



Carillion Rail

Home Farm, Wendlebury – Proposed Barn and Access Track

Planning Statement

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RSK GENERAL NOTES

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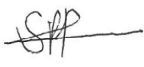
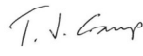
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CONTENTS

1	INTRODUCTION.....	2
1.1	Background.....	2
1.2	The Applicant.....	3
1.3	Purpose of Report.....	3
1.4	Consultation.....	4
1.5	Environmental Impact Assessment.....	4
2	APPLICATION SITE.....	6
2.1	Location.....	6
2.2	Current Status.....	6
3	THE PROPOSED SCHEME.....	9
3.1	Site Boundary.....	9
3.2	Proposed Scheme Design and Key Components.....	9
3.3	Construction Timing and Phasing.....	10
3.4	Construction Access.....	10
3.5	Construction Equipment.....	10
3.6	Construction Security and Maintenance.....	10
3.7	Environmental Management.....	11
4	DEVELOPMENT PLAN.....	20
4.1	Introduction.....	20
4.2	Cherwell Local Plan.....	20
4.3	Policy H2 of the Oxfordshire Structure Plan.....	21
5	OTHER MATERIAL CONSIDERATIONS.....	22
5.1	Introduction.....	22
5.2	Non Statutory Cherwell Local Plan 2011.....	22
5.3	Proposed Modifications to the Submission Version of the Cherwell Local Plan (October 2014).....	22
5.4	National Planning Policy Framework / Planning Practice Guidance.....	23
6	POLICY ASSESSMENT.....	24
6.1	Introduction.....	24
6.2	Green Belt.....	24
6.3	Ecology / Arboriculture.....	25
6.4	Historic Environment.....	27
6.5	Hydrology.....	28
6.6	Contaminated Land.....	29
6.7	Traffic and Transport.....	30
6.8	Design.....	30
7	PLANNING BALANCE.....	32
	APPENDICES.....	33

Appendix A: Existing Site Layout (ref: 5114534-ATK-DRG-AR-907376 P04)

Appendix B: Site Location Plan (ref: 5114534-ATK-DRG-AR-907367 P07)

1 INTRODUCTION

1.1 Background

- 1.1.1 The Chiltern Railway Company (“Chiltern Railways”) is proposing to provide direct passenger rail services from London (Marylebone) to Oxford. This involves the upgrading of the Oxford to Bletchley line from just east of Bicester Town Centre to Oxford, including restoring the double track that was removed in the 1970s, and installing new signaling and safety systems.
- 1.1.2 The proposed Bicester to Oxford improvements form phase 1 of the western section of the wider East-West Rail project, which is seeking to establish a strategic railway connecting East Anglia, with Central, Southern and Western England. The project is being promoted by the East West Rail Consortium, a group of local authorities and businesses with an interest in improving access to and from East Anglia and the Milton Keynes South Midlands Growth Area.
- 1.1.3 In January 2010, Chiltern Railways submitted an application to the Department of Transport (DfT) under Part 1 of the *Transport and Works Act 1992* (TWA) for an Order, granting powers to construct the proposed capacity upgrades. This application was accompanied by an Environmental Statement (ES), which communicated the findings of an Environmental Impact Assessment (EIA) that had been undertaken of the proposed scheme. Following two public local inquiries, the Secretary of State for Transport (SoS) decided in October 1992 to make *The Chiltern Railways (Bicester to Oxford Improvements) Order 2012* (“the Order”). This included a direction that deemed planning permission be granted under section 90(2A) of the *Town and Country Planning Act 1990*.
- 1.1.4 The proposed works involve the reinstatement of the existing redundant railway corridor between Bicester and Oxford. This section of former track contains thirty seven level crossings that need to be closed, combined with other crossings or replaced with bridges to ensure the safety of land owners and pedestrians prior to the railway becoming operational. This includes farmers who currently use the crossing points to gain access to their land on both sides of the railway corridor. The loss of these crossing points has the potential to cause disruption to farmers as they would have to find an alternative route to access their land, which in some cases would involve a diversion of several kilometers.
- 1.1.5 The Home Farm railway crossing (ref: 22.0836) is located to the south west of Wendlebury and is used by one of the farmers in the area to transport cattle, equipment and machinery between land and agricultural buildings on both sides of the railway corridor. Therefore, the loss of this crossing point has the potential to cause disruption to this farmer, as an alternative route would need to be used to gain access between the two sides of the railway corridor, which would result in significantly increased journey times. In addition, there is a barn on the northern side of the railway which is currently used to manage cattle. The restricted access associated with the removal of the existing railway crossing would effectively make this barn redundant. Therefore, alternative premises and access arrangements are

required to maintain the operational efficiency of the existing agricultural land and buildings in this area. A plan showing the location of the existing farm buildings in the context of the railway corridor is provided in Appendix A.

- 1.1.6 The proposed solution for dealing with the constraints associated with the closure of the Home Farm railway crossing is to construct a new cattle barn and access track on the southern side of the railway corridor (“the proposed development”). It is proposed that the replacement barn would be located in close proximity to an existing agricultural building, and that the access track would run in parallel with the railway corridor until after it passes under the M40. It is proposed that it would then run in a south-easterly direction on the boundary of a number of agricultural fields, before linking with Merton Road to the south west of the village of Merton.
- 1.1.7 It is important to note that the majority of the proposed access track between the replacement barn and Merton Road is located within Network Rail’s Limits of Deviation, and is therefore already permitted by the Order. It is only the land that is outside of Network Rail’s operational boundary where planning permission is required and is being sought as part of this application. A drawing illustrating the proposed barn and access track is provided in Appendix B. This also identifies those areas of land that fall outside of Network Rail’s operational boundary and which are therefore included in the scope of this application.
- 1.1.8 The planning application is being submitted under the *Town and Country Planning Act 1990* to Cherwell District Council (CDC), who are the competent authority in this area.

1.2 The Applicant

- 1.2.1 Carillion Rail (“Carillion”) is one of the leading rail infrastructure companies in the UK. Employing more than 4,000 highly trained and skilled staff based nationwide, Carillion Rail is able to offer an extensive portfolio of expertise and capabilities to the rail industry including private finance schemes, major / minor enhancements, rail infrastructure maintenance, life extension work and projects, trainborne inspection and rail testing, and light rail infrastructure renewal and maintenance.
- 1.2.2 In 2014, a joint venture between Carillion Construction and the Buckingham Group was awarded the contract by the Bicester to Oxford Collaboration to deliver the design and construction of the Chiltern Railways route between Oxford and London Marylebone. If planning permission is granted for the new barn and access track, Carillion will be responsible for the construction works. RSK have been appointed by Carillion to provide environmental advice on the project and prepare and submit the planning application.

1.3 Purpose of Report

- 1.3.1 The purpose of this report is to describe the proposed development and to consider the extent to which it complies with the development plan and those documents that constitute material planning considerations.
- 1.3.2 Following this introductory chapter, the report is structured as follows:

- Chapter 2 provides details of the application site, in terms of its location, characteristics and current status;
- Chapter 3 describes the key components of the proposed development;
- Chapter 4 provides a brief overview of the saved policies of the Cherwell Local Plan, which comprises the development plan for the proposed development;
- Chapter 5 identifies the status and weight that should be attached to those planning policy and guidance documents that constitute material considerations e.g. the submitted version of the Cherwell Local Plan 2006-2031;
- On a topic-by-topic basis, Chapter 6 assesses how the proposed development performs against the relevant policies in the development plan and other planning documents that amount to material considerations. This makes reference to the evidence in the planning application documents, including the Preliminary Ecological Appraisal. It also draws on the ES that accompanied the Order application, and those documents that have been prepared to meet the requirements of some of the conditions on the deemed planning permission e.g. Archaeological Written Scheme of Investigation; and
- Chapter 7 draws on the evidence presented in the policy assessment and in the context of section 38(6) of the *Planning and Compulsory Purchase Act 2004* provides a balanced judgment on the acceptability of the proposed development.

1.4 Consultation

- 1.4.1 In advance of this planning application, Carillion and their project team has consulted with the land owner and the owners of land located in close proximity to the proposed barn and access track. Given the proximity of the site to the Wendlebury Meads and Mansmoor Closes Site of Special Scientific Interest (SSSI), discussions have also taken place with Natural England (NE), who advised that any application should include details on how the proposals have the potential to affect the hydrological integrity of the SSSI. This is addressed in the SSSI Hydrological Impact Assessment, which forms part of the planning application package.

1.5 Environmental Impact Assessment

- 1.5.1 Environmental Impact Assessment (EIA) is the process of identifying the environmental effects of a proposed development and is undertaken prior to a decision being taken by the competent authority on whether or not to grant development consent. For those developments that are subject to an application for planning permission under the *Town and Country Planning Act 1990*, EIA in England is governed under *The Town and Country Planning (Environmental Impact Assessment) Regulations 2011* (“EIA Regulations”).
- 1.5.2 EIA should only be undertaken when there is the potential for significant environmental effects (both positive and negative) to be generated. Screening is the procedure used to determine whether a proposed project is likely to have

significant effects on the environment. Development that falls within a relevant description within Schedule 1 to the EIA Regulations always requires EIA. Development of a type listed in Schedule 2, which meets one of the relevant criteria, exceeds one of the identified relevant thresholds or is located in a “sensitive area” is referred to as Schedule 2 Development. Any Schedule 2 Development that is likely to result in significant environmental effects because of factors such as its nature, size or location should be subject to an EIA, with the results reported in an Environmental Statement.

- 1.5.3 The proposed development does not fall within Schedule 1 of the EIA Regulations so does not automatically qualify for EIA. The proposals do not neatly fit within any of the categories in Schedule 2 of the Regulations. The most relevant is 10(f), which relates to the “...*Construction of roads (unless included in Schedule 1), where the area of development exceeds 1 hectare...*”. As the proposed development does not exceed the 1 hectare threshold and is not located in a sensitive area, it does not constitute a Schedule 2 development. In accordance with the advice in paragraph 017 of the Planning Practice Guidance, “...*Such projects do not usually require further screening or Environmental Impact Assessment...*”. On this basis, an Environmental Statement has not be prepared to accompany this planning application.

2 APPLICATION SITE

2.1 Location

2.1.1 The proposed barn and access track are located approximately 1.5km to the south of the village of Wendlebury and approximately 5km south of the town of Bicester. The area is dominated by agricultural fields which are separated by the existing rail corridor which runs in a north easterly – south westerly direction. The M40 is located on a raised embankment to the north of the site and this generally runs on a north–south alignment through this part of Oxfordshire.

2.2 Current Status

2.2.1 The site consists of agricultural land that is currently used for a combination of arable and pastoral farming. In the context of the Agricultural Land Classification (ALC), the land falls outside of Grades 1-3a, and is therefore not considered to be the best and most versatile.

2.2.2 All of the proposed development is within the Oxford Green Belt.

2.2.3 The site is located within the Otmoor Conservation Target Area (CTA). This includes the following priority habitats:

- Floodplain Grazing Marsh;
- Hedgerows;
- Lowland Fen;
- Lowland Meadow;
- Reedbed; and
- Rivers

2.2.4 The existing railway embankment that is located between the proposed access track and the former railway line contains a variety of species-poor scrubby vegetation, which is unlikely to be affected by the proposed works. There is a mature Ash tree located close to the M40 underpass, which will need to be removed to accommodate the access track. The Arboricultural Impact Assessment that has been undertaken to support the planning application has confirmed that this has multiple instances of decay fungi and is of low quality and value (Category C).

2.2.5 The land that would accommodate the proposed barn and access track comprises of a large, fallow arable field. The field appears not to have been cultivated this year and consequently, the vegetation is predominantly tall ruderals. The field margins are grassier, and the grass is spreading into the main part of the field, but the vegetation still has a high proportion of tall ruderals. Further information is provided in the Preliminary Ecological Appraisal, which forms part of the planning application package.

2.2.6 The site is located immediately to the north of the Wendlebury Meads and Mansmoor Closes Site of Special Scientific Interest (SSSI), which extends to 73 hectares across both sides of the railway corridor, and consists of a series of traditionally-managed unimproved neutral meadows supporting a complex variety of plant communities that have developed in response to varying management, drainage and soils. According to the SSSI citation:

“...The meadows are amongst the few surviving examples of calcareous clay pasture communities which are widespread throughout southern England at the turn of the century, but are now rare owing to agricultural improvement and urbanisation.....The flora is exceptionally diverse with more than 160 plant species present, many of which are widely distributed throughout the site and are intrinsically mixed within the fields.....”

2.2.7 According to the Environment Agency (EA) web-site, all of the land within the red line application boundary is located in Flood Zone 1, which identifies that there is less than a 0.1% (1 in a 1000) chance of flooding from rivers and the sea occurring each year. However, it should be noted that a significant proportion of the land to the north, east and south of the site is located in the flood plain of the River Ray and its tributaries i.e. within Flood Zones 2 and 3. Further information is provided in the SSSI Hydrological Impact Assessment, which forms part of the planning application package.

2.2.8 The site is located in close proximity to a number of Public Rights of Ways, some of which cross the existing railway corridor and have therefore been permanently stopped up and diversions put in place. The proposed access track crosses public footpath 398/2 close to where it has been stopped up at the railway corridor. The proposed diversion for footpath 398/2 would run in a north easterly direction under the M40 and would utilise part of the access track that falls outside of the planning application boundary. It should be noted that in the context of the minimal traffic movements that are expected to occur on the access track once it becomes operational, there is not expected to be any adverse effect on users of footpath 398/2.

2.2.9 The ES that was prepared for the original Order application concluded that the landscape through which the scheme passes has high potential to include as yet unidentified archaeological sites. In response, to mitigate the potential for significant adverse impacts, an archaeological evaluation process will be undertaken prior to the start of any works, which will involve trial excavation in locations where desk-top analysis has identified the potential for important archaeological deposits to survive. Any archaeological deposits that are found would be subject to mitigation by preservation *in situ*, where practicable, or by preservation through recording. A Written Scheme of Investigation (WSI) has been prepared by Oxford Archaeology, which proposes that prior to any works taking place in this area, evaluation trenches would be constructed at the location of the proposed barn and along the route of the access track on both sides of the M40. The WSI was submitted to CDC in May 2013 to comply with Condition 9 of the deemed planning permission. CDC responded on 16 May 2013 to confirm that the proposed works set out in the WSI were acceptable.

- 2.2.10 According to Figure 15.1F of the original ES, the land that is proposed for development is not located in an area that has the potential for contamination. Based on this evidence, a Preliminary Risk Assessment (PRA) has not been prepared for the proposed development.

3 THE PROPOSED SCHEME

3.1 Site Boundary

3.1.1 The red line application boundary extends to 0.28 hectares and covers the proposed barn and the length of access track between the barn and the eastern side of the M40, where the track connects with the area of land that falls within the limits of deviation of the Order. This is illustrated in the site location plan in Appendix B.

3.2 Proposed Scheme Design and Key Components

3.2.1 The proposed development consists of the following components:

- The construction of a cattle barn on land to the north east of the existing barn; and
- The construction of an access track between the proposed new barn and Merton Road, to the south of the village of Merton. It should be noted that the majority of these works have already been approved by the Order and that it is just the land to the west of the M40 where planning permission is being sought.

3.2.2 Further details are provided below:

Cattle Barn

3.2.3 The proposed cattle barn structure would be approximately 25m x 18m with a maximum height to the apex of the roof of 7.5m.

3.2.4 The barn includes a raised concrete area (approximately 6m x 16m) on its eastern boundary, which would accommodate a cattle handling facility. An informal parking / storage area (approximately 30m x 10m) would be located to the north of the barn, which would be constructed from hardcore. This would accommodate a container, which would be used by the farmer for the storage of tools and equipment. An additional external area would be included to the south of the barn between the built structure and the hedgerow which forms the field boundary. This would be constructed from hardcore and would accommodate a portacabin (4.3m x 2.3m x 2.3m), which would be used as an office.

3.2.5 A rainwater harvesting tank with a storage capacity of approximately 24,500 litres would be located on the southern boundary of proposed barn, which would be fed by rainwater collected in the guttering system. The water that is collected in the tank would be used by the farmer as part of their normal operations. Any excess would be discharged to the adjacent field. There is no requirement for a connection with the foul sewer network.

3.2.6 The barn has been designed to replace the barn that will become redundant on the opposite side of the railway and to complement the existing barn located to the immediate south. The proposed use of a steel framed structure and dark green

corrugated metal sheeting for the walls, and a fibre cement roof with translucent plastic roof lights is considered to be in keeping with the characteristics of the local landscape.

Access Track

- 3.2.7 The proposed access track will be 4m in width, which consists of 3m of unreinforced concrete paving, with 0.5m of topsoil verges on either side. This will support one-way traffic movements throughout its length. No formal drainage arrangements are proposed for the access track, with any excess water discharging directly to the adjacent field.
- 3.2.8 It is estimated that approximately 156 cubic metres of soil would have to be removed to facilitate the construction of the access track. This material would be utilised on site.

3.3 Construction Timing and Phasing

- 3.3.1 The construction of the proposed barn and the full length of the access track to Merton Road is expected to take approximately 9 months to complete, and is scheduled to commence in April 2015.
- 3.3.2 As vehicular access to the site of the proposed barn is currently limited, it is proposed to undertake the access road construction first. This would begin at Merton Road and move in a north-westerly direction in parallel with the M40. It is expected that the construction of the barn and the section of the access track that requires planning permission will be undertaken between July and December 2015.

3.4 Construction Access

- 3.4.1 It is proposed that all site workers would access the site from Merton Road using the length of access track that would have recently been constructed. A temporary construction compound would be created close to where the proposed access track connects with Merton Road. This would serve the workforce and include offices, car parking, welfare facilities and areas to store plant and machinery.

3.5 Construction Equipment

- 3.5.1 The site workers would utilise a variety of plant and machinery when undertaking the proposed works, including:
- Track construction: Excavators, dump trucks, concrete trucks and pumps; and
 - Barn: Scissor lifts (MEWPs), mobile cranes, excavators, rollers, concrete trucks.

3.6 Construction Security and Maintenance

- 3.6.1 To ensure the safety of local residents and site workers, the construction compound would be securely fenced off and padlocked at the end of each shift.

3.7 Environmental Management

- 3.7.1 All of the proposed works would be undertaken in accordance with the Code of Construction Practice (CoCP) which has been submitted to CDC to discharge Condition 18 on the deemed planning permission. This includes a variety of measures to ensure that neighbouring properties and sensitive environmental receptors such as soil, water courses and protected flora and fauna are not adversely affected by the proposed works.
- 3.7.2 Should it be deemed necessary by CDC, a specific Site Environmental Management Plan (SEMP) would be prepared to supplement the CoCP.

4 DEVELOPMENT PLAN

4.1 Introduction

4.1.1 Section 38(6) of the *Planning and Compulsory Purchase Act 2004* requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.

4.1.2 Annex 2 of the NPPF provides a useful definition of the development plan:

“...This includes adopted Local Plans, neighbourhood plans and the London Plan, and is defined in section 38 of the Planning and Compulsory Purchase Act. (Regional strategies remain part of the development plan until they are abolished by Order using powers taken in the Localism Act. It is the government’s clear policy intention to revoke the regional strategies outside of London, subject to the outcome of the environmental assessments that are currently being undertaken).”

4.1.3 As the site is located within the administrative boundaries of Cherwell District Council, the development plan consists of a combination of the saved policies of the Cherwell Local Plan (1996) and Policy H2 (Upper Heyford) of the former Oxfordshire Structure Plan 2016. Further information on the status of these documents and the weight that should be afforded to any relevant policies is provided below.

4.1.4 It should be noted that in March 2013 the Government Order to revoke the Regional Strategy for the South East (“the South East Plan”) came into effect, so this document no longer forms part of the development plan.

4.2 Cherwell Local Plan

4.2.1 The Cherwell Local Plan was adopted in November 1996 and covers the period up to 2001. Following the introduction of the *Planning and Compulsory Purchase Act 2004*, a number of the policies of the Local Plan were saved pending their replacement by the Local Development Framework.

4.2.2 Paragraph 214 of the National Planning Policy Framework (NPPF), which was adopted in March 2012, indicates that for 12 months from the day of publication, the decision-taker may continue to give full weight to relevant policies adopted since 2004, even if there is a limited degree of conflict with the NPPF. Paragraph 215 goes onto confirm:

“...In other cases and following this 12-month period, due weight should be given to relevant policies in existing plans according to their degree of consistency with the framework (the closer the policies in the plan to the Framework, the greater weight that may be given....”

4.2.3 Given that nearly 20 years has elapsed since the policies in the adopted Local Plan were adopted, and the fact that CDC has not undertaken an exercise to consider the extent to which the saved policies of the Local Plan conform with the NPPF, it can be concluded that the saved policies of the adopted Local Plan should be given limited weight in the decision

making process.

4.3 Policy H2 of the Oxfordshire Structure Plan

- 4.3.1 Policy H2 of the Oxfordshire Structure Plan relates to a specific site (Upper Heyford) that has no relevance to the proposed development. Therefore, this policy has not been considered any further in this document.

5 OTHER MATERIAL CONSIDERATIONS

5.1 Introduction

5.1.1 This chapter identifies those statutory and non-statutory planning policy documents, which for the proposed development are considered to be material considerations. In particular, this will focus on the current status of each document and the weight that should be attached to it in the decision making process.

5.2 Non Statutory Cherwell Local Plan 2011

5.2.1 The non statutory Cherwell Local Plan 2011 was intended to review and update the Local Plan that was adopted in 1996. In response to changes to the planning system, work on this document was discontinued in December 2004 prior to adoption. However, it has been approved as interim planning policy for development control purposes. It should be noted that the policies and proposals in the non statutory Local Plan have not been the subject of all of the statutory local plan preparation procedures, including a public local inquiry.

5.2.2 Based on the time that has elapsed since the interim policies in the non-statutory Local Plan were prepared and the fact that the draft plan has not been subject to independent examination, it can be concluded that minimal weight should be attached to the policies in this document in the decision making process.

5.3 Proposed Modifications to the Submission Version of the Cherwell Local Plan (October 2014)

5.3.1 The proposed modifications to the submission Local Plan (Part 1) were submitted to the Secretary of State for Communities and Local Government for formal examination in October 2014. The Hearing Sessions took place in December 2014 and the document is expected to be formally adopted in July 2015. It should be noted that Part 1 of the Local Plan comprises the main strategy document, which contains strategic development sites and policies. Work has yet to commence on Part 2 of the Local Plan (Development Management Policies and Sites). Subsequently, this document is not expected to be formally adopted until April 2017.

5.3.2 Paragraph 216 of the NPPF states:

“.....From the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);*
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given);*
and

- *The degree of consistency of the relevant policies in the emerging plan to the policies in this framework (the closer the policies in the emerging plan to the policies in the framework, the greater the weight that may be given)...*

5.3.3 On the basis that Part 1 of the replacement Local Plan has been through an independent examination and is expected to be formally adopted within the next six months, it can be concluded that in the context of the NPPF advice set out above, the document should be afforded some weight in the decision making process.

5.4 National Planning Policy Framework / Planning Practice Guidance

5.4.1 The NPPF was formally adopted in March 2012 and sets out the Government's planning policies for England and how these are expected to be applied. In March 2014, the Department for Communities and Local Government (DCLG) launched the Planning Practice Guidance (PPG) web-based resource to supplement the NPPF. It contains additional information on 40 separate topics.

5.4.2 Paragraphs 12 and 13 of the NPPF confirm that the document does not change the statutory status of the development plan as the starting point for decision-taking. However, the NPPF does constitute guidance for local planning authorities and decision-takers both in drawing up plans and as a material consideration in determining applications.

5.4.3 Paragraph 14 highlights that at the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. For decision-taking, this means:

- *"...Approving development proposals that accord with the development plan without delay; and*
- *Where the development plan is absent, silent or relevant policies are out-of-date, granting planning permission unless:*
 - *Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
 - *Specific policies in the Framework indicate development should be restricted...."*

5.4.4 As the NPPF and its accompanying PPG is a contemporary document which represents the Government's current thinking on the operation of the planning system, it should be afforded significant weight in the decision making process.

6 POLICY ASSESSMENT

6.1 Introduction

6.1.1 The aim of this chapter is to assess on a topic-by-topic basis, how the proposed development performs against the development plan and those policy and guidance documents identified in chapter 5, which constitute material considerations. This will draw on the evidence presented in those technical documents that have been prepared to support the planning application.

6.2 Green Belt

Policy / Guidance Summary

6.2.1 Saved policy GB1 (*Development in the Green Belt*) of the adopted Cherwell Local Plan states that development in the Green Belt areas of Oxford will be restricted to i) protect the special character of Oxford and its landscape setting; ii) check the growth of Oxford and prevent ribbon development and urban sprawl; and (iii) prevent the coalescence of settlements. Inside the Green Belt, approval will not be given except in very special circumstances, including the uses of land which preserve the openness of the Green Belt and do not conflict with the purpose of including land in it. Also, the visual amenities of the Green Belt should not be injured.

6.2.2 Policy ESD 14 (*Oxford Green Belt*) of the Cherwell Submission Local Plan 2006-2031 indicates that the Oxford Green Belt boundaries within Cherwell District will be maintained in order to:

- Preserve the special character and landscape setting of Oxford;
- Check the growth of Oxford and prevent ribbon development and urban sprawl;
- Prevent the coalescence of settlements;
- Assist in safeguarding the countryside from encroachment; and
- Assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

6.2.3 Policy ESD 14 goes on to highlight that all development proposals within the Green Belt will be assessed in accordance with government guidance contained in the NPPF. Development within the Green Belt will only be permitted if it maintains the Green Belt's openness and does not conflict with the purposes of the Green Belt or harm its visual amenities.

6.2.4 The NPPF states that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and permanence. The document confirms that inappropriate development is, by definition, harmful to the Green Belt and should not be approved unless in very special circumstances.

6.2.5 Paragraph 89 of the NPPF confirms that Local Planning Authorities should regard the construction of new buildings as inappropriate in the Green Belt, except where they are

buildings for agriculture and forestry. Paragraph 90 states some forms of development are not inappropriate in the Green Belt provided that they preserve the openness of the Green Belt and do not conflict with the purposes of included land in the Green Belt. This includes local transport infrastructure which can demonstrate a requirement for a Green Belt location.

Policy Assessment

- 6.2.6 The proposed development consists of the construction of an agricultural barn and a permanent access track to provide vehicular access between the barn and the local highway network. In accordance with paragraph 89 of the NPPF, buildings for agriculture and forestry are considered to be appropriate development in the Green Belt. With regards to the proposed access track, paragraph 90 of the NPPF confirms that other forms of development are also not inappropriate in Green Belt provided that they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. This includes local transport infrastructure which can demonstrate a requirement for a Green Belt location. In response, it can be concluded that due to the nature of the proposed development and the local topography, there would be limited visibility of the access track. Therefore, the openness of the Green Belt would be preserved. With respect to potential conflict with the five purposes of including land within the Green Belt, it can be concluded that there is only one purpose that is relevant in this case – to assist in safeguarding the countryside from encroachment. In response, it can be concluded that the limited scale and appearance of the proposed access track would not threaten this objective. Therefore, the proposals represent an appropriate use in the Green Belt.

6.3 Ecology / Arboriculture

Policy Summary

- 6.3.1 Saved policy C1 (*Protection of ecological value and rural character of specific features of value in the District*) of the adopted Cherwell Local Plan indicates that the Council will seek to promote the interests of nature conservation. In particular, development which would result in damage to or loss of Sites of Special Scientific Interest or other areas of designated wildlife or scientific importance will not normally be permitted. Furthermore, the Council will seek to ensure the protection of Sites of Local Nature Conservation Value. The potential adverse affect of development on such sites will be a material consideration in determining planning applications.
- 6.3.2 Saved policy C2 (*Development affecting protected species*) of the adopted Cherwell Local Plan highlights that development which would adversely affect any species protected by Schedule 1, 5 and 8 of the Wildlife and Countryside Act and the European Commission Habitats Directive 1992 will not normally be permitted.
- 6.3.3 Saved policy C4 (*Creation of new habitats*) of the adopted Cherwell Local Plan states that the Council will seek to promote the creation of new habitats. In urban areas the Council will promote the interests of nature conservation within the context of new development and will establish or assist with the establishment of ecological and nature conservation areas, where such areas would further the opportunity for environmental education and passive recreation and would not conflict with other policies in the plan.

6.3.4 Policy ESD 10 (*Protection and Enhancement of Biodiversity and Natural Environment*) of the Cherwell Submission Local Plan 2006-2031 indicates that protection and enhancement of biodiversity and the natural environment will be achieved by the following measures:

- In considering proposals for development, a net gain in biodiversity will be sought by protecting, managing, enhancing and extending existing resources, and by creating new resources;
- The protection of trees will be encouraged, with an aim to increase the number of trees in the district;
- If significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or as a last resort, compensated for, then development will not be permitted;
- Development proposals will be expected to incorporate features to encourage biodiversity, and retain and where possible enhance existing features of nature conservation value within the site. Existing ecological networks should be identified and maintained to avoid habitat fragmentation, and ecological corridors should form an essential component of green infrastructure provision in association with new development to ensure habitat connectivity; and
- Relevant habitat and species surveys and associated reports will be required to accompany planning application which affect a site, habitat or species of known or potential ecological value

6.3.5 Policy ESD 11 (*Conservation Target Area*) of the Cherwell Submission Local Plan 2006-2031 highlights that. Where development is proposed within or adjacent to a Conservation Target Area biodiversity surveys and a report will be required to identify constraints and opportunities for biodiversity enhancement. Development which would prevent the aims of a Conservation Target Area being achieved will not be permitted. Where there is potential for development, the design and layout of the development, planning conditions or obligations will be used to secure biodiversity enhancement to help achieve the aims of the Conservation Target Area.

6.3.6 Paragraph 118 of the NPPF states that when determining planning applications, local authorities should aim to conserve and enhance biodiversity. In particular, if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), mitigated, or, as a last resort, compensated for, then planning permission should be refused. In addition, proposed development on land within or outside a Site of Special Scientific Interest (either individually or in combination with other developments) should not normally be permitted. Where an adverse effect on the site's notified special interest features is likely, an exception should only be made where the benefits of the development, at this site, clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest and any broader impacts on the national network of SSSIs.

Policy Assessment

6.3.7 The Arboricultural Impact Assessment, which forms part of the planning application package, concludes that one Category C tree would need to be removed to accommodate the proposed access track. However, as this is in poor condition and has a limited lifespan,

any loss is not seen as being of significant detriment to the landscape. All other trees and hedgerows in close proximity to the proposed barn and access track would be adequately protected during the construction works.

- 6.3.8 The Preliminary Ecological Appraisal Report and covering letter confirms that the proposed barn and access track would be constructed on land that currently accommodates tall ruderal vegetation with patches of dense scrub. In terms of the potential effects of the proposed development on sensitive ecology receptors, the letter confirms that both the construction and operational phases have the potential to adversely affect the neighbouring SSSI and therefore, it is important that any works are undertaken in accordance with the mitigation measures that are set out in the Method Statement that has been prepared for works within 500m of the Wendlebury Meads and Mansmoor Closes SSSI – East West Rail Core Works (*RSK, 2014*).
- 6.3.9 The letter report also recommends the implementation of a programme of standard mitigation measures to protect trees / hedges and sensitive species e.g. use of precautionary working methods to avoid any potential adverse impacts on badgers, birds, reptiles and Great Crested Newts. On the assumption that these standard mitigation measures are implemented, it can be concluded that from an ecological perspective the proposed development does not conflict with the relevant policies in the development plan or those documents that constitute material considerations.

6.4 Historic Environment

6.4.1 Policy ESD 16 (*The character of the built and historic environment*) of the Cherwell Submission Local Plan 2006-2031 indicates that new development will be expected to complement and enhance the character of its context through sensitive siting, layout and high quality design. All new development will be required to meet high design standards. Where development is in the vicinity of any of the district's distinctive natural or historic assets, delivering high quality design that complements the asset will be essential. In particular, new development proposals should:

- Conserve, sustain and enhance designated and non designated 'heritage assets', including buildings, features, archaeology, conservation areas and their settings, and ensure new development is sensitively sited and integrated in accordance with the advice in the NPPF; and
- Include information on heritage assets sufficient to assess the potential impact of the proposal on their significance. Where archaeological potential is identified, this should include an appropriate desk-based assessment and, where necessary, a field evaluation.

6.4.2 Paragraph 128 of the NPPF states that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum, the relevant historic record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes or

has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

Policy Assessment

- 6.4.3 In response to Condition 9 of the deemed planning permission, Oxford Archaeology have prepared a Written Scheme of Investigation for Archaeological Works, which identifies the archaeological work that would be undertaken ahead of and alongside the proposed railway improvements. This includes undertaking trial trench evaluation at the site of the proposed barn and along the route of the access track. The aim of this process is to establish the presence / absence of any archaeological remains, and to determine and confirm the character of any remains present, without compromising any deposits that may merit detailed investigation under more detailed open area excavation or strip, map and sample recording. This approach would ensure that any unknown archaeological remains are identified and would either be subject to mitigation by preservation *in situ*, where practicable, or by preservation through recording. Based on this approach, it can be concluded that any potential adverse historic environment effects would be negligible.

6.5 Hydrology

Policy Summary

- 6.5.1 Saved policy ENV7 (*Development affecting water quality*) of the adopted Cherwell Local Plan states that development which will adversely affect to a material level, the water quality of surface or underground water bodies, including rivers, canals and reservoirs, as a result of directly attributable factors, will not be permitted.
- 6.5.2 Policy ESD 8 (*Water resources*) of the Cherwell Submission Local Plan indicates that the Council will seek to maintain water quality, ensure adequate water resources and promote sustainability in water use. In particular, water quality will be maintained and enhanced by avoiding adverse effects of development on the water environment. Development proposals which would adversely affect the water quality of surface or underground water bodies, including rivers, canals, lakes and reservoirs, as a result of directly attributable factors, will not be permitted. Development will only be permitted where adequate water resources exist, or can be provided without detriment to existing uses. Where appropriate, phasing of development will be used to enable the relevant water infrastructure to be put in place in advance of development commencing.
- 6.5.3 Policy ESD 7 (*Sustainable drainage systems SuDS*) of the Cherwell Submission Local Plan highlights that all development will be required to use sustainable drainage systems (SuDS) for the management of surface water run-off. Where site specific Flood Risk Assessments are required in association with development proposals, they should be used to determine how SuDS can be used on particular sites and to design appropriate systems. In considering SuDS solutions, the need to protect ground water quality must be taken into account, especially where infiltration techniques are proposed. Where possible, SuDS should seek to reduce flood risk, reduce pollution and provide landscape and wildlife benefits.

- 6.5.4 Paragraph 100 of the NPPF advises that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.
- 6.5.5 Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability.

Policy Assessment

- 6.5.6 The SSSI Hydrological Impact Assessment, which forms part of the planning application package reveals that due to the topography of the area, any surface water run-off from the application site would not directly flow into the SSSI. Notwithstanding this, a number of standard mitigation measures would be implemented during the construction phase to reduce the potential for any adverse effects on water quality and surface water drainage. This includes the use of cut off drains to ensure that run off does not enter the SSSI. When these mitigation measures are taken into consideration, it can be concluded that from a hydrological perspective the proposed development does not conflict with the relevant policies in the development plan or those policies documents that constitute material considerations.

6.6 Contaminated Land

Policy Summary

- 6.6.1 Saved Policy ENV12 (*Development on contaminated land*) of the adopted Cherwell Local Plan advises that development on land which is known to be contaminated will only be permitted if, (i) adequate measures can be taken to remove any threat of contamination to future occupiers of the site; (ii) the development is not likely to result in contamination of surface or underground water resources; and (iii) the proposed use does not conflict with other policies in the plan.
- 6.6.2 Paragraph 121 of the NPPF states that planning policies and decisions should ensure that the site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation including land remediation or impacts on the natural environment arising from that remediation.

Policy Assessment

- 6.6.3 Figures 15.1A to 15.1Q in the original ES identifies potentially contaminated sites along the route of the proposed railway between Bicester and Oxford. Figure 15.1F covers the land that would be affected by the proposed barn and access track, and it confirms that none of it is known to be contaminated from historic activities. Based on this evidence, it can be concluded that the potential risk of the proposed development disturbing contaminated material is low.

6.7 Traffic and Transport

Policy Summary

- 6.7.1 Saved Policy TR7 (*Development affecting traffic on minor roads*) of the adopted Cherwell Local Plan states that development that would regularly attract large commercial vehicles or large numbers of cars onto unsuitable minor roads will not normally be permitted.
- 6.7.2 Paragraph 32 of the NPPF advises that all developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether safe and suitable access to the site can be achieved for all people.

Policy Assessment

- 6.7.3 During the construction period, the proposed development has the potential to increase traffic movements on the surrounding highway network due to the movement of plant, machinery and construction workers to and from the site. However, any potential adverse effects would be mitigated by the use of standard control measures e.g. adoption of an agreed access route, use of highway signage to direct site contractors etc. Once the barn and access route become operational, it is anticipated that any traffic movements would be negligible. On this basis, it can be concluded that the proposed development does not conflict with the traffic-related policies in the development plan or those documents that constitute material considerations.

6.8 Design

Policy Summary

- 6.8.1 Saved Policy C28 (*Layout, design and external appearance of new development*) of the adopted Cherwell Local Plan indicates that control will be exercised over all new development, to ensure that the standards of layout, design and external appearance, including the choice of external-finish materials, are sympathetic to the character of the urban or rural context of that development. In sensitive areas the development will be required to be of a high standard and the use of traditional local building materials will normally be required.
- 6.8.2 Policy ESD 16 (*Character of the built and historic environment*) of the Cherwell Submission Local Plan 2006-2031 states that new development will be expected to complement and enhance the character of its context through sensitive siting, layout and high quality design. All new development will be required to meet high design standards. In particular, new development proposals should:
- Be designed to improve the quality and appearance of an area and the way that it functions;
 - Support the efficient use of land and infrastructure, through appropriate land uses, mix and density / development intensity; and
 - Use locally sourced sustainable materials where possible.

- 6.8.3 Paragraph 64 of the NPPF advises that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way that it functions.

Policy Assessment

- 6.8.4 The Design and Access Statement which has been prepared to support the planning application concludes that Carillion and their project team have invested significant time and resources in creating a design solution that is appropriate for the application site and the surrounding area e.g. Wendlebury Meads and Mansmoor Closes SSSI. This integrated and flexible approach has ensured that the final scheme minimises effects on the environment and therefore from a design and access perspective, represents an acceptable development. Based on this evidence, it can be concluded that the proposed development does not conflict with the design policies in the development plan or those documents that constitute material considerations.

7 PLANNING BALANCE

- 7.1.1 This document has described the application site, provided an overview of the proposed development and using the evidence presented in the technical documents that have been prepared to support the planning application, assessed how it performs against the relevant policies in the development plan and those documents that constitute material planning considerations.
- 7.1.2 The construction of the barn and access track is required to respond to the closure of the Home Farm railway crossing, which will occur in advance of Phase 1 of the western section of the East-West Rail project becoming operational. The proposals will allow the existing farmer to continue to operate efficiently on both sides of the railway and therefore, represents a positive intervention that will support local economic productivity.
- 7.1.3 It can be concluded that the proposed barn and access track represents an appropriate development in a rural Green Belt location. Although the proposals have the potential to generate some adverse environmental effects both during the construction period and once the proposed barn and access track become operational, through the implementation of a programme of standard mitigation measures, any adverse effects would be avoided or significantly reduced. Therefore, the proposal does not conflict with the relevant policies in the development plan or those documents that constitute material considerations. On balance, it is recommended that Cherwell District Council grant planning permission for the proposed development, subject to the imposition of any conditions deemed necessary.

APPENDICES

Appendix A: Existing Site Plan



Legend/Notes
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Key:
Existing Barn

Rev	Date	Description of Revisions	Drawn	Chkd	Appr
P04	24/02/15	TREES REMOVED	CB	JW	GN
P03	20/02/15	TREES ADDED	CB	JW	GN
P02	16/02/15	TITLE BLOCK AND DRAWING EXTENTS AMENDED	CB	JW	GN
P01	11/02/15	ISSUE FOR PLANNING	CB	JW	GN

Status
S2 FOR INFORMATION

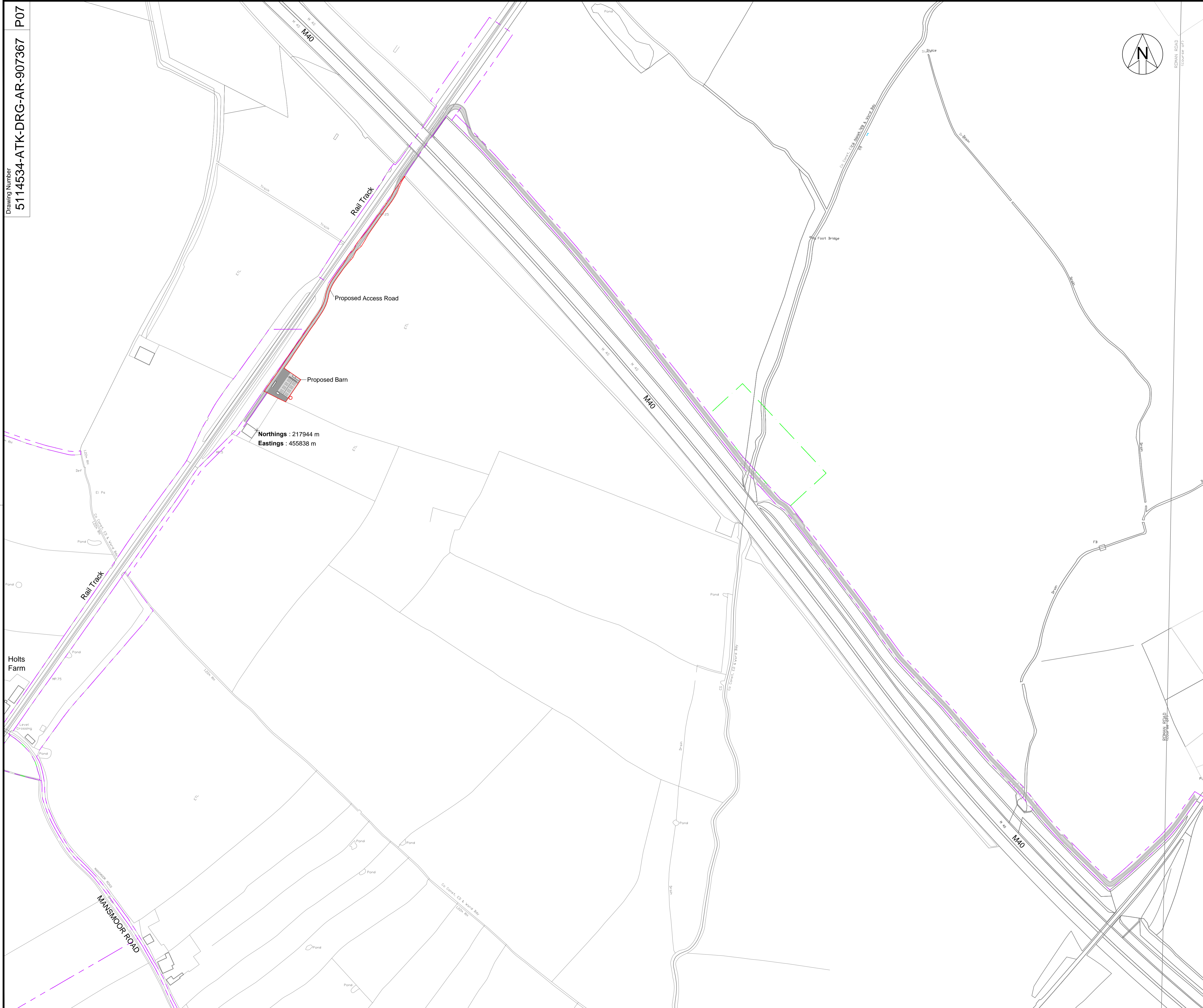
Contractor(s)
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Fax: +44 (0)121 483 6333

Project
HOME FARM AGRICULTURAL BUILDING AND ACCESS TRACK

Drawing Title
EXISTING SITE LAYOUT PLAN

Designed	CB	Signed		Date	24/02/15
Drawn	CB	Signed		Date	24/02/15
Checked	JW	Signed		Date	24/02/15
Approved	GN	Signed		Date	24/02/15
Scale(s)	1:500 at A1		ELR & Mileage		
Alternative Reference					Sheet
Drawing Number	5114534-ATK-DRG-AR-907376				1 of 1
					Revision
					P04

Appendix B: Site Location Plan



Northings : 217944 m
Eastings : 455838 m

Legend/Notes
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Key:

- Boundary Line - Extents of Planning Application (Red line is drawn to extent of earthworks for proposed access track)
- - - Limits of Land to be Acquired (Temporary)
- - - Land Owned by Network Rail - Limits of Deviation

Rev	Date	Description of Revisions	Drawn	Chkd	Appr
P07	24/02/15	TREES REMOVED AND HARDCORE ADDED	CB	JW	GN
P06	20/02/15	BUILDING AND YARD LOCATION AMENDED	CB	JW	GN
P05	16/02/15	TITLE BLOCK AND KEY AMENDED	CB	JW	GN
P04	11/02/15	ISSUED FOR PLANNING - AMENDED TO INCLUDE PROPOSED AND SIZES/SCALE CHANGED	CB	JW	GN
P03	12/12/14	ISSUE	CB	JW	GN
P02	23/06/14	TITLE BLOCK AMENDMENT	CB	JW	GN
P01	23/06/14	ISSUE	CB	JW	GN

Status **S2 FOR INFORMATION**



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Project
HOME FARM AGRICULTURAL BUILDING AND ACCESS TRACK

Drawing Title
SITE LOCATION PLAN

Designed	CB	Signed		Date	24/02/15
Drawn	CB	Signed		Date	24/02/15
Checked	JW	Signed		Date	24/02/15
Approved	GN	Signed		Date	24/02/15
Scale(s)	1:2500 at A1		ELR & Mileage		