
APP/3/B-H

**Town and Country Planning Act 1990
Planning and Compulsory Purchase Act 2004**

Section 78 Appeal by Firethorn Developments Limited

Land at North West Bicester

Five Year Housing Land Supply – Appendices to Proof of Evidence
Nicholas Martin Paterson-Neild BA (Hons) MPhil, MRTPI

Appeal Ref: **APP/C3105/W/23/3315849**

LPA Ref: 21/01630/OUT

May 2023

Town and Country Planning Act 1990 – Section 78

Planning and Compulsory Purchase Act 2004

**Town and Country Planning
(Inquiries Procedure) (England) Rules 2000 (As Amended)**

Land at North West Bicester

Appeal against non-determination of planning permission by Cherwell District Council of Outline planning application for up to 530 residential dwellings (within Use Class C3), open space provision, access, drainage and all associated works and operations including but not limited to demolition, earthworks, and engineering operations, with the details of appearance, landscaping, layout and scale reserved for later determination.

**Five Year Housing Land Supply – Appendices to Proof of Evidence of
Nicholas Martin Paterson-Neild BA (Hons) MPhil, MRTPI**

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CONTENTS

- Appendix APP/3/B:** East Hendred appeal (APP/V3120/W/16/3145234)
- Appendix APP/3/C:** Vale of White Horse Local Plan 2031: Part 1, Inspector's Report November 2016
- Appendix APP/3/D:** Banbury 5: North of Hanwell Fields: 18/01206/OUT Illustrative Master Plan & 21/00056/REM Site Layout Plan
- Appendix APP/3/E:** Wretchwick Green Decision Notice 16/01268/OUT
- Appendix APP/3/F:** Oxfordshire County Council – Highway Authority consultee response & Canal and River Trust consultee response Stratfield Farm 22/01611/OUT
- Appendix APP/3/G:** Oxfordshire County Council – Highway Authority consultee response 21/03522/OUT – Land at Yarnton
- Appendix APP/3/H:** Old Dairy, Camp Road, Upper Heyford Land Registry Title ON270058

Appendix APP/3/B

East Hendred appeal (APP/V3120/W/16/3145234)



Appeal Decision

Inquiry held on 29 November 2016 and 28 February to 2 March 2017

Site visits made on 28 November 2016 and 28 February 2017

by Richard Schofield BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 18 April 2017

Appeal Ref: APP/V3120/W/16/3145234

Mather House & Greensands, White Road and Reading Road, East Hendred, Wantage OX12 8JE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Leslie Wells against the decision of Vale of White Horse District Council.
 - The application Ref P15/V2328/O, dated 25 September 2015, was refused by notice dated 21 January 2016.
 - The development proposed is the erection of 75 dwellings (10 of which will be specialist accommodation for older people), communal hub for older persons' accommodation, retention of the existing Bed & Breakfast and associated open space, with all matters reserved save for that of access.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of 75 dwellings (10 of which will be specialist accommodation for older people), communal hub for older persons' accommodation, retention of the existing Bed & Breakfast and associated open space, with all matters reserved, in accordance with the terms of application P15/V2328/O, dated 25 September 2015, subject to the conditions contained in the Schedule to this decision.

Preliminary Matters

2. One of the Council's reasons for refusal related to highway safety and efficiency. Following the refusal of the appeal application, the appellant submitted a revised scheme for consideration by the Council, which reserved all matters to future consideration¹. Although this was also refused planning permission, there was no objection from the highway authority. Indeed, it was confirmed by the highway authority² that '*...an appropriate, safe vehicular access to serve the site could be achieved, subject to detailed design, from the indicative position as proposed on Featherbed Lane...*'.
3. This being so, the parties requested that the appeal be determined on the basis that all matters were reserved for future consideration, with illustrative drawings showing a single site access from Featherbed Lane superseding those showing two access points. Given that the revised approach was subject to public consultation as part of a planning application process, I do not consider that any parties would be prejudiced by my consideration of the appeal on this

¹ Application P16/V0235/O

² Email from Oxfordshire County Council to the Planning Inspectorate 22 November 2016

basis. I have, therefore, in granting planning permission, amended the description of development from that in this decision's header accordingly.

4. The Inquiry opened on 29 November 2016 but was immediately adjourned, at the request of the parties, due to the sudden unavailability of a witness and the receipt by the Council of the report of the Inspector examining the Vale of White Horse Local Plan 2031 Part 1: Strategic Sites and Policies (the LP2031). Further submissions were invited on the implications of the Inspector's report, and the subsequent adoption of LP2031 by the Council, for the appeal proposal.
5. LP2031 supersedes the Vale of White Horse Local Plan 2011 (LP2011), other than for a small number of saved policies. I have, therefore, determined the appeal on the basis of the adopted development plan, with particular regard to the agreed key relevant policies NE6 and NE9 of LP2011 and Core Policies 1, 3, 4, 5, and 44 of LP2031.
6. It was agreed at the Inquiry that the Council's second reason for refusal, regarding a lack of infrastructure contributions and affordable housing provision, could be overcome by appropriate planning obligations, which were duly submitted.

Main Issue

7. The main issue is whether, having regard to the requirements of local and national planning policy and guidance for the delivery of housing, and the effect of the proposed development on the character and appearance of the area, the appeal site is an appropriate location for the development proposed.
8. For reasons of clarity, I have addressed the main issue under a number of headings below.

Reasons

Housing Land Supply

Overview

9. There was a substantial amount of common ground between the main parties in relation to housing land supply, notably with regard to the overall housing requirement for Vale of White Horse over the plan period 1 April 2011 to 31 March 2031. This was recently confirmed in LP2031 as 20,560, disaggregated to be 11,850 in the Science Vale 'ring fence area' and 8,710 in the rest of the District. It is noteworthy, however, that the District will need to accommodate an additional 2,200 dwellings over the plan period to accommodate Oxford's unmet housing need. These will be allocated in Part 2 of the Local Plan, work on which is currently underway.
10. The five-year land supply period for the purposes of this appeal is 1 April 2016 to 31 March 2021, with a District wide delivery requirement of 8658 dwellings during this time (taking into account an agreed shortfall to date). It was common ground that the application of a 20% buffer for persistent under delivery was reasonable and that, as set out in LP2031, the 'Liverpool' method to make up the shortfall is to be used for the ring fence area, with the 'Sedgefield' method used both for the rest of the District and to produce a figure for the whole District. It was also common ground that, District wide, a five-year supply of deliverable housing sites could be demonstrated. On the

basis of all that I have read and heard, I have no reason to depart from the above positions.

11. The key issue in dispute, therefore, was whether or not a five-year supply of deliverable housing sites could be demonstrated for the ring fence area, in which the appeal site lies, and, if not, what the implications of that may be in relation to the operation of planning policy. It was agreed that the five-year housing requirement figure for the ring fence area was 4336 dwellings.
12. At the beginning of the Inquiry the appellant was of the view that, against the five-year requirement, the Council could demonstrate a 2.9 year supply in this area. The Council was of the view that it could demonstrate a five-year supply exactly, with a surplus of 29 dwellings. By the end of the Inquiry, the appellant's assessed supply had risen to 3.6 years and the Council had revised its surplus down to four dwellings.

Site specific lead-in times

13. The appellant's conclusions in relation to housing supply in the ring fence area derived from a different approach to the Council in the assessment of delivery from seven specific sites. Agreement was reached on one of those sites during the Inquiry, with six remaining in dispute.
14. The Council's assessment of delivery was based upon empirical evidence secured through communication with landowners, planning agents and/or developers. This information was updated during the course of the inquiry, in the form of email evidence, to provide an up-to-date picture of predicted delivery.
15. The appellant's assessment of delivery from the disputed sites was based solely upon the application of figures taken from a report by a national planning consultancy³. This report is a nationwide, rather than locally or regionally specific, study and does not include any sites within the Vale of White Horse district. It may provide a useful 'ballpark' indication of delivery rates from large sites but it is, in my judgment, stretching a point to consider that one can extrapolate from it a set of delivery rates to be applied universally regardless of local and site specific circumstance. Indeed, as noted by the Council, the report clearly contains similar caveats. Every site is different.
16. Thus, I see no compelling reason not to prefer the Council's approach to assessing delivery where it is able to provide empirical evidence. This is not, however, the end of the matter.
17. The disputed site known as Land East of Sutton Courtenay was refused planning permission by the Council's Planning Committee during the course of the inquiry. A 'cooling off' period had been invoked by Council Officers before a final decision notice was to be issued but, at the time of writing, these events place considerable uncertainty upon the Council's previously estimated delivery of housing on the site (in spite of assertions that there was '*lots of leeway*').
18. In addition, the evidence provided by the Council⁴ in relation to the impact of a Byway Open to All Traffic (BOAT) on the site known as Monks Farm was far from reassuring. On the basis of the emails provided from the County Council's

³ *Start to Finish – how quickly do large-scale housing sites deliver?* by NLP (November 2016)

⁴ In response to the Inspector's questions

Countryside Access Strategy & Development Officer, it appears that the need to provide a link road across the BOAT may well be a significant potential constraint, which could need addressing through a public inquiry.

19. Finally, it is clear that the developer for the site known as Valley Park regards the Council's estimates of delivery, although a target, as '*optimistic*'. Much depends on when the S106 agreement will be concluded.

Finding on Housing Land Supply

20. There is no dispute that, district wide, there is a five-year supply of deliverable housing sites. I do not depart from this consensus. The situation in the ring fence area, however, is far from clear cut.
21. Although I prefer the Council's approach to the assessment of delivery, and thus consider the appellant's figures to be overly pessimistic, even the Council's final estimate of supply is marginal at best. This was accepted by the Council. It would take very little for supply to drop below five years.
22. Based upon my site specific considerations above, with the not insignificant question marks over three of the disputed sites, I do not consider, on the balance of the evidence before me, that the Council can demonstrate a five-year supply of deliverable housing sites within the ring-fence area. Putting a precise figure upon the level of supply is difficult, given that it is reasonable to consider that the sites in question may still come forward at some point in the five-year period. In other words, I am loathe to cut out the supply from them in their entirety. Suffice it to say that, given the size of the three sites, I consider that the five-year supply is somewhere between four and five years.
23. The Council argued that, were I to reach such a finding, I would need to consider how much weight to give to it on the basis of the level of the undersupply and the steps, if any, that were being taken to rectify it. In support of this, the Council submitted data on sites that have been granted planning permission, or that are the subject of a resolution to grant planning permission, since April 2016. It was argued that this showed the Council's proactivity in progressing permissions.
24. This may be so, but I can give the data very limited weight in the absence of any complementary information relating to completions or lapsed permissions over the same period. I am also mindful that the two largest 'permissions', totalling 213 dwellings, still require the signing of S106 agreements, for which no timescales are apparent.
25. I do not doubt that the Council is doing its utmost to move sites forward. On the basis of the evidence before me, however, there is not yet a clear indication that it is achieving the very significant step change in delivery (even without factoring in the accommodation of its share of Oxford's unmet need) required in the ring fence area if it is to deliver at the rate set out in the recently adopted LP2031. As such, in this particular instance, I consider that even a supply of between four and five years is a matter that carries significant adverse weight.

Operation of housing delivery policy in the ring fence area

26. The appellant contended that if I were to find that there was no five-year supply of deliverable housing sites in the ring fence area, the relevant

paragraphs of the National Planning Policy Framework (the Framework) should be applied to the decision-taking process. Relevant policies for the supply of housing should be considered out of date and the *'presumption in favour of sustainable development'* duly applied.

27. In other words, permission should be granted, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole or specific policies in the Framework indicate development should be restricted.

28. The Council contended that this was not the case and that such a situation would only apply if the Council was unable to demonstrate a district wide five-year supply of deliverable housing sites.

29. Core Policy 5 of LP2031 is the development plan's Housing Supply Ring Fence policy. It is clear that the ring fence area is to be treated as a separate sub-area with its own housing requirement. It also clearly states that,

'the supply calculations for the ring-fence area and the rest of district area will be combined to provide a district wide calculation.'

It does not, however, provide any guidance as to how these factors play out in practice.

30. The report of the Inspector who examined LP2031 gives some assistance. It states⁵ that,

'...the ring fence policy would not prevent the plan's policies for the supply of housing (which would be likely to include policy CP5 itself) being considered not up-to-date if a five year supply could not be demonstrated across the Vale of White Horse as a whole. And I envisage that this is likely to be a decision maker's ultimate test of five year housing supply in the district.'

31. The Council's inference from this is that the requirements of the Framework are only triggered if a five-year supply does not exist across the whole district, when the supply in the two areas is combined. This is a situation that could arise even if there was, say, a five-year supply in the ring fence area. In that situation, policies relevant to the supply of housing relating to the ring fence area would still be regarded as out-of-date in the context of the terms of the Framework. Indeed, Core Policy 5 would be one of those policies.

32. The report goes on to state that,

'Policy CP5's aim of locating housing to meet the Science Vale's identified housing requirement in that area would apply if there were a five year supply across the district as a whole but not within the ring fence area. Moreover, it would remain a relevant consideration for the decision maker, along with paragraph 14 of the NPPF, in the unlikely event that a five year supply of housing was not to exist across the district as a whole.'

33. The inference that can be drawn from this is that where there is no five-year supply of deliverable housing sites in the ring fence area, but there is in the rest of the district, the Council will seek to grant permissions on suitable sites within the ring fence area only. Even if there was no five-year supply across

⁵ Paragraph 66

the whole district, a decision maker may still wish to see housing focused in the ring fence area in line with the strategic aims of LP2031.

34. The appellant was of the view that such a reading of Core Policy 5 and the Inspector's report would mean that the ring fence approach would have no teeth where a five-year supply is lacking therein. This argument is not without merit. Nonetheless, I disagree. It seems to me that there is a clear emphasis, in both the Inspector's report and in Core Policy 5, on a district wide assessment of the five-year housing land supply for the purposes of the requirements of the Framework.
35. This does not, however, somehow allow the Council to park the issue of a lack of supply in the ring fence area. One of the indicators in LP2031's Monitoring Framework, concerning the successful operation of Core Policy 5, is whether a five-year supply of deliverable housing sites is maintained in the ring fence area. If this is not maintained, then the measures in Core Policy 47 (Delivery and Contingency) are to be implemented. One such measure is,
- 'identifying alternative deliverable sites that are in general accordance with the Spatial Strategy of the plan through the Local Plan 2031: Part 2 or other appropriate mechanism'.*
- It is reasonable to consider that an *'other appropriate mechanism'* could be the granting of planning permissions on alternative deliverable sites, within the ring fence area, which are in general accordance with the Spatial Strategy of LP2031.
36. Thus, it would be for the decision maker to come to a view as to the weight to be attributed to the lack of a five-year supply in the ring fence area when assessing a proposal against the development plan as a whole. This approach, in my view, gives Core Policy 5 teeth, albeit that they may not be as sharp as the appellant might wish.
37. In summary then, it is my judgment that the Council is correct to assess its five-year housing land supply, for the purposes of paragraphs 47, 49 and 14 of the Framework, on a district wide basis. In this context any undersupply in one of the two discrete areas, assuming there to be a district wide supply in place, is a factor to be weighed in the planning balance when considering proposals against policies within LP2031 that may pull in opposite directions in such a situation.
38. Appeal decisions from other areas where a ring fence approach is taken to housing delivery were presented to me. However, as these are from different districts, with their own policy subtleties and approaches, I do not consider that they can be regarded as setting a precedent for the operation of LP2031's ring fence policy.

Conformity of the appeal proposal with LP2031's Spatial Strategy

39. LP2031 Core Policies 3 to 7 set out a Spatial Strategy for the district over the plan period. This directs most residential development to the Science Vale ring fence area, with a settlement hierarchy articulating how development is to be located therein. Most relevant to the appeal scheme are Core Policies 3, 4 and 5. Although the latter has been addressed above, it is worth noting the very great importance to LP2031, articulated through Core Policy 5 and its

- supporting text, of ensuring residential growth in the ring fence area to support economic growth in the Science Vale.
40. Core Policy 3 sets out the settlement hierarchy. It defines East Hendred as a Larger Village. These are settlements with a more limited range of employment, services and facilities (than Local Service Centres), where unallocated development will be limited to providing for local needs⁶ and to support employment, services and facilities within local communities. The supporting text to the policy states that any new facilities, homes and jobs will be focused on Market Towns, Local Service Centres and Larger Villages. There are no target housing figures attributed to individual settlements.
 41. Core Policy 4 states that there is a presumption in favour of sustainable development within the existing built areas of Market Towns and Local Service Centres, as defined by settlement boundaries on the adopted Policies Map, and Larger Villages. Larger Villages do not have settlement boundaries and there is no clarity as to how the 'existing built areas' are to be defined. It is reasonable to consider that this is, therefore, a matter of judgement. In my judgement, even with the extant permissions to the west of the site, the Greensands site cannot be considered as being within the existing built up area of East Hendred and, so, does not benefit from Core Policy 4's presumption in favour.
 42. Nonetheless, provision is made for development outside built up areas, where it is allocated by LP2031, a neighbourhood plan or future parts of LP2031. Such development must be adjacent, or well related, to the existing built up area of the settlement or meet exceptional circumstances set out in the other policies of the Development Plan. The Greensands part of the appeal scheme would conflict with these specific locational criteria, albeit that it would be located at a settlement where residential development is supported. This tension is a matter to be weighed in the balance when considering the implications of a lack of five year supply in the ring fence area.
 43. I conclude, therefore, that the appeal proposal would be in general accordance with the relevant Spatial Strategy policies of LP2031 (noted above), having regard to the requirements of Core Policy 47 where there is a lack of five-year housing land supply in the ring fence area. It would be located at (or within, in the case of the Mather House site) a settlement that is identified as being suitable for new housing development over the plan period. It would meet local needs insofar as there is no five-year supply of deliverable housing land in the ring fence area.
 44. It is also reasonable to consider that the 'exceptional circumstances' referred to by Core Policy 4 could include a lack of housing land supply within either of the two delivery areas. Thus, the scheme would comply with this criterion. Notwithstanding that point, given the recent permissions on land to the west of the appeal site, the proposed development on the Greensands site would also achieve compliance by being located adjacent to the existing built up area of the settlement.

Character and Appearance

45. The appeal scheme is situated over two sites. Of these, the Council confirmed at the Inquiry that it had no objection in character and appearance terms to

⁶ Albeit that 'local needs' is an undefined term.

the proposed single-storey units on the Mather House site. This site is within the North Wessex Downs Area of Outstanding Natural Beauty (AONB) but it is common ground that the 10 units proposed for it would not constitute major development⁷. Based on all that I have read, heard and seen I have no reason to take a different position. As such, this section focuses on the Greensands site.

46. The Greensands site is arguably, in LP2031 policy terms, within the open countryside. It is, however, clearly distinct from the expansive agricultural landscape around it. Upon it there is a reasonably substantial dwelling (Greensands itself), with annexe buildings, used as a bed and breakfast/motel. Some hardstanding and garden land is associated with it. Further areas of the site are given over to hardstanding and storage, some of which are subject to enforcement proceedings. The majority of the site is a large paddock, upon which horses were grazing at the time of my site visits.
47. The site is also well contained within the wider landscape, with well-defined vegetated boundaries. These boundaries are strongest to the north, where there is a substantial tree belt, and east, where there is a tall deciduous hedge. The western side is now being open to the agricultural land beyond following the lopping of the conifer hedge here. This arguably makes little difference, in visual and landscape terms, given the extant permission for residential development upon the southern half of the field to the immediate west of Greensands.
48. The site frontage onto Reading Road is more open, with a domesticated appearance derived from a well-kept verge; trimmed hedge; post and rail fencing; and signage for the bed and breakfast. In addition, the presence of Reading Road to the immediate south of the site, and Featherbed Lane to the immediate east, serve as additional natural boundaries.
49. Overall, therefore, the site does not appear as part of the open countryside. It has a largely domesticated appearance and, although the presence of a large paddock area upon it gives it a degree of association with its more pastoral surroundings, it is at best a transitional point between the main village and the open countryside. The Council's landscape witness stated that it, '*possesses few attributes that would mark it out as a valued landscape*⁸ *on its own merits*⁹ and that the proposed development upon it would have only a minor effect upon the landscape character types that cover the site¹⁰. I agree.
50. Development on the site would extend the village to the north and east. This could quite justifiably be regarded as incongruous, and at odds with the established pattern of development in East Hendred, were it not for the fact that planning permission has been granted for residential development on contiguous sites to the west of Greensands, to the north of Reading Road. One of these is complete, another is currently under development and it was not disputed that there is good reason to consider that the third, directly adjacent to the appeal site, will commence in the not too distant future. This level of development in this location has, and will continue, to change fundamentally

⁷ Thus not triggering the considerations in paragraph 116 of the Framework

⁸ As per paragraph 109 of the Framework

⁹ Mr Radmall's proof paragraph 5.14

¹⁰ Ibid paragraph 8.5

the context within which the Greensands site sits, such that development upon it would not appear at odds with its surroundings.

51. It is also notable that the junction of Featherbed Lane and Reading Road, next to the site, is to be upgraded. This will necessitate some lane widening, the addition of a roundabout, the insertion of street lighting and the felling of some substantial trees. It will introduce another suburbanising influence, which, when read in combination with the already permitted developments, will serve to further diminish the pastoral character and appearance of this area.
52. The Greensands site is not within the AONB, the boundary of which runs along Reading Road. Nonetheless, it is reasonable to consider that it is within the AONB's setting. I have, therefore, carefully considered the potential impact of the appeal scheme upon the AONB, and its setting, having regard to the AONB's purpose of conserving and enhancing the natural beauty of the area.
53. Development on the appeal site would be visible from two public rights of way within the AONB. These are the footpath running directly south from Reading Road, opposite the site, and that with which it connects that runs east-west. It was common ground that any views of development on the Greensands site from these footpaths would be at close quarters and highly localised, due to intervening vegetation and the rapid curtailment of the east-west view when approaching the village.
54. This does not diminish their potential significance but, again, the view from them would be influenced by the junction works and the already permitted residential development, which in turn would already have had an impact upon the immediate setting of the AONB. As such, I do not consider that the presence of a well-designed and landscaped residential scheme on the appeal site would appear particularly harmful.
55. The appeal proposal would also introduce a degree of severance between the AONB, which is not built upon to the south opposite the appeal site, and its countryside setting to the north. I am not persuaded, however, that the interruption of what one would be hard pressed to consider as expansive, extensive or particular prominent views from the footpaths noted above, even with the loss of trees to the roundabout works, would be significantly harmful.
56. There would be some intervisibility between the Greensands site and the AONB when looking towards the AONB from the north on the footpath running north-south by Portway Farm. The Council agreed, however, that views from here were of less concern to it. Indeed, the presence of the so-called Pye 3 scheme to the immediate west of the appeal site would fundamentally alter views from this path such that development on the appeal site, which would arguably be less apparent than the Pye 3 scheme, would not be especially intrusive.
57. Although illustrative, the drawings and photomontages submitted with the application demonstrate that the hedgerows and tree belt that form much of the site's boundaries can be largely retained and could be enhanced by additional planting. Although additional planting may take time to mature, this would ensure the retention of a robust settlement edge and provide appropriately soft boundary screening to the development, notably along Reading Road. These factors, combined with the proposed green spaces on the site, and setting the dwellings back from the site edges, would maintain an acceptable transition to the countryside beyond.

58. Thus, in my judgment the development of the site would not introduce a distinct new built form into an area where none would otherwise exist. Any impact upon the AONB, in relation to views from and into it, would be negligible and there would be no impact upon users' enjoyment of it.
59. Given the change in the site's appearance, really only when viewed from close quarters, some harm would arise to the character of the site itself as it altered from a largely greenfield site to a residential development. However, considering the site's wider context, outlined above, it would not appear as a significantly detrimental incursion into the open countryside nor would it give rise to significant harm to the AONB or to its setting. This is a factor to be weighed in the planning balance.
60. My attention was drawn to other appeal decisions wherein Inspectors have dismissed appeals on the basis of harm to AONBs from development well outside them. This may be so, but context is everything when reaching such judgements and there is no suggestion that these decisions were like-for-like with the appeal proposal. Indeed, it is evident that in one the harm to the setting of a listed building was a factor in the dismissal and that in another the site was in a 'valued landscape'¹¹, which is not the case here. The final decision drawn to my attention in this context related to a site within an AONB, which is not the case for the substantive part of the appeal proposal. As such, I do consider that these decisions lay down any kind of path that I must follow.
61. The case of *R on the Application of East Bergholt Parish Council v Babergh District Council* [CO/2375/2016] was referenced in submissions by East Hendred Parish Council. Although the actual judgment was not provided, it seems to me that the relevance of it to the appeal proposal is limited as the case was brought by a Parish Council in a different local authority area with a completely different local plan. There was no suggestion that it was a precedent case. In addition, the village in question appeared to be within an AONB, whereas the contentious aspect of the appeal scheme is not.
62. I conclude, therefore, that the appeal proposal would cause some, very limited, harm to the character and appearance of the area. It would conflict with saved LP2011 policy NE6, insofar as there would be some detracting from views from public vantage points (although it is unclear whether the policy refers to vantage points within or without the AONB). It would also conflict with saved LP2011 policy NE9, in that it would have an (albeit minor) adverse effect on the landscape of the Lowland Vale.
63. I do not consider that it would conflict with LP2031 Core Policy 44, which seeks to protect 'key' landscape features from harmful development and have regard to the setting of the AONB. Indeed, given my findings that development is acceptable in principle in this location, I am satisfied that measures can be sought to '*integrate it into the landscape character of the area...*'.
64. There would be no conflict with paragraph 115 of the Framework, which requires great weight to be given to conserving landscape and scenic beauty 'in' *inter alia* AONBs.

¹¹ In the terms of paragraph 109 of the Framework

Other Matters

65. The County Council as highway authority raised no objection to the appeal proposal with all matters reserved and was satisfied that safe and secure access to the site could be achieved. There is no technical or otherwise substantive evidence before me that would lead me to conclude that the appeal proposal would have any adverse impacts upon highway safety or efficiency.
66. There were no objections to the scheme from local infrastructure providers, including education and health representatives, and those concerns that were raised can be addressed by planning obligations. Similarly, there were no objections from relevant statutory undertakers or other bodies, such that I would have cause for concern in relation to drainage and/or flood risk.
67. Claims of adverse impacts upon biodiversity were made, but there is no detailed evidence before me to support such assertions. Opportunities for biodiversity enhancements can be secured by condition.
68. It was suggested that the Greensands part of the appeal scheme is too far from the village centre, leading to an increase in car usage to access the schools and shop. I agree that the site is not ideally located and that in inclement weather there may be more car usage. The elderly and/or infirm may also choose to drive. Nonetheless, it is not, in my judgement, so far from the village core that walking in for able bodied inhabitants would take a significant amount of time or, indeed, would be unpleasant. The route is largely level and quiet, has decent pavements and would have a crossing point on Reading Road. As such, I am not persuaded that there would be such an increase in levels of car usage that there would be significant adverse impacts upon the road network in the village centre.
69. It was also suggested that the location of the appeal site would lead to community division. New development in rural areas is not a new phenomenon. Indeed, it is evident from the age and groupings of dwellings in the village that there have, in the past, been phases of large development. There is no evidence before me, either local or national, to suggest that developments of the scale proposed on the edge of villages have given rise to any issues of social integration.
70. The appeal site is alleged to be Grade 2 agricultural land. This may be so, but there is no evidence before me that it is, or would be, farmed. Nor does there appear to be any policy basis for refusing development on these terms. The Framework is clear that account should be taken of this factor, but it is where 'significant' development of agricultural land is demonstrated to be necessary that areas of poorer quality land should be preferred. The appeal proposal would not result in the 'significant' development of agricultural land. Indeed, it is debateable whether it can be regarded as agricultural land at all, given its current use. As such, this matter carries very little weight in my considerations.

Planning Obligations

71. A S106 agreement, with Deed of Variation, containing a number of planning obligations was submitted by the appellant. Regulation 122 of the Community Infrastructure Levy Regulations 2010 (the Regulations) requires that if planning obligations are to be taken into account in the grant of planning permission,

those obligations must be necessary, directly related, and fairly and reasonably related in scale and kind to the development in question.

72. The obligations were not disputed by the appellant and relate to the provision and management of on-site public open space, including a Locally Equipped Area of Play; public art; upgrades to local facilities (including football facilities, tennis courts, multi-use games area, cricket pitches, East Hendred recreation ground and East Hendred village hall); refuse bin provision; street naming provision; public transport infrastructure and services contributions; provision of a toucan crossing facility on Reading Road; contribution to the Featherbed Lane Improvement Scheme; site access works; and improvements to cycle/pedestrian access and paths.
73. Evidence of the necessity, relevance and proportionality of these obligations was set out in detailed submissions from both the District and County Councils, which were considered at the Inquiry. They demonstrate the basis for the obligations, how they relate to the development proposed, set out how any financial contributions have been calculated and whether the CIL regulation pooling limits have been breached. They indicate the planning policy basis for them. In my judgment these provide persuasive evidence that the above obligations meet the tests set out in the Regulations.
74. I do not consider, however, that the obligation towards rugby pitch provision meets the tests. Having heard from the Parish Council, it is clear that its desirability and deliverability in East Hendred is highly questionable and, as such, I am not persuaded that it meets the tests of relevance and necessity (indeed, it is duly negated by the Deed of Variation).

Conditions

75. A list of proposed planning conditions was discussed at the Inquiry. I have made amendments in the light of those discussions. This is to improve precision, clarity and enforceability, as well as to avoid overlap.
76. The conditions specifying the reserved matters, the time limits for submission of reserved matters and commencement of development, compliance with the approved plans, that defining the number of dwellings permitted, and that securing the older persons accommodation on the Mather House site are necessary to ensure legal compliance and/or to provide certainty.
77. Conditions tying the reserved matters application to the relevant parameter plan, and in relation to storey numbers, are necessary in the interests of character and appearance. A condition in relation to housing mix is necessary in the interests of ensuring a mixed and balanced community in line with the ambitions of the Framework. That relating to noise is necessary in the interests of ensuring appropriate living conditions for any future occupiers. A Construction Management Plan condition is necessary to ensure that there is no adverse impact upon the living conditions of the occupiers of surrounding dwellings or the local highway network during construction. A drainage condition is required to ensure that the site is properly drained and a piling condition is necessary to ensure protection of sub-surface drainage infrastructure. The Travel Plan condition is necessary to ensure that opportunities for non-car related modes of transport from the site are maximised, in line with national and local planning policy. An ecological management condition is required to ensure that appropriate ecological

protection, mitigation and enhancement is secured in line with agreed recommendations.

78. I have imposed a contamination investigation condition in the light of the written concerns of the Council's contaminated land and environmental protection officers about the extent of work done to date.
79. The proposed conditions relating to an archaeological scheme of investigation are unnecessary in the light of the consultation response from the Oxfordshire County Council's archaeology section, which confirms that there are no archaeological constraints to the application and does not request the imposition of archaeology conditions. That relating to the off-site highway works is unnecessary as these matters are addressed by planning obligations and that relating to management of construction traffic can be addressed by the Construction Management Plan condition.

Conclusion

80. I have found that there would be some harm to the character and appearance of the area, and views from the AONB, arising from the appeal proposal. As noted in my reasoning, however, I do not consider this harm to be significant given the changing context of the immediate area of the Greensands site and the nature of the views of it. I am also satisfied that the appeal proposal is in accordance with LP2031's Spatial Strategy having regard to the lack of a five-year supply of deliverable housing sites in the ring fence area, and consider that this accord outweighs the limited harm to the character and appearance of the area. This is not to say that this will always be so, and other decision makers may reach a different conclusion having regard to the facts of the proposal before them, but it is in this instance.
81. Thus, in relation to the main issue, I conclude that, having regard to the requirements of local and national planning policy and guidance for the delivery of housing, and the effect of the proposed development on the character and appearance of the area, the appeal site is an appropriate location for the development proposed. I consider that the proposal accords with the development plan when taken as a whole and that there is no weight of material considerations that would support a refusal of planning permission.
82. I conclude, therefore, for the reasons given above, and taking all other matters into consideration, that the appeal should be allowed.

Richard Schofield

INSPECTOR

APPEARANCES

FOR THE COUNCIL:

Mr Tom Cosgrove QC

Instructed by Vale of White Horse DC

He called:

Mr Peter Radmall
Mr Terence Gashe
Mrs Clare Roberts

Peter Radmall Associates
Ferax Planning
Vale of White Horse DC

FOR THE APPELLANT:

Mr Sasha White QC

Instructed by West Waddy ADP

He called:

Mr Alastair Macquire
Mr Alan Divall
Mr John Ashton

Aspect Landscape Planning
West Waddy ADP
West Waddy ADP

INTERESTED PERSONS:

Dr John Sharp (East Hendred Parish Council)
Mr Roger Turnbull (East Hendred Parish Council)
Mr Derek Harford
Ms Mary Thomas
Mr John Rhodes
Ms Nadine Haig
Ms Julie Cottee
Mrs Janet Shelley
Mr Mark Beddow

Richborough Estates

DOCUMENTS SUBMITTED DURING PROCEEDINGS

1. Erratum to Mr Divall's Proof
2. Draft Costs Application by the appellant
3. Draft S106 agreement
4. Opening Submissions of the appellant
5. Opening Submissions of the Council
6. Statement by East Hendred Parish Council
7. Comparative assessment of landscape witnesses' conclusions
8. Letter from Pye Homes 24 February 2017
9. VoWH DC planning permissions and resolutions to grant 1 April 2016 to 31 January 2017
10. Appeal decision 3032691
11. Legal judgement in 'Crane', 'Daventry' and 'Barker Mill'
12. Updated delivery information regarding disputed sites, submitted by the council
13. Responses to Inspector's questions re 5YHLS
14. Response to Inspector's question re extent of brownfield land at Greensands
15. Closing Submissions on behalf of the Council
16. Closing Submissions on behalf of the appellant
17. Email correspondence from Oxfordshire County Council's Countryside Access Strategy & Development Officer, 2 March 2017
18. Further email correspondence from Oxfordshire County Council's Countryside Access Strategy & Development Officer, 2 March 2017

DOCUMENTS SUBMITTED FOLLOWING THE CLOSE OF PROCEEDINGS

19. Completed S106 agreement
20. Deed of Variation to S106 agreement

SCHEDULE OF CONDITIONS

- 1) Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 3) The development hereby permitted shall take place not later than two years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with approved plan Location Plan 428 L01 and in general accordance with Parameter Plan Framework Masterplan 428 P01 Rev B and Parameter Plan Open Space Plan 428 P04 Rev B.
- 5) The total number of dwellings authorised by this permission shall not exceed 75 and any reserved matters application(s) submitted pursuant to condition 1 shall be limited to this maximum in total. Of these 75 dwellings no more than 65 shall be constructed on the Greensands site and no more than 10 shall be constructed on the Mather House site.
- 6) No dwelling hereby approved shall exceed two storeys in height and no dwelling constructed on the Mather House site as part of this permission shall exceed a single storey in height.
- 7) The mix of any market housing authorised by this planning permission, including details of size and type, shall be agreed in writing by the local planning authority as part of any relevant reserved matters application(s). Development shall thereafter be implemented in accordance with the approved mix.
- 8) Each unit of the development upon the Mather House site hereby permitted shall be occupied only by:
 - persons aged 55 or over;
 - persons living as part of a single household with such a person or persons; or
 - persons who were living as part of a single household with such a person or persons who have since died.
- 9) Prior to the submission of a reserved matters application a revised bat emergence and re-entry survey as appropriate shall be completed to update the findings of the Bat Survey Report (Lockhart Garratt, September 2015). The results of the surveys together with an impact appraisal and specific mitigation strategy as necessary for the reserved matters application shall be submitted to and approved in writing the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved mitigation strategy.

- 10) No development, including site clearance works, shall take place until an Ecological Management Plan (EMP) to include biodiversity enhancement measures for the sites has been submitted to and approved in writing by the local planning authority. The plan shall demonstrate how the development will deliver a net gain for biodiversity when compared to baseline ecological status as outlined in chapter 4 of the Extended Phase 1 Habitats Survey (Lockhart Garratt, September 2015), including a scheme for ongoing management as necessary, as well as measures to avoid adverse impacts upon retained habitat, including trees and hedgerows, during construction. Thereafter, the development shall be carried out in accordance with the approved EMP.
- 11) A detailed noise assessment following on from the recommendations of the Outline Planning Noise Assessment (Cole Jarman, 25 September 2015) shall be submitted for approval in writing by the Local Planning Authority in support of any reserved matter(s) application and will determine the extent and specification of the noise mitigation measures required on the sites. Development shall thereafter be carried out in accordance with the recommendations of the approved detailed noise assessment.
- 12) No development shall take place until a detailed design and associated management and maintenance plan for a scheme (or schemes) of surface water and sewage drainage from the sites has been submitted to and approved in writing by the Local Planning Authority. The approved drainage scheme(s) shall thereafter be implemented in full prior to first occupation of any dwelling on the respective site(s).
- 13) No impact piling shall take place until a piling method statement detailing the depth, duration and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface water infrastructure and to minimise noise and vibrations, and the programme for the works, has been submitted to and approved in writing by the local planning authority. Any piling, and prior notification to affected neighbouring properties of such, must thereafter be undertaken in accordance with the terms of the approved piling method statement.
- 14) No development shall take place until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority. The CMP shall include details of:
 - hours of work at and deliveries to the site;
 - access and routing arrangements for construction and delivery vehicles;
 - contractor and visitor parking areas and compounds, including storage areas for plant and materials, site offices and other temporary buildings;
 - vehicle wheel washing facilities to ensure that mud and debris is not spread onto the adjacent public highway;
 - loading and unloading areas;
 - all dust suppression measures to minimise dust emissions arising from construction activities on the sites;
 - a scheme for recycling and/or disposing of waste materials arising from the demolition and construction works;
 - any security hoarding and/or fencing;

- the overall monitoring methodology; and
- the responsible person (site manager/office) who can be contacted in the event of a complaint.

The approved CMP shall be adhered to throughout the construction period.

- 15) Prior to first occupation of the development hereby permitted a Travel Plan shall be submitted to and approved in writing by the local planning authority with proposals to maximise travel to and from the sites by modes other than the private car. It shall include targets for sustainable travel arrangements and effective measures for the on-going monitoring and review of the Travel Plan. The Travel Plan shall thereafter be implemented in accordance with its agreed timetable and details.
- 16) No development shall commence until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), shall have been submitted to and approved in writing by the local planning authority. If any contamination is found, a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures and timescale and a verification report shall be submitted to and approved in writing by the local planning authority. If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the local planning authority within five days of the report being completed and shall be approved in writing by the local planning authority.

Appendix APP/3/C

Vale of White Horse Local Plan 2031: Part 1, Inspector's Report November 2016



The Planning Inspectorate

Report to Vale of White Horse District Council

by Malcolm Rivett BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Date 30 November 2016

PLANNING AND COMPULSORY PURCHASE ACT 2004 (AS AMENDED)

SECTION 20

**REPORT ON THE EXAMINATION INTO
VALE OF WHITE HORSE LOCAL PLAN 2031: PART 1**

Document submitted for examination on 18 March 2015

Examination hearings held between 22 and 29 September 2015 and 2 and 19 February 2016

File Ref: PINS/V3120/429/5

Abbreviations Used in this Report

AA	Appropriate Assessment
AONB	Area of Outstanding Natural Beauty
CE	Cambridge Econometrics
CP	Core Policy
DCLG	Department for Communities and Local Government
dpa	dwellings per annum
LDS	Local Development Scheme
LEP	Local Enterprise Partnership
LP	Local Plan
MM	Main Modification
NPPF	National Planning Policy Framework
OAN	Objectively Assessed Need
PPG	Planning Practice Guidance
SA	Sustainability Appraisal
SCI	Statement of Community Involvement
SEP	Strategic Economic Plan
SHMA	Strategic Housing Market Assessment
SSSI	Site of Special Scientific Interest

Non-Technical Summary

This report concludes that the Vale of White Horse Local Plan 2031: Part 1 provides an appropriate basis for the planning of the district, providing a number of modifications are made to the plan. Vale of White Horse District Council has specifically requested me to recommend any modifications necessary to enable the plan to be adopted.

All of the modifications to address this were proposed by the Council but, where necessary, I have amended detailed wording and added consequential modifications and I have recommended their inclusion after considering the representations from other parties on these issues.

The main modifications can be summarised as follows:

- Clarification of the approach to, and timescale for, providing in the Vale for unmet housing needs from other districts;
- Deletion from the plan of housing allocation sites 6 (South of East Hanney), 12 (North West of Harwell Campus) and 13 (East of Harwell Campus);
- Clarification of the approach to be adopted in respect of the Housing Supply Ring Fence;
- Amendments to policy CP13 and its supporting text making clear that only land at Abingdon, Kennington and Radley (relating to housing allocation sites 1, 2, 3 and 4) is removed from the Green Belt;
- Safeguarding of land for a possible strategic storage water reservoir to the north of Longworth; and
- Various other changes to the plan (including its appendices) to ensure that it is up to date, internally consistent, effective, justified and consistent with national policy.

Introduction

1. This report contains my assessment of the Vale of White Horse Local Plan 2031: Part 1 in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended). It considers first whether the plan's preparation has complied with the duty to co-operate, in recognition that there is no scope to remedy any failure in this regard. It then considers whether the plan is sound and whether it is compliant with the legal requirements. The *National Planning Policy Framework* (NPPF), paragraph 182, makes clear that to be sound a local plan should be positively prepared; justified; effective and consistent with national policy.
2. The starting point for the examination is the assumption that the local authority has submitted what it considers to be a sound plan. The basis for my examination is the Publication Version (November 2014) Part 1 Plan published for consultation in November 2014. The Council's Local Development Scheme (updated to September 2016) also proposes a 'Part 2' plan. This document will set out policies and locations for unmet housing needs from other districts to be met within the Vale (updating the Part 1 plan's overall development strategy if necessary) and will allocate other development sites, as far as is necessary, and will set out development management policies to replace saved policies of the 2011 Local Plan.
3. My report deals with the main modifications that are needed to make the submitted plan sound and legally compliant and they are identified in bold in the report (**MM**). In accordance with section 20(7C) of the 2004 Act the Council requested that I should recommend any modifications needed to rectify matters that make the plan unsound/not legally compliant and thus incapable of being adopted. These main modifications are set out in the Appendix.
4. The main modifications that are necessary for soundness and legal compliance all relate to matters that were discussed at the examination hearings. Following these discussions, the Council prepared a schedule of proposed main modifications (and carried out sustainability appraisal where appropriate) and this schedule has been subject to public consultation. I have taken account of the consultation responses in coming to my conclusions in this report and in this light I have made some amendments to the detailed wording of the main modifications and added consequential modifications where these are necessary for consistency or clarity. None of these amendments significantly alters the content of the modifications as published for consultation or undermines the participatory processes and sustainability appraisal that has been undertaken. Where necessary I have highlighted these amendments in the report. In a very limited number of instances I have also concluded, in the light of consultation comments, that part of some consulted-upon proposed main modifications are neither necessary nor appropriate.
5. A number of the consultation responses did not directly relate to the proposed modifications or to the soundness of the plan, have been overtaken by events (ie agreement on unmet housing needs), concern matters already previously discussed in detail at hearing sessions, are addressed by other policies of the plan (in particular policy CP1) or relate primarily to the proposed 'Part 2' plan.

Policies Map

6. The Council must maintain an adopted policies map which illustrates geographically the application of the policies in the adopted development plan. When submitting a local plan for examination, the Council is required to provide a submission policies map showing the changes to the adopted policies map that would result from the proposals in the submitted local plan. In this case, the submission policies map comprises the set of plans identified as the *Vale of White Horse Local Plan 2031 Draft Adopted Policies Map, Abingdon-on-Thames and Oxford Sub-Area, South East Vale Sub-Area and Western Vale Sub-Area (November 2014)*.
7. The policies map is not defined in statute as a development plan document and so I do not have the power to recommend main modifications to it. However, a number of the main modifications to the plan's policies which I am recommending require further corresponding changes to be made to the policies map. In addition, there are some instances where the geographic illustration of policies on the submission policies map is not justified and changes to the policies map are needed to ensure that the relevant policies are effective.
8. These further changes to the policies map were published for consultation alongside the MMs (referred to as MMs 35-37, 45, 46, 64-66, 68-70, 72-77 and 81 and Figs B1 – B18 of the Appendices of the Schedule of Main Modifications (July 2016)). I identify in the report a small number of amendments that are needed to these further changes in the light of the consultation responses.
9. When the plan is adopted, in order to comply with the legislation and give effect to the plan's policies, the Council will need to update the adopted policies map to include all the changes proposed in the *Vale of White Horse Local Plan 2031 Draft Adopted Policies Map, Abingdon-on-Thames and Oxford Sub-Area, South East Vale Sub-Area and Western Vale Sub-Area (November 2014)* and the further changes published alongside the MMs (MMs 35-37, 45, 46, 64-66, 68-70, 72-77 and 81 and Figs B1 – B18 of the Appendices of the Schedule of Main Modifications (July 2016)), incorporating the necessary amendments identified in this report.

Assessment of Duty to Co-operate

10. Section s20(5)(c) of the 2004 Act requires that I consider whether the Council complied with any duty imposed on them by section 33A of the 2004 Act in relation to the plan's preparation.
11. *Topic Paper 1 – Duty to Co-operate and Cross Boundary Issues* details the key cross-boundary challenges and opportunities faced by the district, including housing, infrastructure, transport, employment, retail, water supply, the natural environment and minerals and waste. In relation to each issue the paper sets out the bodies with which the Council has engaged in preparation of the plan, including neighbouring Councils and a range of other organisations through the district's membership of the Oxfordshire Growth Board. The board paved the way for the *Oxfordshire Statement of Co-operation*, agreed by the leaders of the five district councils and County Council, which details the scope and structure of co-operation between the councils. The paper also evidences engagement with, amongst others, Swindon Borough and Wiltshire County Councils, Thames Water and the North Wessex Downs Area of Outstanding Natural Beauty (AONB) Council of Partners. The paper concludes by identifying how, in the Council's opinion, it has met the Duty to Co-operate.
12. In terms of housing, and in accordance with the *Statement of Co-operation*, the Council jointly commissioned, with the other Oxfordshire councils, the Strategic Housing Market Assessment (SHMA) of March 2014. In the light of this, and the potential for Oxford City being unable to meet its objectively-assessed need for housing within its own boundaries, the Growth Board agreed in November 2014 a timescale for a programme of post-SHMA work (subsequently revised in July 2015, following submission of this plan for examination). Through this work agreed positions on the extent of Oxford's unmet need and its appropriate distribution between other Oxfordshire districts, including Vale of White Horse, were envisaged, although the Growth Board has re-confirmed its emphasis on the sovereignty of individual local plans. In late September 2016, some months after the Stage 1 and 2 hearing sessions, and following the closure of the consultation on proposed main modifications to the plan, the Vale of White Horse and three of the other Oxfordshire districts signed a *Memorandum of Cooperation* agreeing to provide for Oxford City's unmet housing needs: 2,200 dwellings in the case of the Vale, with an assumed "start date" of 2021. The memorandum makes clear it does not identify, propose or recommend any sites for additional housing within any district, this being a matter for each individual district through its own local plan process.
13. The overall approach to joint working across local authority boundaries in Oxfordshire has been, to my mind, a comprehensive and rigorous one: the joint evidence on, amongst other things, housing, in the form of the Oxfordshire SHMA, the co-operation through the Growth Board and its work programme for agreeing the level of unmet need in Oxford City and its appropriate distribution, was in line with paragraphs 178-181 of the NPPF in relation to engagement and planning strategically across local boundaries. Policy CP2 of the plan, as submitted, commits the Council to allocating land (including reviewing the plan if necessary) to provide for any other district's

unmet housing needs which the Growth Board agrees should be accommodated in the Vale.

14. Oxford City Council has expressed concern that, in preparing the plan, the Vale invited it to only one bi-lateral meeting in connection with the Duty to Co-operate. However, in the context of the *Statement of Co-operation* and the ongoing work of the Growth Board, involving all the Oxfordshire Councils, a lack of meetings between these two Councils alone is not evidence of a failure to adequately discharge the Duty to Co-operate. Reference has been made to a number of other local plan examinations in which the appointed Inspector determined that the submitting authority had not adequately discharged its Duty to Co-operate. Whilst there may be some similarities between these cases and the Vale, they are not identical: notably the Vale of White Horse has engaged fully through agreed joint working arrangements with neighbouring authorities on how potential unmet housing needs will be met.
15. The City Council, and others, criticise the plan's approach to dealing with potential unmet housing needs on a number of significant counts. However, to my mind, these are primarily matters of the plan's effectiveness, and thus soundness, which I consider in detail below. Disagreement between authorities is not, in itself, evidence of a failure to meet the Duty to Co-operate.
16. It has also been contended that, in connection with the potential use of brownfield land in South Oxfordshire (as an alternative to land within the Vale), housing allocations in the North Wessex Downs AONB and the Western Vale Villages and the plan's approach to the Green Belt, the Council has also failed to discharge its Duty to Co-operate. However, once again, the concerns raised are primarily issues of soundness, considered later in this report, and, having regard to the evidence of engagement with relevant organisations, I am satisfied that the Council has acted appropriately.
17. In conclusion, having regard to all that I have read and heard, including the Statements of Common Ground between the Council and Oxfordshire, South Oxfordshire, West Oxfordshire and Cherwell Councils (in which these authorities state that they consider the Vale has met the Duty) I conclude that in relation to matters of strategic importance the Council has engaged constructively, actively and on an ongoing basis with all relevant organisations in order to maximise the effectiveness of the preparation of the plan. It has therefore met the Duty to Co-operate.

Assessment of Soundness

Main Issues

18. Taking account of all the representations, written evidence and the discussions that took place at the examination hearings, I have identified ten main issues upon which the soundness of the plan depends. Representations on the submitted plan have been considered insofar as they relate to soundness but they are not reported on individually. A number of representations refer to matters which will be most appropriately considered in the preparation and examination of the 'Part 2' plan.

Issue 1 – whether or not the plan sets out a soundly-based strategy for addressing unmet housing needs from other districts.

19. As detailed above I have concluded that having regard to all relevant matters, including the unmet housing needs of neighbouring districts, the Council has adequately discharged its Duty to Co-operate. I now turn to the related, but separate, matter of whether or not the plan is effective, and thus sound, in terms of the way it deals with potential unmet housing needs from elsewhere in the housing market area.
20. Since the publication in April 2014 of the *Oxfordshire Strategic Housing Market Assessment* (SHMA) it was anticipated to be likely that Oxford City would not have the capacity to fully meet its objectively assessed need for housing within its own boundaries. Through the Oxfordshire Growth Board the Oxfordshire local planning authorities agreed in principle to seek to provide for any unmet need from Oxford elsewhere within the housing market area. However, at the time of the submission of the Vale's plan for examination in March 2015, the Growth Board had not agreed the level of housing needed to be catered for outside Oxford City, nor its distribution. In the light of this the plan, as submitted, sought to provide for the objectively-assessed housing needs of the Vale itself. Nonetheless, policy CP2 indicates that should ongoing joint working through the Growth Board identify that an unmet housing need is required to be accommodated in the Vale, the Council would either allocate appropriate housing sites, in the 'Part 2' plan, in conformity with the Spatial Strategy of the Part 1 Local Plan, or would undertake a full or partial review of the plan, dependent upon the scale of the unmet need to be accommodated.
21. It is argued that in not providing for, at least some of, the likely unmet needs of Oxford the plan is contrary to the NPPF's statements on the importance of housing needs being met within the housing market area, including through joint working to provide for unmet needs of neighbouring authorities. Throughout the examination it was suggested that there was a good indication of the likely level of unmet need which would ultimately be agreed appropriate for the Vale to accommodate – somewhere between 2000 and 5500 dwellings. As detailed above, in late September 2016 agreement was reached (*Memorandum of Co-operation*) that the Vale will provide for 2,200 dwellings to assist in delivering the city's unmet housing needs, with an assumed "start date" of 2021, albeit that this assumption does not preclude earlier delivery.
22. Nonetheless, until the September 2016 agreed position on the overall amount of Oxford's needs to be met outside the city and its appropriate distribution

between the relevant authorities, it would have been very difficult for the Vale's plan to provide for such needs. Firstly, any assumed level of Oxford's unmet housing need provided for in the Vale's plan could have, potentially inappropriately, influenced the evidence-based, joint working approach envisaged for agreeing the distribution between the authorities of the unmet need. This could have resulted in either more or less housing being provided for in the Vale (and consequently also the other districts) than the evidence indicates is appropriate. Moreover, the Councils, and others, envisaged it likely that Oxford's unmet housing needs may be most appropriately provided for in areas surrounding the city boundary currently designated as Green Belt. It would have been likely to be difficult for the Council to demonstrate that the exceptional circumstances exist to justify reviewing the Green Belt boundary to accommodate this housing when a significant level of uncertainty existed concerning the amount of unmet need which would be appropriately accommodated in the Vale.

23. Partly in the light of these difficulties, and with reference to the fact that the overall strategy of the plan might need to change to accommodate unmet housing needs, it has also been argued that the Vale's plan should have been delayed until agreement had been reached on the level and distribution of Oxford's unmet needs, and an appropriate number of sites to cater for this, had been identified in the Vale. However, this would have run counter to the Government's aim (most recently expressed in the 21 July 2015, House of Commons Written Statement by the Minister of State for Housing and Planning) of getting local plans in place quickly, in particular to help accelerate house building over the next five years.
24. Whilst it is obviously a positive step forward that agreement has now been reached that the Vale will seek to accommodate 2,200 dwellings of Oxford's City's housing needs, this has occurred very late in the plan examination process – after the close of the consultation on main modifications to the plan. Notwithstanding that the *Memorandum of Co-operation* specifically states that the Vale's contribution to the unmet needs will be addressed through its 'Part 2' plan, it would, in theory, now be possible for the Part 1 plan to be further modified to allocate sites to meet this need. However, for several reasons I concur with the Council that, at this late stage, this is not the appropriate course of action.
25. Firstly, such an approach would inevitably delay adoption of the plan by many months, contrary to the Government's aim for local plans. Secondly, the plan as submitted, proposes revision of the Green Belt boundaries around Abingdon-on-Thames, Radley and Kennington and the allocation of sites for more than 1,500 new dwellings. Whilst allocated with the primary intention of meeting the Vale's own objectively-assessed need for housing, as discussed at the hearings, Oxford City Council consider these sites to be well-located to provide for their own unmet housing needs. Notwithstanding the primary purpose of their allocation, housing on these sites would be available just as much to people falling with the category of Oxford's need as to those of the Vale. And in reality it would be all but impossible to determine if a potential occupier of this housing represents a Vale or Oxford 'housing need'.
26. As detailed in Issue 4 I conclude that these housing sites are soundly-based and the evidence I heard at the hearings indicates that, following adoption of

the plan, they could proceed relatively quickly providing housing to meet some of the unmet needs of Oxford, as well as those of the Vale, within the next few years. Whilst for the plan period as a whole additional housing allocations will be required to cater for the Vale's own housing needs and its contribution towards the city's unmet ones, the Abingdon, Radley and Kennington sites would alone provide for, in suitable locations, more than two-thirds of the 2,200 unmet need dwellings recently agreed to be catered for in the Vale. However, given these sites' current Green Belt status, it seems to me highly unlikely that planning permission would be granted for residential development on them until they are deleted from the Green Belt through adoption of this plan. Thus, whilst the plan as submitted does not provide for all the unmet needs of Oxford which have been agreed should be provided for in the Vale (with an assumed "start date" of 2021), its adoption now would allow for some housing suitable to meet these needs to come forward quickly. Delaying adoption of the plan would allow for it to provide for all the unmet needs which have recently been agreed to be appropriately accommodated in the Vale, but would inevitably also delay the actual provision of houses to meet any of these needs.

27. Given the indications that it is possible that it will be concluded that Oxford's unmet housing needs would most appropriately be provided for in the Vale on land currently designated as Green Belt, adoption of the plan now would potentially mean that its Green Belt boundaries would not remain unaltered for the plan period to 2031. Whilst this is not ideal in the context of the Green Belt's intended permanence in the long term, the plan as submitted does not seek to pretend that its Green Belt boundaries will necessarily remain unchanged: policy CP2 and the supporting text of policy CP13 refer to the potential for a future, further, review of the Green Belt to provide for unmet housing needs.
28. Despite the above I share the concerns of some that neither policy CP2 as originally proposed, nor the initial modification to it suggested by the Council, would adequately incentivise the Vale to take the steps necessary to provide for all the housing needs from Oxford which it agrees should be accommodated in the district. Possible solutions to this were discussed at the hearings and **MM1** and **MM3** introduce clearer statements in the plan regarding the arrangements and timescales to provide for these needs. Crucially they make clear that, if an adopted plan is not in place to cater for these housing needs within two years of the adoption of this plan, the housing requirement figure for the Vale will be a plan period total of the Vale's own OAN plus its agreed share of Oxford's unmet needs. The rendering out of date of relevant policies of the plan (in line with paragraph 49 of the NPPF) if a five year supply of housing could not be demonstrated to cater for both the Vale's own and Oxford's unmet housing needs will be a suitably strong, and thus sound, incentive for the Council to provide for its agreed share of Oxford's housing needs as soon as possible.
29. Whilst **MM3** does not refer to the *Memorandum of Co-operation*, which was signed after the end of the consultation period on the main modifications, the two are not inconsistent. Thus, in the absence of any suggestions that it should be, I conclude that it is not necessary to the soundness of the plan for **MM3** to be further modified to reflect the memorandum at this stage. However, this would not prevent the Council from making factual, additional

modifications to the plan before its adoption in order to refer to the *Memorandum of Co-operation*.

30. The two year deadline is appropriate having regard to both the time it is likely to take to identify and fully assess the allocations necessary to meet Oxford's housing needs and the fact that, in the meantime, the housing sites at Abingdon-on-Thames, Kennington and Radley would be available for development and suitable to meet some of the city's unmet needs. This implies adoption of a plan providing for Oxford's unmet housing needs some time in advance of the assumed 2021 "start date" for this provision. However, the Council has not, in the light of the *Memorandum of Co-operation*, indicated that it would wish for the two year deadline to be altered and the memorandum is clear that delivery of housing to meet these needs in advance of 2021 is not precluded. In the light of consultation responses, and so as not to inappropriately constrain future decisions on further allocations to meet outstanding housing needs, I have slightly amended **MM1** to refer to the potential for the 'Part 2' plan to include "additional" (instead of "smaller/local") development sites. However, in advance of thorough assessment of all the potential sites to cater for this need, and bearing in mind the *Memorandum of Cooperation's* statement that the allocation of sites to meet Oxford's needs remains the responsibility of the "receiving" district, it would not be appropriate for the Part 1 plan to identify a preference for any particular areas or sites.
31. **MM2** is a factual correction of the plan (and thus necessary for its effectiveness). The change to the Local Development Scheme, removing the intention to prepare a Science Vale Area Action Plan, is a matter for the Council and does not affect the soundness of this plan.
32. In conclusion, subject to **MM1 - MM3**, the plan sets out a soundly-based strategy for addressing unmet housing needs from other districts.

Issue 2 – whether or not the identified objectively assessed need for housing in the district, the overall distribution of housing and the proposed housing supply ring fence are soundly-based.

Objectively Assessed Need for Housing

33. The Council, in conjunction with the other Oxfordshire local planning authorities, commissioned the April 2014 *Oxfordshire Strategic Housing Market Assessment* (SHMA). Having regard to house prices, migration and commuting flows the document concludes that a sub-regional housing market extends across much of Oxfordshire and that, thus, this area represents an appropriate basis on which to assess housing need. There is no persuasive evidence to indicate otherwise. In addition to Oxfordshire-wide figures the SHMA also sets out an analysis of housing need on a district by district basis.
34. In line with the *Planning Practice Guidance* (PPG) the SHMA uses as its starting point for the assessment of housing need the, then, most up to date, 2011-based DCLG household projections. Extended forwards to 2031 this suggests a new housing need of 367 dwellings per annum (dpa) for Vale of White Horse for the plan period. However, in line with the PPG, the document considers demographic patterns not reflected in the 2011-based projections. Having regard to more recent migration data, calibrated to Census data, the SHMA concludes that average annual net migration into the Vale is around 100 people per year higher than suggested by the 2011-based projections. On this basis the housing need for the district would be 468 dpa in the period 2011-2031.
35. The PPG indicates that an assessment of the likely change in job numbers based on past trends and/or economic forecasts should also be considered in determining housing needs. It advises that where the supply of economically active population is forecast to be less than the projected job growth consideration should be given to how the location of new housing could help address possible problems of unsustainable commuting patterns and/or reduced resilience of local business. Accordingly, the partner authorities commissioned SQW and Cambridge Econometrics (CE) to undertake economic forecasting to inform the SHMA.
36. As a baseline the SQW/CE report forecasts what would happen, on a sector by sector basis, if past trends of growth in employment in Oxfordshire, relative to the rest of the South East and UK, were to continue. This indicates that an additional 9,100 jobs (rounded to the nearest 100) are likely to be created in the Vale of White Horse 2011-2031. However, taking account of the adjusted population/household projections of the SHMA, which the report contends would impact on population-related employment such as health, education and social care, there is forecast to be a baseline of 10,600 additional jobs in the Vale in this period.
37. In addition to the baseline and additional population growth in employment the report considers a "Planned Economic Growth" forecast, reflecting influences such as the Science Vale Enterprise Zone and the prospects for the area's economic assets. Strong potential is identified for both inward investment and growth of existing businesses, particularly on the existing employment sites within and nearby the Enterprise Zone, in the space science,

satellite communication, physical sciences and biomedical industries. 12,400 additional jobs in the Vale of White Horse are forecast as a result of this (2,200 of which would be "indirect" employment growth). Together with the baseline and additional population growth in employment the SQW/CE report concludes that 23,000 additional jobs are likely to be created in the Vale during the plan period.

38. Having regard to employment rates, commuting patterns, household headship rates and assumptions on vacant and second homes, the SHMA identifies that 1,028 additional dpa would be needed in Vale of White Horse (2011-2031) to support the baseline and planned economic growth. The Council contends that, notwithstanding the much lower "starting point" for the assessment of housing need and adjusted demographic based forecast, not providing for this significantly higher level of new housing would run the risk of unsustainable commuting into the Vale and/or difficulties for local employers in filling posts.
39. The SHMA also concludes that the 1,028 dpa required to support the baseline and planned economic growth would simultaneously appropriately respond to market signals and ensure that its identified need for affordable housing is met in the district, in line with the guidance in the PPG. It is on this basis that the Council contends that the full, objectively assessed need for new housing in the district is 1,028 dpa or 20,560 for the plan period.
40. Shortly before the submission of the plan for examination the DCLG 2012-based household projections were published and the Council subsequently commissioned a report looking at the implications of these projections for housing need in the district. This indicates a more up-to-date "starting point" for assessing need of 432 dpa, approximately midway between the unadjusted and adjusted demographic forecasts based on the 2011-based household projections. In terms of the housing required to support the forecast 23,000 additional jobs and using the household formation rates in the 2012-based projections, more up-to date commuting trends data and an allowance for people with more than one job, the report indicates a requirement of 1,001 dpa, increasing to 1,045 dpa if it is assumed that household formation rates for the 25-34 age group returns to the levels seen in 2001 by 2025. In the light of this the Council contends that the, not significantly different, figure of 1,028 dpa remains appropriate as the objectively assessed need (OAN) for housing in Vale of White Horse.
41. There is widespread criticism of the forecast of 23,000 additional jobs (an average 1.5% pa growth in employment) with many people arguing that it is not realistic. In writing and at the hearings evidence of various types has been put forward indicating that there are flaws in the assumptions on which the forecasts are based. These points have mostly been countered by explanations by the Council and others in support of the figure. In general I find these detailed points to be inconclusive in terms of precise jobs growth and housing need figures. However, it is notable that the SQW/CE report is not alone in forecasting high levels of employment growth in the Vale, table 6.1 of Doc ECO02 indicating that Experian, another respected economic forecaster, projects average annual employment growth of 1.9%, around 25% higher than the SQW/CE forecast. Moreover, although the 1.5% pa employment growth is three times that actually achieved in the Vale in the 2000-2011 period, it is significantly less than the 2.1% growth experienced in the district

between 1981 and 2000. Whilst this is now many years ago it is also notable that levels of growth similar to, or higher than, the 1.5% forecast were achieved much more recently in Oxford City itself (1.4% 2000-2011) and in the comparator authority of South Cambridgeshire (2.1%, 2000-2011).

42. Furthermore, in the first two years of the plan period itself (2011-2013) the number of jobs in Vale of White Horse has increased by 2% (ie an average of 1% pa) Whilst this is below the 1.5% pa plan forecast in the years to 2031, it is already double that achieved on average in the 2000-2011 period. Moreover, since 2011 the increase in "hi-tech" jobs (ie the expanding sectors in the planned economic growth forecast) has been 9% (BRES data (via SQW) referred to at the hearings). Consequently, in the light of all that I have read and heard, and having particular regard to these figures, I conclude that the 23,000 jobs growth forecast is soundly based.
43. There are arguments as to whether the planned economic growth based forecast of housing need is a "policy on" or "policy off" projection. However, to my mind these arguments are over-simplistic and essentially futile in the context of this local plan examination. The 9% increase in "hi-tech" jobs in the district since 2011 in the absence of an up to date, adopted plan indicate that significant jobs growth in the Vale can be expected irrespective of the Council's policy towards it. Implementation of the plan (including provision for high levels of additional housing) would be likely to promote a higher level of employment growth than would otherwise be the case but, in principle, that would support the Framework's core principle of proactively driving and supporting sustainable economic growth. Of course that does not mean that the plan should necessarily provide for the housing necessary to support the forecast economic growth regardless of any constraints to development in the area or its effect on the district's character; matters I consider later in this report.
44. It is contended that there has been no independent assessment or review of the SQW/CE Economic Forecasting report and that the Oxfordshire Local Enterprise Partnership (LEP), whose Strategic Economic Plan (SEP) influenced the forecasting work, is not democratic. However, insofar as it relates to the Vale's Local Plan Part 1, I have assessed the soundness of the report's employment forecasts, in the light of consultation comments, and, irrespective of the LEP's status and democratic make-up, it is the locally elected Vale of White Horse District Council who has decided to seek to support the forecast level of economic growth through the policies and provisions of the plan.
45. Given the forecast increase in employment and migration of people into the Vale, it is appropriate to consider their likely effects on neighbouring districts beyond the Oxfordshire housing market area. At the hearings the Council contended that the district would be likely to be competing internationally, rather than with neighbouring districts, for much of the forecast economic growth and that employees moving to the Vale would be likely to be attracted from all over the UK, and indeed the World, rather than from a small number of neighbouring authorities. Whilst the forecast housing requirement is based on current commuting patterns (an almost "in balance" ratio of 1.04 for the Vale) it is almost inevitable that some employees of newly created jobs in the district would commute from neighbouring authority areas, whilst some residents of newly built dwellings in the Vale would commute out of the district

for work. However, it is not the role of, or possible for, the plan to prescribe where people live and work, although this does not mean that a plan should not seek to provide jobs and the related housing requirements in the same local authority area, subject, obviously, to a consideration of constraints.

46. I have given careful consideration to the very detailed critique of the SHMA, prepared by a respected planner. I have addressed above a number of the points it raises and others, whilst interesting, are to my mind more challenges of government policy and guidance than evidence of failure of the Oxfordshire SHMA. Reference has been made to the outcome of the referendum on the UK's membership of the European Union (EU), held subsequently to the examination hearings. However, at this stage with the precise nature and timescale for the country's exit from the EU remaining uncertain, it is not feasible to assess the likely implications for housing need in Oxfordshire.
47. Late in the examination, following the completion of hearing sessions, the DCLG 2014-based household projections were published, once again indicating a somewhat different "starting point" figure for assessing housing need. However, having regard to the fact that there is a strong, economic growth, led reason to substantially adjust new housing requirements in the Vale from the "starting point" figure, and in the absence of any convincing evidence to the contrary, I concur with the Council that these figures do not undermine the robustness of the 20,560 dwelling requirement for the district.
48. In conclusion, having regard to the Council's aspiration to support a significant, but realistic, growth in employment, 20,560 new dwellings (1,028 dpa) is a soundly-based figure for the objectively assessed need for housing in the Vale of White Horse in the period 2011-2031. I consider in Issue 8 below the related matter of the plan's housing requirement figure.

Objectively-assessed need for pitches for Gypsies and Travellers

49. Policy CP27 indicates that, in addition to safeguarding existing pitches, provision will be made for at least 13 additional pitches for gypsies and travellers during the plan period, in line with the need for the district identified in the *2013 Gypsy, Traveller and Travelling Show People Accommodation Needs Assessment*, prepared jointly with Oxford City and South Oxfordshire District Councils. The policy states that the need will be provided for through the implementation of extant planning permissions; the extension of existing sites, where possible, to meet the needs of existing residents and their families; and (in line with the approach for a proportion of housing for the settled community) the allocation of specific sites in the 'Part 2' plan. There is no convincing evidence to suggest that the assessment of need or the proposed approach to meeting it is not soundly based.

Overall distribution of housing

50. Policy CP3 categorises each of the main settlements in the district as a Market Town, Local Service Centre, Larger Village or Smaller Village, based on the *2014 Town and Village Facilities Study*. I understand that since 2014 there have been some changes in the facilities at a number of the settlements and this is likely to continually be the case. However, I have read or heard nothing to demonstrate that the settlement hierarchy or the distribution of settlements

between the three sub-areas is fundamentally flawed. Moreover, the proposed deletion of some housing sites originally included in the plan does not alter the categorisation of the relevant settlements. However, in the interests of effectiveness, **MM4** is necessary to correct errors in policy CP3 and to ensure consistency with the rest of the plan, which makes clear that Sutton Courtenay is in the South East Vale Sub-Area and that East Challow, Shrivenham, Stanford-in-the-Vale, Uffington and Watchfield are larger villages, not local service centres.

51. Policy CP4, as submitted, indicates the intention that 13,960 (approximately 68%) of the 20,560 OAN will be provided for on 22 strategic sites of 200 dwellings or more. In the light of my conclusions on Issues 4 and 5, **MM5** is required to delete references to three of the 22 sites, reducing the total number of dwellings envisaged to be delivered on the strategic sites to 12,495 (taking account of a minor adjustment to the housing numbers on the Monks Farm site).
52. Of the 12,495 dwellings on allocated sites, policy CP4 (as proposed to be modified) identifies that around 54% would be in/adjoining the market towns of Abingdon-on-Thames, Faringdon and Wantage or the town of Didcot (which is just outside the district boundary); approximately 28% would be in/adjoining the local service centre of Grove and around 18% would be in/adjoining other settlements across the district. Whilst concerns are raised about specific settlements and sites (considered in Issues 4, 5 and 6) the strategy of focussing more than three-quarters of new housing on large allocated site at/adjoining Didcot and the district's three largest settlements is soundly-based and supportive of the Framework's core planning principle of focussing significant development in locations which are or can be made sustainable.
53. The plan identifies three sub-areas within the district: Abingdon-on-Thames/Oxford Fringe, South East Vale and Western Vale and together policies CP8, CP15 and CP20 (as updated/modified) indicate the proportion of the overall housing requirement in each sub-area would be around 26%, 59% and 15% respectively. The Council argues that providing for the majority of the district's new housing needs in the South East Vale Sub-Area is justified, given the a large proportion of the need for new housing will be generated by new jobs in this area.
54. Seeking to co-locate new jobs and houses makes sense in principle although the deliverability of the strategy is an important consideration. However, whilst slower than anticipated delivery of housing on individual sites is always a possibility, the approach of allocating eight strategic sites for housing in the South East Vale sub-area, varying in size from 200 to 2,550 units and across a range of settlement types, appropriately minimises the risk of the overall need for housing not being met because of delays or more fundamental problems on individual sites. Moreover the plan provides for more than a quarter of all housing on strategic allocated sites outside the South East Vale area.
55. Whilst the majority of new housing in the district will be located in the South East Sub-Area, the Abingdon-on-Thames and Oxford Fringe Sub-Area contains the Vale's largest settlement (Abingdon) in addition to the local service centre of Botley and a number of larger villages, including Radley and Kennington. A

substantial part of the OAN arises from demographic changes which points to a need for new housing in this part of the district as well as in the area of greatest employment growth. Moreover, this part of the district is closest to Oxford City which, notwithstanding the growth of Science Vale, is likely to remain a very important centre for employment and services for residents of the Vale. The indicated requirement for housing in this sub-area (5,438 new dwellings as set out in policy CP8 as updated/modified) is thus soundly based.

56. It has been argued that the proposed distribution of new housing does not adequately reflect the role of Oxford as a centre for employment, shopping and services for the Vale of White Horse. Aside from its own unmet needs (considered in Issue 1) Oxford City Council has contended that 1,000 more dwellings (around 3,000 in total) of the Vale's identified needs should be located in the Abingdon-on-Thames/Oxford Fringe area. However, there is no detailed or convincing evidence to support this contention. Moreover, whilst the Abingdon-on-Thames/Oxford Fringe sub-area is closer to Oxford, it is true that more than 3,000 dwellings proposed in the South East Vale (the two Valley Park sites) would also be close to Didcot Station with its fast and frequent rail service to Oxford.
57. Conversely it has been argued that it does not make sense to allocate 13% of housing in the west of the Vale, distant from the new employment opportunities. However, this is a relatively small proportion of all housing, and will (in line with guidance in the NPPF) support the main settlements in this area – the market town of Faringdon and two larger villages.
58. Concern has been raised that the boundaries of the sub-areas are artificially and inappropriately drawn such that more housing has been allocated to some settlements, in support of Science Vale, than would otherwise be the case. In particular it is pointed out that Wantage and Grove, within the South East Vale sub-Area, are no closer to the envisaged employment growth at Harwell and Milton Park than Abingdon-on-Thames which is outwith the South East Vale Sub-Area. However, irrespective of the appropriateness of Wantage and Grove in providing housing to support Science Vale (considered in issue 5 below), and as detailed above, significant housing development in Wantage and Grove are appropriate given their position as some of the district's largest settlements.
59. Overall I conclude that the proposed broad distribution of new housing across the district is, in principle, soundly-based.
60. In addition to completions, existing commitments and the plan's allocated sites, Policy CP4 identifies that up to 1840 dwellings will be allocated through the 'Part 2' plan, Neighbourhood Plans and/or through the development management process, the latter primarily "windfalls" of which the Council envisages around 840.

Housing Supply Ring Fence

61. Policy CP5 (and the policies map) identifies ring fenced areas which it indicates will, together, be treated as a separate sub-area with a housing requirement of 11,850 dwellings in support of the 15,850 jobs planned in the Science Vale area. The Science Vale area is broadly the same as the South East Vale Sub-

Area but excludes Blewbury and its surrounding countryside. It is clear from responses to the plan that policy CP5 and its supporting text lack clarity and many participants expressed confusion as to how the policy would operate. In its written evidence and at the hearings the Council indicated that its intention is that, should a five year supply of deliverable housing land not exist within the ring fenced area, it would only permit applications for residential development on sites elsewhere within the ring fenced area.

62. National policy and guidance is silent with regards to such an approach. However, in the context of paragraph 47 of the Framework, which refers to the importance of housing needs being met within the housing market area, each district within the single Oxfordshire housing market area is, in effect, already operating as a housing supply ring fence. So, as a matter of principle, I see no reason why more than one such ring fence should not exist in a district. Moreover, there would be little point in the plan allocating housing sites on the basis of the sound planning principle of the co-location of new jobs and housing if the approach were then to be, in effect, abandoned if delivery of housing were to go slightly awry.
63. Nonetheless, in addition to the policy's lack of clarity, I share a number of the other specific concerns expressed about the policy as submitted for examination. The four ring fences are drawn very tightly around the existing settlements/allocated sites of Milton Park/Heights, Harwell Village, Harwell Campus and Wantage/Grove, almost to the extent that the plan proposes a number of reserve sites for housing rather than ring fenced areas. There is little to indicate why land outside the proposed ring fenced areas, but within the Science Vale, could not support Science Vale employment growth as well as sites within the proposed ring fenced areas; albeit that sites adjoining very small settlements, away from existing settlements altogether or within the AONB, might well be considered to not represent sustainable development.
64. Furthermore, the illogicality of policy CP5, as proposed, is highlighted by the fact that whilst the Council would not seek to grant permission for dwellings to maintain a five year supply of housing in the Science Vale outside of the ring fenced areas, it would have no grounds, in principle, to refuse permission for dwellings outside of the ring fence areas, within the Science Vale, in response to there being a lack of a five year supply of housing in the rest of the district.
65. Consequently, whilst I conclude that the principle of the housing ring fence is, in the specific circumstances of the Vale, soundly based, policy CP5 as it stands is not effective. **MM6**, which expands the ring fence area to be the same as the identified geographical Science Vale area and explains more clearly how the ring fence would operate, is thus necessary to the plan's soundness. The modified policy's reference to the importance of conformity of development proposals with relevant national and local policy is necessary given that the ring fence is purely a geographical area and does not take account of any possible constraints to sustainable housing development (eg the AONB).
66. Whilst noting the arguments that it should do so, the ring fence policy would not prevent the plan's policies for the supply of housing (which would be likely to include policy CP5 itself) being considered not up-to-date if a five year supply could not be demonstrated across the Vale of White Horse as a whole.

And I envisage that this is likely to be a decision maker's ultimate test of five year housing supply in the district. The modified policy's indication that the supply calculations for the ring fence area and the rest of the district will be combined to provide a district wide calculation is, thus, merely a factual statement. Policy CP5's aim of locating housing to meet the Science Vale's identified housing requirement in that area would apply if there were a five year supply across the district as a whole but not within the ring fence area. Moreover, it would remain a relevant consideration for the decision maker, along with paragraph 14 of the NPPF, in the unlikely event that a five year supply of housing were not to exist across the district as a whole.

67. In the light of consultation responses to the modification I have slightly amended the wording of **MM6** in the interests of clarity and have removed the reference to the ring fence area comprising sites and settlements immediately adjacent to the pre-determined boundary of the Science Vale. Whilst this boundary somewhat illogically includes only part of some settlements, I recognise that a definitive ring fence area is necessary for the practical operation of the policy, in particular to determine whether or not a five year supply of housing exists within the area. In the event that a five year supply of housing were not to exist in the ring fence area this would not prevent the case being made for, and the Council applying flexibility to permit, a housing scheme on a site outwith but immediately adjacent to the ring fence area. This would overcome any illogicality resulting from the Science Vale boundary. The operation of the ring fence policy in relation to the recent agreement that the Vale will accommodate 2,200 dwellings arising from Oxford's city's unmet needs will be a matter for the 'Part 2' plan.

Conclusion

68. In conclusion, subject to **MM4 – MM6**, the identified objectively assessed need for 20,560 new dwellings in the Vale of White Horse for the plan period is soundly-based, as are the proposed overall distribution of housing and the housing supply ring fence policy.

Issue 3 – whether or not the plan sets out a strategy for employment land which is positively prepared, justified, effective and consistent with national policy.

69. The forecast of a 23,000 growth in jobs in the district during the plan period has been much criticised although, as detailed in Issue 2 above, I have concluded that it is soundly based. In support of this figure, and in the light of the *2014 Employment Land Review*, policy CP6 (subject to minor, factual correction, additional modifications) identifies a need for 218ha of land for [new] employment development on strategic sites, 180ha of which are existing "saved" allocations of the Local Plan 2011, including 128 ha at Harwell Campus and the safeguarding of Local Plan 2011 employment allocations totalling 24.2ha on eight other sites.
70. However, the policies map actually allocates circa 274 ha of land for employment at Harwell Campus (364 ha across the district as a whole). The "excess" over the requirement figure is 146 ha of "saved" allocations from the previous 2011 Local Plan, which the Council does not expect to be actually available for development during the current plan period. There is no convincing evidence to the contrary and thus, notwithstanding the requirement figure, it would make little sense to modify the policies map to de-allocate this land which may well become available and necessary for employment growth beyond the plan period.
71. Additionally it has been pointed out that the 218 ha requirement figure for employment land identified in the plan is significantly higher than amount of "B Class" land which the SQW/CE *Economic Forecasting* report identifies would be necessary in the Vale to provide for the forecast growth in jobs. However, the "above background trends" jobs growth forecasts for the Vale and the other Oxfordshire districts are derived substantially from influences such as the presence in the area of the University of Oxford, the Science Vale Enterprise Zone and, in particular, Space Science and Satellite technologies, rather than from the overall amount of employment land available. I have seen nothing which persuasively indicates that a higher than strictly necessary allocation of employment land in the Vale would result in significantly more than 23,000 jobs being created in the district and, thus, there being a need to further increase housing provision.
72. Moreover, the Vale is not alone in having more employment land than is needed to provide for the forecast of jobs growth. Table 6.2 of the SQW/CE report indicates that across the county as a whole allocated B class sites would, in theory, provide for around 34% more jobs than are forecast to require B class land. Several districts have allocated capacity for over 60% more B class land than the employment forecasts indicate are strictly necessary. Table 6.2 assumes an allocation of around 164ha of B class employment land in the Vale (based on Table K.4) giving capacity for 14,300 jobs. Thus it can be reasonably be extrapolated that the submitted plan's allocation of 218 ha of employment land would, in theory, give capacity for 19,000 jobs on B class land, around 38% more than the 13,800 new B class jobs which are forecast in the district. Nonetheless, based on the 218ha requirement figure, the "oversupply" of employment land in the Vale, which as a general concept is not stated by the SQW/CE report to be problematic is, proportionally, much the same as the Oxfordshire-wide average and

significantly less than in several neighbouring districts.

73. Whilst national policy advises against an oversupply of employment land, that in the Vale is primarily of longstanding allocation, not currently available for development but maybe required beyond the current plan period. Furthermore, much of the allocated employment land is located in the AONB and there is no persuasive evidence to suggest that it is needed, or would be appropriately allocated, for any other use. Consequently, policy CP6 is, in principle, soundly-based. However, in the interests of clarity, and thus effectiveness, **MM7**, **MM8** and **MM9** are necessary to identify specific mixed use developments, to make clear that the policy is concerned with new, as opposed to existing, employment development and to ensure consistency with MM2 (see Issue 1).
74. In summary I conclude that, subject to **MM7 – MM9**, the plan sets out a strategy for employment land which is positively prepared, justified, effective and consistent with national policy.

Issue 4 – whether or not the plan sets out a soundly-based strategy for the Abingdon-on-Thames and Oxford Fringe Sub-Area, including whether or not exceptional circumstances exist to justify the plan's proposed revisions of the Green Belt boundary.

75. Supported by an overview and a vision of the area in 2031, Policy CP8 sets out the spatial strategy for the Abingdon-on-Thames and Oxford Fringe Sub-Area. It details the overall new housing provision to be planned for in the area, and identifies the strategic sites, identified through a robust, five stage site selection process, which will contribute towards delivering this provision. In support of policy CP6 the policy also safeguards existing strategic employment sites in the area and identifies 3.2 ha of land for future business/employment use.

The Green Belt – housing allocation sites 1, 2, 3 and 4

76. As explained above it is appropriate that, whilst the majority of new housing will be located in the South East Vale Sub-Area, a proportion of the overall provision for new housing is in the Abingdon-on-Thames/Oxford Fringe area, primarily to meet the requirement for additional housing from people currently living in this area and those who have close links with Oxford City. This would be the case even if more of the district's overall requirement for housing could be met outside the Abingdon-on-Thames/Oxford Fringe Sub-Area through, for example, higher densities on other housing allocation sites or the allocation of additional sites.

77. Within this Sub-Area there is very limited potential for housing development within the main settlements themselves and the built-up areas of Botley, Radley and Kennington are very closely bounded by Green Belt, as are the eastern, northern and western sides of Abingdon. Whilst land to the south of Abingdon is outside the Green Belt, access difficulties and potential flooding render its development for housing highly problematic. Moreover, whilst some new housing is appropriate to support the villages in the south and western parts of the Abingdon-on-Thames and Oxford Fringe sub-area (which lie beyond the Green Belt), given their distance from, and limited public transport links with, Abingdon, Botley and Oxford they would not be a sustainable location to provide for the majority of the sub-area's housing requirement, much of which is likely to arise from people currently living in Abingdon and Botley.

78. It has been suggested that an extensive area of land some distance to the south-west of Abingdon, beyond the Green Belt, could be developed as a Garden City as an alternative to housing sites proposed in the plan and to meet housing needs in the post-plan period. However, the deliverability of such a scheme is in doubt given the safeguarding of much of the land for a reservoir through policy CP14 and, in any case, it is not envisaged that the site could deliver housing in the short term.

79. Informed by a three stage Green Belt Review study, the plan proposes the deletion from the Green Belt, and the allocation for around 1,500 dwellings, of land to the north of Abingdon and at Kennington and Radley (sites 1, 2, 3 and 4). I note there are discrepancies in the findings of the Vale's Green Belt Review Study and that undertaken on behalf of the County Council. However,

this is not surprising given that the studies' considerations are to a significant degree subjective. In reaching my conclusions I have had regard to both studies, all other written evidence, the discussions at the hearings and, importantly, what I saw on my visits to the relevant sites and their surrounding areas. However, I see no reason why, as a matter of principle, any review of Green Belt boundaries in the Vale of White Horse with the objective of meeting the district's own housing needs should await the completion of a more strategic review of the Oxfordshire Green Belt.

80. Site 1 and the westernmost part of Site 2 lie between the existing built-up area of Abingdon and the A34 dual carriageway, which forms a bypass to the north west of the town. The Council has appropriately proposed a policies map change (consulted upon as MM36) to amend the boundary of Site 1 (and thus also that of the Green Belt) to reflect updated flood risk evidence. Whilst these sites' development for housing would represent encroachment of the countryside, the A34 would become a strong and logical physical and visual boundary to the built-up area of Abingdon. Moreover, development of the sites would have a minimal effect on the separation of Abingdon from the surrounding settlements or on the setting of Oxford. The central and easternmost parts of Site 2 would extend the built-up area of Abingdon several hundred metres to the north. Whilst these parts of the site are not bounded by the A34, the land rises to the north at Lodge Hill to the extent that, to my mind, the whole of Site 2 has the sense of being part of Abingdon rather than the countryside to the north. It would also be bounded by field boundaries and belts of woodland. Site 2 appropriately includes a parcel of land which, through a policies map change (consulted upon as MM37), would be retained as Green Belt. Facilities, which are consistent with Green Belt designation (primarily open space and landscaping) would be provided as part of the housing development on this land and **MM38** is necessary to amend the site development template to require Green Belt compatible development in this respect.
81. Housing on these sites would be within 2-2.5km of Abingdon town centre a distance readily cycleable and walkable by some people. Moreover, they would be well-served by existing bus services including high frequency routes to Oxford and Abingdon. Inevitably there would be an increase in traffic on existing roads in the area resulting from this development although the plan provides for major improvement to the A34 Lodge Hill interchange which would be likely to mitigate the impact to a significant degree. The strategic transport assessment undertaken by the County Council does not identify any unacceptable transport impacts likely to arise from the development of these sites, although the precise details of mitigation measures and their timing are appropriately considered at planning application stage. It cannot be guaranteed that exacerbation of air quality problems, particularly in Abingdon Town Centre, would not result but it appears to me that a plan which provided for housing elsewhere, where public transport links to Abingdon Town Centre would almost certainly be less comprehensive, would be more likely to cause such problems.
82. Kennington is a linear village and housing allocation site 3 would be a logical extension of the settlement to the south, strongly defined and bounded to the east by the railway line and to the west by Kennington Road, on the opposite side of which is a large mobile home park. Whilst again some encroachment of

the countryside would result, separation of Kennington and Radley to the south would be maintained by a width of remaining Green Belt of a kilometre or so and there would not be a material impact on the setting of Oxford. Housing on the site would be well-located in relation to this 'larger' village's own services and the frequent bus service to both Abingdon and Oxford.

83. Site 4 would extend the existing built-up area of Radley to the clear boundary of White's Lane, which itself, in parts, already has dwellings fronting it. A relatively narrow Green Belt of around 400m width currently separates the closest parts of the built-up areas of Radley and Abingdon although, nonetheless, there is a clear and strong separation of the two settlements. Housing on site 4 would extend the northern part of Radley towards Abingdon although not closer than the existing 400m or so separation, and the distance to the closest part of site 2, to the north of Abingdon, would be at least 600m. Moreover, the reinforcement of existing landscaping along White's Lane (as required by the site development template) would mean that, unlike the existing dwellings on this road, the housing on site 4 would be unlikely to be prominent when viewed across the countryside from Abingdon. Similarly, landscaping of Site 2 would mean that housing on this site would be much less prominent when viewed from Radley than existing housing in Abingdon. As a 'larger' village with local services, including a station with direct trains to Oxford, Didcot and London, there is little to support the argument that Radley could not appropriately accommodate the 240 or so dwellings envisaged for Site 4.
84. At a very late stage in the examination it was argued that the boundary of Site 4 (and thus that of the Green Belt) should be amended to reflect the extent of land which the representor wishes to promote for development. Whilst it is the case that the extended site boundary has been shown on plans previously put before the examination, it was not until the consultation on proposed main modifications (which proposed no change in respect of Site 4) that it was contended that the site boundary shown on the policies map was incorrect. The boundary could not be altered without a visit to the site by me, further full consultation and potentially a subsequent hearing session. I therefore conclude that the inevitable delay to the adoption of the plan does not outweigh any benefit which might result from amending boundary of Site 4 at this stage.
85. It is the case that the NPPF identifies Green Belt as a constraint which may prevent an authority from meeting its objectively assessed needs for housing. However, national policy does not prohibit an authority from revising Green Belt boundaries subject to it being done in exceptional circumstances, through a local plan and having regard to the need to promote sustainable patterns of development. I therefore do not accept the argument that a revision of the Green belt boundaries is inherently unsustainable. Moreover, whilst a Ministerial Written Statement has indicated that unmet housing needs are unlikely to represent the very special circumstances necessary to justify inappropriate development in the Green Belt, the very special circumstances test concerns planning applications, not the removal of land from the Green Belt in a local plan.
86. In summary there is an objectively-assessed need for more than 20,000 new dwellings in the Vale during the period to 2031. Whilst the majority of these

dwellings will be located in the South East Vale and Western Vale areas it is appropriate to provide for some housing in the Abingdon-on-Thames and Oxford Fringe Sub-Area, in particular to meet the future housing needs of people already living in this area. However, the Council's evidence shows there is minimal potential to provide for this housing within the existing main settlements in the area and Abingdon, Botley, Cumnor, Radley and Kennington are closely bounded by Green Belt or land subject to other constraints. It would not be a sustainable solution to meet the increasing housing needs of these settlements distant from them in the villages or countryside beyond the Green Belt. Housing on sites 1-4 would be well-related to existing settlements and their services and for access to both Abingdon town and Oxford city centres, including by public transport, cycling and walking. Evidence also indicates that housing on these sites could be delivered quickly.

87. I recognise that the Green Belt around Abingdon, Kennington and Radley is much valued by many people and the alteration of its boundaries would not be entirely without harm. However, the Council's proposal to remove from the Green Belt housing sites 1,2 3 and 4, enabling some 1500 or so dwellings to be built, would have only limited impacts on the function of the Green Belt, primarily being localised encroachment of the countryside.
88. Balancing all of these factors I conclude that the Council's assessment that the exceptional circumstances exist to justify removal from the Green Belt of housing allocation sites 1, 2, 3 and 4 is a soundly based one.

Other proposed revisions to the Green Belt boundary

89. In addition to sites 1, 2, 3 and 4, the plan, as submitted, also proposes to delete from the Green Belt some 15 or so other parcels of land at Botley, Chawley, North Hinksey, Cumnor, Wootton and Appleton, which would not be allocated for any particular use. Whilst there is interest in developing some of these parcels of land for housing it has not been argued that any could accommodate the plan's minimum threshold of 200 dwellings. My conclusion on the appropriateness of this threshold is set out in Issue 8 below.
90. Given their distance from housing allocation sites 1, 2, 3 and 4 it cannot reasonably be argued that deletion of land from the Green Belt at Botley, Cumnor, Wootton and Appleton would be necessary to ensuring logical, defensible and permanent Green Belt boundaries in respect of the deletion of Green Belt for housing at Abingdon, Radley and Kennington. I am also unconvinced by the Council's contention that these are all parcels of land which make little or no contribution to the purposes of including land in the Green Belt. If nothing else it appears to me that many of them prevent encroachment of the countryside. Moreover, based on the limited reasoning set out in the Green Belt Review, it is unclear to me why some parcels of land at/adjacent to specific settlements are proposed to be removed from the Green Belt whilst other, apparently similar, parcels of land at/adjacent to the same settlement are not.
91. The Council has argued that, whilst not currently identified for housing, these parcels of land could potentially come forward for such use through Neighbourhood Plans or the 'Part 2' plan, to provide for the 1000 or so of the yet to be allocated Vale's housing needs and/or to meet unmet needs from

other districts. I note that the plan does not identify these parcels of land as "safeguarded land" and nor do I consider that they could be so classed given the statement in the NPPF that such land is to meet longer-term development needs stretching well beyond the plan period. Secondly, based on what I have read and heard, it appears to me unlikely that many such allocations would come forward through Neighbourhood Plans. Moreover, the Council has accepted that the total amount of land proposed to be deleted from the Green Belt across these parcels of land would be likely to far exceed that required to meet the Vale's yet to be allocated housing needs for the current plan period. It has been suggested that some of these parcels of land should be removed from the Green Belt and allocated for housing in the Part 1 plan. However, as detailed in Issue 8 below, I conclude that the plan allocates sufficient sites for housing at this time. Retaining these parcels of land in the Green Belt now would not prevent their deletion from Green Belt through the 'Part 2' plan or any other local plan or local plan review, if the necessary exceptional circumstances were to be demonstrated.

92. Moreover, in finding the plan's overall approach to addressing unmet housing needs from other districts sound (see Issue 1), I concur with the Council's fundamental argument that, until very recently, such needs could not be soundly planned for when their total amount and appropriate distribution between the Oxfordshire districts was unknown. Whilst agreement has recently been reached that the Vale will seek to deliver 2,200 dwellings in respect of Oxford City's housing needs I conclude, for the reasons detailed in Issue 1, that the benefits of getting the Part 1 plan adopted as soon as possible outweighs the delay in allocating sites to provide for all the Vale's agreed share of the city's unmet housing needs. Until detailed consideration has been given to determining the most appropriate sites to be allocated for housing to meet these needs, it will not be possible to determine how much land in the Green Belt (if any) will be required. Moreover, as explained in Issue 1, it is not appropriate, at this stage, for this plan to identify a preference for any particular locations or sites in this regard. Consequently, the 15 or so parcels of land proposed by the submitted plan to be deleted from the Green Belt might prove to be either insufficient or more than is required.
93. The supporting text of policy CP13 indicates that a future Green Belt Review may be necessary in respect of addressing unmet housing needs and policy CP2 identifies that any resulting alterations to the Green Belt boundary would be progressed through a full or partial review of the local plan or separate DPD. It is of course the case that as a result of such a review the exceptional circumstances may exist to justify the removal from the Green Belt of some or all of these 15 or so parcels of land.
94. Having regard to the NPPF it is not ideal for a local plan to include alterations to Green Belt boundaries and also an indication that further alterations may be necessary during the plan period. However, any such alterations could only come forward through a new or reviewed local plan and I conclude that this approach is much preferable to deleting land from the Green Belt when a significant degree of risk exists that some of the land may not be suitable, or that in its entirety it would be either insufficient, or more than is needed, to meet housing needs. For these reasons I conclude that, at the present time, the exceptional circumstances necessary to justify removing from the Green Belt the parcels of land at Botley, Cumnor, Wootton and Appleton do not exist.

Updating of the policies map to reflect the retention of these sites within the Green Belt (as consulted on as MM81) will therefore be necessary.

95. The plan also proposes the removal from the Green Belt of the built-up area of the 'smaller' village of Farmoor, such that it would be "inset" within the Green Belt. Whilst this would bring Farmoor in line with the already "inset" settlements of Appleton, Botley, Cumnor, Kennington, Radley and Wootton, I have seen no specific evidence to justify this particular change. Moreover, it is unclear to me why Farmoor should be an "inset" village when other smaller villages (as defined by policy CP3), including Dry Sanford, Shippon, South Hinksey, Sunningwell and Wytham would remain "washed-over" by the Green Belt. If and when a subsequent review of the Green Belt takes place it would make sense to consider, as part of this, the appropriateness of each of these villages as being either "inset" or "washed-over" by the Green Belt. However, at the current time I conclude that the exceptional circumstances necessary to remove Farmoor from the Green Belt do not exist. **MM16** is therefore necessary to the soundness of the plan. This deletes the reference, in policy CP13, to Farmoor as an "inset" village and corrects a drafting error in the plan by including the already "inset" North Hinksey. The policies map will also need to appropriately reflect this (as consulted on as MM81).
96. To ensure accordance with national policy **MM16** also modifies policy CP13 to make explicitly clear that it is through this local plan that the Green Belt boundaries are being revised (ie in respect of housing sites 1, 2, 3 and 4) and, in the light of consultation comments, I have amended the modified wording slightly to include a specific reference to the existence of exceptional circumstances.
97. It has been argued that the plan should remove from the Green Belt the Harcourt Hill Campus of Oxford Brookes University. The parcel of land concerned is already substantially built-up and it appears to me that it is likely to be only through redevelopment at a much greater height than currently exists that new building would materially reduce the openness of the Green Belt or affect the setting of Oxford City. Moreover, the effect on Oxford's setting would be much the same if tall buildings were to developed at the immediately adjacent parts of Harcourt Hill and Botley which are not within the Green Belt, not that I have read or heard anything to suggest that this is likely.
98. Policy CP9 specifically seeks to prevent development at the campus which would harm the setting of Oxford and this would apply whether or not the campus is in the Green Belt. However, removing the campus from the Green Belt would leave an awkward, and undesirable in planning terms, "island" of Green Belt at Raleigh Park. To this extent it would make sense to consider the case for the campus's removal from the Green Belt if and when the Green Belt boundary in the Botley area is more widely reviewed, as indicated above. In the meantime, and having regard to the flexibilities set out in national policy in terms of infilling/redevelopment of previously developed sites in the Green Belt, together with the requirements of policy CP9, I conclude that the campus's continued inclusion within the Green Belt is unlikely to significantly prejudice or make difficult appropriate redevelopment at the campus. The retention of the site within the Green Belt for the present time is therefore soundly-based.

99. Nonetheless, to ensure the effectiveness of policy CP9, **MM13** is necessary to reflect the requirement for a masterplan. However, other suggested amendments to this policy are either already covered by other policies of the plan or do not affect its soundness.
100. In addition to housing allocation sites 1, 2, 3 and 4, the plan as submitted proposes that several other parcels of land at Abingdon, Kennington and Radley are deleted from the Green Belt but not allocated for any purpose. In terms of the land at Abingdon and Kennington I can see some sense in their removal from the Green Belt, in the context of the removal of housing sites 1, 2, 3 and 4 and the desirability of producing logical and permanent Green Belt boundaries. However, given the prospect of a further Green Belt boundary review, permanence of the submitted plan's Green Belt boundary at Abingdon, Kennington and Radley cannot currently be guaranteed. Indeed, there is interest in developing some of this land for housing to assist in contributing towards Oxford city's unmet housing needs, although this remains a matter for the 'Part 2' plan. It would therefore make sense to retain these parcels of land in the Green Belt until either a further Green Belt review has taken place or there is some certainty that such a further review will not be necessary. Once again the policies map will need to appropriately reflect this.
101. Finally in relation to the Green Belt is the issue of the clarity of the submitted plan and the extent to which I can be assured that, at the time of the 'publication stage' consultation, people were fully aware of the extent of revision of the Green Belt boundaries proposed. It is the case that, as submitted, the plan does not specifically list or otherwise identify the parcels of land proposed for removal from the Green Belt. However, in relation to housing allocation sites 1, 2, 3 and 4, the plan and the policies map are very clear that housing is proposed for these sites and it appears unlikely to me that anybody with an interest in the matter was unaware of this proposed change.
102. The submitted plan is much less clear about the other changes proposed to the Green Belt, many of which are extremely difficult to identify on the policies map as submitted and several of which are not even shown due to drafting errors. However, whilst I cannot be assured that all interested parties were fully aware of the extent of the changes proposed, in reality this matters little as I am recommending modification to the plan to retain the existing Green Belt boundaries other than in respect of housing allocation sites 1, 2, 3 and 4. The Council has proposed changes to the policies map (consulted on as MM81) to clearly show the changes to the boundaries of the Green Belt which would be effected by the plan, as it is proposed to be modified.

Housing Allocation Site 7 – Kingston Bagpuize

103. This housing allocation site immediately adjoins the existing built-up area of Kingston Bagpuize. The site has outline planning permission for 280 dwellings, a number appropriate to support the settlement's role as a 'larger village'. There is no convincing evidence to suggest that the allocation is not soundly based (or that any other site would be a better alternative), although **MM40** is necessary, in the interests of a justified plan, slightly rewording the relevant site development template in respect of landscape considerations.

Housing Allocation Site 6 – East Hanney

104. The plan as submitted includes the allocation for around 200 dwellings of a site at East Hanney. Since submission of the plan the Council has refused planning permission for a housing scheme on the site for slightly less than 200 dwellings citing, amongst other things, concerns about the development's density. Whilst at the hearings confidence was expressed that the allocation could still be appropriately developed, since then the housing scheme has been dismissed at appeal. In view of the current level of doubt concerning the deliverability of a housing development of the order of 200 dwellings on this site, I concur with the Council that the allocation is not, at this stage, soundly-based. **MM5, M12** and **MM41** (and consequent change to the policies map) are thus necessary to delete reference to this allocation from policy CP8 and the plan appendices. I consider the implications of this for housing supply in the district in Issue 8 below.

Abbey Shopping Centre and Botley Central Area

105. Policy CP10 supports proposals for retail-led development of the Abbey Shopping Centre and the Charter in Abingdon-on-Thames town centre. I understand there is considerable uncertainty over the deliverability of a specific proposal which has been put forward in line with the policy, although I see no reason why, during the life of the plan, retail development envisaged by the (fairly flexible) policy should not come forward. It is the case that the central Abingdon retail development, together with the envisaged local shopping facilities to be provided as part of new housing development to the north of the town, would be unlikely to provide for all the identified retail needs in the Abingdon area. It has, thus, been argued that, following an assessment of potential opportunities, the plan should allocate other sites to meet the identified retail need, although as it appears that there are not any available and suitable town centre or edge of centre sites, the need would almost certainly have to be met 'out of centre'.

106. In such circumstances the NPPF advises that policies should be set for the consideration of proposals for main town centre uses which cannot be accommodated in, or adjacent to, a town centre. Policy CP32 of the plan complies with the NPPF in this respect and in this context I conclude that the plan (including policy CP10) is soundly-based.

107. Policy CP11 supports, and sets out requirements for, a comprehensive retail-led redevelopment and upgrading of Botley Central Area. The policy is supported by a Supplementary Planning Document and I understand that, since submission of the plan, planning permission has been granted for a redevelopment scheme which would provide 1,498 sq m of additional retail floorspace. The *2014 Retail and Town Centre Study* evidences the need for approximately 1,500 sq m of new retail floorspace in Botley during the plan period and the Council also argues that the central area of Botley does not currently perform as a town centre or provide the range of services/facilities that would normally be expected of the centre. In the light of this, and notwithstanding strong objections to the policy and specific development proposals, I am satisfied that the policy is, in principle, a soundly-based and positively-prepared approach to addressing retail requirements in the district. Local plan policies must be realistic and deliverable and, therefore, that the

policy reflects the evolvment of specific development schemes which have been put forward in recent years does not, as a matter of principle, make it unsound. Moreover, the Sustainability Appraisal's assessment of the alternative of refurbishment of the existing centre is adequate: it is not necessary for assessment of multiple alternatives to every policy in the plan.

108. However, in the interests of clarity and effectiveness and to ensure the policy is justified, **MM14** is required to state (in the supporting text) the amount of retail floorspace required in the area during the plan period (which, in effect, would be provided by the approved redevelopment scheme) and to make clear that redevelopment proposals should (if applicable) replace both churches and the residential accommodation in the area. The Council has also appropriately proposed (and consulted on) a policies map change to align the boundary of the Botley Central Area with that shown in the Supplementary Planning Document.

Strategic Water Storage Reservoirs

109. Policy CP14, as submitted for examination, safeguards land for a possible reservoir between the settlements of East Hanney, Marcham and Steventon. In response to the submitted plan the Environment Agency recommended the safeguarding of an area to the west of Abingdon for a proposed flood alleviation scheme and Thames Water recommended that the area of safeguarding for the reservoir be expanded and that an alternative possible reservoir site, to the North of Longworth, also be safeguarded. Following discussion at the hearings these were, thus, the subject of a proposed main modifications and proposed policies map changes (MM76 and MM77). However, in the light of the consultation comments, there is not currently the evidence to determine whether or not the extended safeguarded area for the reservoir between East Hanney, Marcham and Steventon is soundly-based. I have therefore concluded that it is not appropriate to extend the safeguarded area at this stage although, for the plan's effectiveness, **MM17** is necessary stating that possible revisions to the safeguarded area will be considered as part of the preparation of the 'Part 2' plan. Nonetheless, **MM17** does modify policy CP14 to appropriately reflect the possible alternative reservoir to the north of Longworth, to refer to the possible flood alleviation scheme to the west of Abingdon and to reflect archaeological constraints. Changes to the policies map, amending those previously proposed at main modifications stage, will thus be necessary.

Conclusion

110. In summary, and subject to **MM5, MM12, MM13, MM14, MM16, MM17, MM38, MM40** and **MM41**, I conclude that the plan sets out a soundly-based strategy for the Abingdon-on-Thames and Oxford Fringe Sub-Area and that the exceptional circumstances exist to justify the modified plan's proposed revisions of the Green Belt boundary.

Issue 5 – whether or not the plan sets out a soundly-based strategy for the South East Vale Sub-Area, including whether or not the housing allocations proposed in the North Wessex Downs AONB are soundly-based.

111. Supported by an overview and a vision of the area in 2031, policy CP15 sets out the spatial strategy for the South East Vale Sub-Area. It details the overall new housing provision to be planned for in the area and identifies the strategic sites, identified through a robust, five stage site selection process, which will contribute towards delivering this provision. In support of policy CP6 the policy also identifies that 208 ha of land will be provided for new business and employment development and safeguards 7 existing strategic employment sites.

Housing Allocations in the North Wessex Downs Area of Outstanding Natural Beauty

112. The plan, as submitted, envisages that housing allocation sites 12 and 13, which are located within the North Wessex Downs Area of Outstanding Natural Beauty (AONB), would be developed for around 550 and 850 dwellings respectively. This would be major development, which the NPPF indicates should be refused in an AONB other than in exceptional circumstances and where it can be demonstrated it is in the public interest. The NPPF advises that in considering applications for such development assessment should be made of the need for the development and its impact on the local economy, the scope for developing elsewhere outside the AONB or meeting the need for the development in some other way, and any detrimental effect on the environment, the landscape and recreational opportunities.

113. In determining whether or not these allocations are soundly-based I have therefore considered whether it is likely and reasonable that the exceptional circumstances necessary to permit applications for housing development on the sites would be considered to exist.

114. Whilst it is not specifically referred to in the plan itself, in terms of the need for housing development in the AONB it has been argued that to fully realise the economic growth potential of Harwell Campus, which itself is of national importance, it needs to evolve from a science and innovation park to a world class campus environment offering a "work-live-play community". The integration of housing with the employment function at the campus is contended as being essential to this and reference has been made to a number of locations across the world where such communities exist.

115. I recognise the importance of Harwell Campus to the local, regional and national economy and do not doubt that some existing or potential employees at the campus would wish to live there. However, there is little, if any, evidence to support the contention that this is essential to the realisation of the employment growth which the plan and the Oxfordshire Strategic Economic Plan (SEP) envisage taking place at Harwell in the period to 2031. Whilst I note that the Oxfordshire Local Enterprise Partnership strongly supports the housing allocations, its SEP of March 2014 makes no reference to the "work-live-play community" of the scale proposed by the plan (ie 1,400 dwellings in total). It does, however, refer to the development of the Research Village at the campus involving the creation of the "...feeling of a campus-

based university with 5 accommodation blocks (each with up to 40 bedrooms with shared kitchen facilities on each floor and 5 self-contained apartments for those visiting for longer periods)....”

116. The written evidence proposing/supporting the “work-live-play community” approach to the development of the campus mostly post-dates the publication of my questions for the relevant part of the examination and none of it quantifies, in terms of job creation, the economic importance of either permitting or refusing housing development in the AONB. Moreover, despite requests from me at the hearing for evidence on the point, no details have been provided of any businesses who have indicated that they would only, or even be more likely to, locate at Harwell if it were to be developed as a work-live-play campus. Evidence in the form of third party ‘validations’ refers to the need for convenient and affordable housing (particularly to rent), although there is nothing to suggest that this could not be appropriately provided for a short distance from the campus outside the AONB. The validation from a university professor does refer to the value of on-campus accommodation, although specifies the need for affordable rooms and apartments for several days to carry out experiments or for longer periods for the training of PhD students. This would appear to indicate a need for the campus-based university-style accommodation referred to in the SEP which is very different from the 1,400 dwellings proposed in the plan as submitted.
117. Other evidence indicates that 25% of those currently employed at Harwell would consider moving to the campus if dwellings to rent were available there. However, clearly these people have been attracted to work at Harwell notwithstanding the lack of housing at the campus and I have seen no convincing evidence to indicate that any existing or new employers at Harwell would, in the future, not be equally successful in attracting people to work there as long as there is sufficient, suitable housing within the Science Vale area generally.
118. I therefore conclude that, on the basis of the evidence put before the examination, the need for a “work-live-play community” at Harwell, and thus housing on sites 12 and 13 within the AONB, has not been demonstrated. Moreover, there is no convincing evidence to indicate that refusing such development would have an adverse effect on the local economy. The updated Sustainability Appraisal’s assessment of the modified plan in this respect is therefore appropriate.
119. Turning to alternative sites I recognise that the proposed “work-live-play community” at Harwell could not be delivered by development outside the AONB. However, this matters little given the lack of a demonstrated need for such a form of development. Nonetheless, the 1,400 dwellings are also intended to contribute towards the Science Vale’s element of the district’s objectively-assessed need for housing. There is nothing to suggest that alternative sites for this housing, outside the AONB but within/close to Science Vale, could not be found if necessary. However, I appreciate that housing on sites 12 and 13 could be accommodated without the need for significant highways infrastructure upgrades which might be necessary if the housing were to be provided for elsewhere outside the AONB. Moreover, notwithstanding the lack of evidence of need for housing of the scale proposed at the campus, I recognise that, were it be provided, there would potentially

be sustainability benefits in terms of shorter journeys to work (which would also be more likely to be made on foot/by cycle) for residents working at the campus.

120. In terms of the landscape and recreational opportunities I consider that, subject to very careful design and landscaping, housing development on sites 12 and 13 would not be prominent when viewed from the surrounding higher ground, most notably the Ridgeway path to the south. Moreover, it would be seen in the context of the much larger and more prominent existing Harwell Campus development. However, the developments would be very prominent from the roads and footpaths which bound sites 12 and 13. I understand that the footpaths which bound the north and east sides of site 13 are well-used by residents of Harwell and Chilton villages in particular. Whilst landscaping might substantially obscure views of the dwellings themselves it would also all but eliminate the current, attractive wide, open views from these footpaths across agricultural fields to the Downs beyond. Harm would thus be caused to the landscape of this particular part of the AONB and to the recreational opportunities it currently provides.
121. In summary the need for development of sites 12 and 13 for housing has not been demonstrated and, having regard to the potential for mitigation, it would be likely to cause some harm to the landscape of the AONB and the recreational opportunities it offers. Nonetheless, and given that the campus will become an increasingly large centre for employment, there would potentially be some highway infrastructure and travel-to-work sustainability benefits in locating housing at sites 12 and 13 as opposed to elsewhere. The NPPF's exceptional circumstances and public interest tests would be ultimately applied as part of the consideration of any planning applications for housing on these sites, having regard to the evidence available at that time. However, balancing my findings in respect of all that I have read, heard and seen at this point in time, I consider it unlikely that the exceptional circumstances necessary to approve such an application would reasonably be considered to exist. Consequently, the plan's housing allocations on sites 12 and 13 are not soundly-based.
122. An alternative proposal to housing allocation site 13 has been put forward, involving the development for housing within the northern part of the Harwell Campus itself. This would be significantly less harmful to the landscape of the AONB than the development of site 13 and would, in part, have the benefit of recycling previously-developed land. However, it would involve the development for housing of land recently designated as Enterprise Zone and would reduce the amount of employment land available at the campus. Moreover, and fundamentally, given that the need for housing in the AONB has not been demonstrated I conclude that the exceptional circumstances necessary to approve such a development would also be unlikely to exist.
123. **MM5, MM18, MM54 and MM55**, which delete from policy CP15 (and the plan appendices) housing allocation sites 12 and 13, are therefore necessary to the soundness of the plan. However, it is not necessary for the policy to explain why these sites have been deleted: a plan needs to justify the policies and allocations it includes but not those it does not include. Moreover, I am not persuaded that it would be appropriate for the plan to include a criteria-based policy setting out the requirements a housing development in the AONB would

need to fulfil to demonstrate exceptional circumstances: to my mind exceptional circumstances are ones which cannot be envisaged by policy requirements.

124. I deal in Issue 8 below with the implications of the deletion of sites 12 and 13 for the sub-area's and district's housing requirements and the supply of housing land.

Didcot Power Station

125. Policy CP16 supports the redevelopment of Didcot A Power Station to provide a high quality mixed-use development. In view of the site's location and, given the Council's aspirations to deliver the forecast 23,000 growth in jobs during the plan period, the allocation of the site for employment use (amongst others) is soundly-based. Whilst it has been argued that more residential development on this brownfield site would reduce the requirement for greenfield sites to be allocated for housing elsewhere in the district, the evidence indicates that the site's constraints mean that more than 400 dwellings would be unrealistic. Nonetheless, **MM19** is necessary to ensure the effectiveness of the policy, providing greater clarity as to the employment and residential uses which will be permitted and as to the requirements for retail development. The Council has appropriately proposed a policies map change (consulted on as MM64) to take account of a recent permission for employment use in the Didcot Power Station area.

Housing allocation sites 5, 8, 9, 10 and 11

126. Policy CP15 (as proposed to be modified) allocates eight strategic housing sites in the South East Vale Sub-Area, in total contributing around 9,055 dwellings towards the identified sub-area requirement of 12,450. Three of these are in Wantage and Grove and are considered below.

127. The evidence indicates that sites 11 and 8 (Valley Park and North West of Valley Park), located close to Milton Park employment area and on the edge of Didcot town, are, in principle, soundly based and deliverable. However, **MM5** and **MM18** appropriately include reference in policy CP15 to the fact that more than the identified 2550 dwellings could be delivered at Valley Park, albeit beyond the plan period. There is no substantive evidence to demonstrate that the land safeguarded for the possible Southern Didcot Bypass would preclude the viable delivery of the required level of housing on site 11, or that alternative road proposals would be more appropriate, although in the interests of the plan's internal consistency the Council may wish to make an additional modification to reference in policy CP17 the Southern Didcot Bypass. The development of site 8 will need careful co-ordination with the neighbouring A34 service area and, in this regard, **MM49** and **MM51** are necessary for effectiveness, amending the site's development template.

128. Concern has been raised at the effect of the Valley Park development on the existing gap between, and the separate identities of, Harwell Village and what will in effect become Greater Didcot. The allocation's site development template (in the plan's appendices) identifies the importance of protecting these separate identities and, having visited the area and noted the dividing presence of the A34, I am satisfied that this can be appropriately achieved

without inclusion in the plan of more precise requirements, eg a 200m wide gap north and south of the B4493. The Council has appropriately proposed a policies map change (consulted on as MM46) altering the boundary between sites 8 and 11 to reflect land ownership/control.

129. Site 9 (Milton Heights) also requires careful co-ordination with the nearby A34 service area although there is no need for a modification to the plan in this respect. Having regard to the various arguments put forward on the matter, I am satisfied that 400 dwellings at this site represents the appropriate balance between developing the critical mass necessary to enable the site to be feasibly served by buses and preventing serious adverse highway problems at the nearby A34 junction. However, a policies map change (consulted on by the Council as MM45) appropriately amends the site boundary to include land for school expansion proposals, a sustainable urban drainage system and to respond to the topography of the area.
130. Based on what I have read and heard and my visit to the area, an allocation of around 200 dwellings is appropriate in scale to Harwell village (site 10). Some specific development constraints have been raised although there is no convincing evidence to indicate that these cannot be overcome or that the site is not deliverable. However, for the plan to be justified and effective, **MM52** is necessary to include sewer upgrade and water supply strategy requirements in the site's development template.
131. Similarly, site 5 (around 220 dwellings east of Sutton Courtenay) is a suitable-scale development for this settlement. Whilst **MM42** and **MM43** are necessary to provide more clarity in the site development template regarding access arrangements and sewer upgrades, I have seen no evidence to convincingly indicate that, in this regard or in terms of the nearby landfill site or water/waste water infrastructure, the site is either inappropriate for housing or not deliverable. Nonetheless, in the light of consultation comments, I have amended **MM43** to delete reference to any specific access points.

Role of Wantage and Grove and housing allocation sites 14 and 15 and H5

132. Housing allocation sites 14, 15 and H5 would, together, provide for an additional 4,885 dwellings or so at Wantage and Grove, which by any measure would represent a significant expansion of these settlements. It is the case that Wantage and Grove are some distance from the envisaged employment growth at Harwell Campus, although I understand from comments made at the hearings that historically many Harwell employees lived in Wantage/Grove. Moreover, significant public transport improvements are envisaged and it is much more feasible for public transport to serve journeys between these sizeable settlements and Harwell, notwithstanding the distance, than were the housing to be distributed more widely across a range of smaller settlements, even if they were closer to Harwell Campus.
133. Furthermore, the AONB is a constraint to housing delivery in the area immediately around Harwell Campus and, as a Market Town and the district's second largest settlement, it is (as identified under Issue 2) appropriate for a significant proportion of the Vale's overall housing needs to be located at Wantage. Inevitably the character of both Wantage and Grove will change to some degree, but this is not to say that it would be harmed. Moreover, having

carefully considered the evidence on the matter, I am satisfied that the plan is soundly-based in terms of its approach to employment, retail, roads and infrastructure/services for these settlements. In this context housing allocation sites 14, 15 and H5 are therefore, in principle, soundly-based.

134. Concern has been expressed about the deliverability of sites 14, 15 and H5 although there is nothing convincing to demonstrate that there are fundamental problems which cannot be overcome, bearing in mind that development of the majority of the housing on these sites has either full permission, outline permission or a resolution to grant planning permission subject to a s106 agreement. However, **MM56, MM57 and MM58** are necessary to soundness, amending the site development template for Monks Farm (site 15) to reflect the up to date housing delivery forecast, to provide appropriate flexibility for addressing the site's education needs and to suitably reflect flood risk. The development template for Crab Hill (site 14) requires development to minimise any impact on the adjacent AONB and the plan is sound in this respect.

Conclusion

135. In summary I conclude that, subject to **MM5, MM18, MM19, MM42, MM43, MM49, MM51, MM52 and MM54-58**, which modify the plan to, amongst other things, delete housing allocations in the North Wessex Downs AONB, the plan sets out a soundly-based strategy for the South East Vale Sub-Area.

Issue 6 – whether or not the plan sets out a soundly-based strategy for the Western Vale Sub-Area.

136. Supported by an overview and a vision of the area in 2031, Policy CP20 sets out the spatial strategy for the Western Vale Sub-Area. It details the overall new housing provision to be planned for in the area and identifies the strategic sites, identified through a robust, five stage site selection process, which will contribute towards delivering this provision. In support of policy CP6 the policy also safeguards the existing strategic employment site at Faringdon Park Road and identifies that 7.38 ha of land will be provided for future business/employment use.
137. Policy CP20 allocates six strategic housing sites in the Western Vale to provide around 1,650 of the 3,173 dwellings the policy identifies are required in this sub-area. It is, in principle, appropriate that four of the six sites (950 dwellings) are at/adjoining Faringdon, given that this is the largest settlement and only Market Town in the Western Vale. Concern has been raised about the balance of new housing and employment growth in Faringdon. In addition to safeguarding of the existing Faringdon Park Road Industrial Estate, policy CP6 allocates 3ha for new employment use south of Park Road and 4.4ha for new development on "saved" Local Plan 2011 allocations north of Park Road and adjacent to the A420 (a policies map change (consulted on as MM65) being necessary for the latter to address an omission). These allocations align with the recommendations of the independently prepared *Vale of White Horse Employment Land Review 2013 Update* and I have seen no persuasive evidence to indicate that the plan is unsound in not allocating more sites for employment in Faringdon, or that the number of proposed dwellings is consequently inappropriate. Nonetheless, policy CP28 (see Issue 9), would allow for additional employment development to come forward in Faringdon should a developer identify a market for such a proposal.
138. Whilst some specific concerns are raised there is nothing to suggest that the housing allocations at/adjoining Faringdon (sites 17, 18, 19 and 20) are not soundly-based and that the various constraints cannot be appropriately addressed as part of their development, bearing in mind that sites 18 and 19 have outline planning permission and the Council has resolved to grant planning permission for site 17, subject to a legal agreement. Moreover, in the light of my findings in Issue 8, there is not a need to increase the housing capacity of any of these sites. However, to ensure clarity, **MM60** updates the site development template in respect of the parish in which site 18 is situated.
139. Housing allocation site 16 provides for approximately 200 dwellings on a site to the west of Stanford-in-the-Vale and based on all that I have read, heard and seen the allocation is, in principle, soundly-based and deliverable. It is argued that the site could readily and appropriately accommodate significantly more than 200 dwellings, although, for the reasons detailed in Issue 8, there is not a need for it to do so, nor I have seen comprehensive evidence to demonstrate that higher housing provision in this location would be appropriate. However, the development template for the site states that the 200 dwelling figure is "subject to masterplanning" and this would not prevent a scheme for more houses on the site coming forward if it could be demonstrated that the various requirements could be accommodated and no demonstrable harm would be caused.

140. Site 21 (North of Shrivenham) would provide for around 500 dwellings. Phase 1 of the scheme has a resolution to grant planning permission, subject to a s106 agreement, and the evidence I have read, heard and seen on site indicates that the allocation is soundly-based and deliverable. It has been contended that site 21, and in particular the necessary mitigation in respect of the nearby SSSI, would be most appropriately delivered together with housing development on another neighbouring site. However, as detailed in Issue 8, there is not a need for the current plan to allocate more land for housing in the Shrivenham area and, whilst the suggestion is made by some others, there is no indication from Natural England (who I understand have looked at the matter in some detail) that the necessary SSSI mitigation measures cannot be successfully implemented through the development of site 21 alone. Nonetheless, **MM61**, **MM62** and **MM63** are required for the plan to be effective, amending the site's development template in respect of the Shrivenham A420 junction, a sewer upgrade, a water supply strategy and SSSI impact.

141. Matters relating more generally to transport and infrastructure in the Western Vale Sub-Area are considered in Issue 7 below.

Conclusion

142. In summary I conclude that, subject **MM60 – MM63**, the plan sets out a soundly-based strategy for the Western Vale Sub-Area.

Issue 7 – whether or not the plan makes adequate and soundly-based provision for infrastructure and services to support new development.

143. A number of policies of the plan provide for improvements to transport and other infrastructure/services which evidence indicates is necessary to support the new development which is proposed. Policy CP7 is an overarching one setting out infrastructure/service improvement requirements in relation to new development, whilst policies CP12, CP17 - CP19 and CP21 address specific proposals for transport schemes and the safeguarding of land for them. Policies CP33 – CP36 seek to, more generally, promote sustainable transport and accessibility, improved electronic communications and improvements to both the operation of, and the air quality around, the A34. However, it is a strongly held concern of many, in particular local residents, that the plan's infrastructure/services requirements are insufficient and/or that there is not an adequate guarantee that they will be delivered before they are required, or at all.
144. In relation to transport Oxfordshire County Council, as Highway Authority, commissioned the November 2014 *Evaluation of Transport Impacts Study to Inform the Vale of White Horse District Council Local Plan 2031: Part 1*. Following several earlier stages this report assessed the likely transport impacts of the plan's proposed 20,560 new homes and 23,000 additional jobs in the district, based on a range of different transport interventions and improvements (one of medium scale and two of large scale). The report concludes that the Stage 5ETI mitigation package (which in essence comprises those transport improvements identified in the plan) would largely mitigate the impacts of the proposed new development in the district, albeit that some congestion issues would remain.
145. I have read and heard much debate about the robustness of the Impacts Study's findings and whether or not the residual congestion issues it identifies would be "severe" in terms of paragraph 32 of the NPPF. However, there is no convincing and detailed evidence to demonstrate that the study's conclusions are not robust, bearing in mind that they can only ever be a strategic-level forecast and that more detailed transport impact appraisals will be necessary as part of the consideration of specific development proposals. Moreover, whilst it is to a significant degree a matter of judgement, I have read and heard nothing which persuades me that the District and County Councils' conclusion that the likely residual transport impacts would be acceptable is not a soundly-based finding. In considering this point I have borne in mind that the "starting point" situation for the Vale is as a district which very much suffers from traffic congestion.
146. The A420 has been raised as a particular concern, notably in relation to the housing allocations proposed at Faringdon and Shrivenham. Policy CP21 safeguards land for junction enhancements on the road at Faringdon and Shrivenham and the site development templates for the housing allocations at these settlements indicate that, in some instances, significant A420 junction upgrades will be required as part of the development and that in connection with other sites contributions towards wider improvements along the A420 corridor will be necessary. Paragraph 5.130 of the plan (as proposed to be modified) refers to the Route Strategy proposed to minimise congestion on the A420. Whilst I appreciate that there are aspirations for a more substantial

upgrade of the road, there is nothing to convincingly indicate that this is either necessary to enable the development in the A420 corridor or that it is a realistic prospect.

147. Policy CP17 safeguards an alignment for the West Wantage Link Road. Whilst there are some aspirations for this scheme to be implemented as soon as possible, to address existing congestion in/around Wantage, the Impacts Study does not indicate that it is currently necessary. However, the County Council contends that it is possible that it would be needed later in, or beyond, the plan period. It has been argued that if additional housing sites to the west of Wantage were included in the plan the Link Road could be funded and delivered. However, bearing in mind the Impacts Study's conclusions, and in the context of there not being a need for this plan to allocate more sites for housing (as detailed in Issue 8), I conclude that the plan is not unsound in excluding these possible housing sites at this stage.

148. Concern is raised at the safeguarding, through Policy CP12, of an alignment for a possible South Abingdon-on-Thames bypass. Whilst the Impacts Study does not indicate this scheme to be currently required, work undertaken by the County Council as part of its *Local Transport Plan 4 (2015 - 2031)* (Volume 2, part ii, page 14) indicates that it may be necessary in the future to support development in the Science Vale area, albeit most probably beyond the current plan period. Since the plan does not include the bypass as a specific proposal it is not necessary or appropriate for me to determine whether or not it is the most appropriate solution to transport problems in the area in the future. Moreover, detailed concerns about a wide range of possible impacts including wildlife, biodiversity, and heritage are appropriately considered if and when the scheme is included in a local plan and/or through the planning application process. However, having regard to paragraph 41 of the NPPF, I am satisfied that the *Local Transport Plan 4* provides robust evidence that the alignment of the possible bypass could be critical in developing infrastructure to widen transport choice. Consequently, the safeguarding of this alignment is soundly-based. The issue of "blight" is fundamentally a legal matter between any affected parties and the District and County Councils.

149. In addition to transport requirements the site development templates, included in the plan's appendices, detail a range of other infrastructure/services which are likely to be required in respect of the plan's housing and employment allocations including primary and secondary education, community, utility supply and water/sewerage facilities. These are based on evidence from the relevant "providers" and I am not persuaded by the anecdotal comments of others of the need for additional such infrastructure/services beyond those referenced in the plan, as proposed to be modified.

150. Policy CP7 states that all new development will be required to provide for the necessary on-site and off-site infrastructure requirements arising from the development. However, it goes on to indicate that, where viability constraints are demonstrated, the Council will (i) prioritise contributions sought, giving first priority to essential infrastructure and second priority to other infrastructure (ii) defer part of the contribution to a later date (iii) as a last resort, refuse planning permission if the development would be unsustainable

without the unfunded infrastructure requirements. With reference to recent specific examples significant concern has been raised that this would lead to development being permitted without the timely implementation of necessary infrastructure, or even its provision at all.

151. The policy is written such that there is a presumption that the necessary infrastructure will be provided when required and that any relaxation of the requirements will only be considered where viability constraints are demonstrated. However, ultimately it is appropriate that the Council reaches a decision on this issue on a case by case basis at the planning application stage, balancing the benefits of the development against the harm likely to result from delayed or unfunded infrastructure. Consequently, and bearing in mind that it makes clear that ultimately proposals which are unsustainable because of an absence of supporting infrastructure will be refused, the policy is soundly-based. Nonetheless, to ensure the effectiveness of the policy, **MM10** and **MM11** are necessary to define "essential" and "other" infrastructure in the supporting text of the policy and to require collaboration between developers where infrastructure is necessary to serve more than one site. I have noted the suggested changes to the wording of **MM10** but conclude that the modification is appropriate as consulted on, bearing in mind that the supporting text should not alter the meaning of the policy to which it relates.
152. In response to various comments a number of modifications are necessary to address errors and omissions in the plan and to update the site development templates, particularly having regard to the comments of Oxfordshire County Council. **MM15** is necessary to address the omission, by error, in policy CP12 of safeguarding of land for improvement to Frilford Lights junction (it has always been shown on the policies map) and **MM27** is required (policy CP33) to ensure consistency with national policy in respect of historic heritage. **MM39, MM44, MM47, MM48, MM53** and **MM59** update the site development template for housing allocation sites 3, 5, 8, 9, 10, 11 and 16 in respect of education. However, in view of consultation responses, it is necessary and appropriate for **MM39** and **MM44** to be amended to refer in more general terms to contributions to education provision. **MM50** is also necessary to update the development template for site 8 in respect of widening of the A4130. In the light of comments from the County Council the Council has also appropriately proposed a number of policies map changes (consulted on as MM66, MM68, MM69, MM70, MM72, MM73, MM74, MM75) in respect of safeguarding of land for transport schemes. In this regard **MM67** and **MM71** are necessary, in the interests of effectiveness, to make clear that the maps of safeguarded land for transport schemes are indicative and, in the case of the Abingdon Southern Bypass, to show an 'area of search' (within South Oxfordshire) rather than an 'area of investigation'.

Conclusion

153. In summary, subject to **MM10, MM11, MM15, MM27, MM39, MM44, MM47, MM48, MM50, MM53, MM59, MM67** and **MM71** the plan makes adequate and soundly-based provision for infrastructure and services to support new development.

Issue 8 – whether or not the plan sets out a soundly-based housing requirement figure and whether or not a 5 year supply of deliverable housing land is likely to be available throughout the plan period.

154. In relation to the Vale's own needs the plan identifies a plan period housing requirement (policy CP4) of at least 20,560 dwellings, which equates to the contended objectively assessed need (OAN) for new housing in the district. As detailed in Issue 2 I conclude that the OAN is soundly-based. Whilst, I have identified that three of the strategic housing allocations included in the plan, as submitted, are not soundly-based, and notwithstanding arguments that there is more suitable land for development in neighbouring districts, there is not persuasive evidence to demonstrate that, overall, there are constraints which would justify not seeking to meet the full objectively-assessed need for new housing in the Vale of White Horse itself. I recognise that the character of parts of the district would be likely to change as a result of the amount of new housing proposed in the plan. However, a change in an area's character is not necessarily harmful (and can potentially have positive impacts) and it is an almost inevitable consequence of the locally-elected Council's aim to promote significant economic growth; an aim which is consistent with national policy. The plan's 20,560 housing requirement figure is therefore soundly-based.
155. The evidence (updated to 31 March 2016 but excluding housing allocation sites 6, 12 and 13 in accordance with my conclusions set out in Issues 4 and 5) (Doc Ref PHD23) indicates that, on the Council's preferred measure, a 7.1 years supply of deliverable housing land can be demonstrated across the district as a whole. Whilst the Council's forecast of housing delivery has been criticised by some as too optimistic, particularly in terms of start dates and build out rates, they are set out on a very detailed basis and are informed by developers' indications. Indeed, in connection with many sites, the developers have explained knowledgeably and persuasively in hearings statements, in statements of common ground and/or at the hearings, in response to challenge, why the forecasts are realistic and, in some cases, conservative. Moreover, it is clear that in recent years the Council has been accurate (and indeed slightly cautious) in its forecasts of delivery: the number of dwellings completed in both 2014/15 and 2015/16 was slightly higher than the Council's forecasts at the beginning of each year. Consequently, I believe confidence can generally be had in the Council's housing supply figures.
156. With specific regards to concerns about start dates it is notable that a significant proportion of the sites which constitute the five year supply are ones on which construction has already commenced or which have full planning permission. Many others have outline permission or a resolution to grant planning permission subject to legal agreement. Overall, having regard to all the available evidence, and aside from my conclusions on the Grove Airfield site detailed below, I consider that the start dates are not unrealistic. Nonetheless, the robustness of the district's housing supply position is demonstrated by the fact that, even if implementation of all of the plan's housing allocation sites were to be delayed by a year beyond the Council's forecasts (and there is no reason to believe that this is likely) a supply of deliverable housing land exceeding six years would still exist.
157. Since the hearings evidence has been submitted indicating that the Grove Airfield site has not progressed as the Council envisaged a few weeks earlier,

suggesting that the Council's delivery forecast for this site might be somewhat over optimistic. However, in the light of my comments above, I remain confident that the Council's housing supply figures, considered across the board, are robust.

158. The Council's preferred approach to measuring housing supply sensibly applies a 20% buffer to account for past under-delivery and assumes that the shortfall in delivery since the start of the plan period would be addressed across the rest of the plan period (the 'Liverpool method') in the housing supply ring fence area but within the next five years (the 'Sedgefield method') in the rest of the district. However, even applying the 'Sedgefield method' to the district as a whole a 5.8 years supply exists. I am satisfied that it is appropriate for the Council to apply the 'Liverpool' method to calculation of supply in its "self-imposed" ring fence area and in the application of policy CP5 (giving a supply of 5.9 years within the ring fence even excluding sites 12 and 13), given that across the district as a whole a supply well in excess of 5 years exists when calculated on the more demanding Sedgefield method. Moreover, given that some concern has been raised about the possibility of saturation of the housing market in the South East Vale Sub-Area, it is questionable whether the number of dwellings required to provide a five year supply using the Sedgefield method could be delivered. The five year supply figure includes a very modest (1.3%) allowance for 140 dwellings to come forward as "windfalls". Whilst there is evidence to indicate that these are likely to come forward at this rate, even if no such dwellings were to be built an around 7.0 years' supply of deliverable housing land would exist.
159. Looking across the plan period as a whole the plan's housing allocations (even accounting for the deletion of sites 6, 12 and 13) together with existing completions, commitments, a small windfall allowance and the envisaged 1,000 dwellings to be allocated through the 'Part 2' Plan or Neighbourhood Plans, would provide for approximately 106% of the 20,560 plan period housing requirement. Moreover, the trajectory of housing delivery strongly suggests that a five year supply of housing land will be maintained in the Vale throughout the plan period. In the light of this, and my conclusions on the current five year supply situation, there is no need to allocate more sites for housing in advance of the 'Part 2' Plan and/or Neighbourhood Plans.
160. Whilst the district-wide housing requirement of 20,560 is slightly exceeded, there is variation in the extent to which the housing requirement identified in the plan for each of the sub-areas is met by the plan's allocations and existing commitments. The 'Part 2' plan will need to take account of this in allocating any further sites for housing. However, in the context of there being a five year supply of deliverable housing land both across the district as a whole and within the ring fence area, there is not a need for this to be addressed in the Part 1 plan. Nor is there a need for the Part 1 plan to set out more guidance, in terms of the number and location of additional housing allocations, beyond the already clearly identified housing requirement figures for each sub-area. However, as detailed in Issue 1, I have adjusted the precise wording of MM1 so as not to inappropriately constrain future decisions on additional housing allocations.
161. I recognise that the 200 dwelling threshold for the inclusion of housing allocations in the Part 1 plan is somewhat arbitrary and that, in terms of

achieving projected delivery, there is a benefit in the housing supply comprising a mix of site sizes. However, in addition to 22 or so sites of 200 dwellings or more, the current supply of housing includes more than 1,000 dwellings on sites of less than 10 units and around 100 sites of between 10 and 199 dwellings. This provides an appropriate portfolio of site sizes and, thus, there is not a need for the Part 1 plan to allocate more sites for housing of either less than or more than 200 dwellings.

Conclusion

162. In summary I conclude that the plan sets out a soundly-based housing requirement figure, that a 5 year supply of deliverable housing land is likely to be demonstrable throughout the plan period and that there is not a need for the Part 1 plan to allocate any additional sites for housing.

Issue 9 – whether or not the plan sets out district-wide policies which are positively-prepared, justified, effective and consistent with national policy.

163. Chapter 6 of the plan sets out district-wide strategic policies to complement the spatial strategy and sub-area strategies. Together they seek to ensure that a balance is met between addressing housing needs, supporting economic growth and protecting the Vale's natural/built environment and the quality of life in existing settlements.

Sustainable Development and Building Healthy and Sustainable Communities

164. Policy CP22 and CP23 concern the mix and density of new housing. The policies provide sufficient flexibility to allow alternative approaches, on specific sites, if evidence indicates that development in accordance with the SHMA or a minimum density of 30dph would be inappropriate. However, there is no clear evidence to indicate that, within the Vale, specific requirements should be set, or would be deliverable, in respect of bungalows or live-work units.

165. Policy CP24 indicates that the Council will seek 35% affordable housing with a 75:25 split for rented and intermediate housing respectively. This is shown in the *Planning and Development (2014) Local Plan Viability Study* to be viable although, in order to ensure accordance with the specific requirements of national policy as set out in the *Planning Practice Guidance*, **MM20** is necessary to set a minimum threshold of eleven dwellings for requiring affordable housing. I have seen no evidence to justify a lower threshold being set in the AONB as permitted, but not required, by national policy. Given that it contains a clause permitting alternative provision when 35% (or the 75:25% split) would not be viable, there is no need for the policy to state that up to 35% affordable housing will be sought, or otherwise to be worded more flexibly. National policy sets out definitions of affordable housing and there is not the convincing evidence necessary to justify a departure from this by relating the affordable housing requirements to local average wages. Moreover, until the full details of national policy and regulations in respect of Starter Homes are known, it is not feasible at this stage for policy CP24 to be modified to reflect this issue although review of the policy may be required in due course.

166. Rural Exception Sites are addressed by policy CP25, its principle according with national policy and being soundly-based over and above the general requirement for new housing development to include affordable housing. However, given that the NPPF identifies affordable housing exception sites as not inappropriate development in the Green Belt, **MM21** is necessary to clarify the relevant tests for proposals in the Green Belt. **MM21** also addresses the fact that whilst the district Council appropriately wishes to encourage the involvement of Parish Councils in agreeing the methodology for establishing local affordable housing needs, it would be inappropriate for a local plan policy to require their involvement.

167. Policies CP26 and CP27 concern the housing needs of the ageing population, gypsies, travellers and travelling show people. **MM22**, which deletes the CP26 reference to Lifetime Homes standards, is necessary for accordance with national policy. More specific requirements in relation to housing for older people, on which I have seen little detailed evidence, are not necessary to

policy CP26's soundness.

Supporting Economic Prosperity

168. Subject to listed criteria, policy CP28 allows for new employment development on unallocated sites. As detailed in Issue 6 **MM23** is necessary for the policy to be justified and effective; this clarifies the locations in which such development will be permitted – within, or on the edge of, the built up area of market towns, local service centres and larger and smaller villages. I have included the “or on the edge of” wording in response to consultation comments, acknowledging the fact that representations have been made suggesting that the plan should allow for employment development at smaller settlements and that, without this clause, there are likely to be very few sites which could be so developed in line with the policy. **MM82** appropriately clarifies the plan's glossary in respect of employment sites.
169. Policy CP29 concerns the change of use of existing employment land and premises. This seeks to protect strategic employment sites for such use, unless an Updated Employment Land Review identifies that a site is no longer needed, whilst permitting the change of use of other employment land/premises if there is no reasonable prospect of it being used for employment during the plan period. **MM24** introduces the appropriate rider that, nonetheless, there is a preference for alternative uses that generate employment. The policy, and the supporting text's indication that a 12 month marketing period is necessary to demonstrate the lack of a prospect of a site being used for employment is reasonable and appropriately flexible and not inconsistent with national policy.
170. Policy CP30 is a positively prepared approach to promoting facilities for further and higher education in the district. Notwithstanding the precise wording of the policy's supporting text, appropriate support is given to the development of both Oxford Brookes and Cranfield Universities. To ensure consistency with national policy in respect of heritage assets **MM25** is necessary to modify policy CP31 concerning development to support the visitor economy. It would be almost impossible to effectively define “larger scale development”, as referred to in this policy, and this is a matter which can only realistically be assessed in relation to a specific planning application. Moreover, the plan is not unsound in not specifically providing for a hotel/enhanced conference facilities at Williams Grand Prix Engineering site.
171. Retail development and other main town centre uses are addressed by policy CP32, **MM26** being necessary for effectiveness. It allows for the fact that primary and secondary shopping frontages may be amended through Neighbourhood Plans. The facilities permitted at highway service stations are addressed by policy TR10 of the 2011 Local Plan which would remain “saved” following the adoption of the current plan. Consequently CP32 is sound even though it does not address this point.
172. Reference has been made to likely changes in farming and the need for “starter farms”. To my mind this is a matter most appropriately considered in the review of the district's development management policies as part of the emerging ‘Part 2’ plan.

Protecting the Environment and Responding to Climate Change

173. Policies CP37 and CP38 list criteria by which the quality of design of new development will be assessed and set out the requirement for design strategies to support applications on major development sites. **MM28** (CP37) is necessary for consistency with national policy in terms in heritage assets and in making clear that high quality design is a requirement. However, it is not necessary for CP37 to require independent expert design consideration of proposals, the Council being the locally-elected body responsible, in the first instance, for determining planning applications. Car parking provision is appropriately addressed by other policies of the plan and, thus, need not be referenced in this policy. **MM29** is necessary for effectiveness and introduces a reference in policy CP38 to "accessible" spaces. Whilst concern has been raised that, in the past, consultation with the local community has not been meaningful, I am satisfied that a reasonable interpretation of the existing policy wording is that community consultation should be undertaken on a meaningful basis.
174. Policy CP39 sets out the Council's strategic approach to conservation and enhancement of the historic environment, although to accord with national policy **MM30**, which adjusts the detailed wording, is necessary. Concern has been raised that the policy lacks specificity although I conclude that it is soundly-based, bearing in mind that policies HE1, HE4, HE5, HE7 and HE8 of the 2011 Local Plan will remain as extant policies.
175. In the light of national policy following the *Housing Standards Review* **MM31** and **MM33** are necessary. These replace the requirement that new development incorporates climate change adaptation measures (policy CP40) and makes provision for the effective use of natural resources (policy CP43) with an encouragement that they should do so. It has been argued that the modifications conflict with national policy and guidance. However, paragraphs 17 and 94 of the NPPF state that the encouragement of the reuse of existing resources is a core planning principle and that authorities should adopt proactive strategies to mitigate and adapt to climate change. The relevant Ministerial Written Statement (25 March 2015) advises that authorities should not set in Local Plans requirements relating to the construction or performance of new dwellings. An encouragement is not a requirement and it is clear to me that the Council would not, reasonably, refuse permission for a development which did not respond to these encouragements. Evidence indicates that the Vale is in an area of water stress and, thus, in line with the Written Ministerial Statement, **MM31** also appropriately requires that housing development is designed to achieve a water efficiency standard of 110 litres per day. Furthermore, to ensure accordance with national policy set out in the Ministerial Written Statement of 18 June 2015, **MM32** is required to make clear that policy CP41 (renewable energy) does not apply to wind energy development.
176. Policies CP42, CP44, CP45 and CP46 are positively-prepared policies addressing flood risk, the landscape, green infrastructure and biodiversity which, notwithstanding the various detailed criticisms of them, are soundly-based.

Conclusion

177. In summary, subject to **MM20 – MM26, MM28 – MM33** and **MM82** the plan sets out district wide policies which are positively-prepared, justified, effective and consistent with national policy.

Issue 10 – whether or not the plan is soundly-based in terms of economic viability issues and its delivery, monitoring and contingency arrangements.

Viability

178. The plan has been appraised by the independently-prepared *Planning and Development (2014) Local Plan Viability Study*. This persuasively concludes that the cumulative impact of the proposed policies of the plan would not put its implementation at serious risk. The plan thus complies with paragraphs 173 and 174 of the NPPF in this respect.

Delivery, Monitoring and Contingency

179. Policy CP47, concerns delivery and contingency and relates to the monitoring framework set out in the plan's appendices. Whilst the policy and the framework have been the subject of significant criticism, in the context of assessing the soundness of the plan, I note that neither national policy nor guidance requires a local plan to include a monitoring framework. That said, the NPPF is clear that plans should be kept up to date (and reviewed in full or in part if necessary) and the inclusion of a monitoring framework in the Vale's plan is a way in which that aim can be realised. Notwithstanding work on the issue by the Council jointly with a number of other parties, following the hearing sessions, disagreement still exists with regard to (i) the extent to which key elements of the plan's strategy (eg the housing requirement figure) should be reviewed if progress is not on track and (ii) the extent to which development (eg housing) should be halted if other development (eg employment uses or supporting infrastructure) does not materialise as envisaged.

180. Both are sensible points although (ii) is, in reality, particularly problematic. Even if approval of housing, employment and infrastructure development is carefully co-ordinated, including through the use of planning conditions and obligations, there is, in practice, little the Council can do to ensure that implementation of multiple developments is equally co-ordinated. And once approved the Council cannot readily halt a housing scheme, for example, if approved employment development does not come forward as quickly as envisaged. Moreover, a considerable proportion of the new housing development included within the plan already has permission, in principle at least.

181. On point (i) the Council's proposed "actions" within the Monitoring Framework are predominantly ones which to seek to get delivery of the plan back on track, whereas as it has been suggested that missed targets should trigger a review of the strategy. In my view both are potentially appropriate, but key to determining which is the most suitable approach in a specific case is investigation of the causes of implementation of the plan not being on track. This is something which the Monitoring Framework, nor related policy CP47, as submitted, do not require.

182. Consequently, for the plan to be effective **MM34** is necessary, altering policy CP47 to make clear that where implementation of the plan is not taking place as envisaged the Council will investigate the reasons for the situation and then

implement appropriate action. Accordingly **MM79** and **MM80** amend and update the monitoring framework itself, the "actions if not on target" referring back to policy CP47 where relevant. Moreover, the monitoring framework will not operate in isolation of policy CP1 which indicates that where the plan's relevant policies are out of date the Council will determine a planning application in line with the presumption in favour of sustainable development set out in national policy.

183. Appendix G of the plan lists the saved policies of the Local Plan 2011 which will remain in place until reviewed/replaced by the 'Part 2' plan. **MM78** is necessary to correct omissions, by error, in the list.

Conclusion

184. In summary, subject to **MM34** and **MM78-80**, the plan is soundly-based in terms of economic viability issues and its delivery, monitoring and contingency arrangements.

Assessment of Legal Compliance

185. A number of criticisms have been made of the Sustainability Appraisal (SA) of the plan. It has been argued that it should have tested the option of Oxford City's unmet housing needs being met in the Vale through allocations in the plan. However, the law requires the testing of reasonable alternatives for meeting the objective of the plan and, in the context of the level of unmet needs being, until very recently, unknown, it has always been clear that it was not an objective of the Part 1 plan that it should seek to meet any neighbouring authority's unmet housing needs. It is also contended that the SA does not sufficiently thoroughly appraise a range of impacts including, amongst others water resources, climate change, agricultural land and transport effects. Bearing in mind that the appraisal is of a strategic level plan and that more detailed assessment of the effects of specific schemes (including potentially further Environmental Impact Assessment) will be required, I am satisfied that it is adequate. Others disagree with the SA's conclusions on specific impacts. Whilst this is understandable, given that there is often an inevitable degree of judgement in such assessments, its conclusions are reasonable.
186. It has been argued, that with specific respect to carbon reduction, the plan fails to contribute towards the achievement of sustainable development, as required by s39 of the 2004 Planning and Compulsory Purchase Act. However, s39 indicates that this requirement should be exercised having regard to national policies and advice contained in guidance issued by the Secretary of State. The NPPF and PPG are such policies and advice, the former stating that sustainable development has three (economic, social and environmental) dimensions. I have found that, subject to the recommended modifications, the plan is consistent with this policy and guidance.
187. Concern has also been raised about consultation during the preparation of the plan. It is unfortunate that a representation submitted at Regulation 19 stage was mislaid although no prejudice was ultimately caused and there is no evidence to indicate there has been a widespread problem in this particular respect. Others have contended that the process, involving various rounds of consultation, has been complex and confusing. However, regulations require several rounds of consultation and it is also an inevitable that if the plan is revised to respond to representations further rounds of consultation will be necessary. Several thousand representations were made on the plan at both the Regulation 18 and Regulation 19 stages and, to my mind, this is evidence of a high level of engagement of the local community in the plan's preparation. Moreover, there is little to indicate that the Council has not, as a matter of course, undertaken consultation in accordance with its *Statement of Community Involvement*.

Conclusion

188. My examination of the compliance of the plan with the legal requirements is summarised in the table below. I conclude that the plan meets them all.

LEGAL REQUIREMENTS	
Local Development Scheme (LDS)	The Vale of White Horse Local Plan 2031: Part 1 is identified within the approved LDS (January 2016) which sets out an expected adoption date of October 2016. The plan's content is compliant with the LDS and whilst the likely adoption date is some weeks after that envisaged in the LDS this does not represent a material failing of the plan.
Statement of Community Involvement (SCI) and relevant regulations	The SCI was adopted in December 2009 and consultation has been compliant with the requirements therein, including the consultation on the post-submission proposed 'main modification' changes (MM).
Sustainability Appraisal (SA)	SA has been carried out and is adequate.
Appropriate Assessment (AA)	The Habitats Regulations AA Screening Report (February 2014) sets out why AA is not necessary.
National Policy	The plan complies with national policy except where indicated and modifications are recommended.
2004 Act (as amended) and 2012 Regulations.	The plan complies with the Act and the Regulations.

Overall Conclusion and Recommendation

189. The plan has a number of deficiencies in relation to soundness and/or legal compliance, for the reasons set out above, which mean that I recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the 2004 Act. These deficiencies have been explored in the main issues set out above.

190. The Council has requested that I recommend main modifications to make the plan sound and/or legally compliant and capable of adoption. I conclude that with the recommended main modifications set out in the Appendix the Vale of White Horse Local Plan: 2031 (Part 1) satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework.

Malcolm Rivett

INSPECTOR

This report is accompanied by the Appendix containing the Main Modifications

Appendix APP/3/D

Banbury 5: North of Hanwell Fields: 18/01206/OUT Illustrative Master Plan
& 21/00056/REM Site Layout Plan



NOTES

- Contractors must check all dimensions on site. Only figured dimensions are to be worked from. Discrepancies must be reported to the Architect or Engineer before proceeding. © This drawing is copyright.
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Land off Warwick Road, Broken Furrow, Banbury

Schedule of Accommodation:

House Type:	Dated: 16th April 2019				
	Ref. on Lyt:	No. of Beds:	No of Units:	Proposed %:	Overall Policy %:
House	A	4	6	13	15
House	B	3	8		
House	C	3	12	50	40
House	D	3	3		
House	E	2	1		
Flat - 1st Floor	F	2	5	24	30
Flat - Grn Floor	F	2	5		
Maisonette - 1st Floor	M	1	3	13	15
Maisonette - Grd Floor	M	1	3		
Total:			46	100	100

Woods Hardwick
 Architecture | Engineering | Planning | Surveying

D	Layout reviewed: LAP area & NE footpath across Plot 31 added	OCN	JAL	09/05/2019
C	Units number decreased to 46 and Schedule of Accommodation added	OCN	JAL	18/04/2019
B	Amended to demarcate footpath access routes	MR	JAL	20/11/2018
A	Amended to suit planners comments dated 02.10.2018	MR	AJS	20/11/2018

REV	DESCRIPTION	DRN	CHD	DATE	
<input checked="" type="checkbox"/>	PRELIMINARY	<input type="checkbox"/>	INFORMATION	<input type="checkbox"/>	TENDER
<input type="checkbox"/>	CONSTRUCTION	<input type="checkbox"/>	AS BUILT		

SCALE 1:500 @ A1 DATE DECEMBER 2018

DRAWN MR CHK JAL

DRAWING NO. 18050/1003 REV C

TITLE Residential Development
 Land Off Warwick Road, Broken Furrow

DETAILS Illustrative Masterplan

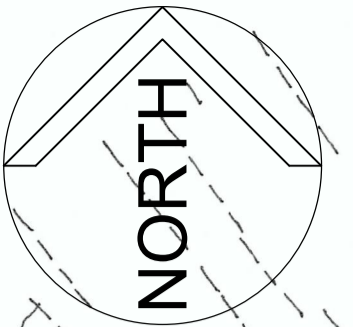
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PLEASE CONSIDER THE ENVIRONMENT BEFORE PRINTING THIS DRAWING



ECOLOGICAL BUFFER RETAINED AND NEW STRUCTURAL TREE PLANTING TO BOUNDARY

PUBLIC OPEN SPACE AND ECOLOGICAL BUFFER TO BE LANDSCAPED TO PROMOTE VALUED ECOLOGY.

FOOTPATH LINK THROUGH TO ADJOINING DEVELOPMENT

STRUCTURAL TREE PLANTING TO NORTH WEST BOUNDARY

EXISTING ECOLOGY BUFFER RETAINED

ECOLOGICAL PLANTING

EXISTING ECOLOGY BUFFER RETAINED

EXISTING MATURE TREES RETAINED

PUBLIC OPEN SPACE INCLUDING CHILDREN'S PLAY AREA, SUBJECT TO CONDITION DISCHARGE

FUTURE DEVELOPMENT SITE

MATURE TREES RETAINED

FOOTPATH LINK THROUGH FROM NEIGHBOURING DEVELOPMENT

NEW ACCESS OFF WARWICK ROAD WITH FORMAL OPEN SPACE AREAS

STRUCTURAL TREE PLANTING TO SOUTHERN BOUNDARY

FOOTPATH LINK THROUGH FROM NEIGHBOURING DEVELOPMENT

ADJACENT DEVELOPMENT

NICKLING WAY

WARWICK RD.

BANNISTER DRIVE

Rev	Comment	Date
A	Plot 31 handed, additional tree planting added to southern boundary of Plot 16 garden, bay added to Plot 1, roof configurations updated to plot 10 & 11 and 36 & 37.	05.10.21

Job: LAND OFF WARWICK ROAN, BROKEN FURROW

Date: SEP 2020

Drawing No: 374-01-01

Title: SITE PLAN

Scale: 1:500

Revision: A



Appendix APP/3/E

Wretchwick Green Decision Notice 16/01268/OUT

NOTICE OF DECISION
TOWN AND COUNTRY PLANNING ACT 1990
(AS AMENDED)

Name and Address of Agent/Applicant:

Boyer Planning
Miss Julia Mountford
Boyer Planning
Crowthorne House
Nine Mile Ride
Wokingham
RG40 3GZ

Outline Planning Determination

Date Registered: 29th June 2016

Proposal: Outline application with all matters reserved apart from access for residential development including up to 1,500 dwellings, up to 7ha of employment land for B1 and/ or B8 uses, a local centre with retail and community use to include A1 and/ or A2 and/ or A3 and/ or A4 and/ or A5 and/ or D1 and/ or D2 and/ or B1, up to a 3 Form Entry Primary School, drainage works including engineering operations to re-profile the land and primary access points from the A41 and A4421, pedestrian and cycle access, circulation routes, related highway works; car parking; public open space and green infrastructure and sustainable drainage systems

Location: South East Bicester, Wretchwick Way, Bicester

Parish(es): Ambrosden

OUTLINE PERMISSION FOR DEVELOPMENT SUBJECT TO CONDITIONS

The Cherwell District Council, as Local Planning Authority, hereby **GRANTS** outline planning permission for the development described in the above-mentioned application, the accompanying plans and drawings and any clarifying or amending information, **SUBJECT TO THE CONDITIONS SET OUT IN THE ATTACHED SCHEDULE.**

The reason for the imposition of each of the conditions is also set out in the schedule.

Cherwell District Council
Bodicote House
Bodicote
BANBURY
OX15 4AA



David Peckford
Assistant Director – Planning and
Development

Date of Decision: 20th May 2022

Checked by: Alex Chrusciak

SCHEDULE OF CONDITIONS

TIME LIMIT & GENERAL IMPLEMENTATION CONDITIONS:

1. The development hereby permitted shall comprise the following land uses in accordance with Land Use and Access Plan 10.146/PP02 Rev. N
 - Up to 1,500 dwellings;
 - A Local Centre with retail and community uses to include A1 and/or A2 and/or A3 and/or A4 and/or A5 and/or D1 and/or D2 and/or B1 uses and/or Extra Care;
 - A Primary School – 2.92ha site;
 - Up to 7ha Employment Land for B1 and/or B8 uses;
 - Drainage works including engineering operations to re-profile the land;
 - Primary access points from the A41 and A4421;
 - Pedestrian and cycle access;
 - Circulation routes and related highways works;
 - Car parking; and
 - Sports pitches, a pavilion, public open space, green infrastructure and sustainable drainage systems.

Reason: For the avoidance of doubt and to ensure a balanced mix of uses in accordance with Policy Bicester 12 of the Cherwell Local Plan 2011 – 2031 (Part 1). The application was submitted and considered on this basis, as were all significant environmental effects.

2. The development to which this permission relates shall be begun not later than either four years from the date of this permission, or two years from the date of the approval of the first reserved matters application, whichever is the later.

Reason: This permission is in outline only and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 5(1) of the Town and Country Planning (General Development Procedure) Order 2015 (as amended).

3. Except where otherwise stipulated by condition, the development shall be carried out strictly in accordance with the principles set out in the following plans and drawings but only insofar as they do not relate to matters reserved for later approval.
 - Application Boundary Plan – Drawing Number – 10.146/PP01 Rev. F
 - Land Use and Access Plan – Drawing Number – 10.146/PP02 Rev. N
 - Maximum Building Heights Plan – Drawing Number – 10.146/PP03 Rev. O
 - Maximum Residential Density Plan – Drawing Number – 10.146/PP04 Rev. I
 - Proposed Site Accesses onto A4421 Wretchwick Way/Gavray Drive – ITM7245-SK-006 Rev. L
 - Proposed Site Access / New 4 Arm Roundabout Junction on the A41 – ITM7245-SK-130 Rev. F
 - Phasing Plan – Drawing Number 1.146UD/451
 - Phase 2B Plan – Drawing Number 1.146UD/452
 - Green Infrastructure Plan – Drawing Number 1.146UD/910
 - Primary School Boundaries Plan – Drawing Number 10.146/103
 - Primary School Plan – Drawing Number C85140-SK-101 Rev. C

Reason: For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and to comply with Government guidance contained within the National Planning Policy Framework.

4. The development hereby permitted shall comprise up to 7ha of employment land for B1 and/or B8 uses of the Town and Country Planning (Use Classes) Order 1987 (or their equivalent in subsequent enactments or re-enactments) of which 60% of the employment floor space shall be utilised for purposes falling within use class B1 with the remainder of the employment floor space to be utilised for purposes falling within use class B8. For the avoidance of doubt and with

reference to the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020, from the 01 September 2020, Use Class B1 is now part of Class E, specifically Class E(g). The floorspace hereby approved, shall be used for no other uses covered by the other Categories of Class E.

Reason: In order to retain planning control over the use of the site and to ensure that the impacts of the development are no greater than those considered under this application and to ensure a balanced mix of uses in accordance with Policy Bicester 12 of the Cherwell Local Plan 2011–2031 (Part 1).

5. No removal of hedgerows, trees or shrubs shall take place between the 1st March and 31st August inclusive, unless a recent survey (within 3 calendar days) has been undertaken by a suitable qualified ecologist to assess the nesting bird activity and confirm absence or presence of nesting. Where presence is confirmed, a suitable sized buffer will be applied until the ecologist is satisfied that the young have fledged the nest. This will be in accordance with the approved details set out in the CEMP.

Reason: To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

RESERVED MATTERS APPROVAL:

6. No development shall commence on a phase (or sub-phase) identified within the phasing plan approved under condition no.9 of this permission until full details of the layout including internal access routes, scale, appearance and landscaping (hereafter referred to as reserved matters) of the development proposed to take place within that phase (or sub-phase) have been submitted to and approved in writing by the Local Planning Authority.

Reason: This permission is in outline only and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 5(1) of the Town and Country Planning (General Development Procedure) Order 2015 (as amended).

7. An application for the approval of the first reserved matters shall be submitted within three years from the date of this permission.

Reason: This permission is in outline only and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 5(1) of the Town and Country Planning (General Development Procedure) Order 2015 (as amended).

8. In the case of all remaining reserved matters, no application for approval shall be made later than ten years from the date of the commencement of the first phase or sub-phase of the development hereby approved.

Reason: This permission is in outline only and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 5(1) of the Town and Country Planning (General Development Procedure) Order 2015 (as amended).

APPROVAL PRIOR TO OR ALONG WITH RESERVED MATTERS APPROVAL:

9. Prior to the submission of the first reserved matters, a phasing plan covering the entire application site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved phasing plan and reserved matters applications shall only be submitted in accordance with the approved phasing plan and refer to the phase (or sub-phase) they relate to unless an alternative phasing plan has subsequently been submitted to and approved in writing by the Local Planning Authority under the terms of this condition.

Reason: To ensure the proper phased implementation of the development and associated infrastructure in accordance with Government guidance contained within the National Planning Policy Framework.

10. Prior to or along with the first application for approval of reserved matters a site-wide Masterplan and Design Code shall be submitted to and approved in writing by the Local Planning Authority. The Design Code shall provide details and guidance in respect of:
- Residential Areas – character areas, block types, building typologies, materials and architectural details, building heights, frontages and boundary treatments;
 - Local Centre – design, form, access and servicing, materials and treatment of public realm;
 - Employment Area – design, form, access and servicing, materials and boundary treatments;
 - Streets and Movement – hierarchy, street form and design, cross sections; surface materials and street landscaping; cycleways and footways; rights of way and desire lines; crossing points and bus stop locations and street furniture including lighting;
 - Parking – car, lorry and cycle parking standards and approach for residential, commercial leisure uses and the school;
 - Landscaping – landscaped areas and green infrastructure, amenity spaces and public open space, play areas, street furniture and, retention of existing trees and hedgerows, and biodiversity measures;
 - Drainage – sustainable drainage systems, attenuation ponds/ drainage ditches/ swales; and
 - Public Art Strategy – context and objectives for public art which can take the form of sculptures or commissioned pieces; street furniture; or landscape features within the site.

A template for a Code Compliance Matrix will be included within the Design Code and will set out key criteria that each Reserved Matters will need to comply with. The development shall be carried out in accordance with the principles of the approved Design Code.

Reason: To ensure that the development is to an acceptable standard of design in accordance with policies Bicester 12 and ESD15 of the Cherwell Local Plan 2011 – 2031 (Part 1) and Government guidance contained within the National Planning Policy Framework.

11. Prior to or along with the first application for approval of reserved matters containing residential dwellings, a site wide Residential Energy Strategy shall be submitted in writing to the Local Planning Authority. The energy strategy will demonstrate how each phase of residential development on the site will achieve an overall energy performance standard equivalent to a 19% improvement on the Dwelling Emission Rate over the Target Emission Rate as defined in Part L1A of the Building Regulations 2013. No development shall take place in respect of any reserved matters containing residential dwellings until the energy strategy has been approved in writing by the Local Planning Authority and no dwelling shall be occupied unless it has been constructed to meet the energy performance standard in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure sustainable construction and to reduce carbon emissions in accordance with policies, ESD3 and ESD5 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

12. Prior to or along with the first application for approval of reserved matters containing residential dwellings, a site wide Residential Water Efficiency Strategy shall be submitted in writing to the Local Planning Authority. The water efficiency strategy will demonstrate how all dwellings on the site can achieve a limit of 110 litres per person per day. No development shall take place in respect of any reserved matters until the water efficiency strategy has been approved in writing by the Local Planning Authority and development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure sustainable construction and to reduce carbon emissions in accordance with policies, ESD3, and ESD5 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

13. Prior to or along with the first application for approval of reserved matters containing commercial accommodation, a site wide Commercial Energy Strategy shall be submitted in writing to the Local Planning Authority. The energy strategy shall demonstrate how all commercial buildings can be designed to achieve at least a BREEAM 'Very Good' rating based on the relevant BREEAM standard for that building type applicable at the time of the decision. No development shall take place in respect of any reserved matters containing commercial accommodation until the energy strategy has been approved in writing by the Local Planning Authority and development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure sustainable construction and to reduce carbon emissions in accordance with policies ESD3, and ESD5 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

14. Along with the application for approval of reserved matters containing the Primary School, a School Travel Plan shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority. Thereafter, the development shall be implemented in accordance with the approved details unless otherwise approved in writing by the Local Planning Authority.

Reason: In the interests of sustainability and to ensure a satisfactory form of development, in accordance with Government advice in the National Planning Policy Framework.

15. Prior to the submission of any reserved matters, a detailed site wide surface water drainage scheme for the site serving each development parcel shall be submitted to and approved in writing by the Local Planning Authority in consultation with the LLFA. The strategy shall be based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development and the drainage design must broadly accord with:
- Local Standards and Guidance for Surface Water Drainage on Major Development in Oxfordshire;
 - Drainage Assessment (JNP Group / May 2016 / RE004 – D) and its updated Addendum (JNP Group / Sept 2018 / C85140 – RE008 – C);
 - Flood Risk Assessment (JNP Group / May 2018 / RE001– E);
 - Outline Planning Drainage Strategy drawing (Drawing Number: C85140–SK–036– A);
 - Surface water exceedance conveyance routes (Drawing Number: C85140–SK-014–B);

The scheme shall also include:

- Discharge Rates;
- Discharge Volumes;
- Sizing of features – attenuation volume;
- Detailed drainage layout with pipe numbers;
- Network drainage calculations;
- Phasing;
- Flood routing in exceedance condition;
- Construction phase surface water management plan including details of how water quality shall be maintained during and after construction.

The scheme shall subsequently be implemented in accordance with the approved details before the development is completed unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure satisfactory drainage of the site in the interests of public health, to avoid flooding of adjacent land and property and to comply with Policy ENV1 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

16. Prior to or along with the submission of any reserved matters on a phase or sub-phase a detailed surface water drainage scheme for that phase or sub-phase shall be submitted to and approved in writing by the Local Planning Authority in consultation with the LLFA. The scheme shall be in accordance with the details already approved under condition no.15 of this permission.

The scheme will include for each phase or sub-phase at the reserved matters stage:

- A compliance report to demonstrate how the scheme complies with the agreed drainage strategy for the site outlined in the approved documentation, drawings and reports and the Local Standards and Guidance for Surface Water Drainage on Major Development in Oxfordshire;
- Network Drainage Calculations;
- A Flood Exceedance Conveyance Plan which will accord and tie in with the overall flood exceedance strategy for the site (Drawing Number: C85140–SK-014–B);
- Detailed design drainage layout drawings of the SuDS proposals including long and cross section details and including pipe numbers and sizes;
- SuDS – These will include a range of SuDS in a treatment train approach to the management of surface water as outlined in Table 1 of the drainage strategy: ‘SuDS Selection’ – (Basins and Ponds, Filter Strips and Swales, Infiltration Devices, Permeable Paving, Tanked Systems);
- Phasing plans.

The scheme shall subsequently be implemented in accordance with the approved details before the development is completed unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure satisfactory drainage of the site in the interests of public health, to avoid flooding of adjacent land and property and to comply with Policy ENV1 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

APPROVAL PRIOR TO COMMENCEMENT OF DEVELOPMENT:

17. No development shall take place on any phase or sub phase including any demolition works until a Construction Method Statement (CMS) for that phase has been submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority. The statement shall provide for at a minimum:
- The parking of vehicles of site operatives and visitors;
 - The routing of HGVs to and from the site;
 - Loading and unloading of plant and materials;
 - Storage of plant and materials used in constructing the development;
 - The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - Wheel washing facilities/ road sweeping;
 - Measures to control the emission of dust and dirt during construction;
 - A scheme for recycling/ disposing of waste resulting from demolition and construction works;
 - Delivery, demolition and construction working hours; and
 - The mitigation measures recommended at (paragraphs 8.179, 8.237, 8.245, 8.252, 8.254, 8.255, 8.279, 8.281, 8.283, 8.285, 9.121–9.124, 9.176, 11.75, 11.76, 11.79, 12.176, 15.107–15.112 & 16.103–16.109) of the submitted Environmental Statement (submitted on: 01/07/2016 and 20/06/2018).

The approved CMS shall be adhered to throughout the construction period for the development unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure the environment is protected during construction and in the interests of highway safety, in accordance with Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

18. No development shall take place in a phase or sub-phase until a Construction Traffic Management Plan (CTMP) for that phase or sub-phase addressing each construction activity within that phase or sub-phase has been submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority.

The approved CMTP shall be implemented in full during the entire construction phase and shall reflect the measures included in any Construction Method Statement received unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure the environment is protected during construction and in the interests of highway safety, in accordance with Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

19. No development shall take place until the proposals for the realignment and enhancement of the watercourses within the site have been submitted and agreed in writing by the Local Planning Authority in consultation with the Environment Agency. The scheme shall be based on recommendations resulting from a River Corridor Survey (RCS) which covers all retained sections of watercourse within the red line boundary and the Technical Notes for watercourse improvements submitted by the applicant (dated 01/09/2017) including drawing Dwg no. 3929_004. The scheme shall include:
- Results of the RCS;
 - Recommendations informed by the RCS;
 - Plans to show where the enhancements will be carried out in accordance with the agreed minimum 15% channel length enhancements and 15 – 20% channel length realignment across cutters brook and appropriate retained tributaries;
 - Drawings to show typical proposed channel profile along the reaches to be enhanced;
 - Plans to show the proposed route of the alignment of the Cutters Brook as agreed with the Environment Agency and shown on drawing Figure 4: Proposed created, retained and enhanced habitats (linear features) dated 16 August 2018; and
 - Confirmation of the timing of all the in-stream and bankside works in a comprehensive manner to be agreed with the Local Planning Authority and the Environment Agency.

Thereafter, the development shall be implemented in accordance with the approved details unless otherwise approved in writing by the Local Planning Authority.

Reason: To secure the long term nature conservation of the site in accordance with policy ESD10 of the Cherwell Local Plan 2011 – 2031 (Part 1) and Government guidance contained within the National Planning Policy Framework.

20. No development shall take place on a phase or sub-phase until, a SuDS Management and Maintenance Plan (Part 1) for that phase or sub-phase is submitted to and approved in writing by the Local Planning Authority in consultation with the LLFA. Thereafter, the development shall be implemented in accordance with the approved details unless otherwise approved in writing by the Local Planning Authority. The plan shall include:
- A Maintenance Schedule setting out which types of assets need to be maintained, at what intervals and what method is to be used;
 - A Site Plan identifying the location of each element of the drainage scheme, including access points, maintenance access easements and outfalls. Maintenance operational areas are to be identified and shown on the plans, to ensure there is room to gain access to the asset, maintain it with appropriate plant and then handle any arisings generated from the site for example by providing a silt deposit area and cut weed composting area for large ponds;
 - Any health and safety information required to manage identified residual risks associated with maintenance activities.

Reason: To ensure that the development/site is served by sustainable arrangements for the disposal of surface water, to comply with Policy ESD6 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy ENV1 of the Cherwell Local Plan 1996 and Government advice in the National Planning Policy Framework.

21. No development shall take place until details of a scheme for flood storage compensation in accordance with the Flood Risk Assessment (FRA) (prepared by: JNP Group; dated: May 2018; reference: C85140-RE001-E) and accompanying Technical Note (prepared by: JNP Group;

dated: 29 January 2018; reference: TN006) has been submitted to and approved in writing by the Local Planning Authority in consultation with the LLFA. The approved scheme shall be fully implemented prior to occupation of the development unless otherwise approved in writing by the Local Planning Authority.

Reason: To prevent flooding elsewhere and reduce the risk of flooding to the proposed development and future occupants by ensuring that compensatory storage of flood water is provided. This condition is requested in line with National Planning Policy Framework paragraphs 150, 155 and 163 and policies ESD1 and ESD6 of the Cherwell Local Plan 2011 – 2031 (Part 1).

22. No development shall take place within any phase or sub-phase until an Arboricultural Method Statement (AMS) for that phase or sub-phase, undertaken in accordance with BS:5837:2012 and all subsequent amendments and revisions, has been submitted to and approved in writing by the Local Planning Authority. Thereafter, all works on site shall be carried out in accordance with the approved AMS unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the continued health and maintenance of retained trees and hedgerows and to ensure that they are not adversely affected by the construction works, in the interests of the visual amenity of the area, to ensure the integration of the development into the existing built environment and to comply with Policy C28 of the adopted Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

23. No development shall take place including any demolition until a professional archaeological organisation acceptable to the Local Planning Authority has prepared an Archaeological Written Scheme of Investigation, relating to the application site area, which shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the recording and inspection of matters of archaeological importance on the site in accordance with Government guidance contained within the National Planning Policy Framework.

24. Following the approval of the Written Scheme of Investigation referred to in condition no.23 and prior to any demolition on the site and the commencement of the development (other than those which are in accordance with the agreed Written Scheme of Investigation), a staged programme of archaeological mitigation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation. The programme of work shall include all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to the Local Planning Authority.

Reason: To safeguard the identification, recording, analysis and archiving of heritage assets before they are lost and to advance understanding of the heritage assets in their wider context through publication and dissemination of the evidence in accordance with Government guidance contained within the National Planning Policy Framework.

25. No development shall take place (including demolition, ground works, vegetation clearance) until a site wide Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP: Biodiversity shall include the following:

- Details of a rolling programme of update surveys to be conducted on timescales to be agreed between the local planning authority ecologist and a suitably experienced and competent project ecologist. The timing and frequency of surveys may vary depending on the species concerned and patterns of changed (or not) in agricultural land-use across the site;
- Risk assessment of potentially damaging construction activities;
- Identification of “biodiversity protection zones”;
- Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
- The location and timing of sensitive works to avoid harm to biodiversity features (and informed, as appropriate, by update ecology surveys);

- The times during construction when specialist ecologists need to be present on site to oversee works;
- Responsible persons and lines of communication;
- The role and responsibilities on site of and operations to be overseen by an Ecological Clerk of Works (ECoW) or similarly competent person;
- Details of protective fences, exclusion barriers and warning signs to be used;
- Site plans showing the “biodiversity protection zones”.

The development shall be implemented strictly in accordance with the approved CEMP: Biodiversity throughout the construction period, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

26. No development shall take place (including demolition, ground works and/or vegetation clearance) until a site wide Landscape and Ecology Management Plan (LEMP) has been submitted to and approved in writing by the local planning authority. The LEMP shall include the following:
- Details of a rolling programme of update surveys to be conducted on timescales to be agreed between the local planning authority ecologist and a suitably experienced and competent project ecologist. The timing and frequency of surveys may vary depending on the species concerned and patterns of change (or not) in agricultural land-use across the site;
 - Description and evaluation of features to be managed;
 - Ecological trends and constraints on site that might influence management;
 - Aims and objectives of management;
 - Appropriate management options for achieving aims and objectives;
 - Prescriptions for management actions;
 - Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period and informed, as appropriate, by updated ecology surveys);
 - Details of the body or organisation responsible for implementation of the plan;
 - Ongoing monitoring protocols and remedial measures;
 - Site plans indicating the features to be managed, location of management and monitoring actions;
 - Details of the delivery of the Nature Conservation Area (NCA) in line with the approved High Level Ecological Management Plan (HLEMP) (Version 1.9) prepared by LDA Design dated 29 April 2019.

Where it is intended to create semi-natural habitats, all species used in the planting proposals shall be locally native species of local provenance unless otherwise agreed in writing with the Local Planning Authority.

The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The development shall be implemented in accordance with the approved details unless otherwise approved in writing by the Local Planning Authority.

Reason: To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

27. The approved ecological measures secured through condition no. 25 and 26 shall be reviewed and, where necessary, amended and updated as informed by the rolling programme of update ecological surveys. The approach to update surveys will be agreed between the Local Planning Authority ecologist and a suitably experienced and competent project ecologist and may initially

take the form of periodical walkover surveys to assess any changes in habitats or condition of habitats. Subsequent to this, further detailed surveys of specific target groups (e.g. badger, water vole, bats) may be identified.

Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, the original approved ecological measures (as set out in the CEMP and LEMP) will be revised and new or amended measures, and a timetable for their implementation, will be submitted to and approved in writing by the Local Planning Authority. All future submissions for the approval of Reserved Matters will be required to show compliance with the recommendations of the approved updated LEMP and CEMP.

Reason: To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

28. No development shall take place until a scheme for the provision and management of a 12m-wide ecological buffer zone along both sides of the Cutters Brook, measured from the top of bank, shall be submitted to and agreed in writing by the Local Planning Authority in consultation with the Environment Agency. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the Local Planning Authority in consultation with the Environment Agency. The buffer zone scheme shall be free from built development including footpaths (with the exception of paths to allow formal watercourse crossings), lighting, domestic gardens, non-native species and formal landscaping; and could form a vital part of green infrastructure provision. The scheme shall include:
- confirmation of the timing of the establishment of the ecological buffer zone;
 - plans to show the extent and layout of the buffer zone and how this relates to the watercourse;
 - details and locations of habitats to be retained, removed and created;
 - details of any proposed planting scheme (please note that this should include native species only);
 - details demonstrating how the buffer zone will be protected during development (e.g. hedges fencing) and managed/maintained over the longer term including adequate financial provision and named body responsible for management plus production of detailed management plan;
 - details of any proposed footpaths and permanent fencing;
 - details of any watercourse crossings which should be clear span in design with abutments set back from the top of the bank; and
 - details of long-term management of the buffer to ensure that the biodiversity net gain is achieved and maintained over the duration of the LEMP.

Reason: Development that encroaches on watercourse and their corridors has a potentially severe impact on their ecological value, and land alongside watercourses is particularly valuable for wildlife and it is essential this is protected. River corridors are natural networks of linked habitat which allow species movement between suitable habitats and promote the expansion of biodiversity (as recognised in Article 10 of the Habitats Directive).

29. No development hereby permitted shall take place except in accordance with the terms and conditions of the Council's organisational licence (WML-OR112) and with the proposals detailed on plan "Wretchwick Green: Impact Plan for great crested newt District Licensing (version 6)", dated 16th March 2022.

Reason: In order to ensure that adverse impacts on great crested newts are adequately mitigated and to ensure that site works are delivered in full compliance with the organisational licence WML-OR112.

30. No development hereby permitted shall take place unless and until a certificate from the Delivery Partner (as set out in the District Licence WML-OR112), confirming that all necessary measures in regard to great crested newt compensation have been appropriately dealt with, has been submitted to and approved by the local planning authority and the local authority has provided authorisation for the development to proceed under the district newt licence.

The Delivery Partner certificate must be submitted to this planning authority for approval prior to the commencement of the development hereby approved.

Reason: In order to adequately compensate for negative impacts to great crested newts.

31. No development hereby permitted shall take place except in accordance with Part 1 of the GCN Mitigation Principles, as set out in the District Licence WML-OR112 and in addition in compliance with the following:
- a) Works to existing ponds onsite may only be undertaken during autumn/winter, unless otherwise in accordance with the GCN Mitigation Principles.
 - b) Works which will affect likely newt hibernacula may only be undertaken during the active period for amphibians.
 - c) Capture methods must be used at suitable habitat features prior to the commencement of the development (i.e., hand/destructive/night searches), which may include the use of temporary amphibian fencing, to prevent newts moving onto a development site from adjacent suitable habitat, installed for the period of the development (and removed upon completion of the development).
 - d) Amphibian fencing and pitfall trapping must be undertaken at suitable habitats and features, prior to commencement of the development.
 - e) The recommendations in report and plans listed below, provided as part of the planning application, must be complied with:
 - I. "Wretchwick Green District Licence HMMP (version 6)", dated 16th March 2022;
 - II. "Wretchwick Green: HMMP Plan for great crested newt District Licensing (version 6)", dated 16th March 2022;
 - III. "Wretchwick Green: HMMP Phasing Plan for great crested newt District Licensing (version 6)", dated 16th March 2022;
 - IV. "Wretchwick Green: Indicative footpath location plan for great crested newt District Licensing HMMP (version 6)", dated 16th March 2022.

Reason: In order to adequately mitigate impacts on great crested newts.

APPROVAL BEFORE SPECIFIC CONSTRUCTION WORKS TAKE PLACE

32. No piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface water infrastructure, and the programme for the works) has been submitted to and approved in writing by the Local Planning Authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason: The proposed works will be in close proximity to underground water utility infrastructure. Piling has the potential to impact on local underground water utility infrastructure.

33. No development comprising the erection of a building within any phase or sub phase required to be served by water services shall be undertaken until full details of a scheme for the provision and phasing of mains foul sewage and water network infrastructure on and off site for that phase or sub phase has been submitted to and approved in writing by the Local Planning Authority. No building shall be occupied until the works have been carried out in accordance with the approved scheme unless otherwise approved in writing by the Local Planning Authority.

Reason: To secure the necessary reinforcement works to accommodate additional demand on existing infrastructure as a result of the development to prevent flooding, pollution and detriment to public amenity in accordance with policy ENV1 of the Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

APPROVAL OR COMPLIANCE PRIOR TO OCCUPATION OF THE DEVELOPMENT

34. Prior to the first occupation of any residential dwelling within the Local Centre, recycling banks for the purposes of recycling glass and textiles, shall be provided within the Local Centre and made accessible by the public.

Reason: In order that proper arrangements are made for the disposal of waste, and to ensure the creation of a satisfactory environment in accordance with Policy ENV1 of the adopted Cherwell Local Plan and the Council's Developer Contributions SPD (2018) as well as Government guidance contained within the National Planning Policy Framework.

35. Prior to the first occupation of any dwellings hereby approved a Residential Travel Plan shall be submitted to and approved by in writing by the Local Planning Authority in consultation with the Local Highway Authority. Thereafter, the development shall be implemented in accordance with the approved details unless otherwise approved in writing by the Local Planning Authority.

Reason: In the interests of sustainability and to ensure a satisfactory form of development, in accordance with Government advice in the National Planning Policy Framework.

36. Prior to the first occupation of any commercial development hereby approved and exceeding the thresholds set out in "Transport for New Developments: Transport Assessments and Travel Plans", a Workplace Travel Plan for that development shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority. Thereafter, the development shall be implemented in accordance with the approved details unless otherwise approved in writing by the Local Planning Authority.

The travel plan(s) shall incorporate details of (i) the means of regulating the use of private cars at the development in favour of other modes of transport and (ii) the means of implementation and methods of monitoring site related travel.

Reason: In the interests of sustainability and to ensure a satisfactory form of development, in accordance with Government advice in the National Planning Policy Framework.

37. Prior to the first occupation of any phase or sub-phase, a SuDS Management and Maintenance Plan (Part 2) for that phase or sub-phase shall be submitted to and approved in writing by the Local Planning Authority in consultation with the LLFA. The plan shall include:
- Details of which organisation or body will be responsible for vesting and maintenance for individual aspects of the drainage proposals (individual properties/curtilages, roads, special areas etc.) with evidence that the organisation/body has agreed to such adoption. Where the agreement is subject to other legalities, it may be acceptable to provide agreement-in-principle;
 - Details of which organisation or body will be the main maintaining body where the area is multifunctional (e.g. open space play areas containing SuDS) with evidence that the organisation/body has agreed to such adoption.

Reason: To ensure that the development/site is served by sustainable arrangements for the disposal of surface water, to comply with Policy ESD6 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy ENV1 of the Cherwell Local Plan 1996 and Government advice in the National Planning Policy Framework.

INFORMATIVES

1. It is recommended that the NatureSpace Best Practice Principles are taken into account and implemented where possible and appropriate.
2. It is recommended that the NatureSpace certificate is submitted to this planning authority at least 6 months prior to the intended commencement of any works on site.
3. It is essential to note that any works or activities whatsoever undertaken on site (including ground investigations, site preparatory works or ground clearance) prior to receipt of the written authorisation from the planning authority (which permits the development to proceed under the District Licence WML-OR112) are not licensed under the GCN District Licence. Any such works or activities have no legal protection under the GCN District Licence and if offences against GCN are thereby committed then criminal investigation and prosecution by the police may follow.
4. It is essential to note that any ground investigations, site preparatory works and ground / vegetation clearance works / activities (where not constituting development under the Town and Country Planning Act 1990) in a red zone site authorised under the District Licence but which fail to respect controls equivalent to those in condition 3 above would give rise to separate criminal liability under District Licence condition 12 (requiring authorised developers to comply with the District Licence) and condition 17 (which requires all authorised developers to comply with the GCN Mitigation Principles) (for which Natural England is the enforcing authority); and may also give rise to criminal liability under the Wildlife & Countryside Act 1981 (as amended) and/or the Conservation of Habitats and Species Regulations 2017 (for which the Police would be the enforcing authority).

DEVELOPMENT MONITORING

The Council has identified the development hereby approved as one that it considers appropriate to monitor during construction. We would therefore be grateful if you could let us know of your intention to start the development at least 14 days prior to the commencement of work on site. You can do this by emailing the Council on: monitoring@cherwell-dc.gov.uk and providing us with the following information: application number; application address; and the date you intend to start the development. During the monitoring period, we will be assessing the development against the approved plans, and compliance with any conditions imposed on the permission. It is in your interest to comply with this request as it will help to avoid any unnecessary, and possibly expensive, corrective works.

PLANNING NOTES

1. **Conditions** – the applicant's attention is drawn to the need to comply with all conditions imposed on this permission. Failure to do so could result in the council serving a breach of condition notice against which there is no right of appeal.

Under the Town and Country Planning (Fees for Applications, Deemed Application, Requests and Site Visits) (England) Regulation 2012 there is a fee payable each time you make a request to discharge any of the conditions attached to this permission. You can apply to discharge more than one condition at the same time. At the time of this decision the fee is £34 per request for householder development and £116 per request in all other cases. The fee may be more when you come to apply for the discharge of condition if the Regulations have been amended. The fee is payable when you submit the details to discharge the condition(s). The Council has '1app' forms for such applications, but their use is not mandatory.

There is no fee for the discharge of conditions on listed building consents.

The Council has eight weeks to respond to applications to discharge conditions, so you will need to make your application in good time before commencing development.

2. **Material Samples** – please note that where any of the above conditions require the approval of materials, material samples are no longer accepted at the Council offices and should in the first instance be left on the application site for the relevant case officer to view and assess in context with its surroundings. Material samples and sample panels should be placed/erected on the site before an application to discharge that condition(s) is submitted.

Should leaving samples on site be impractical then arrangements should be made with the relevant case officer to view samples on site.

STATEMENT OF ENGAGEMENT

In accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) and paragraph 38 of the National Planning Policy Framework, the Council has worked positively, creatively and proactively to determine this application within the agreed timescales, having worked with the applicant/agent where necessary and possible within the scope of the application (as set on in the case officer's report) to resolve any concerns that have arisen, in the interests of achieving more appropriate and sustainable development proposals. Consent has been granted accordingly.

The case officer's report and recommendation in respect of this application is available to view online at: <http://www.cherwell.gov.uk/viewplanningapp>. The agenda, minutes and webcast recording of the Planning Committee meeting at which this application was determined are also available to view online at: <http://modgov.cherwell.gov.uk/ieListMeetings.aspx?CIId=117&Year=0>

NOTICE OF DECISION
TOWN AND COUNTRY PLANNING ACT 1990
(AS AMENDED)

NOTES TO THE APPLICANT

TIME LIMITS FOR APPLICATIONS

By virtue of Sections 91-96 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, planning permissions are subject to time limits. If a condition imposing a time limit has been expressly included as part of the permission, then that condition must be observed. Otherwise, one or other of the following time limits will apply:

Where planning permission is given in outline subject to a condition reserving certain matters for subsequent approval, application for approval of such matters reserved must be made not later than the expiration of 3 years beginning with the date of the outline planning permission and further the development to which the permission relates must be begun not later than the expiration of 2 years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last reserved matters to be approved.

Where the planning permission is complete and is not in outline, the development must be begun not later than the expiration of 3 years from the date on which permission was granted.

OTHER NECESSARY CONSENTS

This document only conveys permission or approval for the proposed development under Part III of the Town and Country Planning Act 1990 and you must also comply with all the bye-laws, regulations and statutory provisions in force in the District and secure such other approvals and permissions as may be necessary under other parts of the Town and Country Planning Act 1990 or other legislation.

In particular you are reminded of the following matters:

- The need in appropriate cases to obtain approval under the Building Regulations. **The Building Regulations may be applicable to this proposal. You are therefore advised to contact the District Council's Building Control Manager before starting work on site - Telephone: 01295 227006. Email: Building.Control@Cherwell-dc.gov.uk**
- Data supplied by the National Radiological Protection Board (NRPB) and the British Geological Survey (BGS) suggests that the site of this application falls within an area which is potentially at risk from radon. This may require protective measures in order to comply with the Building Regulations if your consent relates to a new dwelling or house extension. Further advice on whether protective measures are required under the Building Regulations can be obtained by contacting the Building Control Manager on 01295 227006 or E-mail at building.control@cherwell-dc.gov.uk
- The need to obtain an appropriate Order if the proposal involves the stopping up or diversion of a public footpath.
- The need to obtain a separate "Listed Building Consent" for the demolition, alteration or extension of any listed building of architectural or historic interest.
- The need to make any appropriate arrangements under the Highways Act in respect of any works within the limits of a public highway. The address of the Highway Authority is Oxfordshire County Council, Speedwell House, Speedwell Street, Oxford, OX1 1NE.

- It is the responsibility of the applicant to ascertain whether his/her development affects any public right of way, highway or listed building.

APPEALS TO THE SECRETARY OF STATE

If you are aggrieved by the decision of the Local Planning Authority to grant permission or approval subject to conditions, you can appeal to the First Secretary of State in accordance with Section 78(1) of the Town and Country Planning Act 1990.

If you wish to appeal, then you must do so within six months of the date of this notice. Forms can be obtained from the **Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. Tel 0303 444 5000**. The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to him that permission or approval for the proposed development could not have been so granted otherwise than subject to the conditions imposed by the Local Planning Authority, having regard to the statutory requirements, to the provisions of the development order and to any directions given under the order.

In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based its decision on a direction given by him.

PURCHASE NOTICES

If either the Local Planning Authority or the First Secretary of State grants permission or approval for the development of land subject to conditions, the owner may claim that he/she can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances the owner may serve a purchase notice on the District Council. This notice will require the Council to purchase his/her interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

COMPENSATION

In certain circumstances compensation may be claimed from the Local Planning Authority if permission is granted subject to conditions by the Secretary of State on appeal or on reference of the application to him.

These circumstances are set out in the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.

Appendix APP/3/F

Oxfordshire County Council – Highway Authority consultee response & Canal and River
Trust consultee response Stratfield Farm 22/01611/OUT



**Canal &
River Trust**

Making life better by water

Cherwell District Council
Bodicote House
Bodicote
Banbury
Oxfordshire
OX15 4AA

Your Ref 22/01611/OUT

Our Ref CRTR-PLAN-2022-36728

Tuesday 22 November 2022

Dear Mr Campbell

Proposal: Outline planning application for up to 118 no dwellings (all matters reserved except for access) with vehicular access from Oxford Road

Location: Stratfield Farm, 374, Oxford Road, Kidlington

Waterway: Oxford Canal

Additional response

Thank you for your consultation.

We are the charity who look after and bring to life 2000 miles of canals & rivers. Our waterways contribute to the health and wellbeing of local communities and economies, creating attractive and connected places to live, work, volunteer and spend leisure time. These historic, natural and cultural assets form part of the strategic and local green-blue infrastructure network, linking urban and rural communities as well as habitats. By caring for our waterways and promoting their use we believe we can improve the wellbeing of our nation. The Trust is a statutory consultee in the Development Management process.

The main issues relevant to the Trust as statutory consultee on this application are:

- a) The visual impact of the proposal on the character and appearance of the Oxford canal corridor
- b) The impact of the proposal on the ecology of the canal corridor
- c) Accessibility in relation to the towpath of the Oxford Canal

Based on the information available our substantive response (as required by the Town & Country Planning (Development Management Procedure) (England) Order 2015 (as amended)) is to advise that suitably worded **conditions and a legal agreement are necessary** to address these matters. Our advice and comments follow:

The visual impact of the proposal on character and appearance of the Oxford canal corridor

Design & layout

It is noted that the proposal is made in outline only although an indicative layout plan has been provided. The proposed site is located adjacent to the Oxford Canal but that no development is shown adjacent to the canal.

Canal & River Trust

Fradley Junction, Alrewas, Burton-upon-Trent, Staffordshire DE13 7DN

T 0303 040 4040 E canalrivertrust.org.uk/contact-us W canalrivertrust.org.uk

Each waterside location needs to be considered individually, with no single design approach being appropriate in all locations. If in due course development is proposed adjacent to or closer to the canal the following guiding principles should be considered.

Where appropriate, new waterside development should:

- positively address the water.
- open access to the water and create access points to any existing towpath.
- link waterside space and the waterspace.
- use the waterspace itself.
- incorporate access and other improvements.
- engage with and tease out the qualities and benefits of being by water.
- reflect the scale of the local waterway corridor to the wider neighbourhood.

The masterplan shows pathways leading to the canal but no paths along or across the canal to join the canal towpath. A new bridge is shown over the canal, but this is not included within the site boundary. It is alluded to in various documents and is required by the Development Brief for the site, however there is no reference to it being funded or provided as part of this development, nor with any mention of a contribution towards towpath improvement.

Heritage

The canal is a linear conservation area as it passes the site. The heritage assessment mentions the possibility of glimpsed views, particularly as a result of the ground rising away from the canal, and this is not unacceptable or necessarily harmful to the conservation area. The proposed landscaping to be submitted at reserved matters stage should provide additional screening if necessary, using native planting rather than attempt to obliterate all such views by the provision of planting buffer. The Conservation area could however be better linked to the site by the provision of improved waterside access paths and by linking across to the canal towpath.

If outline permission is forthcoming, it is strongly suggested that the applicant is encouraged to enter further discussions with the Trust regarding the treatment of the canal and bridge prior to the submission of a reserved matters application.

The impact of the proposal on the ecology of the canal corridor

Landscaping

The LVIA states that there are no Conservation areas in the vicinity of the site despite the Canal Conservation area running adjacent to the western boundary. Furthermore, the impact of the proposal on the users of the canal itself has not been considered, just user of the Oxford Greenbelt Way, or canal towpath as perhaps it is better known.

The low impact of the proposal on the canal corridor is dependant to a large degree on the retention of the western boundary tree and scrub area at the side of the canal. If this area is removed long distance views of the site will be very different. The existing landscaping should be preserved and protected during the course of building works. The position of any new bridge should take into account the loss of existing landscaping but needs to be agreed with the Trust in due course.

Any new landscaping adjacent to the canal and additional planting to the east of the site should maximise opportunities for the creation of wildlife habitat and foraging routes leading to the canal.

The Ecological survey has not properly considered the proximity to the canal corridor and the possibility of protected species such as bats, water voles and otters using the western part of the site, despite the site extending to the canal edge. It is noted that the canalside trees and shrub area is not specifically annotated as being retained in Appendix 5176/1 (page 66) of the Survey, unlike other areas of existing landscaping. The

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mitigation measures suggested however are welcomed in relation to the protection of existing planting areas and the need for careful lighting design. Further survey information and a more detailed mitigation plan for this area should be provided.

Details of the proposed external lighting for the development should be submitted to and approved in writing by the Local Planning Authority to ensure that the location, luminance, and direction of any external lighting does not have an adverse impact on the species using the canal corridor as a habitat or for foraging. A zero lux is required along the Canal corridor.

Drainage

It is noted that the intention is to discharge to an existing watercourse. This watercourse eventually flows through the inverted siphon below the canal. The LLFA are asked to satisfy themselves of the condition of this infrastructure, its ability to take the likely flows and its on-going maintenance regime in order to ensure the protection of the Oxford canal.

Pollution

The site slopes down towards the canal, however, due to the distances shown on the illustrative masterplan the risk of pollution to the canal is relatively low. Protection measures for all watercourses within and adjacent to the site should be required by way of a suitably worded CEMP.

Construction Environmental Management Plan (CEMP)

The submitted ecological assessment makes recommendations regarding various protected species and the need for a CEMP. The Trust request that this is required by way of a suitably worded pre-commencement condition to ensure that any safeguarding measures are put in place prior to construction commencing. The CEMP should particularly consider the impact of the proposal on the canal corridor and the protected species which may be found there.

Accessibility

Paragraph 108 of the NPPF require development to promote sustainable transport options. The canal towpath is not properly recognised as important, multi-functional Green Infrastructure which provides off-road active travel routes from the site in both directions to for both commuter journeys and recreational purposes.

The canal towpath is part of the long-distance path network, the Oxford Green Belt Way, as well as bring a public footpath. The Trust and Oxfordshire County Council have worked in partnership to improve accessibility for pedestrians and cyclists along the canal towpath leading out from the city as far as Kings Bridge, to the South of the site. Previously discussions, have taken place regarding the need to extend the length of improved towpath north, past this site. This is set out in the Development Brief along with the aspiration to secure a new canal crossing adjacent to this site.

Bridge

It is noted that the bridge is not shown in this application. A new bridge cannot be erected without the agreement of the Canal & River Trust, it will need a commercial agreement and DEFRA consent. Any new bridge will be required to comply with detailed design guidance which can be provided by the Trust on request to protect both navigational safety and the safety of towpath users. The Trust will not take ownership or maintenance liabilities for the bridge. The applicants should contact the Trust to commence initial discussions on the location and design of the bridge, and the various consents that will be required.

Towpath

It is understood that the several new development sites adjacent to the canal may be required to contribute to a new crossing towpath improvements. The towpath opposite the site is not in a condition that could readily support additional footfall generated by the proposed development. The Canal & River Trust generally seeks to

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maintain its assets in a “steady state”, and in the case of towpath maintenance, this is based on current usage. Where new development has the likelihood to increase usage the Trust’s maintenance liabilities will also increase, and we consider that it is reasonable to request a financial contribution from developers to either cover increased maintenance costs, or to upgrade the towpath surface to a standard which is more durable and thus able to accommodate increased usage without adding to the Trust’s future maintenance costs.

It is noted that the Oxford County Council Response dated 14th July 2022 supports the need for a contribution to achieve the surfacing and widening improve the towpath, linking up the most recent phase of improvement. Since our original response was provided the Canal & River Trust have discussed this proposal with the Oxfordshire County Council communities team who have suggested that PR87 allocation should provide the necessary towpath improvement from the existing A44 crossing to the proposed new bridge. This is a distance of 930m. Based on the costs of from the earlier phases of towpath improvement it is anticipated that the current figure for improving the towpath is approximately £400 pe linear metre. The total cost for the 930m stretch is therefore in the region of £372,000.

In order to comply with national planning policy, local policy and the development brief for the site we request that a **S106 contribution of £372,000** is made to allow the recommended section of towpath to be widened where possible and re-surfaced in a robust material, to be fit for purpose.

The Trust considers that the principle of this request meets the requirements of the tests for a S106 obligation as set out in paragraph 56 of the NPPF. Policy INF 1 of the Cherwell Local Plan 2011-2031. If the applicants are not willing to agree a suitable contribution to improve the towpath, please advise the Trust to allow further discussions to take place.

Other matters

It is noted that Policy ESD 5 Renewable Energy states that a feasibility assessment for onsite renewable energy provision will be required for residential developments over 50 dwellings in off-gas areas. The Oxford Canal adjacent to the site may be suitable to provide net zero heating and cooling by the use of canal water. The applicant is requested to contact Darren Leftley, Head of Water Development with the Trust to discuss this further and it is expected that any future feasibility assessment will consider this type of renewable energy provision. Darren can be contacted by email; Darren.leftley@canalrivertrust.org.uk

Conditions

Should the contribution toward the mitigation of the impact of the proposal on the towpath be secured then the Canal & River Trust ask that the following conditions are imposed should permission be forthcoming.

Pre-commencement conditions

1. Prior to the commencement of development, a Construction Environmental Management plan shall be submitted and approved in writing by the Local Planning Authority. This shall particularly include measures to protect the canal and the protected species which use it. All works shall comply with the details so approved.
2. Reason: To accord with the requirements of paragraph 170 of the NPPF and because the ecological environment in this location is sensitive and should be protected from disturbance, dust, run off, waste etc. entering the canal.

Other conditions

3. Details of any proposed boundary treatment with the waterway (showing height, specification, and materials and/or planting) shall be submitted to and agreed in writing by Local Planning Authority and thereafter implemented in accordance with the agreed details.

Reason: To comply with the requirements of section 170 of the National Planning Policy Framework and ensure that the external appearance of the development is satisfactory. The boundaries adjacent to

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waterside developments should provide an attractive façade and poor design can affect how the waterway is perceived.

The construction of foundations for fencing has the potential to impact on the integrity of the waterway therefore development approved should prevent damage to the waterway structure and protect users on the towpath.

4. Prior to the commencement of development, details of a landscape management plan for the public open space area adjacent to the boundary of the canal shall be submitted to and agreed in writing by the Local Planning Authority and thereafter implemented in accordance with the agreed details unless otherwise agreed in writing.

Reason: To accord with the requirements of paragraph 174 of the NPPF. Landscaping should enhance the biodiversity of an area and provide screening. Landscaping and trees also have the potential to impact on the integrity of the waterway and it is necessary to assess this and determine future maintenance responsibilities for the planting.

5. Prior to the commencement of development details of the proposed lighting for the development shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented in accordance with the agreed details unless otherwise agreed in writing.

Reason: To comply with paragraph 185 of the National planning policy framework as the lighting at waterside developments should be designed to minimise the problems of glare, show consideration for bats and unnecessary light pollution should be avoided by ensuring that the level of luminance is appropriate for the location, is sustainable and efficient, and protect the integrity of the waterway infrastructure.

6. Details of the proposed surface water drainage, including details of the condition and maintenance regime for the siphon under the canal, shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development and thereafter implemented in accordance with the agreed details unless otherwise agreed in writing.

Reason: To comply with paragraph 174 of the National Planning Policy Framework and to determine the potential for pollution of the waterway and likely volume of water. Potential contamination of the waterway and ground water from wind blow, seepage or spillage at the site, and high volumes of water should be avoided to safeguard the canal environment and integrity of the canal infrastructure.

Informative

Should planning permission be granted we request that the following **informative** is appended to the decision notice:

1. The applicant is advised to contact Gareth.Morgan@canalrivertrust.org.uk in order to ensure that any necessary consents are obtained and that the works comply with the Canal & River Trust "Code of Practice for Works affecting the Canal & River Trust".

For us to effectively monitor our role as a statutory consultee, please send me a copy of the decision notice and the requirements of any planning obligation.

Please do not hesitate to contact me with any queries you may have.

Yours sincerely,

Canal & River Trust

Fradley Junction, Alrewas, Burton-upon-Trent, Staffordshire DE13 7DN

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Jane Hennell MRTPI
Area Planner

Jane.Hennell@canalrivertrust.org.uk
07747 897793

<https://canalrivertrust.org.uk/specialist-teams/planning-and-design>

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**OXFORDSHIRE COUNTY COUNCIL’S RESPONSE TO CONSULTATION
ON THE FOLLOWING DEVELOPMENT PROPOSAL**

District: Cherwell

Application no: 22/01611/OUT

Proposal: Outline planning application for up to 118 no dwellings (all matters reserved except for access) with vehicular access from Oxford Road

Location: Stratfield Farm 374 Oxford Road Kidlington OX5 1DL

Response Date: 28/03/2023

This report sets out the officer views of Oxfordshire County Council (OCC) on the above proposal. These are set out by individual service area/technical discipline and include details of any planning conditions or Informatives that should be attached in the event that permission is granted and any obligations to be secured by way of a S106 agreement. Where considered appropriate, an overarching strategic commentary is also included. If the local County Council member has provided comments on the application these are provided as a separate attachment.

Assessment Criteria
Proposal overview and mix /population generation

OCC’s response is based on a development as set out in the table below. The development is taken from the application form.

Residential	
1-bed dwellings	19
2-bed dwellings	39
3-bed dwellings	42
4-bed & larger dwellings	20

Based on the completion and occupation of the development as stated above it is estimated that the proposal will generate the population stated below:

Average Population	288.04
Nursery children (number of 2- and 3-year olds entitled to funded places)	7.69
Primary pupils	34.26
Secondary pupils including Sixth Form pupils	26.77
Special School pupils	0.71
65+ year olds	30.36

Application no: 22/01611/OUT

Location: Stratfield Farm 374 Oxford Road Kidlington OX5 1DL

General Information and Advice

Recommendations for approval contrary to OCC objection:

If within this response an OCC officer has raised an objection but the Local Planning Authority are still minded to recommend approval, OCC would be grateful for notification (via planningconsultations@oxfordshire.gov.uk) as to why material consideration outweigh OCC's objections, and to be given an opportunity to make further representations.

Outline applications and contributions

The anticipated number and type of dwellings and/or the floor space may be set by the developer at the time of application which is used to assess necessary mitigation. If not stated in the application, a policy compliant mix will be used. The number and type of dwellings used when assessing S106 planning obligations is set out on the first page of this response.

In the case of outline applications, once the unit mix/floor space is confirmed by reserved matters approval/discharge of condition a matrix (if appropriate) will be applied to establish any increase in contributions payable. A further increase in contributions may result if there is a reserved matters approval changing the unit mix/floor space.

Where a S106/Planning Obligation is required:

- **Index Linked** – in order to maintain the real value of S106 contributions, contributions will be index linked. Base values and the index to be applied are set out in the Schedules to this response.
- **Administration and Monitoring Fee -TBC**
This is an estimate of the amount required to cover the monitoring and administration associated with the S106 agreement. The final amount will be based on the OCC's scale of fees and will be adjusted to take account of the number of obligations and the complexity of the S106 agreement.
- **OCC Legal Fees** The applicant will be required to pay OCC's legal fees in relation to legal agreements. Please note the fees apply whether a S106 agreement is completed or not.

Security of payment for deferred contributions - Applicants should be aware that an approved bond will be required to secure a payment where a S106 contribution is to be paid post implementation and

- the contribution amounts to 25% or more (including anticipated indexation) of the cost of the project it is towards and that project cost £7.5m or more
- the developer is direct delivering an item of infrastructure costing £7.5m or more
- where aggregate contributions towards bus services exceeds £1m (including anticipated indexation).

A bond will also be required where a developer is direct delivering an item of infrastructure.

The County Infrastructure Funding Team can provide the full policy and advice, on request.

Application no: 22/01611/OUT

Location: Stratfield Farm 374 Oxford Road Kidlington OX5 1DL

Strategic Planning

This is the third Oxfordshire County Council response, our previous responses were dated 14 July 2022 and 2 December 2022. Please refer to those responses in addition.

This response has been prepared in response to additional information about Transport available online dated 14 February 2023. Attached a Transport objection is maintained, further to our original Transport objections.

For other responses from County Council departments, including requirements for contributions, please see our earlier responses.

In my previous strategic comments, I noted that this site is allocated through Policy PR7b. There is a Cherwell District Council development brief for the site.

There are some key issues to address in respect of connectivity across the canal, to Croxford Gardens, and to Stratfield Brake. This application should not be brought to a Planning Committee for approval unless it is clear that suitable linkages can be achieved.

There is ongoing public consultation in respect of the PR8 site which adjoins to the west of the canal and would be connected via a new canal bridge. They have a website: <https://oud.co.uk/>.

The County Council owns the land at Stratfield Brake adjoining to the south, and would be connected via direct links to this site.

It is understood that there is some private land between this site and the highway at Croxford Gardens, and the deliverability of that linkage needs to be confirmed.

Oxford United Football Club are looking to relocate to a site nearby. The last County Council Cabinet report about Oxford United Football Club's proposals is available on the Cabinet agenda of 24 January 2023. Oxford United's website about finding a new stadium site is: <https://oufcstadium.co.uk/>.

Officer's Name: Lynette Hughes

Officer's Title: Principal Planner

Date: 27/03/2023

Application no: 22/01611/OUT

Location: Stratfield Farm 374 Oxford Road Kidlington OX5 1DL

The application should be read in conjunction with the comments made in our reports dated 14/07/2022 and 02/12/2022

Transport Schedule

Recommendation: Objection

- The pedestrian / cycle access via a proposed bridge onto the canal towpath and through to PR8 site is still not available for us to assess its suitability. Unacceptable access arrangements - contrary to 108 a) and b) of the NPPF. The access details remain insufficient to warrant HA support.

If despite OCC's objection permission is granted, then OCC requires prior to the issuing of planning permission a s106 agreement including an obligation to enter into a s278 agreement to mitigate the impact of the development plus planning conditions.

- **S106 Contributions** as summarised in the table below within OCC's previous report.
- **An obligation to enter into a s278** agreement as detailed in OCC's previous report.
- **Planning Conditions** as detailed in OCC's previous report.

Other obligations

- Promotion of a CPZ within estate roads to deter commuter parking within the development.
- A pedestrian connectivity to the south into Stratfield Brake should be made in

Comments:

Another Technical Note (dated February 2023) has been prepared to address the outstanding issues that the LHA still wish to have resolved. The issues therein dealt with as follows:

1. A footway/ cycleway link has now been proposed that would directly connect onto the existing infrastructure around the Kidlington roundabout. This is illustrated by *MAC Drawing No: 122-TAG05 Rev F* within Appendix B of this TN. This is acceptable and issue should be considered as resolved.

2. Western Boundary Footway Connection – Bridge. The application is offering a proportionate contribution towards the delivery of the canal bridge through a s106 agreement. Whilst the canal bridge is a developer led infrastructure that the county does not find it necessary to be drawn into its delivery, the county is willing to receive the contribution from the development to hold until when the bridge is ready to be delivered. However, we require to see the bridge details ahead of agreeing to its suitability in serving the development. Both developers (PR7b and PR8) need to engage and come up with an agreement on the particulars of the bridge such as design, associated costs, construction who is delivering it and when. The developers will also need to engage with Canal and River Trust for the necessary permissions.

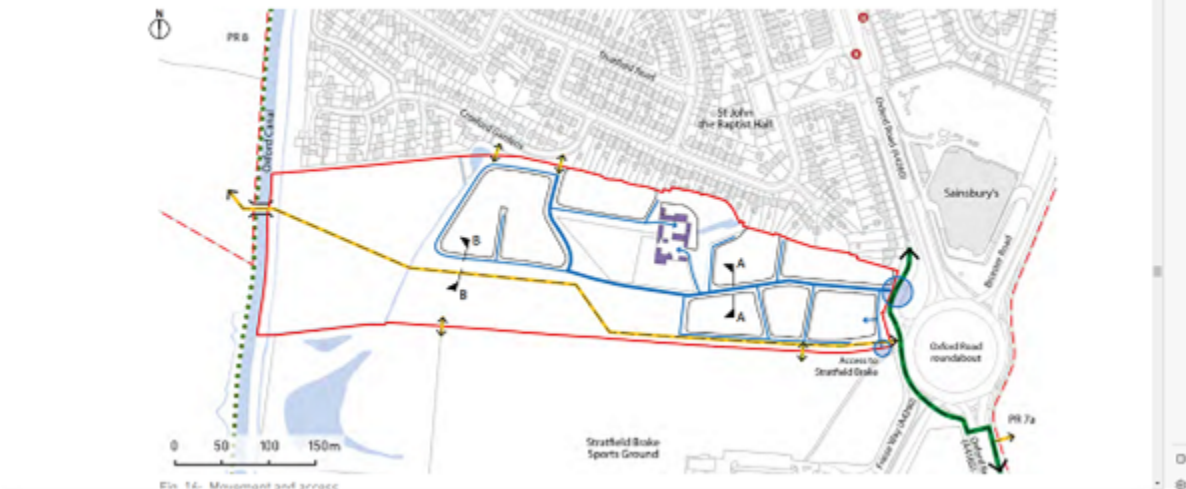
The County will only require as part of the s106 to see the agreed details of the bridge and a deed between the two developments of how the bridge shall be delivered. Details pertaining the bridge shall be subject to a s106.

3. Croxford Gardens Footway Connection. The application has shown a willingness to deliver a 2m wide footway connection onto Croxford Gardens to the north of the site right up to the site boundary. A financial contribution is offered for delivery of the extent of footway outside the site (third party land) which shall be secured via a s106 agreement. This is illustrated by *MAC Drawing No: 122-TAG06* within Appendix C of this TN.

This endeavour is appreciated. However, this does not guarantee that this much needed access point shall be secured let alone be delivered. By now, I would have expected the applicant to ascertain from the third-party landowner the possibility of acquiring access here in order to understand with certainty the accessibility of the proposed development.

In light of that, and in a bid to make the development more permeable to pedestrians beyond the easterly-westerly route, a link into the land at Stratfield Brake becomes more important than before. Through the PR7b Development Brief, the application is obliged to provide a link into in Stratfield Brake to the south which would offer access onto an existing walking track.

Here's the link to PR7b's Development Brief found on Cherwell District's website.
<https://www.cherwell.gov.uk/downloads/download/1435/development-briefs>



Although the Development Brief did not specify from a range of alternative connection points, it is my opinion that the link is provided towards the western part of the development.

The county's strategy for managing car parking across all of the PR sites is for the sites to implement Controlled Parking Zones from the start. This is required in order to both manage on-street parking demand, avoid inappropriate parking, and also to ensure that the development site does not become an informal 'park and ride' given the site's proximity to what will become a direct and frequent bus service into the city. However, a CPZ can only be implemented by the county council once the streets have been adopted. Therefore, prior to the adoption of the on-site streets a private parking enforcement scheme for the site, which mirrors the operation of a CPZ, will be required.

Planning Condition (in addition to the other conditions in our previous responses)

On-street Parking

Prior to use or occupation, the developer shall submit details of the implementation of a Residents Parking Zone to the Local Planning Authority for agreement and thereafter implement, maintain and enforce the parking controls until such time as the roads are adopted by the local highway authority.

Officer's Name: Rashid Bbosa

Officer's Title: Senior Transport Planner

Date: 27/03/2023

Appendix APP/3/G

Oxfordshire County Council – Highway Authority consultee response 21/03522/OUT – Land
at Yarnton

OXFORDSHIRE COUNTY COUNCIL'S RESPONSE TO CONSULTATION ON THE FOLLOWING DEVELOPMENT PROPOSAL

District: Cherwell

Application no: 21/03522/OUT

Proposal: The erection of up to 540 dwellings (Class C3), up to 9,000sqm GEA of elderly/extra care residential floorspace (Class C2), a Community Home Work Hub (up to 200sqm)(Class E), alongside the creation of two locally equipped areas for play, one NEAP, up to 1.8 hectares of playing pitches and amenity space for the William Fletcher Primary School, two vehicular access points, green infrastructure, areas of public open space, two community woodland areas, a local nature reserve, footpaths, tree planting, restoration of historic hedgerow, and associated works

Location: Os Parcel 3673 Adjoining And West Of 161, Rutten Lane, Yarnton, OX5 1LT, Cross Parish Boundary Application: Begbroke and Yarnton Parish Councils

Response Date: 22 February 2023

This report sets out the officer views of Oxfordshire County Council (OCC) on the above proposal. These are set out by individual service area/technical discipline and include details of any planning conditions or Informatives that should be attached in the event that permission is granted and any obligations to be secured by way of a S106 agreement. Where considered appropriate, an overarching strategic commentary is also included. If the local County Council member has provided comments on the application these are provided as a separate attachment.

Application no: 21/03522/OUT

Location: Os Parcel 3673 Adjoining And West Of 161, Rutten Lane, Yarnton, OX5 1LT, Cross Parish Boundary Application: Begbroke and Yarnton Parish Councils

General Information and Advice

Recommendations for approval contrary to OCC objection:

If within this response an OCC officer has raised an objection but the Local Planning Authority are still minded to recommend approval, OCC would be grateful for notification (via planningconsultations@oxfordshire.gov.uk) as to why material consideration outweighs OCC's objections, and to be given an opportunity to make further representations.

Outline applications and contributions

The anticipated number and type of dwellings and/or the floor space may be set by the developer at the time of application which is used to assess necessary mitigation. If not stated in the application, a policy compliant mix will be used. The number and type of dwellings used when assessing S106 planning obligations is set out on the first page of this response.

In the case of outline applications, once the unit mix/floor space is confirmed by reserved matters approval/discharge of condition a matrix (if appropriate) will be applied to establish any increase in contributions payable. A further increase in contributions may result if there is a reserved matters approval changing the unit mix/floor space.

Where a S106/Planning Obligation is required:

- **Index Linked** – in order to maintain the real value of S106 contributions, contributions will be index linked. Base values and the index to be applied are set out in the Schedules to this response.
- **Administration and Monitoring Fee - TBC**
This is an estimate of the amount required to cover the monitoring and administration associated with the S106 agreement. The final amount will be based on the OCC's scale of fees and will be adjusted to take account of the number of obligations and the complexity of the S106 agreement.
- **OCC Legal Fees** The applicant will be required to pay OCC's legal fees in relation to legal agreements. Please note the fees apply whether a S106 agreement is completed or not.

Security of payment for deferred contributions - Applicants should be aware that an approved bond will be required to secure a payment where a S106 contribution is to be paid post implementation and

- the contribution amounts to 25% or more (including anticipated indexation) of the cost of the project it is towards and that project cost £7.5m or more
- the developer is direct delivering an item of infrastructure costing £7.5m or more
- where aggregate contributions towards bus services exceeds £1m (including anticipated indexation).

A bond will also be required where a developer is direct delivering an item of infrastructure.

The County Infrastructure Funding Team can provide the full policy and advice, on request.

Application no: 21/03522/OUT

Location: Os Parcel 3673 Adjoining And West Of 161, Rutten Lane, Yarnton, OX5 1LT, Cross Parish Boundary Application: Begbroke and Yarnton Parish Councils

Strategic Planning

Response to Amended Application

The amendment to the application, dated 13 December 2022, addresses comments and objections that the County Council made in our 21 June 2022 response. This response therefore largely supersedes our earlier response.

Land Involved

This outline planning application covers part of the site allocated under Policy PR9 in the Cherwell Local Plan Partial Review. The site is on the edge of Yarnton, and also relates to Begbroke where there is land for development further to Policy PR8.

It is understood that the remainder of the PR9 allocated land is owned by the same landowner (Merton College) and is not included in this application because it is land that has been retained in the Green Belt and is not needed for green infrastructure as part of this application. That land is understood to remain in agricultural use.

Some parts of the land included in this application are in the Green Belt and shown for green infrastructure.

Development Brief

The Local Plan envisages development coming forward in accordance with the development brief for the site. The final development brief was published online in May 2022. It is dated November 2021 relating to when it was brought to the December 2021 Planning Committee.

Amount of development

The proposal involves 540 dwellings (use C3); up to 9,000 square metres floorspace for a care home (use C2); up to a 200 square metre community home work hub; and up to 1.8ha of land to expand the adjoining primary school.

Policy PR9 anticipates 540 dwellings, so the care home use is in addition to that. The County's key interest in respect of the amount of development relates to effects on the transport network.

Transport

Please see attached the County Council's Transport objection, which should be read in conjunction with the 21 June 2022 response.

Lead Local Flood Authority

The 21 June 2022 LLFA response was an objection. The amendment has addressed the objection and the attached response indicates no objection subject to conditions.

Education

The attached Education response includes updated contribution requests.

Primary School

It is part of the Local Plan strategy to provide for primary school pupils on this site to attend William Fletcher primary school. To enable that, the primary school needs to be extended. The County Council, as landowner, intends to expand the primary school buildings on its current site, and its new playing fields will be on land to the north contained in this planning application. There is a strip of land in between the school site and the applicant's site which is currently the access to the Sanctuary Care Home. The arrangements for the land and access are set out in the Property response attached.

Archaeology

The initial response, an objection, was provided in October 2021. Additional information has now been provided and there is no objection subject to conditions set out in the attached Archaeology response.

Extra Care Housing

We provided a response on 21 June 2022 indicating that the County Council will not seek an affordable extra care housing development on this site, but County officers are willing to work with the Cherwell District housing officers should they need any assistance in respect of contributions for affordable housing and specialist housing needs.

Health Impact Assessment and Innovation

The amended application addresses comments made as regards healthy place shaping and innovation and our responses are attached.

Household Waste Recycling Centres

A copy of the previous response sent requesting a contribution towards household waste recycling centres is included for completeness.

Other Issues

Healthcare, recreation, sport facilities, utilities, green infrastructure, biodiversity and building heights are matters for the District Council and therefore we have not commented on them.

We have not prepared a response on the energy statement which is a new document prepared for this amendment. County officers are willing to work with Cherwell District officers should they need any assistance in reviewing the proposals.

The County Council welcomes the provision of a community hub on the site and will liaise with Cherwell District Council as needed in future about provision for community uses.

We expect that the utility companies and the District Council will ensure that development proceeds with appropriate servicing in place, for example in respect of water supply, sewerage, electricity and broadband. All properties should be served with full fibre broadband in accordance with best practice.

The Royal Town Planning Institute and Town & Country Planning Association have published a new edition of their joint guidance 'The Climate Crisis – a guide for local authorities on planning for climate change'. The guide is accompanied by an online case study hub. We commend these to Cherwell District Council to help with consideration of these planning applications.

Please see the attached local Member's comments for other issues raised.

Other Sites

There has been progress with some of the other sites which were allocated in the Cherwell Local Plan Partial Review, including PR6a where there is a website: <https://www.water-eaton.co.uk>; PR7a: 22/00747/OUT and 22/03883/F; PR7b: 22/01611/OUT; and PR8 where there is a website: <https://oud.co.uk>.

Officer's Name: Lynette Hughes

Officer's Title: Principal Planner

Date: 21 February 2023

Application no: 21/03522/OUT

Location: Os Parcel 3673 Adjoining and West Of 161, Rutten Lane, Yarnton, OX5 1LT,
Cross Parish Boundary Application: Begbroke and Yarnton Parish Councils

Transport Schedule

Recommendation:

Objection for the following reasons:

- Alterations to the off-site highway works are required, including for the provision of a parallel crossing over the Rutten Lane arm of the A44 / Rutten Lane junction.
- In order to provide greater certainty over the accuracy of the forecast traffic impact, the Highway Authority requires the technical issues identified with the VISSIM model to be addressed, and for agreed scenario testing to be presented. This will demonstrate with greater certainty whether the package of mitigation highlighted in Appx 4 of the Local Plan Partial Review is sufficient, or whether additional measures, for example additional bus priority measures at certain junctions, could be required, potentially with a scheme for monitoring of the development's traffic impact once occupied.

If despite OCC's objection permission is proposed to be granted then OCC requires prior to the issuing of planning permission a S106 agreement including an obligation to enter into a S278 agreement to mitigate the impact of the development plus planning conditions as detailed below.

S106 Contributions

Contribution	Amount	Price base	Index	Towards
Mobility Hub	£2,087,132	June 2022	Baxter	Contribution toward the delivery of a mobility hub at London Oxford Airport as indicated in Local Plan Partial Review Policy PR4a and Appendix 4
A44 Highway Works Package – Bladon to Begbroke Hill	£3,246,749	June 2022	Baxter	Contribution towards; <ul style="list-style-type: none">• bus priority measures on, and connecting with the A44 and mobility hub as indicated in Local Plan Partial Review Policy PR4a and Appendix 4

				<ul style="list-style-type: none"> A44 Segregated pedestrian and cycle facilities between Bladon Roundabout and Begbroke Hill junction.
A44 Highway Works Package – Cassington Road to Pear Tree	£2,704,134	Jan 2023	Baxter	Bus priority measures and segregated pedestrian and cycle infrastructure along the A44 between Cassington Road and Pear Tree interchange
Public Transport Services	£798,525	Dec 2021	RPI-x	New and enhanced public transport services to the site
Public Transport Infrastructure	£28,068	March 2022	Baxter	3 x RTI displays at bus stops serving the site.
Traffic Regulation Order	£6,640 (2 x £3,320)	March 2022	RPI-x	<p>1 x TRO in order to consult on and implement a speed reduction on the A44</p> <p>1 x TRO in order to consult on and implement a Controlled Parking Zone, or alternative parking restrictions, within the site</p>
Travel Plan Monitoring	£6,684	Dec 2021	RPI-x	Monitoring of the Framework Travel Plan (£2,563), Residential Travel Plan (£2,563) and Care Home Travel Plan (£1,558) for a period of 5 years.
Public Rights of Way	£250,000	March 2022	Baxter	Improvements to existing PRow in the vicinity of the site to enable improved access for future residents and to fund the negotiation and construction of new footpath and bridleway links

Other obligations:

- Off-site highway works – see below

Key Points:

- This response should be read in conjunction with the county council's original response to the application dated 21 June 2022.
- This revised consultation response is made in response to the additional information submitted by the applicant in support of the outline planning application. Further information has been submitted in order to address previous comments raised by the Highway Authority and others in relation to:
 - Vehicle access
 - Sustainable transport access
 - Parking
 - Highway / traffic impacts
 - Mitigation of both the construction and operational phases of development
- Some further amendments to the off-site highway works are required, including for a parallel crossing of the Rutten Lane arm of the A44 / Rutten Lane roundabout junction.
- Additional model scenarios and analysis on public transport services is required, along with some technical fixes in the VISSIM model.
- Further information on the calculation of S106 requests is provided in the R122 statement below.

Comments:

Access

The revised drawing for the access junction onto Rutten Lane (Drawing 162751A/PD02 Rev A) demonstrates that appropriate visibility splays on both the vertical and horizontal plane can be achieved, in line with standards set out in the Manual for Streets. A traffic calming gateway buildout to the village of Yarnton is also to be provided in order to ensure that vehicles exiting the A44 onto Rutten Lane are made to slow down to an appropriate speed. I can therefore remove the Highway Authority's previous objection on this basis.

I note that the access into the medical centre, which was previously shown as being taken from the internal access road, a short distance from the site access junction, is to be relocated but that the detailed layout of the medical centre access would be agreed at the reserved matters stage of the development. This is acceptable and I recommend that a condition is applied to any planning consent requiring that the detailed layout of that access arrangement is agreed prior to commencement of the development.

Vehicle tracking drawings have been provided which demonstrate large vehicles can safely navigate the access junctions and off-site highway improvements.

A number of discussions have taken place between OCC, Sanctuary Care Home and the PR9 site developers regarding access to the land reserved for the expansion of William Fletcher Primary School and the use of the existing access road to Sanctuary Care Home, which bisects the school expansion land from the exiting school site. The

latest position, which is reflected in the revised plans, is that Sanctuary would continue to take access from the existing care home access road but that crossing facilities would be implemented over that access road. Vehicle access for school staff car parking would also be taken via the existing access road. Under this arrangement, access to the expansion land would need to be staffed and managed by William Fletcher School. While this is not ideal as it would have resource implications for the school it is not unprecedented. Vehicle movements to the care home during the school day are likely to be low and it is not considered that this arrangement, with appropriate management, would lead to significant highway safety concerns. Therefore, I do not object to the proposed access arrangement to the school expansion land and Sanctuary Care Home.

Highway Works

On Rutten Lane, a new southbound bus stop is to be provided close to the access junction with an informal crossing arrangement. A traffic calming gateway buildout to the village of Yarnton is also to be provided in order to ensure that vehicles exiting the A44 onto Rutten Lane are made to slow down to an appropriate speed. These items had previously been requested by the Highway Authority.

At the northern site access, from the Begbroke Hill junction, the improved pedestrian and cycle crossing facilities are now direct, rather than staggered, in line with LTN 1/20 requirements.

I note and welcome the proposal for the segregated pedestrian and cycle infrastructure on the western side of the A44 between the Begbroke Hill and Cassington Road junctions to be provided for directly by the development through a S278 agreement. These works will connect the development site with the improvements currently being implemented by OCC between the Cassington Road and Pear Tree junctions, for onward journeys into Oxford.

There is a need to ensure that space is made for safe and attractive waiting areas at the A44 crossing facilities, including for parents with pushchairs etc. as well as helping to improve the placemaking aspect of the highway works. This will be key in supporting connectivity to education and other community facilities at the PR8 development site and beyond.

One item that is missing from the S278 highway works package is the provision of a parallel crossing over the Rutten Lane arm of the A44 roundabout junction. This is required in order to provide priority and a safe crossing point over that junction for pedestrians and cyclists, given the planned increase in pedestrians and cyclists using the A44's improved infrastructure. A parallel crossing is to be implemented over the Cassington Road arm of the roundabout junction to the south and a consistent approach must be taken here. I have raised this item with the applicant, and I understand that a revised plan is due to be submitted to include this.

The county council looks forward to working with the applicant as the detailed design of the highway works scheme progresses. A condition is requested to ensure that the detailed layout of all requested highway works including the pedestrian and cycle facilities down to Cassington Road, the parallel crossing over Rutten Lane and improved waiting areas at crossing points are provided and agreed prior to implementation.

Parking

The Vectos transport 'Application Comments Response Note' sets out the proposed approach to parking on site.

This will be in accordance with OCC's recently adopted Parking Standards and Street Design Guide, with car, cycle and EV charging infrastructure to be provided in line with adopted standards.

Matters such as the detailed internal street layout, location and use of street trees and on-site car parking will be considered in detail with Reserved Matters planning applications.

As noted in the County Council's initial response to the application, a Controlled Parking Zone (CPZ) is required for all Partial Review development sites in order to prevent the developments from becoming informal 'Park and Rides' as well as to enforce the lower car parking levels set out in the adopted Parking Standards document. The Highway Authority intends to implement a site-wide CPZ upon adoption of the internal streets. However, in the interim, a residents' parking scheme which mirrors the operation of a CPZ is required. A planning condition is requested to secure this.

Note should also be taken of the comments in the 'Innovation Schedule' of the county council's response with regard to parking, futureproofing and the requirement for an Innovation Framework Plan at the Reserved Matters stage.

Highway Impacts

The modelling carried out to date has been audited for OCC and this has picked up various technical issues, including:

- Bus routes and pedestrian / cycle crossings have not been programmed in correctly to account for greater use and timetabling changes
- Input trips from Salt Cross Garden Village are not agreed and need to be amended
- A number of more minor technical issues have been picked up and passed on to Vectos Microsim for review

Furthermore, OCC's adopted Decide and Provide methodology requires a range of plausible scenarios to be assessed whereas the modelling report presented in support of the application only presents the results of one scenario 'with development and with modal shift'.

Background traffic growth has been capped at 0% in the future year assessment on the basis of an analysis of historical traffic counts in the model area alongside some analysis of housing and job

growth during the same time. The analysis presented indicates that there has not been an increase in peak hour traffic within the network area between c.2000 and 2018 despite the growth in housing and jobs during that time. This could be because the network in the area of the traffic counters has reached capacity and therefore additional traffic cannot physically pass through the network during the peak hours, resulting in a longer peak period.

I consider it to be a reasonable assumption that growth in light vehicle trips into Oxford city should be capped given the Central Area Travel Plan policies and analysis of historical trends. However, there is less assurance over the growth of trips passing through the model area with origins or destinations beyond the city. Not all of the traffic count data in the model area provided to Vectos Microsim has been used in this analysis with some counters discounted for various reasons, including those that are not in the immediate area of the Pear Tree Interchange, and Cutteslowe and Wolvercote roundabout junctions. I consider that, if the county council is to accept a 0% growth scenario, all available data should be used to justify and demonstrate the suitability of that scenario. It may be that traffic growth has not occurred around those junctions for the reason suggested above, but other links within the model area could have experienced traffic growth during that timeframe.

The results from the scenario presented so far suggest that, with a fairly significant modal shift towards sustainable transport, the network in the model area is not expected, on the whole, to operate significantly worse than in the baseline scenario without development. The modelled scenario includes all of the mitigation within Appx 4 of the Local Plan Partial Review which is all geared towards enabling and encouraging the modal shift that all parties agree is required. Therefore 'modal shift' scenarios are considered reasonable and appropriate.

However, some of the assumptions around the degree of modal shift, as currently presented, can appear arbitrary and therefore I consider that a range of plausible scenarios should be considered including for a higher and lower degree of modal shift.

Given the strategy for accommodating the Partial Review developments is based upon providing for and enabling greater use of sustainable transport, and not providing greater road capacity for private cars, I consider that a supplemental analysis on the impact on bus services should be presented accounting for the bus priority measures already set out in Appx 4 of the Local Plan Partial Review and identifying whether any additional measures could be required to bypass traffic congestion in any of the agreed scenarios.

In order to provide greater certainty over the accuracy of the forecast traffic impact, the Highway Authority requires the technical issues identified above to be addressed, and for agreed scenario testing to be presented. This will demonstrate with greater certainty whether the package of mitigation highlighted in Appx 4 of the Local Plan Partial Review is sufficient, or whether additional measures, for example additional bus priority measures at certain junctions, could be required, potentially with a scheme for monitoring of the development's traffic impact once occupied.

At this point, the county council does not consider that the transport modelling presented to date provides sufficient comfort that the residual cumulative impacts of the development on the transport network would not be severe and therefore continues to object to the application.

The county council is in dialogue with the transport consultants working jointly on the PR sites VISSIM modelling and looks forward to working through these issues and agreeing the best way forward.

I note that, to date, National Highways have yet to comment on this planning application or on the use of the VISSIM model.

S106 obligations and their compliance with Regulation 122(2) Community Infrastructure Levy Regulations 2010 (as amended):

£2,087,132 Mobility Hub Contribution index linked to June 2022 using Baxter Index.

Towards:

A Mobility Hub at London Oxford Airport as identified in Local Plan Partial Review Policy PR4a and Appendix 4.

Justification:

Policy SLE4 of the existing Local Plan (2015) supports an overall strategy where growth is directed to the most sustainable locations in Cherwell, facilitates the use of sustainable modes of transport and encourages measures which help reduce greenhouse gas emissions.

The policy requires new development to provide contributions to mitigate transport impacts and favours the implementation of proposals in the Oxfordshire Local Transport Plan (LTP) which provides for the delivery of key transport infrastructure and increased use of sustainable transport.

The Partial Review locates growth close to Oxford to minimise the impact of vehicle trips on the road network. It focuses on improving non-car travel options, safety of movement and improved journey times for existing residents, key employment locations and new residents.

The road network around north Oxford suffers from high levels of traffic congestion and delay exacerbated by major road and rail intersections. Oxford is covered by a city-wide Air Quality Management Area (AQMA) supported by a Management Plan intending to improve city-wide low air quality and congestion by prioritising sustainable transport measures. Within south Cherwell, a small section of the Bicester Road at the edge of Kidlington is also designated as an AQMA.

The Oxford Transport Strategy (part of the Local Transport Plan 4) responded to these issues with proposed 'Rapid Transit' routes including improved and priority bus services (including electric vehicles) and a new Mobility Hub facility at the Woodstock / A44 roundabout. The mobility hub would act to remove traffic from the local highway

network as car drivers switch to sustainable transport modes for onward journeys. This reduction in through traffic is required in order to accommodate the Partial Review site allocations.

Policy PR4a of the Local Plan Partial Review states that:

The strategic developments provided for under Policies PR6 to PR9 will be expected to provide proportionate financial contributions directly related to the development in order to secure necessary improvements to, and mitigations for, the highway network and to deliver necessary improvements to infrastructure and services for public transport. Where necessary, the provision of land will be required to support the implementation of relevant schemes set out in the Local Transport Plan 4 (including the Oxford Transport Strategy), the A44/A4260 Corridor Study and Local Plan Partial Review Transport Mitigation Assessment.

Calculation:

The latest estimate for delivery of a Mobility Hub near Oxford Airport is £21,610,829 including land costs, design, planning and construction.

The Mobility Hub is key to delivering the Partial Review development sites as well as those sites allocated in Woodstock. It is therefore considered fair that all Partial Review allocated sites, and the two sites allocated by West Oxfordshire District Council in Woodstock contribute proportionately toward the delivery of the Airport Mobility Hub.

The total estimate has been divided by the number of dwellings proposed at each site as follows:

- PR8 – 2,730 (1,950 dwellings and the equivalent of an additional 780 dwellings based on the peak hour trip generation from the proposed expansion to Begbroke Science Park)
- PR9 – 556 (540 dwellings with the equivalent of an additional 16 dwellings based on the peak hour trip generation from the proposed care home)
- PR7a – 466
- PR7b – 120
- PR6a – 800
- PR6b – 670
- Land East of Hill Rise, Woodstock – 180
- Land North of Banbury Road, Woodstock - 235

Total = equivalent of 5,757 dwellings including additional proposed uses.

$21,610,829/5,757 = £3,753.84$ per dwelling

$3,753.94 * 556 = £2,087,132$ index linked to June 2022 using Baxter index.

£3,246,749 – A44 Highway Works Package – Bladon to Begbroke Hill index linked to June 2022 using Baxter index

Towards:

Bus priority measures on, and connecting with, the A44 and mobility hub as identified in Local Plan Partial Review Policy PR4a and Appendix 4.

Segregated pedestrian and cycle infrastructure alongside the A44 between the Bladon Roundabout junction and Begbroke Hill junction.

Justification:

As above.

Calculation:

The Highway Authority has commissioned a cost estimate for the A44 corridor works as set out in the North of Oxford Corridor Strategy. The total cost estimate to deliver the bus priority measures and pedestrian and cycle facilities between the proposed Mobility Hub at Bladon Roundabout and the Begbroke Hill signalised junction is £21,611,904.56 (at June 2022 prices), inclusive of works to the Bladon Roundabout and Langford Lane junction.

These works are required in order to accommodate the proposed developments in this area by enhancing the sustainable transport offer in the area and enabling the modal shift to sustainable transport required.

The A44 corridor works are most directly related and relevant to the PR8 (1,950 dwellings and the equivalent of an additional 780 dwellings based on the trips from the proposed expansion to Begbroke Science Park) and PR9 (540 dwellings with the equivalent of an additional 16 dwellings based on the trip generation from the proposed care home) sites as well as two WODC allocated sites in Woodstock: Land East of Hill Rise (180 dwellings) and Land North of Banbury Road (235 dwellings).

It is considered fair that the cost for delivery of this necessary infrastructure be met proportionately from these developments, the equivalent of 3,701 dwellings once additional uses is taken into account.

$\text{£}21,611,904.56 / 3701 = \text{£}5,839.48$ per dwelling. The contribution sought from the PR9 development is therefore $\text{£}5,839.48 * 556 = \text{£}3,246,749$ (index linked to June 2022 using Baxter index).

£2,704,134 A44 Highway Works Package – Cassington Road to Pear Tree Index linked to January 2023 using Baxter Index

Towards:

Bus priority measures and segregated pedestrian and cycle infrastructure along the A44 between Cassington Road and Pear Tree interchange.

Justification: As above

Calculation:

Oxfordshire County Council is currently implementing a scheme for bus priority and enhanced pedestrian and cycle facilities on the A44 between Cassington Road and Pear Tree interchange. The purpose of this scheme is to allow for the delivery of allocated housing sites along the A44 corridor. The scheme is being forward funded using Growth Deal funding. Oxfordshire County Council has a policy to claw back and recycle Growth Deal funding wherever possible.

The latest cost for the scheme, which is currently in progress, is £18,000,000.

This figure has been divided amongst the PR8, PR9 and allocated Woodstock sites as set out above (taking account of additional uses on each site).

The proportionate contribution sought from the PR9 development is therefore **£2,704,134** index linked to January 2023 using Baxter index.

£798,525 Public Transport Service Contribution indexed from October 2021 using RPI-x

Towards:

New and enhanced public transport services to the site

Justification:

Paragraph 3.18 of the Transport Assessment acknowledges that the County Council has identified potential public transport improvements on the A44 corridor, including a Mobility Hub in the vicinity of Oxford Airport and enhanced bus services. These will complement proposed bus priority measures which will promote sustainable travel on the corridor and reduce the impact of development on the road network.

The proposals consist of:

- improvement of the existing bus service between Woodstock and Oxford city centre to four buses per hour; and
- a new route between the PR8 development site, Yarnton, Oxford Parkway and Oxford city centre or the Eastern Arc operating at up to two buses per hour.

Combined, these services will provide attractive journey options to Oxford, Oxford Parkway station and Woodstock, as well as facilitating the delivery of a Mobility Hub site in the vicinity of Oxford Airport.

Policy PR4a of the Local Plan Partial Review states that:

The strategic developments provided for under Policies PR6 to PR9 will be expected to provide proportionate financial contributions directly related to the development in order to secure necessary improvements to, and mitigations for, the highway network and to deliver necessary improvements to infrastructure and services for public transport. Where necessary, the provision of land will be required to support the implementation

of relevant schemes set out in the Local Transport Plan 4 (including the Oxford Transport Strategy), the A44/A4260 Corridor Study and Local Plan Partial Review Transport Mitigation Assessment.

Paragraph 110 of the NPPF states that developments should be located and designed where practical to give priority to pedestrian and cycle movements and have access to high quality public transport facilities.

Connecting Oxfordshire: Oxfordshire County Council's Fourth Local Transport Plan 2015-2031 (LTP4) [adopted in September 2015] includes the following policies:

Policy 3

Oxfordshire County Council will support measures and innovation that make more efficient use of transport network capacity by reducing the proportion of single occupancy car journeys and encouraging a greater proportion of journeys to be made on foot, by bicycle, and/or by public transport.

Policy 17

Oxfordshire County Council will seek to ensure through cooperation with the districts and city councils, that the location of development makes the best use of existing and planned infrastructure, provides new or improved infrastructure and reduces the need to travel and supports walking, cycling and public transport.

Policy 34

Oxfordshire County Council requires the layout and design of new developments to proactively encourage walking and cycling, especially for local trips, and allow developments to be served by frequent, reliable and efficient public transport. To do this, we will:

- secure transport improvements to mitigate the cumulative adverse transport impacts from new developments in the locality and/or wider area, through effective travel plans, financial contributions from developers or direct works carried out by developers;*
- identify the requirement for passenger transport services to serve the development, seek developer funding for these to be provided until they become commercially viable and provide standing advice for developers on the level of Section 106 contributions towards public transport expected for different locations and scales of development.*

The bus service contribution is therefore essential to adhere to the principle of 'presumption in favour of sustainable development' at the heart of the National Planning Policy Framework and is a requirement under policy BIC 12 of the Cherwell Local Plan.

Calculation:

The upgrade requires an additional six vehicles to deliver. The County Council uses a declining subsidy model to calculate the costs of such services, which is equivalent to £787,500 per vehicle (£175,000 in the first year, then declining at a linear rate to zero). The total cost of providing these services is therefore £4.725 million (at October 2021 prices).

These costs are to be apportioned between development sites PR8 and PR9. In total the two developments are expected to deliver 2,490 dwellings plus a significant expansion of the Begbroke Science Park on the PR8 site, of which 540 dwellings and a care home are proposed on the PR9 site at Yarnton.

Factoring in the impact of both the Begbroke Science Park expansion (in terms of peak hour traffic generation, the equivalent of 780 additional dwellings on the PR8 site) and the Care Home (in terms of peak hour traffic generation the equivalent of 16 additional dwellings on the PR9 site), the PR9 site represents 16.9% of the total development quantum across the two sites, this is equivalent to a public transport service contribution from this application of £798,525 (16.9% of £4,725,000).

£28,068 Public Transport Infrastructure Contribution indexed from March 2022 using Baxter Index

Towards:

3 x RTI displays at bus stops serving the site.

- At a new southbound bus stop on Rutten Lane
- At the pair of new stops on the A44 at the site access.

Justification:

The provision of suitable bus stop infrastructure is required in order to meet the policy requirements set out under the justification statement for the 'Public Transport Service Contribution' set out above.

Calculation:

The figure is directly related to the infrastructure and maintenance costs for the provision of 3 x RTI displays at a cost of £9,356 per unit (inclusive of maintenance). As such it is fairly and reasonably related in scale and kind to the development.

£6,640 Traffic Regulation Order Contribution indexed from March 2022 using RPI-x

Towards:

Consultation on and the implementation of:

- A 40mph speed restriction for the A44
- A Controlled Parking Zone for the development site, once the on-site streets are adopted

Justification:

The TRO fees are directly related to the implementation of the development.

The new site access arrangements incorporate pedestrian and cycle crossings over the A44, while there is a need to encourage the use of more sustainable modes of transport. In the interest of both highway safety and of providing a more attractive walking and cycling environment, it is considered necessary to reduce the current

speed restriction on the A44 to 40mph. This requirement is set out in Appendix 4 of the Cherwell Local Plan Partial Review.

The county council's strategy for managing car parking across all of the PR sites is for the sites to implement Controlled Parking Zones from the start. This is required in order to both manage on-street parking demand, avoid inappropriate parking, and also to ensure that the development site does not become an informal 'park and ride' given the site's proximity to what will become a direct and frequent bus service into the city. A Traffic Regulation Order is required in order to implement a Controlled Parking Zone, once the on-site roads and streets are adopted by the Highway Authority.

Calculation:

The contribution is calculated on a standard charge which applies for administrative costs for TROs throughout Oxfordshire. This charge also includes the costs for public consultation required for the proposed TRO.

The County Council's costs for new or amended TROs is £3,320 for each instance.

The County Council considers that its TRO fee is fairly and reasonably related in scale and kind to the development.

£250,000 Public Rights of Way Contribution indexed from March 2022 using Baxter Index

Towards:

Improvements to existing PRoW in the vicinity of the site to enable improved access for future residents and to fund the negotiation and construction of new footpath and bridleway links

1. Introduction

This note has been produced in order to aid any consideration of the s106 Planning Obligation in relation to public rights of way in light of the requirements of Community Infrastructure Levy Regulation 122. It should be considered alongside the OCC Countryside Access Strategy response to the application.

2. Background

Oxfordshire County Council (OCC) manages the legal record and access functions on the public rights of way and access land network. In addition to the statutory functions of recording, protecting and maintaining public rights of way, part of the authority's role includes securing mitigation measures from residential and commercial developments that will have an impact on the public rights of way and access land network in order to make those developments acceptable. The proposed measures also meet the aims

and outcomes of the adopted Oxfordshire Rights of Way Management Plan 2015-2025

(www.oxfordshire.gov.uk/rowip). This note applies to the £250,000 index-linked s106 contribution requested in relation to the application for Rutten Lane, Yarnton, ref 21-03522-OUT

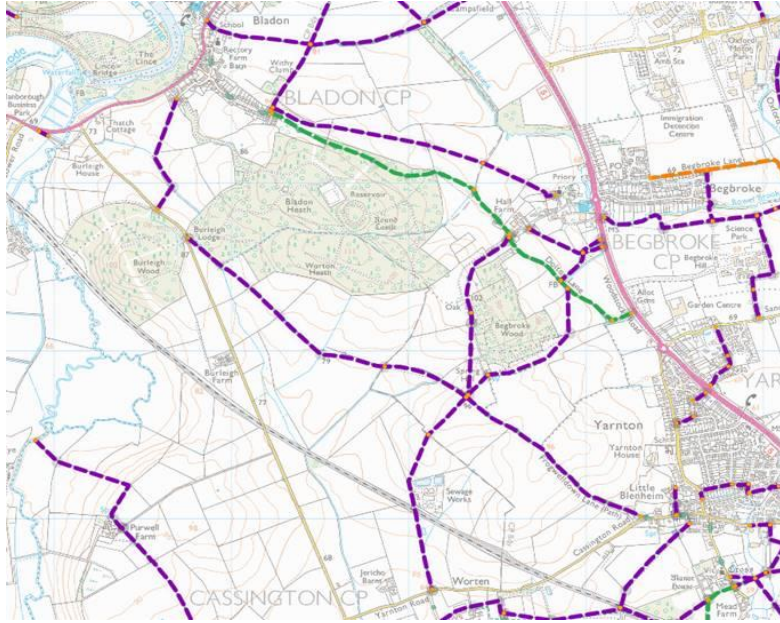
3. Meeting the statutory tests in Community Infrastructure Levy Regulation 122:

(a) necessary to make the proposed development acceptable in planning terms;

There is expected to be an increase in numbers of residents and visitors using the rights of way network around the site – simply due to the size of the development in a rural environment. These uses will create more use pressures on the rights of way network. In addition the roads network is expected to see a significant increase in traffic volumes and speed for service traffic as well as residential, commercial and visitors-especially during special events. OCC is proposing a range of mitigation measures that will help address the impact of this traffic on users through the improvement of traffic-free routes and safer road crossings and facilities. It is acknowledged that the development at Rutten Lane makes some provision for onsite and offsite greenspace and active travel - and this is welcomed. It is however, considered necessary to extend mitigation measures outside of the site to provide better connectivity and useability for more people, especially equestrians

(b) directly related to the development;

The site has had a desk assessment to both assess the current situation and look at how public use could be protected and enhanced. With the development site at the centre, the logical and realistic public rights of way network likely to be affected is considered along with the range of measures needed to provide mitigation against the impacts of the development. In this case it is the size and location of the development, access to the surrounding countryside and key access roads serving the development that are the key drivers. The rights of way in the vicinity of the site considered to be affected by the development are shown on the attached map extract. :



c) fairly and reasonably related in scale and kind to the development

The proposed measures are based on the desk assessment of likely costs for the measures. They are not based on a standard formula or any other kind of per dwelling or per m2 tariff system. The proposed off-site measures are in the form of a reasonable financial contribution to allow the Countryside Access Strategy to plan and deliver improvements with third party landowners in a reasonable time period and under the Rights of Way Management Plan aims. The contribution would be index-linked and subject to a 10-year longstop.

The contribution would be spent on improvements to the public rights of way in the vicinity of the development – in the ‘impact’ area up to 3km from the site. Primarily this is to improve the surfaces of all routes to take account of the likely increase in use by residents of the development as well as new or replacement structures like gates, bridges and seating, sub-surfacing and drainage to enable easier access, improved signing and protection measures such as anti-motorcycle barriers. New short links between existing rights of way would also be included. This request assumes the public footpath will be made cyclable up to Burleigh Road and that all onsite PRoW will have proposed spec for upgrade submitted as part of Reserved Matters.

The key works anticipated are*

- Improvement on the continuation of Dolton lane bridleway to the north west 50%
- Negotiation and construction of a bridleway link between the two bridleways to the west side of Bladon Heath 30%
- Priory path to Bladon 10%
- Paths to the west and south of the site as covered by above map 10%

Estimated contribution breakdown*

Site and habitat surveys & assessments 5%
Landowner negotiations and agreement payments 5-10%
Outline/high-level design allowance 5%
Admin processes e.g. consultation, project management <5%
Legal processes e.g. temporary works closures, creation agreements and contracts 5%
Detailed design/ Walk&Talk/ Early Contractor Involvement 5%
Materials, plant & equipment, works to provide 2.5m/3m wide 'Flexipave' shared use route 60%+
Contingency/Risk and Ongoing cycle route quality standard retention 10-20%

*All allocations are estimates. Any contribution would be aggregated across routes and activities and a longstop of 10 years will be requested.

£6,684 Travel Plan Monitoring Fee indexed from December 2021 using RPI-x

Justification:

The travel plan aims to encourage and promote more sustainable modes of transport with the objective of reducing dependence upon private motor car travel and so reducing the environmental impact and traffic congestion. A travel plan is required to make this development acceptable in planning terms.

A travel plan is a 'dynamic' document tailored to the needs of businesses and requires an iterative method of re-evaluation and amendment. The county council needs to carry out biennial monitoring over five years of the life of a Travel Plan which includes the following activities:

- review survey data produced by the developer
- compare it to the progress against the targets in the approved travel plan and census or national travel survey data sets
- agree any changes in an updated actions or future targets in an updated travel plan.

Government guidance, 'Good Practice Guidance: Delivering Travel Plans through the Planning Process' states that: 'Monitoring and review are essential to ensure travel plan objectives are being achieved. Monitoring for individual sites should ensure that there is compliance with the plan, assess the effectiveness of the measures and provide opportunity for review.... Monitoring must be done over time – it requires action and resources.'

In accordance with this Guidance, it is the view of the county council that without monitoring the travel plan is likely to be ineffective. Therefore, monitoring of the travel plan is required to make the development acceptable in planning terms.

The government's Good Practice Guidance has been archived but has not been superseded with any other guidance on the practicalities of implementing travel plans.

The county council's own published guidance: Transport for new developments; Transport Assessments and Travel Plans, also includes the requirement for monitoring.

Further, the Good Practice Guidance states that 'local authorities should consider charging for the monitoring process and publish any agreed fee scales'.

Section 93 of the Local Government Act 2003 gives the power to local authorities to charge for discretionary services. These are services that an authority has the power, but not a duty, to provide. The Travel Plan Monitoring fee is set to cover the estimated cost of carrying out the above activities and is published in the county council's guidance: 'Transport for new developments; Transport Assessments and Travel Plans'.

As with most non-statutory activities, councils seek to cover their costs as far as possible by way of fees. This is particularly required in the current climate of restricted budgets. Without the fees the council could not provide the resource to carry out the activity, as it is not possible to absorb the work into the general statutory workload. In the case of travel plan monitoring, the work is carried out by a small, dedicated Travel Plans team.

The travel plan monitoring fee is therefore required to make the development acceptable in planning terms, because it enables the monitoring to take place which is necessary to deliver an effective travel plan.

Calculation:

The fee charged is for the work required by Oxfordshire County Council to monitor a travel plan related solely to this development site. They are based on an estimate of the officer time required to carry out the following activities:

- review the survey data produced by the developer
- compare it to the progress against the targets in the approved travel plan and census or national travel survey data sets
- agree any changes in an updated actions or future targets in an updated travel plan.

Oxfordshire County Council guidance – ***Transport for new developments: Transport Assessments and Travel Plans*** sets out two levels of fees according to the size of the development. This development falls into the smaller category.

The figure for each travel plan is based on three monitoring and feedback stages (to be undertaken at years 1, 3 & 5 following first occupation), and assumes officer time at an hourly rate. Please note that this is considered a fair rate, set to include staff salary and overheads alone.

The fee is required to cover the monitoring requirements of the Framework Travel Plan (£2,563), Residential Travel Plan (£2,563) and Care Home Travel Plan (£1,558).

S278 Highway Works:

An obligation to enter into a S278 Agreement will be required to secure mitigation and improvement works, including:

- Signalised site access junction incorporating pedestrian and cycle crossing facilities onto A44 at Begbroke Hill, as indicated in Drawing No: 162751-B01 Rev E
- Site access junction onto Rutten Lane, incorporating relocated medical centre access junction, details to be agreed with Highway Authority
- Segregated pedestrian and cycle infrastructure along A44, including crossings over the A44 at agreed locations, safe and attractive pedestrian waiting areas at crossing locations, and a parallel crossing over the Rutten Lane arm of the A44 / Rutten Lane roundabout junction, between the site access junction with Begbroke Hill and the A44 / Cassington Road roundabout junction, detailed layout plan required.
- A traffic calming / gateway feature on Rutten Lane, to the north of the Rutten Lane site access junction, as indicated in Drawing No: 162751A/PD01 Rev B
- A southbound bus stop on Rutten Lane near to the site access junction including:
 - an RTPI compatible 3-bay shelter with power for RTPI display and suitable in-shelter lighting
 - a pole/flag/timetable case to OCC Premium Route specification, and
 - appropriate crossing facilities.

As indicated in Drawing No: 162751-C01-AT01

- A pair of bus stops just north of the Begbroke Hill / northern site access junction on the A44, including:
 - 2 x RTPI compatible 3-bay shelters with power for RTPI displays and suitable in-shelter lighting
 - a pole/flag/timetable case to OCC Premium Route specification, and
 - secure cycle parking stands,As indicated in Drawing No: 162751-B01 Rev E
- Speed restriction to 40mph on A44 from Spring Hill Road to Cassington Road
- Signalised pedestrian and cycle crossing of Godstow Road near to the Wolvercote roundabout, details and location to be agreed with Highway Authority.

Notes:

This is to be secured by means of S106 restriction not to implement development (or occasionally other trigger point) until S278 agreement has been entered into.

The trigger by which time S278 works are to be completed shall also be included in the S106 agreement.

Identification of areas required to be dedicated as public highway and agreement of all relevant landowners will be necessary in order to enter into the S278 agreements.

S278 agreements include certain payments, including commuted sums, that apply to all S278 agreements however the S278 agreement may also include an additional payment(s) relating to specific works.

Planning Conditions:

In the event that permission is to be given, the following planning conditions should be attached:

Construction Traffic Management Plan

A Construction Traffic Management Plan shall be submitted to the Local Planning Authority and agreed prior to commencement of works. This shall identify;

- The routing of construction vehicles and management of their movement into and out of the site by a qualified and certificated banksman,
- Details of times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours,
- Access arrangements and times of movement of construction vehicles (to minimise the impact on the surrounding highway network),
- Details of wheel cleaning / wash facilities to prevent mud, etc from migrating on to the adjacent highway,
- Contact details for the Site Supervisor responsible for on-site works,
- Parking and Travel initiatives for site related worker vehicles,
- Engagement with local residents and neighbours.

Framework Travel Plan

Prior to first occupation an updated Framework Travel Plan shall be submitted to and approved by the Local Planning Authority.

Residential Travel Plan

Within three months of first occupation a Travel Plan for the residential dwellings shall be submitted to and approved by the Local Planning Authority.

Care Home Travel Plan

Within three months of first occupation of the care home a Travel Plan for the care home shall be submitted to and approved by the Local Planning Authority.

On-street Parking

Prior to use or occupation, the developer shall submit details of the implementation of a Residents Parking Zone to the Local Planning Authority for agreement and thereafter implement, maintain and enforce the parking controls until such time as the roads are adopted by the local highway authority.

Highway works

Prior to implementation of the development, detailed layout plans for the off-site highway works to be provided for by the applicant shall be submitted to and approved in writing by the Local Planning Authority. This shall include;

- segregated pedestrian and cycle facilities along the western side of the A44 between the Begbroke Hill and Cassington Road junction,

- safe and attractive crossing facilities of the A44 including waiting areas at agreed locations,
- a parallel crossing of the Rutten Lane arm of the A44 / Rutten Lane roundabout junction,
- a pair of bus stops just north of the A44 / Begbroke Hill junction including agreed bus stop infrastructure and cycle parking,
- site access junction works,
- a traffic calming buildout gateway feature on Rutten Lane from the A44 approach,
- a pair of bus stops on Rutten Lane in proximity to the Rutten Lane site access junction, including informal crossing.
- A phasing plan for the delivery of the off-site highway works which shall be agreed with the Local Planning Authority

The approved scheme of highway works shall then be implemented in accordance with the approved plans and phasing strategy.

Officer's Name: Tim Peart

Officer's Title: Senior Transport Planner

Date: 20 February 2023

Application no: 21/03522/OUT

Location: Os Parcel 3673 Adjoining And West Of 161, Rutten Lane, Yarnton, OX5 1LT, Cross Parish Boundary Application: Begbroke and Yarnton Parish Councils

Lead Local Flood Authority

Recommendation:

No objection subject to conditions

Detailed comments:

Conditions for Surface Water Drainage:

The following information is required by the LLFA to enable a full technical assessment of the sustainable surface water drainage strategy:

1. The SuDS hierarchy for discharging surface water drainage should be followed and demonstrated with design plans, details and calculations, all to be cross-referenced;
2. Design calculations 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;
3. The undertaking of permeability tests to BRE 365 to determine the soakage potential for SuDS of the proposed development;
4. Should infiltration be found unfeasible for SuDS purposes, surface water from the site should be attenuated and discharged to Greenfield run-off rates (Qbar);
5. For open SuDS features a freeboard or 300mm should be provided above the maximum water level for the critical storm event of 1 in 100 year + 40%cc;
6. A 10% allowance for Urban Creep for all residential developments should be provided;
7. Details of the future maintenance and management of all SuDS features;
8. 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 to indicate that all surface water falls away from buildings and that exceedance flows are contained within the site boundary.
9. Measures to mitigate the risk of surface water run-off polluting waters.

Condition for Surface Water Management Scheme (Phases):

Prior to the approval of any related reserved matters, a detailed Surface Water Management Scheme for each phase or sub-phase of development, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be in accordance with the details approved as part of the strategic scheme (Strategic Surface Water Management Scheme) and include all supporting information as listed in the

Condition. The scheme shall be implemented in accordance with the approved details and timetable.

Reason:

To ensure development does not increase the risk of flooding elsewhere; in accordance with Paragraph 155 of the National Planning Policy Framework (NPPF) and Local and National Standards.

Conditions for SuDS As Built and Maintenance Details:

Prior to first occupation, a record of the installed SuDS and site wide drainage scheme shall be submitted to and approved in writing by the Local Planning Authority for deposit with the Lead Local Flood Authority Asset Register. The details shall include:

1. As built plans in both .pdf and .shp file format;
2. Photographs to document each key stage of the drainage system when installed on site;
3. Photographs to document the completed installation of the drainage structures on site;
4. The name and contact details of any appointed management company information.

Officer's Name: Nagina Bawar

Officer's Title: Senior LLFA Engineer

Date: 31/01/2023

Application no: 21/03522/OUT

Location: Os Parcel 3673 Adjoining And West Of 161, Rutten Lane, Yarnton, OX5 1LT, Cross Parish Boundary Application: Begbroke and Yarnton Parish Councils

Education Schedule

No objection subject to:

- **S106 Contributions** as summarised in the tables below and justified in this Schedule.

Contribution	Amount £	Price base	Index	Towards (details)
Primary education	£3,662,000	327	BCIS All-In TPI	Primary education capacity serving the development
Secondary education	£3,773,812	327	BCIS All-In TPI	Secondary education capacity serving the development
Secondary land contribution	£332,890	Nov-20	RPIX	Contribution towards secondary land purchase
Special education	£367,938	327	BCIS All-In TPI	Special school education capacity serving the development
Total	£8,136,640	327	BCIS All-In TPI	

Contribution	Amount ha	Towards (details)
Land for primary school expansion, contiguous with the existing school site	1.8ha	Expansion of William Fletcher Primary School.

S106 obligations and their compliance with Regulation 122(2) Community Infrastructure Levy Regulations 2010 (as amended):

£3,662,000 Primary School Contribution indexed from TPI = 327

Justification:

The proposed development is estimated to generate 159 primary school pupils.

William Fletcher Primary School serves this area, and has a current capacity of 315 primary school places, and in the 2022/23 school year has 261 pupils on roll, leaving 54 spare places. It therefore cannot accommodate the growth in the local pupil population that would be generated by this development.

An options appraisal has been undertaken into expanding the school from a capacity of 315 to a capacity of 420 places, an increase of 105 places. This, in addition to the 54 currently spare places, would accommodate generation of an additional 159 pupils, in line with the expected pupil generation from this development.

This development is therefore required to fully fund the expansion of William Fletcher Primary School, which is currently estimated to cost £3,564,000, plus £98,000 for providing a hard-surfaced playground, which in earlier discussions had been planned to be directly delivered by the developer within the detached playing field area being provided (as below). The total cost of expansion is therefore now estimated at £3,662,000.

In addition, the development is required to provide sufficient land area for the school to expand. The additional school accommodation would be built on the current school site, and new playing fields would need to be provided by the applicant. These fields need to be suitable for use both for sports lessons and also informal playtime use, and therefore need to be secure and capable of being supervised during playtimes. The proposed land is on the other side of the access road to the car home, and therefore a safe crossing point will also need to be provided.

Further details of the land and access requirements are provided in the Property section of this response.

£3,773,812 Secondary School Contribution indexed from TPI = 327

Justification:

All the CDC Local Plan Partial Review (PR) sites are required to contribute in a proportionate manner towards the additional secondary education capacity required.

To address the complexity of planning secondary school provision equitably across all the PR sites, the approach taken is that credit for any existing surplus places in the

Woodstock-Begbroke-Kidlington area should be distributed across the PR sites in proportion to the number of dwellings allocated in the Local Plan. When the individual planning applications are assessed, the site's share of the surplus places will not be subject to secondary education contributions. A per-pupil cost rate will be applied to the remaining pupil generation. This cost will be based on the cost of building a new school in Begbroke of the scale needed to meet expected population growth, currently calculated to be 900-places.

The scale of surplus capacity has been assessed as a total of 200 places.

The 540 dwellings proposed at this site represent 12% of the total Local Plan PR sites. This site therefore benefits from 12% of the surplus places, i.e. 24 places.

The estimated gross secondary pupil generation from the current application is 130. Deducting the 24 surplus places, the estimated net secondary pupil generation from the current application is 106.

The net pupil generation is charged at the per pupil cost of building a 900-place school on the Begbroke site, which is £35,602 excluding land (at BCIS TPI=327).

Calculation:

Number of secondary pupils expected to be generated net of share of surplus places	106
Estimated per pupil cost of building a new 900 place secondary school	£35,602
Pupils * cost =	£ 3,773,812

£332,890 Secondary School Land Contribution (RPIX Nov-20)

Justification:

A contribution is also required towards secondary school site acquisition land costs, proportionate to Local Plan allocated dwelling numbers.

Calculation:

The required site area for a 900-place secondary school is 6.77ha. Based on an educational land value of £409,761/ha @ TPI=327 this gives a total cost of £2,774,082.

This application accounts for 12% of the total PR allocation of 4,400 dwellings

It should therefore contribute 12% of the land value, which is £332,890.

£367,938 Special School Contribution indexed from TPI = 327

Justification:

Government guidance is that local authorities should secure developer contributions for expansion to special education provision commensurate with the need arising from the development.

Approximately half of pupils with Education Needs & Disabilities (SEND) are educated in mainstream schools, in some cases supported by specialist resource bases, and approximately half attend special schools, some of which are run by the local authority and some of which are independent. Based on current pupil data, approximately 0.9% of primary pupils attend special school, 2.1% of secondary pupils and 1.5% of sixth form pupils. These percentages are deducted from the mainstream pupil contributions referred to above and generate the number of pupils expected to require education at a special school.

The county council's Special Educational Needs & Disability Sufficiency of Places Strategy is available at <https://www.oxfordshire.gov.uk/residents/schools/our-work-schools/planning-enough-school-places> and sets out how Oxfordshire already needs more special school places. This is being achieved through a mixture of new schools and expansions of existing schools.

The proposed development is expected to further increase demand for places at SEN schools in the area, and a contribution towards expansion of SEN school capacity is therefore sought based on the percentage of the pupil generation who would be expected to require places at a special school, based on pupil census data. (This amount of pupils has been deducted from the primary and secondary pupil generation quoted above.)

Calculation:

Number of pupils requiring education at a special school expected to be generated	4.1
Estimated per pupil cost of special school expansion	£89,741
Pupils * cost =	£ 367,938

Justification:

The above contributions are based on 50% affordable housing and a unit mix of:

78 x 1 bed dwellings
164 x 2 bed dwellings
215 x 3 bed dwellings
83 x 4 bed dwellings

It is noted that the application is outline and therefore the above level of contributions would be subject to amendment, should the final unit mix result in an increase in pupil generation.

Officer's Name: Barbara Chillman

Officer's Title: Pupil Place Planning Manager

Date: 03 February 2023

Application no: 21/03522/OUT

Location: Os Parcel 3673 Adjoining And West Of 161, Rutten Lane, Yarnton, OX5 1LT, Cross Parish Boundary Application: Begbroke and Yarnton Parish Councils

Property - School

No objection subject to:

- **Approx 1.8 ha of land, fenced, remediated and made suitable for sports pitches (1.25 ha) and informal play for use by William Fletcher Primary School.**
- **Suitable secure access to be provided from the current William Fletcher Primary School site to the new fields at no cost to OCC.**
- **Land as set out above to be transferred freehold to OCC at nil cost.**

School sites must meet the County Council requirements. A copy of standard school requirements is kept at <http://landlord.oxfordshire.gov.uk/cms/content/s106>

Please also see our Guide to Developer Contributions kept at: <https://www.oxfordshire.gov.uk/residents/roads-and-transport/transport-policies-and-plans/transport-new-developments/developer-contributions>

Land for Playing Field Use

The land to be provided will be used for playing fields by William Fletcher Primary School and the allocation of the land will enable the school to expand to 2FE through additional school buildings on the current site.

Strip of land between the Primary School and the Additional Land

The County Council has been working with the Applicant and Sanctuary Care Home to address the issues caused by the fact that the primary school and the additional land being provided are not adjoining but instead separated by an existing vehicle access to the Sanctuary Care Home which is owned by Sanctuary Care Home and outside of the application boundary.

Negotiations have been ongoing and agreement in principle has been reached with Sanctuary Care Home for the school to have pedestrian access across the existing vehicle access road to the new playing field land.

This agreement is to secure the right for William Fletcher Primary school to cross the existing private access road and enter the playing field land via an agreed marked crossing. Boundary fencing and entrance gates are to be installed to ensure the existing school site and new playing field are properly secured for pupil safeguarding and school operation purposes. This is to be provided at no cost to OCC.

A formal contract will need to be signed before reporting on this application to CDC Planning Committee and completion of a S106 agreement to ensure that suitable additional primary school capacity and access rights to the new playing field land to mitigate the development is secured in perpetuity.

Playing Field Construction.

- The playing field land will be approximately 1.8ha of which approximately 1.25 ha will be remediated, marked and made suitable for sport.
- The playing field shall be fully drained, in accordance with Sport England's Natural Turf for Sport Updated guidance for 2011 and the minimum standards for natural turf sports facilities and the specification for the construction of winter games facilities as defined within the SAPCA Code of Practice for the Design, Construction and Improvement of Natural Sports Turf.
- All topsoil shall comply with BS 3882:2015.
- Type 4: Pipe drained with sand grooves as described in Sport England Guidance Note Natural Turf for Sports, shall be the minimum requirement to the whole playing field, not just the pitch area and run off.
- The layout is to be agreed to enable movement of various pitch/pitches with a uniform fall of no more than 1:100 across the full playing field area to enable them to be moved to avoid wear and tear.
- No gradient shall be greater than 1:100 along the line of play or 1:50 across the line of play.
- 2.4m high secure weld mesh boundary fencing shall secure the playing pitches, vehicle access and pedestrian fencing.
- Ball catch netting will need to be provided to the goal ends of sports pitch - 2no. 4m high by 20m.

Provision of a Hard Games Court

To enable the expansion of the school and construction of additional education buildings on the existing school site, the hard games court will need to be replaced. The cost of replacement on the school site has been added to the Primary Contribution request.

Additional Car Parking

The expansion of the school by 0.5FE will require an additional 17 parking spaces and two disabled parking bays for school staff. The additional parking will be provided on the new playing field land and accessed from the new development, not via the Sanctuary Access Road.

Surface water and Stormwater

On-surface attenuation provision, that accounts for the outfall from the new playing field site, shall be provided outside the boundary of the new playing fields. This on-surface water storage shall form part of the overall surface water management infrastructure and shall fall under the responsibility of the Developer's appointed Management and Maintenance Company, to maintain in perpetuity.

No surface water shall be directed towards the existing school site or the new playing fields.

Delivery

The remediation and laying out of the playing field is to be carried out on commencement of the development and completed within 3 months to ensure the land is suitable for year-round play when required to be transferred to OCC for use by William Fletcher Primary School.

A proving layout detailing the site layout, levels, boundary treatment, off site drainage and pedestrian and vehicle access points etc. will form part of the S106 agreement and is subject to further design development with the Applicant.

Officer's Name: Deborah Wyatt

Officer's Title: Strategic Liaison Manager

Date: 3 February 2023

Application no: 21/03522/OUT

Location: Os Parcel 3673 Adjoining And West Of 161, Rutten Lane, Yarnton, OX5 1LT, Cross Parish Boundary Application: Begbroke and Yarnton Parish Councils

Archaeology

Recommendation:

A further staged programme of archaeological investigation will need to take place on the site, secured via a condition.

Conditions:

We would, therefore, recommend that, should planning permission be granted, the applicant should be responsible for ensuring the implementation of a staged programme of archaeological investigation to be maintained during the period of construction. This can be ensured through the attachment of a suitable negative condition along the lines of:

1. Prior to any demolition and the commencement of the development a professional archaeological organisation acceptable to the Local Planning Authority shall prepare an Archaeological Written Scheme of Investigation, relating to the application site area, which shall be submitted to and approved in writing by the Local Planning Authority.

Reason - To safeguard the recording of archaeological matters within the site in accordance with the NPPF (2021).

2. Following the approval of the Written Scheme of Investigation referred to in condition 1, and prior to any demolition on the site and the commencement of the development (other than in accordance with the agreed Written Scheme of Investigation), a staged programme of archaeological evaluation and mitigation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation. The programme of work shall include all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to the Local Planning Authority within two years of the completion of the archaeological fieldwork.

Reason – To safeguard the identification, recording, analysis and archiving of heritage assets before they are lost and to advance understanding of the heritage assets in their wider context through publication and dissemination of the evidence in accordance with the NPPF (2021).

Informatives:

Detailed comments:

An archaeological evaluation has been carried out on the site, which identified two phases of activity. There will need to be a further staged programme of archaeological investigation on the site, secured by a condition, to record any further features in areas identified to contain prehistoric pits in the evaluation.

Officer's Name: Victoria Green

Officer's Title: Planning Archaeologist

Date: 09/01/2023

Application no: 21/03522/OUT

Location: Os Parcel 3673 Adjoining And West Of 161, Rutten Lane, Yarnton, OX5 1LT, Cross Parish Boundary Application: Begbroke and Yarnton Parish Councils

Landscape / Green Infrastructure

Comments

The District Council Landscape Officer should be consulted on the application.

Officer's Name: Haidrun Breith

Officer's Title: Landscape Specialist

Date: 30/12/2022

Application no: 21/03522/OUT

Location: Os Parcel 3673 Adjoining And West Of 161, Rutten Lane, Yarnton, OX5 1LT, Cross Parish Boundary Application: Begbroke and Yarnton Parish Councils

Healthy Place Shaping

Comments

No objection.

The Health Impact Assessment has been amended to address previous comments and the development does not show adverse impacts on human health.

The following issue will need to be addressed in consultation with transport officers:

Delivery of safe, attractive spaces to wait at the A44 crossing (including for parents with pushchairs). This will be key to support connectivity to education and other community facilities. The scheme also needs to deliver routes identified in the Kidlington LCWIP in order to promote active travel.

Officer's Name: Rosie Rowe

Officer's Title: Head of Healthy Place Shaping

Date: 6 February 2023

Application no: 21/03522/OUT

Location: Os Parcel 3673 Adjoining And West Of 161, Rutten Lane, Yarnton, OX5 1LT, Cross Parish Boundary Application: Begbroke and Yarnton Parish Councils

Innovation Schedule

Recommendation:

No objection, subject to the following being dealt with at reserved matters.

The Innovation Hub (iHUB) are happy with the following matters to be dealt with at the reserved matters stage, as outlined in the Merton College Innovation Response from May 2022:

- Electric vehicle charging to be provided in line with Oxfordshire Electric Vehicle Infrastructure Strategy (OEVIS)
- Community Hub plot-specific provision, ensuring good levels of digital connectivity & suitable layout to support 5G provision
- Consideration of parking provision with future uses in mind, including potential for re-purposable parking spaces

Additional information was requested on the following matters and is provided below:

Provision of monitoring to assess changing requirements over time:

Specific transport monitoring equipment should be suitable for the location(s) in which it is being deployed; it is also something which is evolving rapidly, with new technologies becoming available; as such, we would suggest that this would also be dealt with at reserved matters stage. The following general potential options might be considered however:

- Radar-based technology (particularly suitable for longer stretches of road and can detect pedestrians and cyclists as well as vehicles)
- Lidar-based technology (particularly suitable for off-road locations to count cyclists and pedestrians)
- Object-recognition technology, which uses machine vision to identify different modes of transport to provide granular detail on modal split, incl. vehicle class, cycle, ped, scooter etc.
- Air quality sensors – these would be suitable to install at sensitive locations where air quality is of particular concern either due to high emissions and/or sensitive receptors (such as children, protected species etc)

Where Automatic Traffic Counters are installed, these should be those which provide live data. OCC uses Black Cat ATCs, and we would look for cycle count loops to be installed alongside traffic count loops.

In all cases, we would look for the sensors to be compatible with those used by OCC so they can be integrated into our systems.

Futureproofing measures:

The iHUB recommends identifying how the site will futureproof for the kinds of innovation likely to become mainstream in the next decade. We recommend that reference is made to the [Innovation Framework](#) – this is OCC’s adopted guidance on Innovation in development – which provides high level guidance on what futureproofing measures should be considered. Please refer to Figure 5, outlining trajectories for key innovations within mobility & transport, energy and digital & communications fields; please also refer to Table 1, outlining key futureproofing approaches for innovations set to become mainstream.

iHUB request that the above items are dealt with through development of an Innovation Plan, to be submitted at reserved matters. The Innovation Hub can also provide additional support in the process of developing the Innovation Plan upon request, at our external charge out rates.

Officer’s Name: Katie Parnell

Officer’s Title: Planning Policy Innovation Team Leader

Date: 03/02/2023

Application no: 21/03522/OUT

Location: Os Parcel 3673 Adjoining And West Of 161, Rutten Lane, Yarnton, OX5 1LT, Cross Parish Boundary Application: Begbroke and Yarnton Parish Councils

Waste Management

Recommendation:

No objection subject to S106 contributions

Legal agreement required to secure:

- S106 Contributions as summarised in the tables below and justified in this Schedule.

Contribution	Amount	P r i c e base	Index	Towards (details)
Household Waste Recycling Centres	£50,738.40	327	BCIS All-In TPI	Expansion and efficiency of Household Waste Recycling Centres (HWRC)

S106 obligations and their compliance with Regulation 122(2) Community Infrastructure Levy Regulations 2010 (as amended):

£50,738.40 Household Waste Recycling Centre Contribution indexed from Index Value 327 using BCIS All-in Tender Price Index

Towards:

The expansion and efficiency of Household Waste Recycling Centre (HWRC) capacity.

Justification:

10. Oxfordshire County Council, as a Waste Disposal Authority, is required under the Environmental Protection Act 1990 (Section 51) to arrange:

“for places to be provided at which persons resident in its area may deposit their household waste and for the disposal of waste so deposited”;

and that

“(a) each place is situated either within the area of the authority or so as to be reasonably accessible to persons resident in its area;

(b) each place is available for the deposit of waste at all reasonable times (including at least one period on the Saturday or following day of each week except a week in which the Saturday is 25th December or 1st January);

(c) each place is available for the deposit of waste free of charge by persons resident in the area;”.

11. Such places are known as Household Waste Recycling Centres (HWRCs) and Oxfordshire County Council provides seven HWRCs throughout the County. This network of sites is no longer fit for purpose and is over capacity.
12. Site capacity is assessed by comparing the number of visitors on site at any one time (as measured by traffic monitoring) to the available space. This analysis shows that all sites are currently ‘over capacity’ (meaning residents need to queue before they are able to deposit materials) at peak times, and many sites are nearing capacity during off peak times. The proposed development will provide 540 dwellings. If each household makes four trips per annum the development would impact on the already over capacity HWRCs by an additional 2,160 HWRC visits per year.
13. Congestion on site can reduce recycling as residents who have already queued to enter are less willing to take the time necessary to sort materials into the correct bin. Reduced recycling leads to higher costs and an adverse impact on the environment. As all sites are currently over capacity, population growth linked to new housing developments will increase the pressure on the sites.
14. The Waste Regulations (England and Wales) 2011 require that waste is dealt with according to the waste hierarchy. The County Council provides a large number of appropriate containers and storage areas at HWRCs to maximise the amount of waste reused or recycled that is delivered by local residents. However, to manage the waste appropriately this requires more space and infrastructure meaning the pressures of new developments are increasingly felt. Combined with the complex and varied nature of materials delivered to site it will become increasingly difficult over time to comply with the EU Waste Framework Directive 2008, enacted through the Waste Regulations (England and Wales) 2011 (as amended), maintain performance and a good level of service especially at busy and peak times.

Calculation:

Space at HWRC required per dwelling (m ²)	0.18	Current land available 41,000m ² , needs to increase by 28% to cope with current capacity issues. Space for reuse requires an additional 7%. Therefore, total land required for current dwellings (300,090) is 55,350 m ² , or 0.18m ² per dwelling
Infrastructure cost per m ²	£275	Kidlington build cost/m ² indexed to 327 BCIS

Land cost per m ²	£247	Senior Estates Surveyor valuation
Total land and infrastructure cost /m ²	£522	
Cost/dwelling	£93.96	
No of dwellings in the development	540	
Total contributions requested	£50,738.40	

Detailed comments:

Oxfordshire councils have ambitious targets to reduce the amount of waste generated and increase the amount recycled as demonstrated in our Joint Municipal Waste Management Strategy 2018-2023. Enabling residents of new dwellings to fully participate in district council waste and recycling collections is vital to allow Oxfordshire's high recycling rates to be maintained and reduce the amount of non-recyclable waste generated.

Given the pressing urgency of climate change and the need to embed the principles of the circular economy into all areas of our society, we encourage the applicant to consider including community spaces that help reduce waste and build community cohesion through assets such as community fridges, space for the sharing economy (library of things), refill stations, space for local food growing etc.

At the reserved matters application stage, we expect to see plans for how the developer will design the development in accordance with waste management policies in Cherwell District Council's waste planning guidance.

Bin storage areas must be able to accommodate the correct number of mixed recycling, refuse and food recycling bins; be safe and easy to use for residents and waste collection crews and meet the requirements of the waste collection authority.

The development will increase domestic waste arisings and the demand for all waste management services including Household Waste Recycling Centres (HWRCs).

Conditions:

N/A

Officer's Name: Mark Watson

Officer's Title: Waste Strategy Projects Officer

Date: 26 October 2021

District: Cherwell

Application No: 21/03522/OUT

Proposal: The erection of up to 540 dwellings (Class C3), up to 9,000sqm GEA of elderly/extra care residential floorspace (Class C2), a Community Home Work Hub (up to 200sqm)(Class E), alongside the creation of two locally equipped areas for play, one NEAP, up to 1.8 hectares of playing pitches and amenity space for the William Fletcher Primary School, two vehicular access points, green infrastructure, areas of public open space, two community woodland areas, a local nature reserve, footpaths, tree planting, restoration of historic hedgerow, and associated works.

Location: Os Parcel 3673 Adjoining And West Of 161, Rutten Lane, Yarnton, OX5 1LT, Cross Parish Boundary Application: Begbroke and Yarnton Parish Councils

LOCAL MEMBER VIEWS

Cllr: Ian Middleton

Division: Kidlington South

Comments:

I share the concerns raised by Thames Water and the local flood resilience group in the general response that this area is very prone to surface water flooding. Even though I accept the applicants are adding additional SUDS protection, I'm not convinced that enough attention is being paid to this very serious concern.

There have been numerous incidents of serious flooding in Yarnton with the majority of the surface water coming from Spring Hill. There are also concerns that the hill itself is a source of ground water (the clue is in the name) which is to some extent kept back at the moment by the site geology. This is likely to be disturbed during construction which will further exacerbate the problem.

The flood protection being proposed in the application may deal with the additional flooding that will be created by the development, but this remains to be seen. Like all such proposals, they do not take into account the full extent of future climate change but rather stick to the NPPF guidelines which I (and many others) believe are inadequate. I believe this development will make the situation very much worse, which will leave a legacy that existing residents in Yarnton will have to deal with in future years.

Thames Water have also expressed concerns that the current foul drainage system is not going to be capable of supporting the additional load that will be imposed by both the foul drainage requirements of the new houses and the additional strain of excess surface water. Already we have seen the foul drainage system in Yarnton being

overloaded by the additional flood waters creating a backflow and additional concerns about contaminated flood water invading homes.

The application seems to gloss over all these issues and appears to be taking a 'hope for the best' approach to these serious concerns. This is further evidenced by what I feel is an inadequate response to the local flood protection group who have made several attempts to engage with the landowners and their civil engineers.

On a recent site visit, which I attended, it seems apparent that the site promoters were woefully unaware of the extent of the flood risk and doubts that the current system of foul drainage will be able to cope with the additional strain. The application appears to assume that the new development will simply be connected to the existing infrastructure with no upgrades. Thames Water have made it clear in their response that this will be highly undesirable.

As the Lead Local Flood Authority OCC needs to take all these concerns very seriously and engage further with the Yarnton Flood Defence Group to ensure we are not storing up future trouble that the county council and the local residents will have to deal with.

Finally, I am also concerned that the access to the site from Rutten Lane is poorly designed and likely to cause incidents as it is so close to the main access to the lane from the A44. This has been raised numerous times by others and needs to be taken seriously.

Date: 30 December 2022

Appendix APP/3/H

Old Dairy, Camp Road, Upper Heyford Land Registry Title ON270058

The electronic official copy of the register follows this message.

Please note that this is the only official copy we will issue. We will not issue a paper official copy.

Applications are pending in HM Land Registry, which have not been completed against this title.



Official copy of register of title

Title number ON270058

Edition date 09.06.2021

- This official copy shows the entries on the register of title on 07 JUN 2022 at 11:45:44.
- This date must be quoted as the "search from date" in any official search application based on this copy.
- The date at the beginning of an entry is the date on which the entry was made in the register.
- Issued on 04 May 2023.
- Under s.67 of the Land Registration Act 2002, this copy is admissible in evidence to the same extent as the original.
- This title is dealt with by HM Land Registry, Gloucester Office.

A: Property Register

This register describes the land and estate comprised in the title.

OXFORDSHIRE : CHERWELL

- 1 The Freehold land shown edged with red on the plan of the above title filed at the Registry and being Old Dairy, Camp Road, Upper Heyford, Bicester (OX25 5LS).

NOTE: The land tinted green on the title plan is not included in the title.

- 2 (29.03.2007) The land tinted blue on the title plan has the benefit of the rights granted by but is subject to the rights reserved by a Deed of Gift of the land tinted blue and other land dated 20 March 2000 made between (1) Daphne Cynthia Bower Walker and (2) Daphne Cynthia Bower Walker and others.

NOTE: Copy filed under ON219642.

- 3 (29.03.2007) The Deed of Gift dated 20 March 2000 referred to above contains a provision as to light or air.

- 4 (29.03.2007) The land tinted pink on the title plan has the benefit of the rights granted by but is subject to the rights reserved by a Transfer of the land tinted pink and other land dated 24 May 2004 made between (1) Daphne Cynthia Bower Walker and (2) Daphne Cynthia Bower Walker and others.

NOTE: Copy filed under ON248205.

- 5 (29.03.2007) The Transfer dated 24 May 2004 referred to above contains a provision as to light or air together with a provision excluding the operation of Section 62 of the Law of Property Act 1925 as therein mentioned.

- 6 (29.03.2007) The land tinted blue on the title plan has the benefit of the rights reserved by but is subject to the rights granted by the Transfer dated 3 June 2004 referred to in the Charges Register.

- 7 (29.03.2007) The Transfer dated 3 June 2004 referred to above contains a provision excluding the operation of Section 62 of the Law of Property Act 1925 as therein mentioned.

- 8 (29.03.2007) The land tinted pink on the title plan has the benefit of

A: Property Register continued

the rights reserved by but is subject to the rights granted by a Transfer of land on the east side of the land tinted pink dated 28 November 2006 made between (1) Daphne Cynthia Bower Walker and others and (2) Kenneth Raymond Alan Holford and Stephanie Jane Holford.

NOTE: Copy filed under ON268788.

9 (29.03.2007) The Transfer dated 28 November 2006 referred to above contains a provision excluding the operation of Section 62 of the Law of Property Act 1925 as therein mentioned.

10 (18.03.2011) A new title plan based on the latest revision of the Ordnance Survey Map has been prepared.

11 (07.07.2014) The land has the benefit of the rights reserved by but is subject to the rights granted by a Transfer of the land lying to the south and east of Letchemere Farm dated 28 November 2006 made between (1) Daphne Cynthia Bower Walker and others and (2) Kenneth Raymond Alan Holford and Stephanie Jane Holford as trustees of the K Holford & Company Pension Scheme.

NOTE: Copy filed under ON268806.

12 (07.07.2014) The Transfer dated 28 November 2006 referred to above contains a provision excluding the operation of Section 62 of the Law of Property Act 1925 as therein mentioned.

13 (31.07.2017) The land has the benefit of any legal easements granted by a Deed dated 27 July 2017 made between (1) Simon Fletcher and Rebecca Helen Fletcher and (2) Upper Heyford GP Limited and Upper Heyford Nominee Limited.

NOTE: Copy filed.

B: Proprietorship Register

This register specifies the class of title and identifies the owner. It contains any entries that affect the right of disposal.

Title absolute

1 (29.03.2007) PROPRIETOR: SIMON FLETCHER and REBECCA HELEN FLETCHER of Old Dairy, Camp Road, Upper Heyford, Bicester, Oxfordshire OX25 5LS.

2 (29.03.2007) The price stated to have been paid on 21 February 2007 was £290,000.

3 (29.03.2007) The Transfer to the proprietor contains a covenant to observe and perform the covenants referred to in the Charges Register and of indemnity in respect thereof.

4 (23.12.2008) RESTRICTION: No disposition of the registered estate by the proprietor of the registered estate is to be registered without a written consent signed by the proprietor for the time being of the Charge dated 19 December 2008 in favour of Barclays Bank UK PLC referred to in the Charges Register.

5 (04.08.2009) RESTRICTION: No disposition of the registered estate by the proprietor of the registered estate is to be registered without a written consent signed by the proprietor for the time being of the Charge dated 31 July 2009 in favour of The Royal Bank of Scotland Plc referred to in the Charges Register or their conveyancer.

6 (30.01.2018) RESTRICTION: No disposition by a sole proprietor of the registered estate (except a trust corporation) under which capital money arises is to be registered unless authorised by an order of the court.

7 (07.10.2020) RESTRICTION: No disposition of the registered estate (other than a charge) by the proprietor of the registered estate or by the proprietor of any registered charge, not being a charge registered before the entry of this restriction, is to be registered without a certificate signed by J A Pye (Oxford) Limited (Co.Regn. No. 5919540)

B: Proprietorship Register continued

of Langford Locks, Kidlington, Oxfordshire OX5 1HZ or their conveyancer that the provisions of Clause 28.3 of a Promotion Agreement dated 30 September 2020 and made between (1) Simon Fletcher and Rebecca Fletcher and (2) J A Pye (Oxford) Limited have been complied with or that they do not apply to the disposition.

- 8 (09.06.2021) RESTRICTION: No disposition of the part of the registered estate shown edged blue on the title plan by the proprietor of the registered estate or by the proprietor of any registered charge, not being a charge registered before the entry of this restriction is to be completed by registration without a certificate signed by a conveyancer that the provisions of clause 11.1 of a deed dated 19 May 2021 made between (1) Simon Fletcher and Rebecca Fletcher and (2) Timothy Ashley Sparks and Renate Ashley Sparks have been complied with or that they do not apply to this disposition.
- 9 (09.06.2021) RESTRICTION: No disposition of the part of of the registered estate shown edged blue on the title plan by the proprietor of the registered estate or by the proprietor of any registered charge, not being a charge registered before the entry of this restriction is to be completed by registration without a certificate signed by a conveyancer that the provisions of clause 11.1 of a deed dated 19 May 2021 made between (1) Simon Fletcher and Rebecca Fletcher and (2) Timothy Ashley Sparks and Renate Ashley Sparks have been complied with or that they do not apply to this disposition.

C: Charges Register

This register contains any charges and other matters that affect the land.

- 1 (29.03.2007) A Transfer of land to the east of the land in this title dated 3 June 2004 made between (1) Daphne Cynthia Bower Walker and others and (2) Antony Butler and Jayne Butler contains Vendors' restrictive covenants.

NOTE: Copy filed under ON248146.

- 2 (29.03.2007) The land is subject to the following rights reserved by a Transfer of the land in this title dated 21 February 2007 made between Daphne Cynthia Bower Walker, Frances Rosemary Marsden and Andrew Neil Marsden (Transferors):-

'There is excepted and reserved unto the Transferor and its successors in title the owners occupiers of the land shown edged in blue on the annexed plan a right of way between points A and B, and C and D, subject to the owners and occupiers of such land contributing towards maintenance according to user'.

NOTE 1: The land edged blue referred to above has been tinted yellow on the title plan.

NOTE 2: Points A, B, C and D referred to above have been reproduced on the tile plan.

- 3 (23.12.2008) REGISTERED CHARGE dated 19 December 2008.
- 4 (09.04.2018) Proprietor: BARCLAYS BANK UK PLC (Co. Regn. No. 9740322) of P.O. Box 187, Leeds LS11 1AN.
- 5 (23.12.2008) The proprietor of the Charge dated 19 December 2008 referred to above is under an obligation to make further advances. These advances will have priority to the extent afforded by section 49(3) Land Registration Act 2002.
- 6 (04.08.2009) REGISTERED CHARGE dated 31 July 2009.
- 7 (26.07.2018) Proprietor: THE ROYAL BANK OF SCOTLAND PLC (Scot. Co. Regn. No. SC083026) of Credit Documentation, P.O. Box 339, Manchester M60 2AH.
- 8 (08.09.2014) UNILATERAL NOTICE in respect of an option agreement dated 4 September 2014 made between (1) Simon Fletcher and Rebecca Fletcher and (2) J A Pye (Oxford) Limited.

Title number ON270058

C: Charges Register continued

9 (08.09.2014) BENEFICIARY: J A Pye (Oxford) Limited (Co Regn No 591940)
of Langford Locks, Kidlington OX5 1HZ and care of GCL Solicitors LLP of
Alexandra House, Alexandrs Terrace, Guildford GU1 3DA.

End of register