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Submitted to Cherwell District Council via the Planning Portal (PP-11380239)

Date: 07 July 2022
Our ref: 62047/01/DL/SM/SWt/
Your ref: 21/03150/REM

Dear Ms Griffiths

Cherwell District Council: Begbroke Science Park, Begbroke Hill, Begbroke, Kidlington, OX5 1PF – Non-Material Amendment to the wording of Condition 4 of Reserved Matters Approval Ref. 21/03150/REM

On behalf of our client, Oxford University Development Ltd (OUD), please find enclosed an application for a Non-Material Amendment (NMA) to Reserved Matters Approval ref. 21/03150/REM (dated 27 January 2022) for:

“Reserved Matters application for 18/00803/OUT - the design, layout, external appearance and landscaping (as required by OPP Condition 1). It also includes the information required by conditions 4, 5 and 21 of the OPP. Submitted scheme also accords with the requirements of conditions 6, 7, 8, 9 and 14 of the OPP”.

Application Documents

The application submission comprises this covering letter along with a completed application form and a Site Location Plan (Drawing no. BBSP-NBBJ-ZZ-XX-DR-A-501001/P3). A payment of £234 has been made to Cherwell District Council (CDC) in respect of the requisite planning application fee.

Proposed Amendments

Condition 4 of the reserved matters approval for Begbroke Science Park (ref. 21/03150/REM) states:

“If, during development, contamination not previously identified is found to be present at the site, no further development shall be carried out until full details of a remediation strategy detailing how the unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. Thereafter the remediation strategy shall be carried out in accordance with the approved details.”

Reason: To ensure that any ground and water contamination is identified and adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with Saved Policy ENV12 of the Cherwell Local Plan 1996 and Section 15 of the National Planning Policy Framework”.

OUJ is working to a tight construction timetable and therefore, if any unsuspected contamination is found to be present this could potentially cause significant delays whilst a remediation strategy dealing with the contamination is submitted and approved by CDC.

As such, following our recent email discussions, we suggest the wording of the condition be amended (additions in **bold**) as follows:

*“If, during development, contamination not previously identified is found to be present at the site, no further development shall be carried out **in that area of the site** until full details of a remediation strategy detailing how the unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. Thereafter the remediation strategy shall be carried out in accordance with the approved details.*

Reason: To ensure that any ground and water contamination is identified and adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with Saved Policy ENV12 of the Cherwell Local Plan 1996 and Section 15 of the National Planning Policy Framework”.

Assessment of the Proposed Amendments

Under section 96a of the Town and Country Planning Act 1990 an application can be made to the local planning authority to make a change to any planning permission. The local planning authority is empowered to make a change under section 96a “if they are satisfied that the change is not material”.

The proposals seek a very limited amendment to the wording of Condition 4 to ensure that if any contamination is found, only works in the area where the contamination is identified are to stop. The proposed amendment will not result in any material change to the form or appearance of the overall development nor alter the approved description of development. As such we consider that it is appropriate to deal with the proposed changes through a s96a application.

Recent discussions with planning officers at CDC have confirmed that there do not appear to be any particular issues with contamination on the site and so in principle it is accepted that it is appropriate to seek to address this matter through the NMA route.

Overall, the proposed amendment will minimise delays and ensure that there is no significant knock on implications to the construction programme of, what is, a significant development in Cherwell.

Conclusion

We trust that this letter provides sufficient information for the application to be validated and determined within the statutory period. In the meantime, if you have any queries regarding this application, please do not hesitate to contact me or my colleague Sarah Moorhouse.

Yours sincerely

Daniel Lampard
Senior Director