

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

District: Cherwell

Application no: 22/03873/F

Proposal: Installation and operation of a renewable energy generating station comprising ground-mounted photovoltaic solar arrays and battery-based electricity storage containers together with a switchgear container, inverter/transformer units, Site access, internal access tracks, security measures, access gates, other ancillary infrastructure and landscaping and biodiversity enhancements.

Location: Land North And Adjacent To Mill Lane, Stratton Audley

Response Date: 27/02/2023

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

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General Information and Advice

Recommendations for approval contrary to OCC objection:

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

Outline applications and contributions

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

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

Where a S106/Planning Obligation is required:

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

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

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

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

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

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Transport Schedule

Recommendation:

No objection subject to:

- **An obligation to enter into a S278** agreement as detailed below.
- **Planning Conditions** as detailed below.

Comments:

Access arrangements

The access location and arrangement appear to be satisfactory in principle. A Section 278 application will be necessary for installation of radii kerbed access.

Visibility splays will be required to be cleared and kept free of obstructions.

The Highway boundary needs to be checked with OCC Highway Records (highway.records@oxfordshire.gov.uk) to determine whether or not it coincides with the site boundary at the proposed access junction. The highway boundary is usually identified along the roadside edge of the ditch.

No Highway materials, construction methods, adoptable layouts and technical details have been approved at this stage. The detailed design and acceptable adoption standards will be subject to a full technical audit.

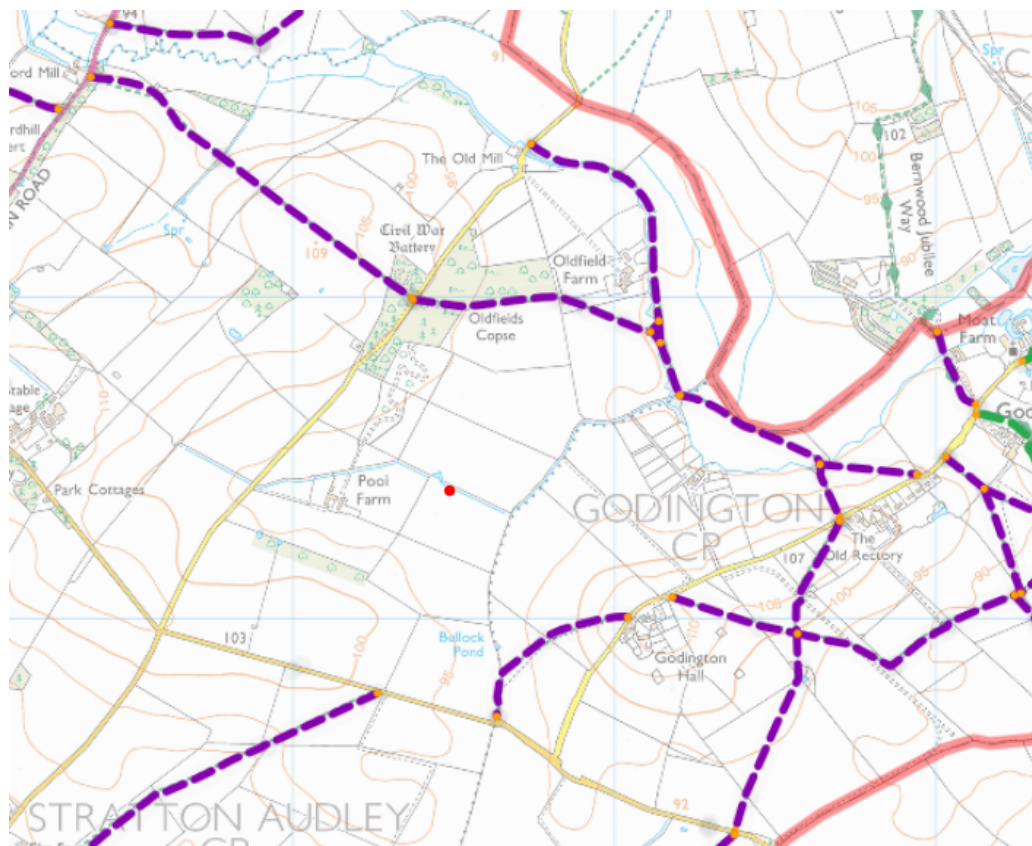
OCC require saturated CBR laboratory tests on the sub-soil likely to be used as the sub-formation layer. This would be best done alongside the main ground investigation for the site but the location of the samples must relate to the proposed location of the carriageway/footway.

Public rights of way

The commitment to provide a permissive footpath route over the life of the scheme is noted and welcomed. This will provide an important connection in the local rights of

way network. As per a public right of way the path should be level, wide, kept free of vegetation and other encroachments and with signing and access furniture that is accessible and easy to use. Caution over choice of trees and proximity to the footpath should be exercised. The path should be included in the regular inspection and maintenance programme over the life of the scheme. I can't see any specific details about this path so this may need to have the details agreed as a condition.

Given the intention to plant and enable mature trees as a green corridor there is probably no reason why the path cannot be dedicated as a permanent public right of way using agreement under s25 Highways Act 1980 as this would guarantee public benefits in perpetuity. The county council would welcome discussions regarding this provision.



Standard measures/conditions for applications affecting public rights of way

- 1. Correct route of public rights of way:** Note that it is the responsibility of the developer to ensure that their application takes account of the legally recorded route and width of any public rights of way as recorded in the definitive map and statement. This may differ from the line walked on the ground and may mean there are more than one route with public access. The legal width of public rights of way may be much wider than the habitually walked or ridden width. The

Definitive Map and Statement is available online at www.oxfordshire.gov.uk/definitivemap.

- 2. Protection, Mitigation and Improvements of routes.** Public rights of way through the site need to be integrated with the development and provided to a standard to meet the pressures caused by the development. This may include upgrades to some footpaths to enable cycling or horse riding and better access for commuters or people with lower agility. The package of measures needs to be agreed in advance with OCC Countryside Access. All necessary PRow mitigation and improvement measures onsite need to be undertaken prior to first occupation so that new residents are able to use the facilities without causing additional impacts and without affecting existing users to ensure public amenity is maintained.
- 3. Protection of public rights of way and users.** Routes must remain useable at all times during a development's construction lifecycle. This means temporary or permanent surfacing, fencing, structures, standoffs and signing need to be agreed with OCC Countryside Access and provided prior to the commencement of any construction and continue throughout. Access provision for walkers, cyclists and horseriders as vulnerable road users needs to be maintained. This means ensuring noise, dust, vehicle etc impacts are prevented.
- 4. Temporary obstructions and damage.** No materials, plant, vehicles, temporary structures or excavations of any kind should be deposited / undertaken on or adjacent to the Public Right of Way that obstructs the public right of way whilst development takes place. Avoidable damage to PRow must be prevented. Where this takes place repairs to original or better standard should be completed within 24hrs unless a longer repair period is authorised by OCC Countryside.
- 5. Route alterations.** The development should be designed and implemented to fit in with the existing public rights of way network. No changes to the public right of way's legally recorded direction or width must be made without first securing appropriate temporary or permanent diversion through separate legal process. Note that there are legal mechanisms to change PRow when it is essential to enable a development to take place. But these mechanisms have their own process and timescales and should be initiated as early as possible – usually through the local planning authority. Any proposals for temporary closure/diversion need to have an accessible, level, safe and reasonably direct diversion route provided with necessary safety fencing and stand-off to ensure public amenity is maintained for the duration of the disturbance.
- 6. Gates / right of way:** Any gates provided in association with the development shall be set back from the public right of way or shall not open outwards from the site across the public right of way.

Traffic impact

The Highway Statement estimates that a six-month construction programme will generate approximately 11 two-way HGV movements per day on average. This is comparable to another similar development proposal so I think the estimate is reasonable.

This level of generated traffic will be negligible on the wider highway network. It will be noticeable on the unnamed road between the A4421 and the site but it will be temporary and cannot be classified as causing severe harm, which would be necessary to warrant an objection. I see from Google Streetview that this road has been improved over recent years by widening and the formalisation of passing places so it should be able to cope with the modest increase in vehicle movements.

S278 Highway Works:

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

- Kerbed bellmouth site access junction, as shown indicatively on the Indicative Access Junction drawing no. 111299-10-01 Rev. -

Notes:

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

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

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

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

Planning Conditions:

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

Other than the approved access no other means of access whatsoever shall be formed or used between the land and the highway.

Reason - In the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework.

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 development shall not be carried out other than in accordance with the approved CTMP.

Reason: In the interests of highway safety and the residential amenities of neighbouring occupiers and to comply with Government guidance contained within the National Planning Policy Framework.

No development shall commence unless and until full details of the means of access between the land and the highway, including, position, layout, construction, drainage and vision splays have been submitted to and approved in writing by the Local Planning Authority. The means of access shall be constructed prior to commencement of development in strict accordance with the approved details and shall be retained and maintained as such thereafter. Agreed vision splays shall be kept clear of obstructions higher than 0.6m at all times.

Reason - In the interests of highway safety and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

Prior to operation of the site, full details of the permissive path through the site, including the route, width, signage and access furniture, is to be submitted to and approved in writing by the Local Planning Authority.

Officer's Name: Roger Plater

Officer's Title: Transport Planner

Date: 27 February 2023

Application no: 22/03873/F

Location: Land North And Adjacent To Mill Lane, Stratton Audley

Lead Local Flood Authority

Recommendation:

Objection

Key issues:

- Drainage strategy drawing required.
- Permeable road construction detail to be provided.
- Surface water flood exceedance plan to be provided.
- Maintenance regime to be provided for the permeable surfaces.

Detailed comments:

Drainage drawing required to illustrate the permeable surface for the access roads and all other permeable surfaces.

Construction details drawing to be provided for the permeable surface.

Provide surface water flood exceedance plan, illustrating that all surface water will be kept away from structures and within the site boundary.

Provide maintenance regime for the proposed SuDS features.

Officer's Name: Kabier Salam

Officer's Title: LLFA Engineer

Date: 16/02/2023

Application no: 22/03873/F

Location: Land North And Adjacent To Mill Lane, Stratton Audley

Archaeology

Recommendation:

The geophysical survey and desk-based assessment carried out on the site have identified some areas of potential prehistoric activity. These will need to be investigated through a programme of pre-determination evaluation.

Key issues:

Legal agreement required to secure:

Conditions:

In accordance with the National Planning Policy Framework (NPPF 2021) paragraph 194, we would therefore recommend that, prior to the determination of this application the applicant should therefore be responsible for the implementation of an archaeological field evaluation.

This must be carried out by a professionally qualified archaeological organisation and should aim to define the character and extent of the archaeological remains within the application area, and thus indicate the weight which should be attached to their preservation. This information can be used for identifying potential options for minimising or avoiding damage to the archaeology and on this basis, an informed and reasonable decision can be taken.

Informatives:

Detailed comments:

The site lies in an area of archaeological interest and potential, as outlined in the submitted archaeological desk-based assessment and geophysical survey report. The geophysical survey and ADBA have identified areas with potential prehistoric burning activity, and other undetermined features. These should be investigated through a trenched evaluation prior to the determination of the application.

Officer's Name: Victoria Green

Officer's Title: Planning Archaeologist

Date: 14th February 2023

Application no: 22/03873/F

Location: Land North And Adjacent To Mill Lane, Stratton Audley

Landscape / Green Infrastructure

Comments

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

Officer's Name: Haidrun Breith

Officer's Title: Landscape Specialist

Date: 15/02/2023