

Land West of Hook Norton Road, Sibford Ferris,  
Oxfordshire

## **Construction Environmental Management Plan**

(to address the requirements of Condition 10  
of planning consent ref: 18/01894/OUT)

March 2022

Quality Management	
<b>Client:</b>	Gade Homes Ltd
<b>Project:</b>	Land West of Hook Norton Road, Sibford Ferris, Oxfordshire
<b>Report Title:</b>	Construction Environmental Management Plan
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# Contents

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**Text:**

1 Introduction ..... 1

2 Roles and Responsibilities..... 2

3 Risk Assessment of Potentially Damaging Construction Activities..... 3

4 Ecological Protection Measures..... 4

5 Schedule of Works ..... 9

6 Summary and Conclusions..... 10

**Plans:**

Plan 6126/CEMP1	Biodiversity Protection Zones
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**Appendix:**

Appendix 6126/1	Appeal Decision
-----------------	-----------------

# 1 Introduction

## 1.1 Background & Proposals

1.1.1 Aspect Ecology has been commissioned by Gade Homes Ltd to produce a Construction Environmental Management Plan (CEMP) in respect of development of Land West of Hook Norton Road, Sibford Ferris, Oxfordshire (centred at grid reference SP 3544 3706), hereafter referred to as the 'site'.

1.1.2 Outline planning permission with all matters reserved (ref: 18/1894/OUT) was granted upon appeal (ref: APP/C3105/W/19/3229631) in December 2019 for development of the site, to provide up to 25 residential dwellings with associated open space, parking and sustainable drainage, see Appendix 6126/1.

1.1.3 The planning consent is subject to a number of conditions, of which Condition 10 is relevant to ecology and states that:

*'Prior to the commencement of the development hereby approved, including any site clearance, a Construction Environmental Management Plan (CEMP), which shall include details of the measures taken to ensure that construction works do not adversely affect biodiversity, shall be submitted to and approved in writing by the local planning authority. Thereafter, the development shall not be carried out other than in strict accordance with the approved CEMP.'*

1.1.4 It is understood that Gade Homes Ltd. is aiming to commence development at the site and accordingly, Aspect Ecology has been commissioned to prepare a Construction Environmental Management Plan (CEMP) to address Condition 10.

## 1.2 Site Overview

1.2.1 The site is located in Sibford Ferris, Oxfordshire, and is bound to the north by agricultural land and existing residential development. To the east the site is bound by Hook Norton Road, beyond which lies further existing residential development, Sibford School and open countryside beyond. Further agricultural land is present at the south of the site with a single track road to the west, beyond which lies further open countryside.

1.2.2 The site is dominated by arable land, with areas of rough grassland, located along the northern, eastern and western boundaries. The site is bound by hedgerows to the north, east and west whilst no boundary features are present at the south.

## 1.3 Purpose of the Report

1.3.1 This report aims to address the requirements of Condition 10 of the planning consent by detailing proportionate safeguarding and mitigation measures, to be implemented prior to and during construction, in order to safeguard the ecological features identified within the 2018 Ecological Impact Assessment<sup>1</sup>, submitted as part of the planning application, in addition to those identified during update ecological survey work undertaken by Aspect Ecology in 2021.

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<sup>1</sup> Prime Environment (2018) 'Ecological Impact Assessment'

## 2 Roles and Responsibilities

### 2.1 Project Manager

- 2.1.1 The Project Manager will act on behalf of the developer, with responsibility for managing the development within the agreed environmental constraints, in conjunction with all other necessary construction processes. The Project Manager will also be responsible for coordinating and managing all the environmental activities during the construction phase on a day-to-day basis.

### 2.2 Site Manager

- 2.2.1 The Site Manager will report to the Project Manager and will be responsible for directing and managing all on-site activities during the construction phase. The Site Manager will provide a key point of contact for the Ecological Clerk of Works.

- 2.2.2 The duties of the Site Manager will include:

- Ensure ecological protection measures are implemented on site through direct liaison with the Project Manager and the Ecological Clerk of Works;
- Supervise and co-ordinate the site workforce, including subcontractors, material suppliers and utility providers as necessary to ensure compliance with ecological protection measures; and
- Report any ecological issues encountered during the construction process to the Project Manager and the Ecological Clerk of Works.

### 2.3 Ecological Clerk of Works (ECoW)

- 2.3.1 The Ecological Clerk of Works role will be provided by Aspect Ecology (or other suitably experienced ecologist) and, where Class Licences are required, a Natural England licence holder or suitably experienced accredited agent will be provided. The ECoW will oversee implementation of ecological safeguards and mitigation measures throughout the construction period, as necessary. The ECoW will also provide feedback to the Project Manager and Site Manager to aid with the review of the CEMP and specialist procedures. All contractors and sub-contractors on site will be made aware of ecological matters during the site inductions, with a 'sign in' sheet required to be completed to agree their understanding of the specific site requirements, with appropriate signage also installed on all biodiversity protection zone fencing.

- 2.3.2 The duties of the ECoW will include:

- Supervise mitigation measures during construction and provide pre-works checks, as necessary, to ensure compliance with the CEMP;
- Identify ecological competence requirements for all staff working on the development and ensure delivery of ecological training to relevant personnel;
- Keep up to date records of ecological protection measures undertaken and record any relevant ecological events which occur at the site;
- Act as a main point of contact between the regulatory authorities and the developer on ecological issues; and
- Identify and address any species-specific contingency measures as necessary.

## **3 Risk Assessment of Potentially Damaging Construction Activities**

### **3.1 Overview of Ecological Features**

**3.1.1** Ecological survey work undertaken at the site to date has identified the presence of a number of ecological features requiring protection during construction, including:

- Retained Trees and Hedgerows;
- Badgers; and
- Nesting Birds.

**3.1.2** Should the site be subject to a reduced management regime such that longer sward vegetation develops prior to or during construction works, reptiles and amphibians may colonise the site and therefore require protection during construction activities.

### **3.2 Potentially Damaging Construction Activities**

**3.2.1** The consented development works will require a range of construction activities which, in the absence of appropriate safeguarding measures, have the potential to be ecologically damaging. Such potentially damaging activities include:

- Vegetation clearance works;
- Site levelling works; and
- Ongoing construction activities (including excavation and storage of materials).

**3.2.2** As such, protection measures are to be implemented to fully safeguard these habitats and species / groups.

**3.2.3** Prior to works commencing and throughout the duration of works, existing ecological features will be appropriately safeguarded, as set out in Section 4 below. The approach for the implementation of these measures will be flexible and responsive to progress and conditions on site during the works. The protection measures will be incorporated into construction risk registers and, as such, will be implemented as appropriate when particular activities are carried out. Aspect Ecology (or other suitably experienced ecologist) will be retained as the Ecological Clerk of Works, and kept informed of progress during construction, and provide advice or make recommendations for additional protection measures, if required.

**3.2.4** With the measures contained within this document implemented, it is anticipated that all ecological features will be fully safeguarded prior to and during construction.

## 4 Ecological Protection Measures

### 4.1 Overview

- 4.1.1 Provided below are details of the site-specific ecological safeguards required during site preparation and construction with respect to relevant habitats and species. Associated biodiversity protection zones associated with these ecological features are detailed on Plan 6126/CEMP1, where necessary.

### 4.2 Habitats

#### Trees and Hedgerows

- 4.2.1 The retained on-site trees and hedgerows will be protected throughout the construction period by protective fencing. The protection fencing shall be erected prior to construction activities commencing, in accordance with arboricultural advice<sup>2</sup>. The protection fencing will be to the standard stipulated under arboricultural best practice guidance British Standard 5837:2012.
- 4.2.2 The site manager will be responsible for inspection of the protective barriers on a daily basis on parts of the site where construction activities are taking place. If required, a checklist will be produced for the purposes of the inspections and will be maintained with other site data sheets for the duration of the project.
- 4.2.3 In instances where it is necessary for specific works to be undertaken within the construction exclusion zones, such as the erection of scaffolding, installation of services and other relevant ancillary operations, these activities will be undertaken following the submission of method statements to be prior approved by the arboricultural consultant. Each method statement will include an agreed method of works, extent of direct supervision by the arboricultural consultant, and frequency of site visits to be made for the duration of the works.

### 4.3 Fauna

#### Badgers

4.3.1

4.3.2

<sup>2</sup> Arborterra Ltd (2018) 'Arboricultural Impact Assessment'

4.3.3

4.3.4

4.3.5

4.3.6



### Reptiles and Amphibians

- 4.3.7 Survey work undertaken by a third-party consultancy to inform the consented development concluded that the site is unlikely to support populations of reptiles and amphibians, due to limited areas of suitable habitat being present. During the update survey work undertaken by Aspect Ecology in 2021, the on-site habitats were recorded to be consistent to those previously reported such that the site is considered to remain of limited suitability to support reptiles and amphibians.
- 4.3.8 Should the on-site habitats remain as previously recorded, no specific ecological safeguarding measures are considered necessary. However, should the site be subject to a reduced management regime such that longer sward vegetation develops prior to or during construction works, a mitigation strategy will be implemented during site clearance activities, comprising a destructive search, to minimise the risk of killing or injury of reptiles and amphibians, should they be present.
- 4.3.9 The destructive search will involve cutting the vegetation within the site to a uniformly short height of ~150mm, so as to encourage reptiles to disperse to suitable areas of retained / nearby habitat. Where practicable, vegetation clearance should start furthest away from retained habitats and move towards these areas so as to displace any animals towards retained habitats. The vegetation will then be cut to ground level. Any potential refuge features requiring removal, e.g. piles of rubble, heavy logs, brash piles etc will be carefully disassembled.
- 4.3.10 These works will be carried out under a contractor watching brief and, in the unlikely event that any reptiles or amphibians are encountered, a suitably experienced ecologist will be contacted for advice, which will likely involve carefully relocating the animal(s) to suitable habitat out of harm's way.
- 4.3.11 The destructive search will ideally be undertaken during the active reptile season, between **March and October** during suitable weather conditions (e.g. works ideally undertaken when air temperature is 9-18°C and not during periods of heavy rain), however given that there is no evidence of reptiles or amphibians occurring at the site this should not be considered mandatory.

### Nesting Birds

- 4.3.12 No clearance of suitable vegetation will be undertaken during the bird-nesting season (**1st March to 31st August inclusive**). If this is not practicable, any potential nesting habitat to be removed should first be checked by the ECoW in order to determine the location of any active nests. Any active nests identified would then need to be cordoned off (minimum 5m buffer) and protected until the end of the nesting season or until the birds have fledged. These checking surveys would need to be carried out no more than three days in advance of vegetation clearance works.

## 4.4 General Procedures and Measures

- 4.4.1 Provided below are more general measures relevant to overall ecological protection.

### Access and Movement

- 4.4.2 The site will be accessed at designated access and egress points. These will be sited outside of any tree protection fencing and will minimise crossing areas of land which

are not subject to the development proposals in order to avoid soil compaction and damage to retained vegetation.

#### Air Quality (dust prevention measures)

4.4.3 In order to safeguard the retained trees and hedgerows, dust control and abatement measures will be implemented during construction:

- Machinery, fuel and chemical storage and dust generating activities will not be located close to retained trees and hedgerows;
- Should this not be possible then retained trees will be protected by the use of dust barriers / screens where practicable;
- Surfaces and dusty activities will be damped down as required by the use of agreed wet cleaning methods or mechanical road sweepers during periods of dry weather;
- All relevant loads entering and leaving the site will be covered;
- Stock piles of materials will exist for the shortest possible period of time and be kept away from retained trees and hedgerows.

#### Environmental Incidents and Accidents

4.4.4 A plan of action for all relevant environmental incidences and emergencies will be prepared for the construction works, including procedures, contact numbers and a chain of command. Site staff will be made aware of the procedures as part of the induction process and again with 'tool box talks' as necessary before starting a new phase of work or process.

4.4.5 All incidences and emergencies will be recorded. This information will be used to improve future environmental protection measures. In the event of an ecological incident or emergency Aspect Ecology (or another suitably experienced ecologist) should be contacted for further advice.

#### Noise and Lighting

4.4.6 Working hours during construction are restricted to between the hours of 08:00 – 18:00 hours (i.e. no night time working), which will help minimise disturbance to nocturnal fauna (e.g. bats). However, if lighting is required on an *ad hoc* basis the following measures will be implemented:

- Care will be taken in the placement of external lighting to ensure that no lights are placed near to existing boundary features (trees and off-site woodland);
- Where lighting is necessary, low-spill lighting will be deployed where practicable and any lighting used will be focused on the area of works.

#### Soil and Waste Management

4.4.7 Detailed soil and waste management plans for the site will be prepared by the contractor, the plans will likely contain the following:

- Organisational responsibility for the preparation and implementation of the plans;
- The types and quantity of soil / waste anticipated;
- The measures that will be used to monitor delivery of the plans;
- The available options for soil / waste management and preferences;
- The waste disposal sites and contractors that are proposed. All sites must be approved by the appropriate Waste Regulation Authority;
- Identify how hazardous and non-hazardous waste is to be disposed;
- Include how the necessary familiarisation and training to make the plans effective are going to be implemented;
- The measures to be used to ensure the efficient movement of soil across the site to minimise double handling;
- The measures to be used to ensure the efficient use of materials and minimise the production of waste and its handling;
- The means of monitoring how much and what types of waste are produced; and
- A review process that monitors performance against targets and implements improvement actions where appropriate.

4.4.8 The objectives of the plan are to deliver the following:

- To minimise the movement of soil across the site;
- To minimise the creation of waste wherever possible;
- To remove rubbish, debris, surplus material and spoil regularly and keep the site clean and tidy;
- To ensure that waste disposal is managed in a controlled way;
- To ensure that surplus material is minimised and any non-usable surplus is recycled; and
- To provide all necessary waste transfer documentation.

Training

4.4.9 Site staff will be given inductions before being allowed to work at the site. The inductions will include relevant environmental information such as the occurrence of and protection requirements for the ecological resources listed in Section 3 above.

4.4.10 If a suitably experienced ecologist is required on-site to supervise any ecologically sensitive works, the ecologist may choose to provide their own specific 'tool box talk' prior to the commencement of the works.

4.4.11 The roles and responsibilities as detailed in Section 2 of this CEMP will ensure that the above environmental control measures are implemented and adhered to.

## 5 Schedule of Works

5.1.1 It is understood that works are to commence at site in summer 2022, adhering to the timings set out in Table 5.1 below. A schedule of works and identified responsibilities for the above measures are detailed below.

**Table 5.1** Timetable for Implementation

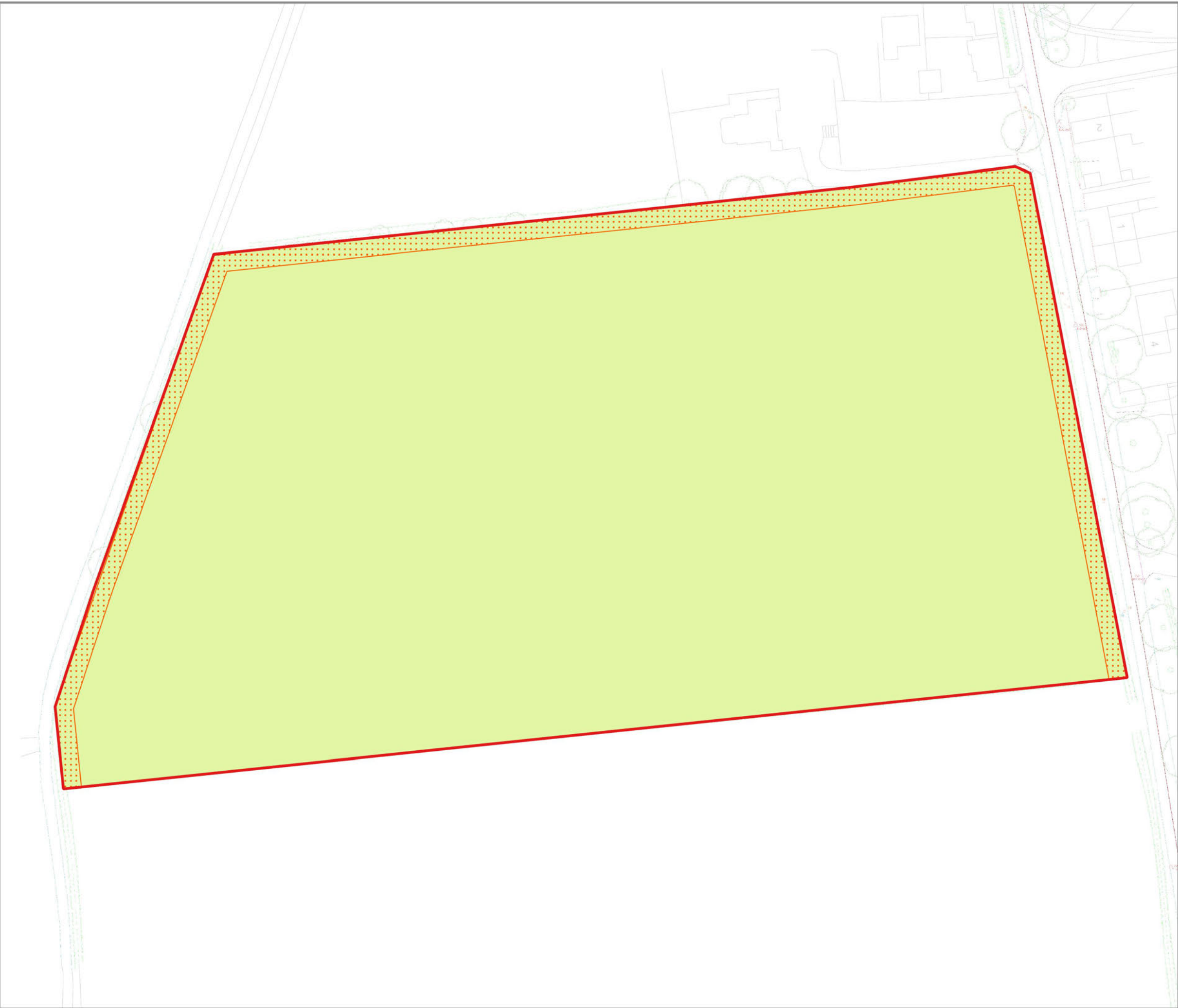
Activity	Frequency / Timing	Responsibility	Notes
Protection of retained trees and hedgerows	Ongoing throughout construction	Gade Homes Ltd. / Site Manager	All trees and hedgerows to be retained shall be protected in line with standard arboriculturalist best practice (BS5837:2012).
Badger update survey	Prior to works commencing	Gade Homes Ltd. / Aspect Ecology (or other suitably experienced ecologist) to undertake update survey	Ecologist to carry out update survey prior to works commencing at site.
Badger construction safeguards	Ongoing throughout construction	Gade Homes Ltd. / Site Manager	-
Sensitive destructive search for reptiles and amphibians (if required)	<b>March – October</b> (active reptile season) if practicable.  Ground clearance of vegetation (where necessary).	Gade Homes Ltd. / Appointed Groundworks Contractor will work under a watching brief and inform Aspect Ecology (or other suitably experienced ecologist) if a reptile or amphibian is found during works	Contractor to carry out vegetation clearance works under a watching brief and stop works and inform Aspect Ecology if a reptile or amphibian is found.
Nesting Bird checks to be carried out prior to any clearance works of suitable nesting bird habitat	The nesting bird season extends between <b>March – August inclusive</b> .  Only required if vegetation clearance is carried out during the nesting season.	Gade Homes Ltd. / Appointed Groundworks Contractor inform Aspect Ecology (or other suitably experienced ecologist) when checks are required. Aspect Ecology (or another suitably experienced ecologist) will then carry out the check(s)	Ecologist to carry out checking survey no more than three days before any vegetation clearance works commence.
General Procedures and Measures	Ongoing throughout construction	Gade Homes Ltd./ Site Manager	-




## 6 Summary and Conclusions

- 6.1.1 This report and accompanying plan sets out a Construction Environmental Management Plan to satisfy the requirements of Condition 10 of the Outline planning consent for the site (ref: 18/1894/OUT).
- 6.1.2 This CEMP provides an overview of the measures to be employed to ensure habitats of value and protected fauna are fully safeguarded throughout the construction phase.
- 6.1.3 It is considered that, subject to the implementation of the CEMP, this report satisfies the stated requirements of Condition 10 of the Outline planning consent for the site.

## **Plan 6126/CEMP1:**

Biodiversity Protection Zones



- Key:
-  Site Boundary
  -  Habitat to be Cleared Outside of 1st March - 31st August (if required) Unless Subject to Nesting Bird Survey by ECoW
  -  Habitat Subject to Destructive Search Exercise (should habitat become unmanaged)

**Indicative locations and extents shown**

For extents and specifications of tree protection fencing see 'Arboricultural Report: Arboricultural Impact Assessment' submitted as part of the original planning application



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Land West of Hook Norton Road, Sibford Ferris, Oxfordshire Biodiversity Protection Zones		PROJECT
		TITLE
		DRAWING NO.
6126/CEMP1		
		REV
A/JM		
		DATE
March 2022		



## **Appendix 6126/1:**

Appeal Decision



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## Appeal Decision

Site visit made on 25 September 2019

**by Stephen Wilkinson BA BPI MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 23 December 2019

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**Appeal Ref: APP/C3105/W/19/3229631**

**OS Parcel 4300 North of Shortlands and South of High Rock, Hook Norton Road, Sibford Ferris, Oxfordshire OX15 5QW**

- 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 Land and Partners against the decision of Cherwell District Council.
  - The application Ref 18/1894/OUT, dated 29 October 2018, was refused by notice dated 30 April 2019.
  - The development proposed is outline planning permission with all matters reserved for up to 25 dwellings, associated open space, parking and sustainable drainage.
- 

This decision is issued in accordance with Section 56(2) of the Planning and Compulsory Purchase Act 2004 (as amended) and supersedes the decision issued on 5 November 2019.

### Decision

1. The appeal is allowed and outline planning permission with all matters reserved for up to 25 dwellings, associated open space and sustainable drainage is granted at OS Parcel 4300 north of Shortlands and south of High Rock, Hook Norton Road, Sibford Ferris, Oxfordshire, OX15 5QW in accordance with the terms of the application, Ref 18/1894/OUT, dated 29 October 2018, subject to the conditions included in the schedule attached to this letter.

### Procedural Matters

2. The application has been submitted in outline with all matters reserved and this is the basis on which I considered this appeal. At the start of the Hearing I sought clarification over the proposed 'parameter plan' as two different revisions had been included for my consideration. I accepted the revised plan no. 6426/ASP3/PP Rev D which included a typographical change to the legend and my decision has been made on this basis.
3. A draft agreement made under Section 106 of the Town and Country Planning Act 1990, as amended, agreed by all parties was presented to me during the Hearing. This has been completed and informs my conclusion on the third main issue identified below.
4. In the week following the Hearing the Government issued a National Design Guide. I wrote to the parties seeking their views on whether this Guidance had any bearing on their cases and my findings have taken on board their views.

## **Main Issues**

5. There are three main issues in this Appeal which I define as follows:
- Whether the proposals comply with the housing policies of the development plan
  - The effect of the proposals on the character and appearance of the settlement of Sibford Ferris and the surrounding area, and
  - Whether the proposals include adequate provision for the necessary infrastructure directly required by this development.

## **The appeal site**

6. The appeal site forms part of an arable field, classified as Grade 2, with a site area of about 3.7ha located on the southern edge of Sibford Ferris on the western side of Hook Norton Road. The site slopes down by approximately 10m to Woodway Road, a single track road which forms its western boundary. The site affords good views to the west of the Cotswolds Area of Outstanding Natural Beauty which lies approximately 1.5km away. The appeal site has hedges along each boundary apart from its southern side which is open to the remainder of the arable field.
7. Sibford Ferris is separated from its nearest settlements of Sibford Gower and Burdrop by approximately half a mile across the steep valley of the River Sib. For this appeal I will refer to these settlements, collectively, as the 'Sibfords'. Together they have a population of approximately 1,000 residents. The valley sides are characterised by small wooded copses and paddocks laced with footpaths. The Sibfords have a range of services which include, doctors surgery, primary school, public house, food shop and post office. Sibford School, a private school lies opposite the site on Hook Norton Road. Limited bus services connect the Sibfords to Banbury and Stratford.

## **Reasons**

### *Policy background*

8. The development plan comprises the Cherwell Local Plan 2011-31, Part 1 (2015) (CLPP1) and 'saved' policies Cherwell Local Plan (1996). The Policies cascade from principles of sustainable development included in Policy ESD1 in line with the National Planning Policy Framework (2019) and seek to distribute growth to the most sustainable locations to ensure that amongst other matters, dependence on private transport is reduced.
9. Accordingly, the CLPP1 requires that the district wide housing target of 22,840 is delivered in the main centres of Bicester and Banbury. Outside these two centres the plan allocates 2,350 houses with 1,600 houses proposed for the former RAF base at Upper Heyford. The plan recognises the importance of sustaining rural villages and through Policy Villages 1 (PV1) defines categories of village by criteria which include their population, services/facilities, and accessibility. The focus of this policy is to 'manage' small scale development proposals which come forward within the built up limits of each village through minor development, infilling or conversions.
10. Policy Villages 2 (PV2) provides a rural allocation of sites of 10 or more dwellings at the Category A villages. This policy identifies that 750 houses will

be delivered at Category A villages; this would be in addition to the 'rural allowance' of small site windfalls and planning permissions that existed at 31<sup>st</sup> March 2014. Underpinning this policy is a recognition of the need to deliver housing growth evenly across the whole District at the larger villages. A range of criteria to guide new development in Category A villages is identified in policy PV2 covering matters such as the environmental qualities of sites, agricultural value, access to services and landscape impacts.

11. At the time of adoption of the CLPP1 the Council anticipated that it would prepare a CLP Part 2 which would have identified housing sites which would have informed policy PV2. This part of the Plan has not progressed because of the inception of the 'growth deal' for Oxfordshire.

*Whether the proposal would be in accordance with the housing policies of the development plan*

12. There are two issues underpinning the application of adopted policy to this site with the first concerning the total of 750 homes to be delivered at the Category A villages and the second on whether the proposed scheme accords with other housing policies.
13. The Council acknowledges that the 750 housing figure is not a target. A point reinforced by my colleague Inspectors in recent appeal decisions. However, it should be regarded as a benchmark to govern future decisions on applications for housing development otherwise the integrity of the plan would be undermined. The Council can identify 5.2 years housing land supply in excess of the requirement for just 3 years required for the Oxfordshire Districts. Furthermore, it can demonstrate that 168 houses have been delivered against the PV2 target of 750 houses despite the Plan being only 4 years through its 16 years 'life'. The Council's statement identifies that across the District 7,455 houses were completed of which 2,765 are in the rest of the District and a further 6,715 houses are committed of which 1,129 are in the rest of the District.
14. The Council identifies that by 31<sup>st</sup> March 2019 planning permissions had been granted for over 750 houses on 18 large sites and to date 271 units had been built out on these sites in line with policy PV2. However, none of these have been permitted within the Sibfords. Evidence provided through the Annual Monitoring Report (AMR) acknowledges the accelerating rate of delivery since 2015 and the Council anticipate that the 750 homes will be built out by 2028.
15. During the Hearing both parties made references to a large number of appeal decisions involving similar housing schemes throughout the District. Underpinning many of these decisions is the issue of 'material exceedance', a term used to describe the extent to which decisions to allow development above the figure of 750 houses for the Category A villages would erode the basis of the CLPP1. Whilst I do not have all the evidence before me regarding each of these appeal decisions there was discussion during the Hearing of a recent appeal decision<sup>1</sup>, which had been allowed for an additional 84 dwellings at Ambrosden, another Category A village within the District albeit with a much larger population and containing a broader range of services. Again the issue of 'material exceedance' had informed the decision to allow the Appeal.

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<sup>1</sup> APP/C3105/W/19/3228169

16. I do not consider 'material exceedance' to be an issue for this appeal given the modest number of units proposed and the categorisation and size of the Sibfords. The Category A status of the village in the plan warrants further investment in housing. Although the plan period is only 4 years old I do not consider that a decision to allow this appeal would undermine the essential thrust of policy PV2 and by extension the local plan.
17. The second issue is the extent to which the proposals are acceptable against other housing policies included in the CHPP1.
18. The principles of sustainable development, identified in the National Planning Policy Framework (2019) (the Framework), underpin policy PSD1 at several levels within the CLPP1. At a strategic level the policy seeks to ensure that development will be concentrated in the main centres, then outside those there is an allowance for development within the rural areas but concentrated within the Category A villages which are defined by their range of services and being located throughout the District would support a balanced pattern of growth. Finally, at another level within each village specific sites have to be 'sustainable' in how they function in their local context with regard to a range of criteria.
19. The Sibfords are identified as a Category A village because of several factors including its population and range of services. These services are spread across each of the 3 settlements. I acknowledge that local connectivity between them via walking and cycling is restricted by the steep sided Sib valley but these services do exist within reasonable proximity of the appeal site. Given the spread of services across each settlement it is unlikely that the development of any site around the Sibfords would readily enable access by sustainable transport modes. This is an argument against the inclusion of the Sibfords as a Category A village but is not a matter before me in this Appeal.
20. Policy PV2 identifies a broad range of criteria which would have informed the CHLPP2 allocations, not all of which are relevant to the issues concerning this appeal. However whilst the site does not comply with several of these I consider that the principle of some form of development on at least part of this site has been accepted. In addition, I accord moderate weight to the inclusion of the part of the appeal site in the Council's Housing and Economic Land Availability (HELAA 2018) for up to 10 houses.
21. The scheme would provide for 35% affordable housing in line with policy. I understand that one of the reasons for the Council's decision resolving to grant permission for a scheme in 2014 was the inclusion of 6 affordable homes to meet local housing need following the Housing Needs Survey in 2010 and the Register of Interest in 2013.
22. Part of the case presented by the Sibford Action Group (SAG) referred to the poor level of service provision in the Sibfords substantiating why further development should not occur. Whilst it is difficult to determine the exact impact that 25 new households would have on local services such as the local shop, it is a fair assumption that this is likely to be positive in supporting it.
23. For the above reasons on this main issue I conclude that the proposals would be in line with adopted housing policies and in line with the Framework. The proposals are in line with policies PSD1, PSV1 and PSV2 of the CHPP1. They are not in conflict with 'saved' policy H18 given the status of the village defined by

PSV1 and PSV2. The scheme would not amount to a material exceedance in breach of policy PV2 and would deliver housing in line with other policies of the Plan.

### *Character and Appearance*

24. Sibford Ferris is a linear village extending northwards along Hook Norton Road before turning east above the Sib valley. The village's linear character means that its rural landscape prevails with the village being a subservient element. For example, the well treed Sib valley restricts views between the Sibfords reducing the impacts of the settlement pattern on landscape. Over the last 20 years new housing has been integrated into the existing settlement pattern in a sensitive way.
25. The appeal site's boundaries are formed by hedges on each side apart from the southern edge which is open to the remainder of the arable field. The site sits on top of a broad ridge above the Sib valley and further away, to the south the Stour valley. When viewed from the south and west across both valleys the appeal site appears as an extension to arable fields. The line of trees on the western edge of the Sibford School is a critical boundary to the edge of the settlement. The site has no statutory or non statutory landscape designations.
26. The adopted policies ESD 13 and ESD15 included in the CLPP1 seek to both protect landscapes and to ensure that new development responds positively to an area's character through creating or reinforcing local distinctiveness. These policies are underpinned by the 'saved' policy C28 of the Cherwell Local Plan (1996) designed to ensure that new development is sympathetic to its rural context and high value landscapes.
27. Where adherence to these policies is not possible proposals will not be permitted if they cause undue visual intrusion into the countryside, impact on its natural landscape and topography and be inconsistent with local character. These policies are consistent with several of the criteria included in policy PV2 which seek amongst other matters, to avoid adverse landscape impacts of new development and to avoid development on the best and most versatile agricultural land.
28. Although the site lies outside the Cotswolds Area of Outstanding Natural Beauty (AONB) its landscape context is shaped by this. Furthermore, the site lies in Character Area 13 of the Oxfordshire Wildlife and Landscape Study defined as an area of 'Rolling Village Pastures' and close to another landscape type, 'Wooded Pasture Valleys and Slopes'. The nature of this rolling landscape interspersed with hedgerows and copses means that views into the site from its immediate boundaries are limited compared to those from further away. For example, the proposed area of housing would be difficult to see from Woodway Road due to the slope the land and height of the hedge.
29. The appeal site would create a new pattern of development as an extension to the southern edge of the village. The indicative drawings identify that development would be set in the north east corner of the site with housing of 2.5 storeys which steps down towards the middle of the site to 1.5 storeys. Within the appeal site the extent of development would be limited and when set against existing development at Margaret Lane House (part of the Sibford School), it would extend the village envelope by only a small area. The



suggested height parameters are important in reducing the visual impacts of the scheme from surrounding receptor points.

30. Whilst there are differences in approach to their respective landscape studies both the Appellants and the SAG identify a range of receptor points from which to gauge the impact of the scheme on landscape and visual character. However neither study include montages of the proposed development or images of what the site could look like after 1 and 15 years – critical points in the ‘life’ of a development.
31. Having visited several of the receptor points and considered the views included in both reports in detail I conclude that potentially the two most sensitive receptor points are from the west from the Cotswolds AONB and from the south. From the former I consider that the integrity of the landscape would not be compromised by this development. This is in part because within the appeal site the dwellings would be set close to existing housing and only marginally extend the pattern of development to just south of Margaret Lane House which forms part of the Sibford School. Furthermore, the line of trees along the boundary of the Sibford School along Hook Norton Road would still be the dominant landscape feature when the site is viewed from the west. For these reasons I consider that the proposals would not have an ‘urbanising effect’ on the site and its surroundings as the Council have stated.
32. From my own observations I find that the appeal site is most prominent when viewed at just over 1km away from the south along D’Arcy Dalton Way. This is particularly important given that at this point the appeal site would not have a natural edge to its southern boundary. However, the scheme does include mitigation along this edge in the form of tree planting. The Appellants Landscape and Visual Appraisal recognises that the proposed scheme would be contained within the existing landscape. The concentration of development at the north east corner of the site and its relative low density would reduce its intrusiveness.
33. The National Design Guide 2019 builds on Chapter 12 of the National Planning Policy Framework (NPPF) 2019 which requires, amongst other matters, that new development reflects its landscape context and setting. Having viewed the site from a number of receptor points I consider that its low density combined with the extent of proposed planting belts would ensure that the proposal could be ‘accommodated’ within its context.
34. On this issue I conclude that the proposals would not cause unacceptable harm to the landscape setting of the Cotswolds AONB and the setting of Sibford Ferris. For these reasons I consider that the proposed scheme would not be in conflict with saved policies C28 of the Cherwell Local Plan (1996) and ESD 13, ESD 15 and PV1 and PV2 of the CHPP1.

### **Infrastructure provision**

35. The completed section 106 agreement includes a range of provisions. These cover the requirement that 35% of the dwellings are ‘affordable’, provision of and commuted payments for local play area and public amenity space within the scheme, maintenance arrangements for onsite trees and boundary hedgerows, and a sustainable drainage system. Other provisions include a contribution to the provision of waste management facilities and community hall facilities and contributions to the local secondary school and the Sibford

School for indoor and outdoor recreation opportunities. The agreement includes provisions made under section 278 for a new pedestrian footway, crossing and access into the site, bus shelter, local play and provisions for a traffic regulation order to ensure lower speed on Hook Norton Road as drivers approach from the south.

36. Overall, the obligations included in the agreement are related to the requirements of development plan policies and are necessary, directly related and fairly and reasonably related in scale and kind to the proposed scheme, in line with paragraphs 56-57 of the National Planning Policy Framework 2019.

### **Other Matters**

37. Interested parties raised issues regarding matters which I address in turn below.

#### *Unsustainability of the Sibfords to take more development*

38. The Sibfords are a Category A settlement included in the local plan. Although the Inspector at the local plan inquiry did consider that the hierarchy of settlement types was not set in stone this is a matter for a review of the local plan and not one for me to determine in this appeal. This categorisation of village types was based on the range of factors including local service provision. Whilst I acknowledge that journey times between the Sibfords would be hindered by the quality of the local highway network and the Sib valley, potentially leading to more private transport use than would be normally expected, a range of services consistent with Category A settlements does still operate in the Sibfords for the benefit of residents of the appeal scheme.
39. Many of the decisions of my inspector colleagues to dismiss appeals in other villages within the District can be distinguished from this case for several reasons. In some cases the scale of development was large compared to the size of the original village. For example, in Finmere, the appeal<sup>2</sup> was dismissed for 47 houses but the range of services was limited as the village had no shop or post office. The Sibfords do have a shop and other services. In other cases the appeal proposals would add to further development given extant permissions as in the cases<sup>3</sup> of both Weston on the Green and Chesterton. The Sibfords have not experienced new development since the adoption of the Local Plan.
40. In other appeals other factors such as substantial harm to heritage assets prevailed. For example, in Kirtlington and Cropredy the impact of proposals on the setting of listed buildings and the character and appearance of a conservation area was cited respectively as reasons for dismissal<sup>4</sup>. These are not matters relevant to this appeal.

#### *Traffic generation and congestion*

41. The amount of traffic generation arising from the appeal scheme was not identified in the Council's reasons for refusal. Whilst representations from interested parties focused on the extent of additional traffic generation arising from the appeal proposal, I did not receive other evidence to dispute the

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<sup>2</sup> APP/C3105/WW/17/3169168

<sup>3</sup> APP/C3105/W/16/3158925 and APP/C3105/W/15/3130576

<sup>4</sup> APP/C3105/W/14/3001612 and APP3105/WW/17/3187461

Appellants traffic survey which indicated that during the critical morning and evening peaks the amount of traffic generation would be between 10 and 12 vehicles generated an hour by the proposals.

42. I acknowledge the CRAILTUS survey completed in 2009 and its conclusions on the use of private transport in the Sibfords but this matter was considered as part of the local plan which designated the village as a Category A village. Furthermore, although representations from SAG addressed concerns over the levels of congestion in the village caused by the amount of traffic passing through the narrow village roads, compounded by the 'school run' to the Sibford school I saw only limited examples of this during this critical time when I visited the village. Furthermore, during two visits to the village I observed that the amount of traffic on local roads was low. Although I acknowledge that bus services to the village have been reduced since the local plan's adoption in 2015 I still consider that the inclusion of new housing could go some way to sustaining the existing level of service provision.
43. Although the proposals would involve the loss of Grade 2 agricultural, land this has to be balanced against the benefits which the proposals could make to the provision of additional housing.
44. Finally, a further objection referred to concerns over flooding. The site lies in the Flood Zone 1 and a Flood Risk Assessment submitted with the appeal identified that the risk of flooding was low. Furthermore, the scheme does include sustainable urban drainage.

### **Planning balance and conclusions**

45. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework (2019) places considerable emphasis on sustainable development and highlights the delivery of new housing as a national priority.
46. The appeal proposals are consistent with the essential thrust of the housing policies included in the adopted CHLPP1. In particular, they are consistent with ESD1 and in line with policies PV1 and PV2. Set against this is the number of dwellings included in extant permissions in the Category A villages across the District which exceeds the 750 dwellings included in policy PV2. However, I do not consider that the appeal proposals represent a material exceedance to this figure given its modest size and they would not undermine policy PV2 and the basis of the local plan. Furthermore, the scheme includes a quantum of affordable units compliant with policy.
47. In addition, the scheme includes other features including a path across the site improving permeability, allotments and local play facilities. These key into some concerns identified in the non-statutory Sibford Action Plan (2012) and are consistent with adopted policies in the CHPP1. I have already identified the obligations included in the completed section 106 agreement which through contributions would improve local highways, restrict speeds into the village along Hook Norton Road and support active lifestyles through contributions to the facilities of the local secondary school and the Sibford School. In addition, 25 new households would go some way to support local services.



48. Whilst the proposed schemes location on the edge of the village does form a limited extension to its current settlement pattern this must be seen in the context of this site set close to Margaret Lane House. The integrity of the landscape character is not compromised by the scheme. The character of the landscape means that the scheme's visual impacts are reduced. Its most sensitive southern boundary can be adequately mitigated through landscaping. The details of this can be determined at reserved matters stage.
49. Taking into account all these matters I conclude that the appeal is allowed and outline planning permission is granted subject to the conditions included in the attached schedule.

### **Conditions**

50. During the Hearing there was a discussion between the main parties on the draft conditions. Having considered these further, I am making a series of small amendments to ensure full compliance with Planning Practice Guidance. I have imposed a condition specifying the timeframes for the commencement of development and for the submission of outstanding reserved matters as required by Sections 91 and 92 of the Town and Country Planning Act 1990, as amended. A condition is required to ensure that the development is carried out in accordance with the plans and documents submitted with the application to ensure adherence to the principle of the proposed development hereby approved. Other conditions require a Construction Traffic Management Plan and Construction Environmental Management Plan to ensure that the operational works to complete the scheme do not adversely impact on the living conditions of surrounding residential occupiers, avoid potential conflict with highway users and protect the environment and biodiversity.
51. A condition requiring a Landscape and Ecology Management Plan is required to identify the habitats to be created in the scheme including the requirement for bat and bird boxes in line with both local and national policy. A condition requiring an energy statement is required to ensure that the energy consumption is minimised during construction and on completion to deliver a low carbon development in line with both local and national policy. A condition is required to ensure archaeological investigations are completed in advance of works proceeding following advice received from the County Council.
52. Other conditions include a need for detailed drawings of the proposed access from Hook Norton Road to ensure highway safety. A condition is required to address contamination if this is found on site. Finally, a condition is required for a starter pack for new homes advising on sustainable modes of travel to ensure that the use of private transport is reduced.

*Stephen Wilkinson*

Inspector

### **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 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 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 the following approved and submitted plans and documents: Site Location Plan 1; 2500 scale (Promap), Concept Schematic 6426/ASP3/PP – Rev D Parameter Plan and 6426/ASP4/LSP-Rev A-Landscape Strategy Plan, Design and Access Statement; Flood Risk Assessment; Arboricultural Impact Assessment; Ecological Impact Assessment; Archaeological Desk Based Assessment; Flood Risk Assessment and Drainage Strategy report and drawings labelled 3361.101.
- 5) Prior to commencement of the development hereby approved, full details of the means of access between the land and the highway shall be submitted to and approved in writing, by the Local Planning Authority. The access shall be broadly in accordance with the positioning indicated on the approved plan 3361.101-Concept Schematic, 6426/ASP3/PP and include detail of layout and vision splays. Thereafter and prior to the first occupation of any of the development the means of access shall be constructed and retained in accordance with the approved details.
- 6) Prior to the first occupation of the development hereby approved a travel information pack shall be submitted to and approved by the Local Planning Authority. Thereafter and upon occupation the first residents of each dwelling shall be provided with a copy of the approved information pack.
- 7) Prior to commencement of the development hereby approved a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the local planning authority. Thereafter, the approved CTMP shall be implemented and operated in accordance with the approved details.
- 8) Prior to commencement of the development hereby approved, full details of a surface water drainage scheme for the site detailing all on and off site drainage works required in relation to the development which shall

be broadly in accordance with the drainage proposals set out in the submitted flood risk assessment produced by JNP Group Consulting Engineers and which shall include a sewer modelling assessment shall be submitted to and approved in writing by the local planning authority. The development shall not be carried out other than in accordance with the approved scheme, until such time no discharge of foul or surface water from the site shall be accepted from the site into the public system. The scheme shall also include:

- Discharge rates
  - Discharge volumes
  - SUDS (permeable paving, soakaways, infiltration devices, attenuation pond, swales)
  - Maintenance and management of SUDS features to include a SUDS management and maintenance plan
  - Sizing of features – attenuation volume
  - Infiltration in accordance with BRE 365 (to include comprehensive infiltration testing and annual monitoring recording of ground water levels across the site).
  - Detailed drainage layout with pipe numbers
  - Network drainage calculations
  - Phasing
  - Flood flow routing in exceedance conditions (to include provision of a flood exceedance route plan).
- 9) Prior to the commencement of the development hereby approved, a landscape and ecology management plan (LEMP) showing how all habitats will be created managed and funded and to include details of a bat and birdbox scheme shall be submitted to and approved in writing by the local planning authority. Thereafter, the development shall not be carried out other than in strict accordance with the approved LEMP.
- 10) Prior to the commencement of the development hereby approved, including any site clearance, a Construction Environmental Management Plan (CEMP), which shall include details of the measures taken to ensure that construction works do not adversely affect biodiversity, shall be submitted to and approved in writing by the local planning authority. Thereafter, the development shall not be carried out other than in strict accordance with the approved CEMP.
- 11) If during development, contamination not previously identified is found at the site, no further development shall be carried out until full details of a remediation strategy detailing how the contamination shall be dealt with has been submitted to and approved by the Local Planning Authority. Thereafter, the remediation strategy shall be carried out in accordance with the approved details.
- 12) Prior to or as part of the first reserved matters submission, an Energy Statement shall be submitted to and approved in writing by the Local Planning Authority. The Energy Statement should:

- Be structured in accordance with the energy hierarchy in ESD2 of the Cherwell Local Plan 2011-31 Part 1 with information provided on each element of the hierarchy
- Inform and be reflected in the reserved matters
- Include a description of the development, number and type of residential units,
- Demonstrate sustainable construction methods as per Policy ESD3 of the Cherwell Local Plan Part 1 2011-31, and
- Consider the use of renewable energy to supply the development.

Thereafter, the development shall be carried out in strict accordance with the recommendations and measures contained in the approved Energy Statement.

- 13) Prior to or as part of the submission of the first reserved matter a Written Scheme of Archaeological Investigation shall be submitted to and approved in writing by the local planning authority. The scheme shall include an assessment of significance and research questions:
- i) the programme and methodology of site investigation and recording;
  - ii) the programme for post investigation assessment;
  - iii) the provision to be made for analysis of the site investigation and recording;
  - iv) the provision to be made for publication and dissemination of the analysis and records of the site investigation;
  - v) the provision to be made for archive deposition of the analysis and records of the site investigation;
  - vi) the nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation.

## **APPEARANCES**

### **FOR THE APPELLANT:**

Jonathan Harbottle	Director, Land and Partners
Alex Dalton	Project Planner, Land and Partners
Tom Hutchison	Projects, Land and Partners
Dan Skinner	Land and Partners
Ben Wright	Director, Aspect Landscape Planning Ltd

### **FOR THE LOCAL PLANNING AUTHORITY:**

Nathanael Stock	Team Leader, Cherwell District Council
Matthew Barratt	Solicitor

### **INTERESTED PERSONS:**

Duncan Chadwick	Partner, David Lock Associates
David Newman	Quartet Design
Ginny Bennett	Parish Councillor, Sibford Ferris
Roger Mallows	Parish Councillor, Sibford Gower
Robin Grimston	Local Resident
John Perriss	Sibford Action Group

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The logo for Aspect Ecology Ltd features the word "aspect" in a white, lowercase, sans-serif font. A thin, white, diagonal line is positioned above the "t", extending from the top of the letter to the right.

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