*[Draft]* Statement of Common Ground

**OS Parcel 1570 Adjoining And West Of Chilgrove Drive And Adjoining And North Of, Camp Road, Heyford Park**

“Outline planning application for the erection of up to 230 dwellings, creation of new vehicular access from Camp Road and all associated works with all matters reserved apart from access.”

**Appellant:** Richborough Estates, Lone Star Land Ltd, K and S Holford, A and S Dean, NP Giles, A L C Broadberry

**Local Planning Authority:** Cherwell District Council

**Cherwell District Council Reference:** 21/04289/OUT

**Planning Inspectorate Reference:** TBC

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1. Introduction
   1. This Statement of Common Ground (SoCG) has been prepared on behalf of Richborough Estates, Lone Star Land Ltd, K and S Holford, A and S Dean, NP Giles, A L C Broadberry (hereinafter ‘the Appellant’) in relation to a planning appeal that has been lodged for development proposals at OS Parcel 1570 Adjoining and West Of Chilgrove Drive and Adjoining And North Of, Camp Road, Heyford Park (“the Appeal Site”).
   2. This Statement is submitted in draft. It is a written statement containing factual information about the proposal which the Appellant reasonably considers will not be disputed by Cherwell District Council (‘CDC’).
   3. This Statement sets out all matters which the Appellant considers to be agreed and not agreed between the Appellant and CDC.
   4. The Appellant’s intention is to submit an update to this SoCG as the Appellant is able to reach further agreement with CDC during the appeal process.
   5. The outline planning application was originally submitted on the 24th December 2021. The Description of Development was as follows:

*“Outline planning application for the erection of up to 230 dwellings, creation of new vehicular access from Camp Road and all associated works with all matters reserved apart from Access.”*

* 1. The application was reported to Planning Committee on the 9th March 2023, with an Officer recommendation of approval. Despite this, the application was refused at Planning Committee, with the Decision Notice being issued on the 31st March 2023.
  2. The Decision Notice outlined two Reasons for Refusal (RfR). These are set out in Section 4 of this Statement.
  3. This statement follows the Procedural Guide: Planning Appeals – England updated June 2023 and the appellant draft statement of common ground proforma.
  4. A final list of Core Documents will be agreed before the exchange of Proofs of Evidence.

1. The Appeal Site and Surrounding Area
   1. The Appeal Site is identified by the Location Plan which was submitted as part of the outline planning application (drawing reference: L01). In total, the Appeal Site extends to 11.68ha of vacant land on the eastern edge of Heyford Park, in Upper Heyford.
   2. The Appeal Site is surrounded on three sides by the boundary of Policy Villages 5 (Former RAF Upper Heyford) Site Allocation in the CDC Local Plan; and largely surrounded by the hybrid outline planning permission for Heyford Park (reference: 18/00825/HYBRID). The Policy Villages 5 allocation identifies the location as having potential for future development, specifically allocating 520ha of land for up to 1,600 dwellings, 120,000sqm of employment land, amongst other land uses, infrastructure and open spaces.
   3. Furthermore, the Appeal Site is identified as a part of a wider preferred residential site allocation in a draft of the Cherwell Local Plan 2040 (Regulation 18), which was reported within the January 2023 Executive Report. Paragraph 809 of the draft Cherwell Local Plan 2040 (Regulation 18) explains that the overarching strategy for the area as follows:

*“809. The overarching strategy for the Heyford Area recognises its potential for additional development in the longer-term to help achieve and improve its sustainability. This will include helping to improve the range of employment, community facilities and infrastructure and further enhance the sustainable transport and connectivity credentials of the area. It is recognised that any such development must be linked to the successful implementation of the approved masterplan (2022) and to the delivery of further transport investment to avoid unacceptable impacts on the highway network and to maximise the opportunity to use sustainable modes of travel.”*

* 1. The Appeal Site is located to the north of Camp Road, and to the west of Chilgrove Drive, and is irregularly shaped, comprising two separate fields divided by a hedgerow combined with a metal wire and post fence. On the boundaries of Camp Road and Chilgrove Drive are a mixture of trees and hedgerows.
  2. A watercourse is present on the Appeal Site, known as Leys Farm Ditch. This feature runs from north to south in the western section on the Appeal Site. A series of small ponds are also present in the north-western part of the Appeal Site.
  3. To the north, east and west, the Appeal Site is surrounded by sites either with extant planning permission or permissions pending formal determination as follows:
* To the north and west, the site is adjacent to an extant hybrid permission which secured permission in September 2022 (reference: 18/00825/HYBRID).
* To the west are two outstanding applications which have been resolved to be approved by CDC’s Planning Committee, subject to the completion of S106 Agreements (references: 15/01357/F and 21/03523/OUT)
* To the west is a further site which is pending determination (reference: 22/03063/F). This application site covers land under applications references 15/01357/F and 21/03523/OUT listed above.

**Constraints and Designations**

*Flood Risk*

* 1. The Appeal Site, in its entirety, is situated within Flood Zone 1, and is therefore at lowest risk of fluvial flooding.
  2. Parts of the Appeal Site at low, medium and high risk of surface water flooding, particularly around Leys Farm Ditch.

*Heritage Designations*

* 1. The Appeal Site is not subject to any heritage designations.
  2. However, the Appeal Site is within 1km of four Grade II Listed Buildings, alongside the RAF Upper Heyford Conservation Area and Scheduled Ancient Monument Cold War Structures, associated with the former Upper Heyford Airbase.

*Ecology and Landscape*

* 1. The Appeal Site is not subject to any ecological or landscape designations. The Appeal Site is close to existing known biodiversity on adjoining land.

*Public Rights of Way*

* 1. There are no existing Public Rights of Way (PRoW) which pass through, or immediately adjacent to the Appeal Site.
  2. A PRoW Bridleway (reference: 422/3/10) is situated to the south side of Camp Road, running southwards away from the Appeal Site.

**Summary**

* 1. The Appeal Site adjoins land already allocated for development and is part of land which CDC has identified as a preferred residential site allocation in a draft of the emerging Local Plan 2040.
  2. CDC has identified additional development at Heyford Park, including the Appeal Site, as being a sustainable location to provide approximately 1,235 dwellings, in addition to approximately 2,800 dwellings built and permitted on the existing site allocation.

1. Planning Application Plans and Documents
   1. The planning application was submitted in outline, with all matters reserved. The application was supported by a comprehensive suite of plans and documents, as follows:

| **Ref.** | **Document Title** | **Prepared By** | **Document Ref.** | **Date** |
| --- | --- | --- | --- | --- |
|  | | | | |
| **Plans and Documents Submitted as Part of the Application** | | | | |
| SD01 | Application Forms | Walsingham Planning |  | 24th December 2021 |
| SD02 | Covering Letter | Walsingham Planning |  | 24th December 2021 |
| SD03 | Site Location Plan | Edge Urban Design | L01 | December 2021 |
| SD04 | Land Use Parameter Plan | Edge Urban Design | P01 | December 2021 |
| SD05 | Access and Movement Parameter Plan | Edge Urban Design | P02 | December 2021 |
| SD06 | Building Heights Parameter Plan | Edge Urban Design | P03 | December 2021 |
| SD07 | Density Parameter Plan | Edge Urban Design | P04 | December 2021 |
| SD08 | Landscape and Open Space Parameter Plan | Edge Urban Design | P05 | December 2021 |
| SD09 | Illustrative Masterplan | Edge Urban Design | P06 | December 2021 |
| SD10 | Illustrative Masterplan (without annotations) | Edge Urban Design | P06 | December 2021 |
| SD11 | Design and Access Statement | Edge Urban Design |  | December 2021 |
| SD12 | Statement of Community Involvement | Walsingham Planning |  | December 2021 |
| SD13 | Transport Assessment | Hub Transport Planning |  | 15th December 2021 |
| SD14 | Draft Travel Plan | Hub Transport Planning |  | 20th December 2021 |
| SD15 | Landscape and Visual Impact Assessment | Tyler Grange |  | 23rd December 2021 |
| SD16 | Flood Risk Assessment | BWB |  | 20th December 2021 |
| SD17 | Ecological Impact Assessment | RammSanderson |  | December 2021 |
| SD18 | BIA Metric 3.0 |  |  |  |
| SD19 | BIA Baseline Habitats Plan | RammSanderson |  | 15th December 2021 |
| SD20 | BIA Proposed Habitats Visualisation Plan | RammSanderson |  | 15th December 2021 |
| SD21 | Preliminary Arboricultural Impact Assessment | Tyler Grange |  | 23rd December 2021 |
| SD22 | Heritage Impact Assessment | RPS |  | December 2021 |
| SD23 | Desktop Archaeology | RPS |  | 17th December 2021 |
| SD24 | Geophysical Survey Report | Magnitude Surveys |  | November 2021 |
| SD25 | Phase 1 Land Contamination | BWB |  | August 2021 |
| SD26 | Agricultural Land Quality | Soil Environmental Services Ltd |  | December 2021 |
| SD27 | Air Quality Assessment | BWB |  | December 2021 |
|  | | | | |
| **Additional/Updated Plans and Documents Submitted During Determination** | | | | |
| *Submission on 1st April 2022* | | | | |
| AD01 | Sustainable Drainage Strategy | BWB |  | January 2022 |
| AD02 | Utilities Assessment | BWB |  | January 2022 |
| AD03 | Planning Statement | Walsingham Planning |  | March 2022 |
| AD04 | Noise Impact Assessment | BWB |  | March 2022 |
| AD05 | Environmental Statement | Wardell Armstrong |  | March 2022 |
| AD06 | Environmental Statement Appendices | Wardell Armstrong |  | March 2022 |
| AD07 | Environmental Statement Non-Technical Summary | Wardell Armstrong |  | March 2022 |
| AD08 | Updated Covering Letter | Walsingham Planning |  | 1st April 2022 |
| *Submission on 8th July 2022* | | | | |
| AD09 | LLFA Further Consultation Response | BWB |  | 7th July 2022 |
| *Submission on 15th July 2022* | | | | |
| AD10 | Archaeological Evaluation Report | Oxford Archaeology |  | June 2022 |
| AD11 | Design and Access Statement Addendum | Edge Urban Design |  | July 2022 |
| AD12 | Access and Movement Parameter Plan | Edge Urban Design | P02 Rev A | 6th July 2022 |
| AD13 | Landscape and Open Space Parameter Plan | Edge Urban Design | P05 Rev A | 6th July 2022 |
| AD14 | Illustrative Masterplan | Edge Urban Design | P06 Rev A | 6th July 2022 |
| AD15 | Illustrative Masterplan (without annotations) | Edge Urban Design | P06 Rev A | 6th July 2022 |
| *Submission on 19th July 2022* | | | | |
| AD16 | Technical Note 1 (Highways) | Hub Transport Planning |  | 19th July 2022 |

* 1. All documents submitted to CDC as part of the application will also be listed in the Core Document List.

1. Background to Appeal Proposals

**The Appeal Site**

*The Outline Planning Application – 21/04289/OUT*

* 1. The Appeal Proposals were subject to pre-application discussions with Officers at CDC (reference: 21/01745/PREAPP) and with Heyford Park Parish Council. Further details on this engagement is available in the Statement of Community Involvement which supported the outline application.
  2. By way of background, the outline planning application was originally submitted on the 24th December 2021. However, CDC responded to a separate EIA Screening Application (reference: 21/04193/SO) confirming that CDC’s position was that an EIA was required and an Environmental Statement would be required. CDC confirmed on the 1st March 2022 that the application would be held in abeyance until an Environmental Statement was provided or it was confirmed by the Secretary of State that an Environmental Statement was not required.
  3. A revised application submission was made on the 1st April 2022, which confirmed that an Environmental Statement was submitted in support of the application. The application reference remained unchanged. The Validation Letter was received on the 4th April 2022; this letter was however incorrect stating that the determination period was 13 weeks instead of the required 16 weeks for EIA development. An updated Validation Letter was received on the 14th April 2022 with the correct 16 week determination date. Despite this, on the 9th May 2022 the Secretary of State issued a Screening Direction confirming that the application was not EIA development. A further updated Validation Letter was issued on the 19th May returning the determination date to 13 weeks. The Environmental Statement was not withdrawn.
  4. Following initial consultation, updated submissions were made to CDC in order to address consultation responses received. The application was reported to Planning Committee on the 9th March 2023, with an Officer recommendation for approval. However, the application was refused at Planning Committee and a formal Decision Notice issued dated 31st March 2023.
  5. The Decision Notice includes the following two Reasons for Refusal (RfR):

*“1. The site is located on greenfield land outside the Policy Village 5 allocation, therefore within an area of open countryside separate from the built-up area of Heyford Park. As a result, the development would have a poor and incongruous relationship with the form and character of Heyford Park, by reason of the site’s general openness. The site’s relationship to the RAF Upper Heyford Conservation Area and the views into and out of the Conservation Area would cause harm to the setting of designated heritage assets. Such environmental harm is considered to be less than substantial, but the harm caused is not outweighed by the public social and economic benefits. In addition, the Council is able to demonstrate a 5.4-year housing land supply, and therefore the housing strategies in the Local Plan are up to date. It is considered that the development of this site would conflict with the adopted policies in the Local Plan to which substantial weight should be attached. The principle of this development is therefore unacceptable, as contrary to Policies PSD1, ESD1, ESD13, ESD15, and Policy Villages 5 of the Cherwell Local Plan 2011-2031, Policy PD4 of the Mid Cherwell Neighbourhood Plan, Saved Policies C8, C30, C33 and H18 of the Cherwell Local Plan 1996 and Government Guidance in the National Planning Policy Framework.*

*2. In the absence of a satisfactory unilateral undertaking or any other form of Section 106 legal agreement, the Local Planning Authority is not satisfied that the Proposed Development provides for appropriate infrastructure contributions or transport mitigation required as a result of the development and necessary to ensure modal shift to sustainable transport modes and make the impacts of the development acceptable in planning terms, to the detriment of both existing and proposed residents and workers and contrary to policy INF 1 of the Cherwell Local Plan 2015, CDC’s Planning Obligations SPD 2018 and Government guidance within the National Planning Policy Framework.”*

*Environmental Impact Assessment*

* 1. A request for an EIA Screening Opinion (reference: 21/04193/SO) for residential comprising up to 230 dwellings on the Appeal Site was submitted to CDC on the 17th December 2021. On the 7th January 2022, a response was received from CDC that the proposals would constitute EIA development, when having regard to Schedule 3 of the EIA Regulations 2017.
  2. A request for a Screening Direction (reference: 22/00379/SD) was submitted to the Department for Levelling Up, Housing and Communities on the 8th February 2022. A response was received on the 9th May 2022 from the Secretary of State, who directed that the Proposed Development is not ‘EIA development’ within the meaning of the 2017 Regulations. The Environmental Statement was not formally withdrawn.

*The Appeal Site – Previous Planning History*

* 1. Part of the Appeal Site has been the subject of a hybrid application for the erection of a total of 22,000sqm of warehouse and logistics floorspace (reference: 14/02025/HYBRID). The hybrid application was submitted in December 2014, but was subsequently withdrawn in April 2017 as the Applicant found alternative premises within the District. This is not considered relevant to this planning appeal.

Duplicate Application Submission

* 1. Following refusal of the outline planning application, a duplicate application has been submitted to CDC on the 2nd June 2023 (reference: 23/01503/OUT). This duplicate submission is of the same description of development, for an outline application of up to 230 dwellings, with the same red line as the appeal proposals.
  2. The duplicate application submission contains the same documents as submitted as part of the refused outline application (either as originally submitted or submitted during determination), and which are submitted as part of this appeal. No additional documents have been submitted as part of this duplicate application, which were not submitted as part of the outline application which is now the subject of this planning appeal.

**Relevant Nearby Planning History**

*Airbase*

* 1. Military use of the former RAF Upper Heyford ceased in 1994. Since 1998 the Appeal Site has accommodated a number of employment uses in existing buildings on the flying field and in the technical area, first under temporary planning permissions and latterly under a permanent permission granted on appeal and by subsequent applications.
  2. There are three key planning applications involving the comprehensive redevelopment of the former RAF Upper Heyford airbase. These are set out below:

1. Outline planning application 08/00716/OUT was for the formation of a new settlement of 1,075 dwellings, together with associated works and facilities, including employment uses, community uses, a school, playing fields and other physical and social infrastructure, across the entire airbase. The scheme was allowed at appeal (APP/C3105/A/08/2080594) dated 11 January 2010 and is subject to an S106 Unilateral Undertaking. It is referenced in various planning documents on Cherwell District Council’s website as the Lead Appeal. It established the principle of employment use in a considerable number of the buildings and structures on the former flying field, in association with a management plan and the demolition of existing structures and redevelopment of new housing and associated infrastructure along Camp Road and to the south.

* 1. Following the purchase of the site by the Dorchester Group in late 2010, a revised scheme was submitted to CDC:

2. Outline planning application 10/01642/OUT proposed a new settlement of 1,075 dwellings including the retention and change of use of 267 existing military dwellings to residential Class C3 and the change of use of other specified buildings, together with associated works and facilities, including employment uses, a school, playing fields and other physical and social infrastructure. The application was approved on 22 December 2011, and was also subject to a further S106 Agreement.

*To the north and east of the Appeal Site*

* 1. Following the adoption of policy allocating additional land, a third significant application followed in 2018 which established commercial development on land bordering the north of the Appeal Site:

3. Hybrid application 18/00825/HYBRID was submitted by Dorchester Living and registered on 10th May 2018. In November 2020 Planning Committee resolved to grant planning permission subject to a list of conditions and the completion of a s106 Agreement. These were subsequently agreed and a decision was issued on 9th September 2022. The proposals included up to 1,175 dwellings, 60 close care dwellings, retail space, a medical centre, employment buildings, a new school, community buildings, open space, and associated infrastructure works, including upgrading Chilgrove Drive and the junction with Camp Road.

* 1. It should be noted that as part of this hybrid application, permission was secured for the realignment of Chilgrove Drive, to the east of the Appeal Site, in order to provide a permanent access to the flying field commercial area to the north of the Appeal Site. The existing Chilgrove Drive is proposed as a footpath/bridleway.

*To the west of the Appeal Site*

* 1. There are currently three outstanding applications on the land to the west of the Appeal Site:

1. Full planning application 15/01357/F for 89 dwellings submitted by Pye Homes. It has resolution to approve, subject to completion of an S106.

2. Outline planning application 21/03523/OUT for 31 dwellings submitted by Pye Homes. It has resolution to approve, subject to the completion of a S106. It lies to the north of above referenced application 15/01357/F.

3. It is understood that both of the above applications are superseded by more recent application 22/03063/F submitted for the same site. The application is by David Wilson Homes for 126 dwellings with access from Camp Road, provision of public open space and associated infrastructure. The application is currently being considered. A target decision date is recorded as 5th January 2023.

1. Appeal Proposals
   1. The Appeal Proposal comprises residential development of up to 230 dwellings, creation of new vehicular access from Camp Road and all associated works with all matters reserved, except for access. Therefore, details of appearance, layout, landscaping and scale were reserved for future consideration. No detailed designs were provided.
   2. The following Parameter Plans were submitted as part of the outline application:

* **Land Use Parameter Plan** – demonstrating the residential development parcels, green spaces and existing watercourses;
* **Access and Movement Parameter Plan** – providing an overview of the point of access and the internal road hierarchy;
* **Building Heights Parameter Plan** – demonstrating building heights of between 2, 2.5 and 3 storey’s across the Appeal Site;
* **Density Parameter Plan** – proposing areas of up to 40dph and 45dph; and
* **Landscape and Open Space Parameter Plan** – including areas of green space, SuDS features, proposed vegetation, footpaths and cycle routes, and tree lined streets.
  1. In addition to this, an Illustrative Masterplan was also submitted as part of the outline planning application. This indicatively demonstrated how up to 230 dwellings could be accommodated, based on a mix of 1-4+ bedroom properties, including 35% affordable dwellings. This Illustrative Masterplan also set out the proposed access arrangements, footway and cycle links, and new open spaces including a LAP and LEAP.
  2. During determination of the outline application, a revised Access and Movement Parameter Plan, Landscape and Open Space Parameter Plan, Illustrative Masterplan and Illustrative Masterplan (without annotations) were submitted to CDC. All of the revised plans were submitted as Rev A in July 2022.

**Access Arrangements**

* 1. As part of the outline planning application, details of access were submitted for determination. The site access is proposed to be a T-junction with Camp Road (as shown on access drawing reference: T19562.001 Rev A in the Transport Assessment). The Access and Movement Parameter Plan (drawing reference: P02) also sets out the site’s access, street hierarchies and routes through the site.
  2. Visibility at the proposed junction can be delivered in accordance with the speed limit of 30mph, with 2.4m x 59m splays in both directions.
  3. Footway provision is proposed on the western side of the access, totalling 2m in width. On the eastern side of the access, a shared footway and cycleway is proposed at 3m in width.

1. Development Plan Policy
   1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 directs Local Planning Authorities to determine planning applications in accordance with the policies of the Development Plan unless material considerations indicate otherwise. Section 38(3) of the Act provides that the Development Plan includes the ‘development plan documents (taken as a whole) which have been adopted or approved in relation to that area’. It is agreed that the adopted statutory Development Plan for Cherwell comprises:

* Cherwell Local Plan 2011 – 2031 (Part 1) (adopted 20th July 2025);
* Cherwell Local Plan 1996 Saved Policies (adopted November 1996); and
* Mid Cherwell Neighbourhood Plan (made May 2019).
  1. It is agreed that, based on the Officer’s Report to Committee, the following policies from the adopted Development Plan are of relevance to the appeal proposals:

**Table 1:** Relevant Policies Contained in the Adopted Development Plan

|  | Cherwell Local Plan | Saved Policies | Neighbourhood Plan |
| --- | --- | --- | --- |
| Principle of Development | * **Policy PSD 1** (Presumption in Favour of Sustainable Development) * **Policy BSC 1** (District Wide Housing Distribution) * **Policy Villages 2** * **Policy Villages 5** | * **Policy H18** (New Dwellings in the Countryside) | * **Policy PD3** (Development Adjacent to Heyford Park) |
| Design | * **Policy BSC 2** (The Effective and Efficient Use of Land) | * **Policy C8** (Sporadic Development in the Open Countryside) * **Policy C28 (**Layout, Design and External Appearance of New Development) * **Policy C30** (Design Control) | * **Policy PD5** (Building and Site Design) |
| Housing Mix | * **Policy BSC 3** (Affordable Housing) * **Policy BSC 4** (Housing Mix) |  | * **Policy PH1** (Open Market Housing Schemes) * **Policy PH3** (Adaptable Housing) * **Policy PH4** (Extra-care Housing) |
| Open Space | * **Policy BSC 10** (Open Space, Outdoor Sport and Recreation Provision) * **Policy BSC 11** (Local Standards of Provision – Outdoor Recreation) * **Policy BSC 12** (Indoor Sport, Outdoor Sport and Recreation Provision) |  |  |
| Sustainability | * **Policy ESD1** (Mitigating and Adapting to Climate Change) * **Policy ESD 2** (Energy Hierarchy and Allowable Solutions) * **Policy ESD 3** (Sustainable Construction) * **Policy ESD 4** (Decentralised Energy Systems) * **Policy ESD 5** (Renewable Energy) |  |  |
| Flood Risk and Drainage | * **Policy ESD 6** (Sustainable Flood Risk Management) * **Policy ESD 7** (Sustainable Drainage Systems) * **Policy ESD 8** (Water Resources) |  |  |
| Heritage | * **Policy ESD15** (The Character of the Built and Historic Environment) |  |  |
| Ecology | * **Policy ESD10** (Protection and Enhancement of Biodiversity and the Natural Environment) |  |  |
| Highways | * **Policy SLE4** (Improved Transport Connections) |  | * **Policy PH5** (Parking, Garaging and Waste Storage Provision) |
| Landscape and Green Infrastructure | * **Policy ESD13** (Local Landscape Protection and Enhancement) * **Policy ESD17** (Green Infrastructure) | * **Policy C33** (Protection of Important Gaps for Undeveloped Land) | * **Policy PD4** (Protection of Important Views and Vistas) * **Policy PD6** (Control of Light Pollution) |
| Environmental Matters |  | * **Policy ENV1** (Development Likely to Cause Detrimental Levels of Pollution) * **Saved Policy ENV12** (Development of Contaminated Land) |  |
| Planning Obligations | * **Policy INF1** (Infrastructure) |  |  |

* 1. In addition to Table 1, it is noted that Policy Bicester 1 of the Cherwell Local Plan is cited in Paragraph’s 9.46 and 9.56. Policy Bicester 1 relates to the North West Bicester Eco-Town. It is considered that this policy was incorrectly referenced in the Committee Report, and is not relevant to this appeal.
  2. CDC’s two Reasons for Refusal only identify conflict with the following policies of the Development Plan:
* **Policy PSD 1** (Presumption in Favour of Sustainable Development)
* **Policy Villages 5**
* **Policy H18** (New Dwellings in the Countryside)
* **Policy C8** (Sporadic Development in the Open Countryside)
* **Policy C30** (Design Control)
* **Policy ESD1** (Mitigating and Adapting to Climate Change)
* **Policy ESD15** (The Character of the Built and Historic Environment)
* **Policy ESD13** (Local Landscape Protection and Enhancement)
* **Policy C33** (Protection of Important Gaps for Undeveloped Land)
* **Policy PD4** (Protection of Important Views and Vistas)

1. Material Considerations
   1. It is *[to be agreed]* between the Appellant and the CDC that the following documents, and where appropriate specific section or paragraph references, are material considerations in the determination of this planning appeal:

* National Planning Policy Framework (NPPF, July 2021)
  + Chapter 2 – Achieving Sustainable Development (Paragraphs 7-14)
  + Chapter 4 – Decision-Making (Paragraphs 47, 55 - 57)
  + Chapter 5 – Delivering a Sufficient Supply of Homes (Paragraphs 60-62, 68, 71, 74-77)
  + Chapter 6 – Building a Strong Competitive Economy (Paragraph 81)
  + Chapter 8 – Promoting Healthy and Safe Communities (Paragraphs 92-93)
  + Chapter 9 – Promoting Sustainable Transport (Paragraph 104-105, 110-113)
  + Chapter 11 – Making Effective Use of Land (Paragraphs 119 – 120, 124)
  + Chapter 12 – Achieving Well-Design Places (Paragraphs 126, 130)
  + Chapter 14 – Meeting the Challenge of Climate Change, Flooding and Coastal Change (Paragraphs 152, 154, 157, 159 – 167, 169)
  + Chapter 15 – Conserving the Natural Environment (Paragraphs 174-188)
  + Chapter 16 – Conserving and Enhancing the Historic Environment (Paragraphs 193 – 195, 199 – 202)
* Planning Practice Guidance, online resource
* The Planning (Listed Buildings and Conservation Areas) Act 1990
* RAF Upper Heyford Conservation Appraisal 2006 (UHCA)
* CDC-Developer Contributions SPD - February 2018
* Oxfordshire Local Transport Plan: Connecting Oxfordshire (2015- 2031)
* EU Habitats Directive
* Natural Environment and Rural Communities Act 2006
* Conservation of Habitats and Species Regulations 2017
* Circular 06/2005 (Biodiversity and Geological Conservation)
* Cherwell Residential Design Guide SPD 2018
* Housing Economic Land Availability Assessment (HELAA) 2018
* Draft Local Plan 2040 (Regulation 18) Consultation

1. The Agreed Matters
   1. The following matters are *[to be agreed]* between the Appellant and CDC.

**Format of the Application**

* 1. It is agreed by the parties that the application was submitted in outline with all matters reserved, except for access. As such, the matters of appearance, landscaping, layout and scale are not for determination in this appeal.
  2. It is agreed that a positive Screening Opinion was provided by CDC on the 7th January 2022, confirming that the application was EIA development. An Environmental Statement was subsequently submitted on the 1st April 2022. However, the Secretary of State issued a negative Screening Opinion on the 9th May 2022. CDC considered that the proposal was therefore not EIA development, and issued an updated Validation Letter to this effect on the 19th May 2022. Although the Environmental Statement (ES) was not formally withdrawn and ultimately required, it further demonstrates that the proposals are acceptable in environmental terms. Both parties therefore agree that the development was not EIA development following the issue of a Screening Direction from the Secretary of State.

**Reason for Refusals**

* 1. The Decision Notice states two Reasons for Refusal. The key issues are summarised as:
  2. Reason for Refusal 1:
* The site’s location on greenfield land, outside of the Policy Village 5 allocation, in open countryside;
* The site is separated from the built-up area of Heyford Park;
* Development would have a poor and incongruous relationship with the form and character of Heyford Park, by reason of the site’s general openness;
* Harm to the RAF Upper Heyford Conservation Area and the views into/out of the Conservation Area would cause harm to the setting of designation heritage assets;
* Environmental harm is considered to be less than substantial, but the harm caused is not outweighed by the public social and economic benefits;
* CDC are able to demonstrate a 5.4 year housing land supply; and
* Conflict with the adopted policies in the Local Plan should be afforded substantial weight.
  1. Reason for Refusal 2 concerns the lack of a legal agreement to secure contributions. Both parties are committed to advancing discussions with a view to overcoming this reason for refusal.
  2. With reference CDC’s two Reasons for Refusal, it is agreed that there is no conflict with any policies of the Development Plan other than those specified below:
* Policy PSD 1 (Presumption in Favour of Sustainable Development)
* Policy Villages 5
* Policy H18 (New Dwellings in the Countryside)
* Policy C8 (Sporadic Development in the Open Countryside)
* Policy C30 (Design Control)
* Policy ESD1 (Mitigating and Adapting to Climate Change)
* Policy ESD15 (The Character of the Built and Historic Environment)
* Policy ESD13 (Local Landscape Protection and Enhancement)
* Policy C33 (Protection of Important Gaps for Undeveloped Land)
* Policy PD4 (Protection of Important Views and Vistas)

**Designations**

* 1. The Appeal Site is not subject to any statutory ecological, landscape or arboricultural designations, and is situated in Flood Zone 1, which is at the lowest risk of fluvial flooding.
  2. The Appeal Site is not subject to any heritage designations. There are four Grade II Listed Buildings within 1km of the Appeal Site, alongside the RAF Upper Heyford Conservation Area and Scheduled Ancient Monument Cold War Structures, associated with the former Upper Heyford Airbase.

**Sustainable Development Location**

* 1. Both parties agree that Policy Villages 5 identifies the CDC’s position that Heyford Park is a highly sustainable location in the District. It is clear from Policy Villages 5 that Heyford Park is becoming one of the most sustainable settlements, being one of the four main strategic locations for accommodating future growth needs.
  2. It is agreed that the existing settlement benefits from a number of existing facilities, including a community centre, shops, pharmacy, restaurant, bowling alley, pub, hotel, schools amongst other facilities. Additional further facilities are proposed in line with the overall Masterplan for Heyford Park.
  3. It is agreed that the facilities within Heyford Park are located within reasonable walking and cycling distance from the Appeal Site, and therefore the proposals comply with Paragraph 105 of the NPPF.
  4. Due to the growth of Heyford Park under the Policy Villages 5 Site Allocation, the emerging Cherwell Draft Local Plan (Regulation 18) indicates that Heyford Park will be classified as a Local Service Centre in the future Local Plan; as one of the most sustainable locations for growth in the District.
  5. The Appeal Site is subject to a draft allocation in the Draft Cherwell Local Plan to 2040 (Regulation 18), as part of a wider site for 1,235 dwellings (Site Reference: South and East of Heyford Park, LPR42A). Within the Regulation 18 consultation, the draft allocation is the largest allocation proposed, demonstrating that Heyford Park is a main focus for growth in the next Plan.

**Principle of Development**

* 1. It is agreed that the Appeal Site is outside of, but immediately adjacent to, the RAF upper Heyford Strategic Allocation (Policy Villages 5).
  2. Policy Villages 5 relates to the former RAF/USAF Upper Heyford, which has a development area of around 520ha, and a settlement of approximately 1,600 dwellings rising to about 2,800 under existing approvals, and the supporting necessary infrastructure including primary and second schools, commercial uses and employment opportunities. Whilst the original development of the site was for brownfield land, this policy now includes areas of greenfield land.
  3. It is agreed that the Policy Villages 1 provides a framework for housing development in the rural areas of the District, grouping villages into certain categories of settlement (Categories A – C). Both parties agree that Upper Heyford is not specifically allocated as a certain category of settlement, as it has its own separate policy under Policy Villages 5. The adopted Development Plan explains that the allocation for Upper Heyford in Villages 5 relates to making an allocation for a new settlement (Paragraphs D.20, C.246 and I.29)
  4. It is agreed that the Appeal Site is surrounded by sites either with extant planning permission or permissions pending formal determination. To the north and west, the site is adjacent to an extant hybrid permission which secured permission in September 2022 (reference: 18/00825/HYBRID). To the west are three outstanding applications for residential development (references: 15/01357/F, 21/03523/OUT and 22/03063/F).
  5. The Appeal Site would therefore not be a standalone development but would relate well to the established and future planned form of Heyford Park, contained between residential development to the west and Chilgrove Road to the east.
  6. Both parties agree that the Appeal Site would result in a natural continuum with the existing development, and would ‘round off’ Heyford Park, given Chilgrove Road to the east and Camp Road to the south.

**Housing Land Supply Position**

* 1. The Appellant will work with the CDC on a separate SoCG on housing Land Supply. This will set out matters in relation to the Five Year Housing Land Supply (5YHLS) that can be agreed and will set out the areas of disagreement including the difference between the two parties in terms of the figure the 5YHLS should be measured against and a list of disputed sites.
  2. The following points will be agreed:
* The Council’s 5YHLS statement is not an “Annual position statement” as defined in the Annex to the Framework on page 65. The Council’s approach to its 5YHLS has not been “confirmed” by either of the routes to do so as set out in paragraph 75 of the Framework;
* The base date is 1st April 2022 and the relevant 5YHLS period is 1st April 2022 to 31st March 2027. Any sites which were not deliverable at 1st April 2022 should not be included in the 5YHLS;
* The Cherwell Local Plan Part 1 (adopted July 2015 and re-adopted in December 2016) is more than five years old and the housing requirement within it has been found to require updating but the Cherwell Partial Review is less than 5 years old; and
* A 5% buffer applies.

**Affordable Housing Provision**

* 1. It is agreed that a policy compliant provision of 35% of dwellings as affordable housing, in accordance with Policy BSC3. This would be secured by way of a Section 106 agreement.

**Heritage**

* 1. A Built Heritage Statement was prepared in support of the application, alongside the Environmental Statement. This confirmed that there are no designated or non-designated built heritage assets located within the Appeal Site, and identified 4no. Listed Buildings, a Conservation Area, Scheduled Monument and 61no. Non-Designated Heritage Assets within a 1km search of the Appeal Site. All of the assets relate to the former RAF Upper Heyford Airbase.
  2. The following heritage assets are relevant to this Appeal:
* RAF Upper Heyford Conservation Area (designated heritage asset)
* Hardened Aircraft Shelters within the southern part of the Conservation Area (non-designated heritage asset)
  1. The Conservation Area and its setting have seen change in the 21st century. Further notable changes, including the introduction of additional residential and commercial development would be delivered by application 18/00825/HYBRID which was granted in 2020. This development lies to the north and west of the site.
  2. Both parties agree that any potential impacts to the significance of the heritage assets will arise only through changes to their settings, with no physical alterations to the heritage assets themselves.
  3. It is also agreed that there will be no harm to the significance of the Scheduled Monument (Cold War structures at the former Upper Heyford Airbase) within the Conservation Area, or to any non-designated heritage assets within the Conservation Area.

**Archaeology**

* 1. It is agreed that the Oxfordshire County Council Archaeologist commented on the application and confirmed that the site has been subjected to an archaeological evaluation, but would still require further investigation. Both parties agree that this can be dealt with by way of a planning condition.

**Landscape and Visual Impact**

* 1. A Landscape and Visual Impact Assessment (LVIA) was submitted alongside the Environmental Statement. This LVIA confirmed that the Appeal Site is not subject to any statutory landscape designation.
  2. The appeal site is not situated within a valued landscape as described within Footnote 7 of the NPPF.
  3. The methodology used within the LVIA, and the identification of cumulative schemes for assessment, was agreed with Tim Screen, Landscape Architect for the Council, as set out in his email of 2nd November 2021.
  4. A series of proposed viewpoints were identified and issued to the Council on 7th October 2021. The Council requested an additional viewpoint (viewpoint 10) on 7th October 2021 which was acknowledged by Tyler Grange on 14th October 2021.
  5. No significant effects will occur on landscape or views.
  6. The site has a medium/low landscape value.
  7. Residual effects on both the local landscape character and the character of the site will be of minor beneficial significance.
  8. Residual effects on people using the PRoW in the middle distance east of the site (views 4 and 10) and south of the site (viewpoint 5) will be minor adverse. All other effects will be of negligible significance.
  9. The Landscape Officer in his response dated 11th May 2022 set out that he was in general agreement with the findings of the LVIA.
  10. Both parties agree that the Environmental Statement concludes that there will be no major landscape and visual effects arising as a result of the appeal proposals, when considered in combination with other planned and under construction schemes in the wider area.
  11. The appeal proposals will not result in the loss of any rare or unique features and affect only a very limited geographical area. The perception or distinctiveness of the wider Landscape Character Areas would not be altered following the development of the Appeal Site. The most noticeable visual effects would be experienced by those people walking along public bridleways in middle distant views east of the Appeal Site and local residents.
  12. It is agreed that the appeal proposals accord with Policy ESD13 and the NPPF.
  13. The Appeal Site does not feature in any of the views identified in the Ardley, Upper Heyford, Rousham or Fritwell Conservation Area Appraisals.
  14. The Appeal Site is potentially visible from views east from the ‘residential zone’ as identified on Figure 11 of the RAF Upper Heyford Conservation Area Appraisal (viewpoint 6 of the LVIA) however, the appeal proposals will not change the character of this view. Effects on this view will be of negligible significance.
  15. The Conservation Officer confirmed that there were no specific views into the RAF Upper Heyford Conservation Area affected by the proposals.
  16. The Appeal Site is not situated on the protected skyline as identified on figure 8 of the Mid Cherwell Neighbourhood Plan.
  17. The appeal proposals do not adversely affect views towards identified church towers as set out on Figure 8 page 51
  18. The Appeal Site does not feature in views identified in Appendix 3 page 90 of the Mid Cherwell Heritage and Character Assessment (2017).
  19. It is agreed that there are no important views or vistas identified across the Appeal Site by Policy PD4 of the Mid Cherwell Neighbourhood Plan.

**Settlement Coalescence and Important Views/Vistas**

* 1. Both parties agree that the Appeal proposals would not cause coalescence of any settlements, in accordance with Policy PD3 of the Mid Cherwell Neighbourhood Plan.

**Open Space and Green Infrastructure**

* 1. It is agreed that the Landscape and Open Space Parameter Plan demonstrates that a range open space and green infrastructure can be provided, including a green-blue corridor, incorporating existing ponds, new planted sustainable urban drainage systems, mature vegetation, and, recreational routes and habitats for wildlife. Further to this, recreational routes would also be provided to link with adjacent residential areas.
  2. The Landscape and Open Space Parameter Plan also demonstrates how a 400sqm LEAP with a 200m buffer and a 100sqm LAP with a 5m buffer can be included within the site.
  3. Policy BSC11 requires 2.74ha of ‘general green space’ per 1,000 residents. Based on an average household size in Cherwell of 2.43 residents per household, the overall requirement would total 1.53ha. The Landscape and Open Space Parameter Plan provides for 5.64ha of open space.
  4. It is therefore agreed that the appeal proposals accord with Policies BSC10 and BSC11 and Neighbourhood Plan Policies PD5, PH3 and PH5.

**Ecology**

* 1. An Ecological Assessment and Biodiversity Impact Assessment were provided as part of the application, which demonstrated that a biodiversity net gain is achievable within the Appeal site.
  2. CDC’s Ecologist is satisfied that subject to the imposition of planning conditions to secure mitigation and improvements that the proposals would be acceptable in respect to the impact upon any habitat or protected species that they would be safeguarded. The conditions relate to the following matters:
* Additional surveys for Red Kites and Water Voles;
* Lighting;
* Construction Environment Management Plan; and
* Landscape Environment Management Plan.
  1. Both parties agree that the Appellant demonstrated that a 12.37% Biodiversity Net Gain could be achieved and this would be controlled by way of the Landscape Ecology Management Plan (to ensure such net gain is achieved and managed appropriately), secured by condition.
  2. Either a Natural England or CDC District License would be entered into, to mitigate against the impact on Great Crested News. NatureSpace confirmed that they are content that such licence is supported.
  3. Therefore, it is agreed that the appeal proposals comply with Policy ESD10 and Paragraph 174 of the NPPF.

**Arboriculture**

* 1. The outline application was accompanied by a Preliminary Arboricultural Impact Assessment, which confirmed that the site does not fall within a Conservation Area, Ancient Woodland designation, and that there are no Tree Preservation Orders on or adjacent to the Appeal Site.
  2. Tree loss is limited to three sections of hedgerow to facilitate the construction of the internal road network, which totals 130.5m in total. As these are Category C, it is considered low value and could be compensated for as part of the landscaping.
  3. It is agreed that an Arboricultural Method Statement can be provided by way of a suitably worded planning condition.
  4. Both partied agree that proposals accord with Policy ESD13, ESD17 and Paragraph 174 of the NPPF.

**Highways**

* 1. It is agreed that Oxfordshire County Council were consulted on the outline application and have no objection to the proposals. This is on the basis that S106 contributions are provided to fund highway works, public transport services, travel plan monitoring, an obligation for a S278 and conditions.
  2. Both parties are that the proposals would not have a negative impact on the road network, and are therefore considered acceptable in highway terms, complying with Policy SLE4 and Paragraphs 104, 105, 110 – 113 of the NPPF.

**Drainage and Flood Risk**

* 1. The Appeal Site is located within Flood Zone 1, which is situated at lowest probability of fluvial flood risk.
  2. Both parties agree that the proposed mitigation strategy for the site includes development levels of all dwellings being set at 150mm above surrounding ground level and to include foul water from the development to be drained separately to clean water. A Sustainable Drainage System would also be included.
  3. It is agreed that the Lead Local Flood Authority has no objection to the Proposed Development, provided that the following conditions are agreed:
* Provision of a surface water drainage scheme, prior to commencement of development.
* Prior to first occupation, details of the construction of the Sustainable Drainage Systems and their associated drainage.
  1. Both parties agree that the Environment Agency have raised no objection to the Proposed Development.
  2. The CDC Land Drainage have raised concerns regarding the impact on Gallos Brook, where the flood plain has not yet been modelled or mapped. The risk will need to be mitigated if any such areas lie outside the fluvial flood plain, but this can be dealt with by way of a condition.
  3. It is therefore agreed that the Proposed Development accords with Policies ESD6 and ESD7 and Paragraphs 167 and 169 of the NPPF.

**Environmental Matters (Amenity)**

*Air Quality*

* 1. An Air Quality Assessment supported the application, and confirmed that the Appeal Site is not located within, or within the vicinity of an Area Quality Management Area.
  2. The Air Quality Assessment confirmed that the proposals are not predicted to result in exceedances of the relevant air quality objectives and therefore the overall impact on local air quality is negligible.
  3. Both parties agree that the Air Quality Assessment recommends dust mitigation measures for construction. Subject to implementation, the effects would not be significant. This can be dealt with by way of a condition.
  4. Accordingly, both parties agree that the Proposed Development accords with the requirements of the Policy ESD10 and Paragraph 186 of the NPPF.

*Noise*

* 1. The application was supported by a Noise Impact Assessment, which demonstrated that the Appeal Site is suitable for residential development and therefore accords with the requirements of the NPPF which relate to noise.
  2. It is therefore agreed that the Appeal proposals accord with Policy ENV1 and Paragraph 130(f) of the NPPF.

*Environmental Matters Conclusion*

* 1. Both parties agree that Environmental Health Officer did not have an objection to the outline planning application, subject to the imposition of condition for a Construction Environmental Management Plan and a contamination condition. As such, it is agreed that the proposals are unlikely to result in undue harm to the environment.
  2. This results in compliance with saved Policy ENV1 which seeks to ensure that development does not seek to cause materially detrimental levels of noise, vibration, smell, smoke, fumes or other type of environmental pollution; or on neighbouring amenity. This results in further compliance with saved Policy ENV12 which results to contaminated land, and Paragraph’s 174, 183 and 185 of the NPPF.

**Agricultural Land Quality**

* 1. Both parties agree that the Agricultural Land Classification Report confirmed that 75% of the Appeal Site (totalling 9ha) is Grade 3b Agricultural Land, with the remaining 25% (totalling 3ha) comprising Grade 3a Agricultural Land.
  2. It is agreed that CDC did not raise any objection to the application on the grounds of agricultural land quality.

**Sustainability**

* 1. A Sustainability Statement was provided as part of the application and demonstrates that that the proposals would use an ‘energy hierarchy’ and a holistic approach to sustainability to meet national best practice guidance and CDC’s objectives for sustainable design and construction.
  2. Proposed measures that could be included at reserved matters stage include passive solar design; a fabric first approach to materials; thermal energy; energy efficiency; Buildings for Life; sustainable transport measures; a Travel Plan; electric vehicle charging for all dwellings; water use; electric heating; waste management; biodiversity enhancements; and measures to avoid pollution.
  3. Both parties agree that the proposals comply with Policies ESD3 and Paragraph’s 152, 154, and 157 of the NPPF.

**Benefits of the Proposal**

* 1. The benefits of the Proposed Development are as follows:
* **Contribution to the delivery of housing at a local level**, including 35% affordable dwellings.
* Improvements in **housing mix and choice**.
* Development in a **sustainable location** within close proximity to local shops and services.
* **Estimated** construction spend of approximately **£31 million**.
* Creation of **direct employment opportunities** of around **264** Full Time Equivalent jobs for the estimated five year build out (approximately 53 jobs per annum).
* Creation **of indirect employment opportunities** – the impacts of the development will extend beyond construction employment. The Office of National Statistics estimates the direct and indirect construction output multiplier at 2.09, which equates to **288** indirect jobs (approximately 58 jobs per annum).
* **Investment in the local area** – ‘Annual Business Survey’ (2011) of the Office for National Statistics establishes that the Gross Value Added during the construction of buildings averages 35.2% of turnover (based on the South East region). This results in a GVA of £44,071, per person. Through multiplying this by the net additional employment impact of the scheme (552 jobs) it is estimated that the proposals will result in **£24,327,192 of direct GVA** over the build period.
* **Economically active residents** – based on the average household size of 2.43 in line with the 2018 population projections, it is anticipated that **559 new residents** would occupy the site. Based on the Nomis Official Labour Market Statistics 2019 for Cherwell of 61.3%, this would result in an additional 343 people of working age residing in Cherwell. Of these people, given an economically active rate of 87.1% in those aged 16 and over in Authority, at least 298 could be expected to be economically active and in employment.
* **Local Spending Increase** – the development should support **£6,970,236 of spending annually** following completion of the development, through reviewing the Output Area Classification (OAC) of the local area and applying the weekly household expenditure rates, it is possible to quantify the anticipated level of spending that would occur following the completion of the development. The OAC uses 60 variables to break the UK down into 8 ‘supergroups’, profiling populations, structures, and other key results from 2011 UK census data to categorise the character of local areas. The application site falls into ‘Urbanites’ (OAC supergroup 5). Given that 35% of the dwellings will be affordable and the remainder of the site will comprise market housing. Whilst this figure expresses average household expenditure across the UK, a more accurate picture can be obtained by applying a weighting according to regional circumstances. The Office for National Statistics’ ‘Family Spending Survey’ presents household expenditure by UK countries and regions 2019 - 2020. Using these figures, it is possible for spending disparities between each region to be expressed as a percentage of UK average household expenditure. This allows a weighting to be applied to the above figure. For the South East region, this amounts to 119%, meaning that residents of the Proposed Development (after weighting appropriate to the region) could be expected to generate total gross expenditure of £8,292,677 per annum.
* **Increase in revenue for CDC** – approximately **£460,000 Council Tax** per annum, pro-rata (using the Band D rate for 2021- 22) alongside a **New Homes Bonus Payment of over £1,114,000**.
* Provision of green infrastructure, including a **Biodiversity Net Gain of 12.37%.**
* **Section 106 Contributions** – As highlighted in this Report the development will be dependent on payment of financial contributions to local facilities such as schools, parks and sports pitches.

1. The Matters not Agreed
   1. The following matters are not agreed:

* Whether policies relating to the site’s location on greenfield land, outside of the Policy Village 5 allocation, in open countryside are considered to be out of date;
* Whether the presumption in favour of sustainable development is engaged, due to CDC’s inability to demonstrate a five year housing land supply, including the following matters:
* Separate calculations should not be made for Cherwell excluding Oxford’s unmet needs and Oxford’s unmet needs.
* The figure the 5YHLS should be measured against. This should be the local housing need for Cherwell plus the requirement for Oxford’s unmet needs which is to be met in Cherwell.
* The extent of the deliverable 5YHLS. As above, the Council claims that the 5YHLS at 1st April 2022 is 4,244 dwellings.
* Whether the site is separated from the built-up area of Heyford Park;
* Whether the development would have a poor and incongruous relationship with the form and character of Heyford Park, by reason of the site’s general openness;
* If the appeal proposals would result in harm to the RAF Upper Heyford Conservation Area and views into and out of the Conservation Area;
* Whether the proposals would cause harm to the setting of designation heritage assets;
* Whether the environmental harm is considered to be less than substantial, and whether such harm would be outweighed by the public social and economic benefits; and
* Whether there is conflict with the adopted policies in the Local Plan when read as a whole, and if this should be afforded substantial weight.

*[to be expanded in dialogue with CDC]*

1. Conditions
   1. The Appellant and CDC intend to liaise and agree draft conditions and reasons for each condition, in line with the appeal timetable.
2. Section 106 Agreement
   1. The Appellant and CDC intend to co-operate in the preparation and completion of the S106 Agreement in the event that the appeal is allowed. It is the intention to submit a draft of the S106 Agreement prior to the Hearing. It is agreed that this addresses Reason for Refusal 2.
   2. The Appellant agrees with the heads of terms considered during the determination of the application and these relate to:

* Affordable Housing
* Oxfordshire Clinical Commissioning Group
* Thames Valley Police
* Public Art
* Outdoor Sports Contribution
* Indoor and Outdoor Sports Provision
* Community Development Fund
* Training and Employment Plan
* Landscape
* Public Transport – Bus Services
* Travel Plan Monitoring
* Highway Works
* Primary and Nursery Education
* Primary School Land Contribution
* Secondary Education
* Libraries
* Appropriate Legal Costs
* Appropriate Monitoring Costs
  1. Both parties agree that subject to the completion of the S106 Agreement, compliance will be demonstrated with Policy INF1 of the adopted Development Plan, Cherwell District Council’s Planning Obligations SPD 2018 and the NPPF.

1. Declaration
   1. The above matters have been agreed by Cherwell District Council and the Appellant:

|  |  |
| --- | --- |
| **Declaration** | **Declaration** |
| Signed and dated on the behalf of the Appellant: | Signed and dated on behalf of Cherwell District Council |

Date…………………………….