not result in excessive levels of light;
- the elevations of buildings, particularly roofs, are designed to limit light spill;
- the proposal would not have a detrimental effect on local amenity, character of a settlement or wider countryside, intrinsically dark landscape or nature conservation.

### Noise

Housing and other noise sensitive development should not take place in areas where the occupants would experience significant noise disturbance from existing or proposed development.

New development should not take place in areas where it would cause unacceptable nuisance to the occupants of nearby land and buildings from noise or disturbance.

## Water resources

Proposals for development will only be acceptable provided there is no adverse impact on water bodies and groundwater resources, in terms of their quantity, quality and important ecological features.

## Waste

Proposals for development that make provision of the management and treatment of waste will need to be in accordance with the Oxfordshire Minerals and Waste Local Plan.

## POLICY EH9: HISTORIC ENVIRONMENT

All development proposals should conserve and/or enhance the special character, appearance and distinctiveness of West Oxfordshire's historic environment, including the significance of the District's heritage assets, in a manner appropriate to their historic character and significance and in a viable use that is consistent with their conservation, in accordance with national legislation, policy and guidance for the historic environment.

In determining applications, great weight and importance will be given to conserving and/or enhancing the significance of designated heritage assets, including:

- the outstanding universal values for which Blenheim Palace and Park is inscribed as a World Heritage Site (WHS), as guided by its WHS Management Plan (see also Policy EW9);
- the special architectural and historic interest of Listed Buildings, with regard to their character, fabric and their settings;
- the special architectural and historic interest, character and/or appearance of the District's Conservation Areas and their settings, including the contribution their surroundings make to their physical, visual and historic significance;
- the special archaeological and historic interest of nationally importance monuments (whether Scheduled or not), both with regard to their fabric and their settings;
- the special cultural, architectural and historic interest of Registered Parks, including contributions their surroundings make to their physical, visual and historic significance.

Significant weight will also be given to the local and regional value of non-designated heritage assets, including non-listed vernacular buildings (such as traditional agricultural buildings, chapels and mills), together with archaeological monuments that make a significant contribution to the District's historic environment.

All applications which affect, or have the potential to affect, heritage assets will be expected to:

- a) use appropriate expertise to describe the significance of the assets, their setting and historic landscape context of the application site, at the level of detail

proportionate to the historic significance of the asset or area, using recognised methodologies and, if necessary, original survey. This shall be sufficient to understand the potential impact of the proposal on the asset's historic, architectural and archaeological features, significance and character;

- b) demonstrate that the proposal would, in order of preference:
- avoid adverse impacts on the significance of the asset(s) (including those arising from changes to their settings), and wherever possible, enhance or better reveal the significance of the asset(s);
  - minimise any unavoidable and justified (by the public benefits that would accrue from the proposed development – see below) adverse impacts and mitigate those impacts in a manner proportionate to the significance of the asset(s) and the nature and the level of the impact, investigate and record changes to or loss of physical fabric, features, objects or other remains and make the results publicly available.
- c) Demonstrate that any new development that would result in the unavoidable and justified loss of all or part of a heritage asset would proceed within a reasonable and agreed timetable that makes allowance for all necessary safeguarding and recording of fabric and other remains, including contingencies for unexpected discoveries.

### *Designated Assets*

Proposals which would harm the significance of a designated asset would not be approved, unless there is a clear and convincing justification in the form of substantive tangible public benefits that clearly and convincingly outweigh the harm, using the balancing principles set out in national policy and guidance.

### *Non-designated Heritage Assets*

When considering proposals that affect, directly or indirectly, the significance of non-designated heritage assets, a balanced judgement will be made having regard to:

- the scale of any harm or loss;
- the significance of the heritage asset; and
- the public benefits of the development. If it is determined through the relevant evidence that currently non-designated buildings, structures, historic landscapes or archaeology are of national significance, those elements of this policy for designated heritage assets will apply.

### *Record and advance understanding*

Where development that would result in substantial harm to or loss of the significance of a heritage asset is permitted, developers will be required to record and advance understanding of the significance of that asset, in a manner appropriate to the nature of the asset, its importance and the impact, and publish that evidence and make it publicly accessible.\*

\*(For the avoidance of doubt, the ability to mitigate loss of significance through investigation and recording will not contribute to the balancing judgement of whether such a loss is justifiable under this policy.)

## POLICY WIT1: East Witney Strategic Development Area (450 homes)

Land to the east of Witney to accommodate a sustainable, integrated community that forms a positive addition to Witney, including:

- a) about 450 homes with a balanced and appropriate mix of residential accommodation to meet identified needs, including affordable housing. This will include c.30 homes on land adjacent to Stanton Harcourt Road (subject to landscape impact and flood risk) and c. 420 homes on land at Cogges Triangle (subject to landscape impact and surface water run-off).
- b) comprehensive development to be led by an agreed masterplan.
- c) development to be phased in accordance with the timing of provision of supporting infrastructure and facilities including the essential improvements to the Shore's Green junction onto the A40 and related highway measures.
- d) the provision of other supporting transport infrastructure, including mitigating the impact of traffic associated with the development; the provision of appropriate financial contributions towards LTP4 transport schemes; provision of appropriate public transport (services and infrastructure) serving the site; and provision of a comprehensive network for pedestrians and cyclists with good connectivity provided to adjoining areas, including a particular emphasis on improving the linkages across the Windrush Valley into the town centre consistent with the aims and objectives of the Windrush in Witney Project and to Hanborough Station.
- e) the provision of appropriate landscaping measures to mitigate the potential impact of development and associated infrastructure.
- f) the provision of appropriate financial contributions towards primary and secondary education capacity enhancements.
- g) biodiversity, landscape and public access enhancements within the Lower Windrush Valley including arrangements for future maintenance.
- h) provision of appropriate green infrastructure including allotments.
- i) appropriate measures to mitigate traffic noise.
- j) the conservation, and enhancement where possible, of the setting of the Cogges Scheduled Monument and the Witney and Cogges Conservation Area.
- k) the investigation, recording and safeguarding of the known and potential archaeological significance of the Area prior to any development taking place. The results of the investigation and recording should inform the final layout of the development and be deposited in a public archive.
- l) appropriate measures to mitigate flood risk including the use of sustainable drainage methods to ensure that post-development surface water run-off rates are

attenuated to achieve a reduction in greenfield run-off rates. The sustainable drainage systems should be designed to provide a biodiversity enhancement.

- m) connection to the mains sewerage network which includes infrastructure upgrades where required including any necessary phasing arrangements.
- n) demonstrate the use of renewable energy, sustainable design and construction methods, with a high level of energy efficiency in new buildings.
- o) the developer will be required to set aside 5% of the developable plots for those wishing to undertake custom/self-build

### **South Leigh Neighbourhood Plan**

#### **POLICY SLE1: COUNTRYSIDE AND LANDSCAPE**

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:

- Individual or groups of features and their settings, such as stone walls, trees, hedges, woodlands, rivers, streams and ponds;
- Rural landscape and visual setting of the Parish's settlements;
- Setting of historic and landmark buildings;
- Tranquillity and perception of remoteness;
- Dark skies;
- Historic droeways and public rights of way;
- Historic settlement patterns, landscape patterns and enclosures.

In assessing development proposals particular regard will be given to the South Leigh Parish Landscape Assessment and the aims of the Lower Windrush Valley Project Area and Wychwood Forest Project Area.

#### **POLICY SLE2: COUNTRYSIDE ACCESS**

Any development should protect and enhance public rights of way within the Parish for the benefit of the user's experience of the intrinsic beauty and character of the countryside.

Improvements to rights of way will be supported where this preserves and enhances access to the countryside and the rural character and appearance of the area.

#### **POLICY SLE5: BIODIVERSITY**

The biodiversity, important habitats and Green Corridors of the Parish will be protected and enhanced to achieve an overall net gain in biodiversity.

Development should not harm the biodiversity of the Parish, the network of green corridors, the local ecology and natural habitats, as shown on Figure K.

Any development should promote the enhancement of identified Local Wildlife Sites and Green Corridors and should support the achievement of the aims of Conservation Target Areas including the Lower Windrush Valley and the Wychwood Forest Project Area.

#### SLE6: HERITAGE ASSETS

The Parish's designated and non-designated heritage assets and their settings will be conserved and enhanced taking into account their significance and contribution to local distinctiveness and sense of place in accordance with national legislation, policy and guidance for the historic environment.

Considerable weight and importance will be given to conserving and/or enhancing the significance of designated heritage assets and their settings.

#### SLE7: DARK SKIES

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 the guidance contained in Policy EH8 of the West Oxfordshire Local Plan. Proposals that include external lighting which would have a detrimental effect on intrinsically dark landscapes, nature conservation, local amenity, character of a settlement or wider countryside will be refused.

#### POLICY SLD2: DESIGN

New development should demonstrate high quality and sustainable design which respects and enhances the historic, architectural and landscape character and quality of the surroundings having regard to the design principles set out in the accompanying text and in the West Oxfordshire Design Guide.

#### POLICY SLT1: TRAFFIC MANAGEMENT

Any proposals which would result in a significant increase in the volume of traffic on roads in the Plan area will 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 additional traffic generation.