

APPENDIX B. OCC Pre-Application Response

Application no: 21/CH0010/Preaapp

Location: Land South of Green Lane, Chesterton

Transport Development Control

Oxfordshire County Council is a consultee of the local planning authority and provides advice on the likely transport and highways impact of development where necessary.

It should be noted that the advice below represents the informal opinion of an Officer of the Council only, which is given entirely without prejudice to the formal consideration of any planning application, which may be submitted. Nevertheless the comments are given in good faith and fairly reflect an opinion at the time of drafting given the information submitted.

Based on the information provided, I set out the main issues/information that will need to be considered with the proposal, and these are:

- Chesterton currently does not benefit from public transport and under this scenario a planning application would meet with an **objection** from the County on the grounds that the site is in an unsustainable location in terms of transport.
- An objection may be mitigated by the timely introduction of transport provisions associated with nearby consented schemes.
- Detailed comments on the Transport Assessment Scoping Note are set out below.
- Should the County's forthcoming Bus Service Improvement Plan result in a service to Chesterton then a S106 contribution would be sought.
- A Travel Plan and Travel Information Pack would be required.
- The proposed access arrangements are acceptable in principle although some amendments may be required.

Detailed Comments

Transport Development Control

Chesterton currently does not benefit from a credible public transport service. There is a single bus from Chesterton to Bicester at 0725 in the morning with no return service. Bicester Park and Ride site is some 2km from the development site which is significantly outside the preferred maximum walking distance identified in Providing for Journeys on Foot (Chartered Institute of Highways and Transportation, 2000). Under this public transport scenario a planning application for the proposals that are the subject of this pre-application advice would meet with an **objection** from the County on the grounds that the site is in an unsustainable location in terms of transport.

This contention is reinforced by the dismissal of an appeal against the refusal of planning permission for an extension to the village of Chesterton in the form of 51 dwellings on land north of Green Lane and east of The Hale (Appeal reference: APP/C3105/W/15/3130576). The site in question is immediately to the north of the site that is the subject of this pre-application advice. Therefore, the Inspector's findings can be considered to be highly relevant to this site. In the Appeal Decision notice the Inspector commented variously as set out below.

"Although the edge of the Bicester urban area is reasonably close to the village, roads are not pedestrian or cycle friendly due to their width and the traffic using them, there are no footways, and consequently cycling or walking to any part of Bicester, including the newly opened park and ride facility just off the A41, is unlikely to be a realistic option for most people." (Paragraph 20)

"...the likelihood in reality is that future residents of the development would be dependent on the private car for virtually all of their travel needs." (Paragraph 22)

"...Chesterton would not be a sustainable location for the scale of new development being proposed..." (Paragraph 25)

There are two consented developments in Chesterton, with associated transport packages, which would significantly improve the sustainability of this site if they were to go ahead. These are set out below.

- Great Wolf Development (Appeal Ref. APP/C3105/W/20/3259189) will make a £1.6m public transport service contribution towards the provision of a new public bus service linking the site to Bicester town centre and railway.
- Bicester Sports Association (Appeal Ref: APP/C3105/W/20/3265278) will provide new footway along The Hale providing a continuous off-road pedestrian route between the junction of The Hale and the bus stops in the centre of Chesterton.

With these transport provisions in place the proposals that are the subject of this pre-application advice would be in a significantly more sustainable location. However, this development would still be expected to provide off-road pedestrian link between the site and the new footway on The Hale. This would complete a continuous off-road pedestrian route between the development site and the bus stops in Chesterton. It is stressed that this development site would still be regarded as being in an unsustainable location until such time as the Great Wolf and Bicester Sports Association transport provisions identified above are in place.

The Pre-application documents include a Transport Assessment Scoping Note (TASN). The County's comments on this document are set out below.

- Paragraph 2.5. Reference should also be made to the County's guidance **Transport for New Developments: Transport Assessments and Travel Plans** (March 2014) which can be found on the County's website.
- Paragraph 3.2.1. It is assumed that reference to Geminis Road (*sic*) actually means Vespasian Way.
- Paragraph 3.2.6. The dismissed appeal on land north of Green Lane and east of The Hale is also relevant here.
- Paragraph 3.4.2. Junctions 1 and 3. The unnamed road referred to is known as The Hale.
- Paragraph 3.4.3. The County can confirm that the proposed study area is acceptable.
- Paragraph 3.4.4. Observed pre-pandemic data should be reviewed and presented to determine what uplift, if any, is required.
- Paragraph 4.2.2. The site access drawing shows a 2.0m margin on either side of the 5.5m carriageway. It is not clear what these are for, but they could entice pedestrians onto Green Lane at this point, which has no footway and should be discouraged for road safety reasons.
- Paragraph 5.2.3 states that *"This assessment pre-dates the impacts of COVID but demonstrates that there are a range of travel modes open to residents of Chesterton."* The data is from the 2011 census and therefore does not reflect the withdrawal of Chesterton's bus service in 2016.
- Paragraphs 5.2.4 - 5.2.8. This analysis is at odds with the "Desirable", "Acceptable" and "Preferred maximum" walking distances set out in Providing for Journeys on Foot, and its conclusions are intuitively over optimistic regarding the role that the walk mode can play in trip making from the development site. If a Transport Assessment were to present this analysis then it would need to present the data on which it relies together with a more credible assessment of the propensity to walk.
- Table 5.2 and Paragraph 5.3.4. As above for the walk mode. This table seems to be assuming an average walk speed of 5km/h which seems optimistic.
- Section 5.4. See response under Travel Plans below.

- Paragraph 6.2.1. Surveys undertaken on Mondays and Fridays should be excluded.
- Paragraph 6.3.1. National Travel Survey data should be included in a Transport Assessment.
- Paragraph 6.3.3 should define the notation for the gravity model proposed and justify this form of model.
- Paragraph 6.4.6 states that "*This is a low level of impact and will not materially impact on the local network.*" This assertion should be demonstrated.
- Paragraph 6.9.1. The County agrees with the proposed traffic assessment parameters except when noted otherwise here.
- Paragraph 7.3. As noted against paragraphs 5.2.4 - 5.2.8 the County is not satisfied with the parameters set out for identifying walking distances. The approach for establishing baseline traffic conditions is acceptable but, as noted against paragraph 3.4.4, observed pre-pandemic data should be reviewed and presented to determine what uplift, if any, is required. The extent of the proposed personal injury accident data analysis is acceptable.
- Paragraph 7.4. See comments under **Road Agreements** below.
- Paragraph 7.6. The County's comments on these items are set out above.

Public Transport

Chesterton is currently not served by any public transport service apart from one bus at 0725 to Bicester town centre, with no additional or return journeys. The bus stop for this service is a significant walk from the development.

The applicant notes that improved bus provision has been secured through the Great Wolf Lodge permission. However this will not commence until first occupation on this site with no firm timescales for this as yet. There is potential that occupations on a residential development would take place in advance of this coming forward, and therefore some assurance would be necessary that adequate public transport services would be available during this period. The Council does not accept private shuttle/minibus services for this purpose.

It is possible that the Council's forthcoming Bus Service Improvement Plan may consider a service applicable to Chesterton. This would depend on final proposals being developed and sufficient Government funds being made available. If such a service was forthcoming then applicant would be required to make a financial contribution to this service.

The current public transport contribution rate for the Bicester area is £1,051 per dwelling. However, in the context that the development would be unacceptable without adequate public transport services, a higher contribution may be necessary to secure an appropriate level of provision.

Travel Plans

The proposed quantum of development will trigger the requirement for a Travel Plan and an associated monitoring fee, in line with Oxfordshire County Council thresholds. Note that the requirements are for a Travel Plan, not a Framework Travel Plan as stated in the Transport Assessment Scoping Note. Guidance for producing the Travel Plan can be found on the County's website.

The County also requires a Travel Information Pack to be produced setting out transport options in the area for new residents. This is to be distributed to the first residents of each dwelling on occupation.

The County can be commissioned to deliver a Travel Information Pack and Travel Plan interventions on behalf of the development site. Contact travelplan@oxfordshire.gov.uk for further information.

Road Agreements

The proposed access arrangements are acceptable in principle, however the County would recommend that the 30mph speed limit be extended to enclose new site. New location of terminals and village signs would need to be outside of the visibility splay.

The site access drawing shows a 2.0m margin on either side of the 5.5m carriageway. It is not clear what these are for, but they could entice pedestrians onto Green Lane at this point, which has no footway and should be discouraged for road safety reasons.

Points to note are set out below.

- The application will need to comply with Oxfordshire street design guide.
- Offsite works should be designed in accordance with the DMRB.
- The County requires swept path analysis for an 11.6m refuse vehicle for all manoeuvres in forward gear passing an on-coming or parked family car throughout the layout.
- 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.
- The Highway boundary needs to be checked with the County's 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.

Legal Agreement

Should the County's forthcoming Bus Service Improvement Plan result in a service applicable to Chesterton then a S106 contribution of £1,051 per dwelling would be sought.

Section 106 Agreement required to secure a Travel Plan Monitoring fee of £1,446 (RPIx Dec 2020).

Further contributions may be identified as a result of review of a planning application.

Conditions

Should a planning application be forthcoming then the following transport related conditions are likely to be attached.

D4 Access
D7 Vision splay protection
D9 New estate roads
D10 Estate accesses, driveways and turning areas.
D16 Details of turning for service vehicles
D17 / D18 Car parking
D19 Cycle parking

Prior to the commencement of the development a Construction Traffic Management Plan prepared in accordance with Oxfordshire County Council's checklist, must be submitted to and approved in writing by the local planning authority. The construction works must be carried out in accordance with the details approved in the Construction Traffic Management Plan.

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

Prior to first occupation a Travel Information Pack shall be submitted to and approved by the Local Planning Authority. This is to be distributed to the first residents of each dwelling.

Further Information

The following web addresses provide basic information needed to assist in the highway and transport consideration of many proposals.

Oxfordshire County Council guidance on transport for new developments
<https://www.oxfordshire.gov.uk/residents/roads-and-transport/transport-policies-and-plans/transport-new-developments>

Oxfordshire County Council Residential Road Design Guide

<https://www.oxfordshire.gov.uk/sites/default/files/file/roads-and-transport-policies-and-plans/DesignGuidePublication.pdf>

Oxfordshire County Council Cycling Design Standards

<https://www.oxfordshire.gov.uk/sites/default/files/file/roads-and-transport-policies-and-plans/cyclingstandards.pdf>

Oxfordshire County Council Walking Design Standards

<https://www.oxfordshire.gov.uk/sites/default/files/file/roads-and-transport-policies-and-plans/walkingstandards.pdf>

Oxfordshire County Council Parking Standards

<https://www.oxfordshire.gov.uk/sites/default/files/file/roads-and-transport-policies-and-plans/PARKINGS.PDF>

Oxfordshire County Council guidance on Transport Assessments and Travel Plans

<https://www.oxfordshire.gov.uk/sites/default/files/file/roads-and-transport-policies-and-plans/TATPGuidance.pdf>

Department for Transport Cycle Infrastructure Design

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/951074/cycle-infrastructure-design-ltn-1-20.pdf

TRICS national information source for assisting the prediction of trip generation from new developments

<http://www.trics.org/>

Cherwell District Council Cherwell Local Plan 2011-2031 Part 1

<https://www.cherwell.gov.uk/downloads/download/45/adopted-cherwell-local-plan-2011-2031-part-1-incorporating-policy-bicester-13-re-adopted-on-19-December-2016>

Cherwell Residential Design Guide Supplementary Planning Document

<https://www.cherwell.gov.uk/info/234/supplementary-planning-documents-spd/491/draft-cherwell-design-guide-supplementary-planning-document-spd>

Officer's Name	:	Chris Nichols
Officer's Title	:	Transport Development Control
Date	:	1 November 2021

APPENDIX C. Great Wolf Appeal Decision



Appeal Decision

Inquiry Held between 9 February and 5 March 2021

Site visit made on 8 March 2021

by S R G Baird BA (Hons) MRTPI

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

Decision date: 11th May 2021

Appeal Ref: APP/C3105/W/20/3259189

Land to the east of M40 and south of A4095, Chesterton, Bicester, Oxfordshire

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Great Lakes UK Limited against the decision of Cherwell District Council.
 - The application Ref 19/02550/F, dated 11 November 2019, was refused by notice dated 12 March 2020.
 - The development proposed is the redevelopment of part of a golf course to provide a new leisure resort (sui generis) incorporating a waterpark, a family entertainment centre, a hotel, conferencing facilities and restaurants with associated access, parking and landscaping.
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Preliminary Matters

1. The local planning authority (lpa) confirmed that drainage measures outlined by the appellant are acceptable and Reason for Refusal 5 (RfR) was not pursued.
2. The lpa, Oxfordshire County Council (OCC) and those with an interest in the land, entered into an Agreement under S106 of the above Act to provide for: a financial bond; the payment of fees; financial contributions for cultural well-being purposes, public transport and cycle improvements; traffic calming measures in Middleton Stoney; the off-site provision of footpaths and cycleways; a shuttle bus service for staff and guests; day passes for local residents; travel, training and employment plans and golf related schemes.
3. The inquiry was adjourned to allow for the submission of (a) revised planning conditions and (b) a signed copy of the S106 Agreement. The inquiry was closed in writing on 13 April 2021.

Decision

4. The appeal is allowed and planning permission is granted for the redevelopment of part of a golf course to provide a new leisure resort (sui generis) incorporating a waterpark, a family entertainment centre, a hotel, conferencing facilities and restaurants with associated access, parking and landscaping on land to the east of M40 and south of A4095, Chesterton, Bicester, Oxfordshire in accordance with the terms of the application, Ref 19/02550/F, dated 11 November 2019, and the plans submitted with it, subject to the conditions contained in the attached Schedule of Conditions.

Main Issues

5. These are:

1. the effect on the safety and free flow of traffic on the highway network, with particular reference to the effect on the Middleton Stoney junction;
2. the landscape and visual impact of the proposal;
3. the implications for sport and recreational facilities in the area, with particular reference to the provision of golf facilities;
4. whether, having regard to the nature of the development, the appeal site represents a locationally sustainable choice;
5. whether the proposal conflicts with the provisions of the development plan, and if so whether there are any material considerations that would outweigh that conflict.

Reasons

6. The development plan includes The Cherwell Local Plan 2011-2031 (LP) and saved policies of the Cherwell Local Plan 1996 (SLP).

Issue 1 – Highway Safety

7. LP Policy SLE 5 indicates that development that would have a severe traffic impact will not be supported. National Planning Policy Framework (Framework) paragraph 109 says that, development should only be refused on highway grounds if the residual cumulative impacts on the road network would be severe. In the interests of amenity and highway safety, SLP Policy TR7 indicates that development that would generate substantial levels of traffic on minor roads will not normally be permitted. Other than the effect on the MS junction, the Highway Authority (HA) confirmed that the development would not have a severe effect on the network.

Middleton Stoney (MS) Junction

8. Generally, resort visitors from the North, Midlands and East Midlands would approach the site from Junction 10 of the M40 via the B430 and through the MS traffic light-controlled junction. This junction is and will be used by traffic to and from the Heyford Park (HP), Phases 1 and 2, developments. Mitigation works to the MS junction required by Phase 1 have been approved and the trigger point for implementation is approaching. The approved scheme is for a widening of the junction to provide a right-turn lane into the B4030 Bicester Road for traffic approaching from the south. HP Phase 2 is the subject of a resolution to grant permission and whilst further junction mitigation works have been proposed, they have yet to be approved.
9. Based on a worst-case level of traffic generated by the resort, various junction operation scenarios were modelled and the outputs¹ are agreed by appellant and HA. Of these, Scenarios 4, 8, 9 and 10 are the most relevant.
10. Given that the HP Phase 1 mitigation scheme will be implemented soon, Scenario 4 is effectively a proxy for the existing situation and an appropriate starting point. This scenario shows a junction at overcapacity, with a PRC of - 27.6% in the AM peak and - 9% in the PM peak. Scenario 8 models

¹ Practical Reserve Capacity (PRC), Degree of Saturation (DoS) and Mean Maximum Queue.

HP Phases 1 and 2 trips, using the approved Phase 1 and proposed Phase 2 mitigation schemes. This returns a PRC of - 19.3% in the AM peak and - 3% in the PM peak. Whilst the HP Phase 2 mitigation works have yet to be approved, that is the best evidence available. Whilst still over-capacity, junction operation would materially improve.

11. If it was considered necessary, the appellant indicates that additional mitigation could be undertaken. Scenarios 9 and 10 model the impact of HP Phases 1 and 2 and the impact of resort traffic with and without further mitigation. These show that the PRC in the AM peak would be the same at - 20.8% and - 6% in the PM peak. These returns show that further mitigation over and above that proposed for HP would make no difference to the operation of the junction when used by resort traffic.
12. I recognise that when a junction is operating above capacity, small changes can have a disproportionate effect. However, the percentage differences in the DoS modelled for the B430 south approach and the B4030 east approach of 1.4% and 1.1% respectively in the AM peak and 0.1% and 3.3% in the PM peak strike me as marginal, as does the difference in the AM peak PRC of 1.5%. Other than increasing the MMQ by 10 vehicles on the B430 south approach and 4 cars on the B4030 east approach, the development would not make a material difference to the operation and capacity of the junction.
13. The test in LP Policy SLE 5 and Framework paragraph 109 is that of a severe impact. Given that neither the LP nor the Framework contain a definition of severe, I fall back to the commonly accepted definition of severe as being *"very great or intense"*. On this basis, further mitigation is unnecessary and the residual cumulative impact of the development on the operation and capacity of the MS junction would not be severe.

Minor Roads

14. Given the nature and function of the B430, the B4030 and particularly the A4095, which runs through the western edge of Chesterton, these are not "minor" roads. Other than the effect on the MS junction, the level of traffic likely to use these roads were not matters that the HA pursued. Whilst I appreciate the concerns of residents particularly about the stretch of the A4095 through Chesterton, based on likely traffic generation through the village, I saw nothing to suggest that the impact would unacceptably affect the safety and free flow of traffic.
15. Notwithstanding the above, one route from the A41 through Little Chesterton to the A4095 is, for the most part, a single-track road with stretches where forward visibility is poor. This part of the network would be an entirely unsuitable route to access to the development. Concern was expressed that visitors approaching from the south and using SatNav would be directed on this route for the last leg of their journey. I acknowledge that some navigation systems would, notwithstanding the nature of the road, suggest this route. However, through a comprehensive signage strategy, as provided for by the suggested planning conditions, and the potential to reinforce the message during the visitor booking process, the effect on this route could be acceptably mitigated. My experience is that an appropriately designed signage strategy, particularly in relation to tourist and recreation destinations, does have a significant and positive effect on travel behaviour and the routing of traffic.

Car Parking

16. The development provides for 902 car parking spaces for visitors and staff and the HA and the Ipa are content with the scale of the provision. Based on its own analysis, Parishes Against Wolf (PAW) submits that this level of car parking would be insufficient to meet the demands of the resort and result in parking on the A4095 or in Chesterton to the detriment of highway safety.
17. Consistent with what one would expect from an operation such as this, the Transport Assessment (TA) shows peak parking demand between 0800 to 1900 hours on weekdays and at the weekend with the peak occurring between 1300 to 1600 hours. This ties in with the projected occupancy shown in the TA. The TA shows that the average duration of stay is 1.6 days, with an average of 4.5 guests per room, car occupancy of 3 guests and hotel occupancy rates of 75% on weekdays and 100% at weekends. These are reasonable assumptions to use when assessing the appropriateness of the proposed car parking. Based on the inevitable overlapping of guest arrivals and departures and the churn of parking demand these assumptions suggest to me that the level of car parking proposed would be sufficient for both staff and guests. On this basis, I have no reason to disagree with the conclusions of the HA or the Ipa.
18. Even at peak occupancy, with guests arriving earlier than check-in times, albeit there appears to be no advantage to this in terms of accessing the facilities, and leaving later so as to maximise the experience, I find PAW's assessment of parking demand based on the various assumptions and methodology it uses results in a material over-estimate of likely demand. Moreover, there is considerable scope through travel planning and the staff shuttle bus to manage and reduce the demand for car parking thus maximising the availability of spaces for guests. On this basis, the HA/Ipa's acceptance of 902 spaces is not unreasonable.
19. Drawing the above together, the proposal would not have an unacceptable impact on the safety and free flow of traffic on the highway network. The proposal would not conflict with LP Policy SLE 5, SLP Policy TR7 and Framework paragraph 109.

Issue 2 – Landscape and Visual Impact

20. The site lies within open countryside with no national or local landscape designations regarding its intrinsic quality. The site comprises the back 9-holes of an 18-hole golf course and whilst it contains no buildings, it adjoins the Bicester Hotel, Golf and Spa, a sprawling mainly 2-storey building.
21. LP Policy ESD 13 indicates that development will not be permitted where it would cause undue visual intrusion into the countryside; would be inconsistent with local character or harm the setting of settlements. LP Policy ESD 15 requires that development should deliver high quality places, contribute positively to the character and identity of an area by creating or reinforcing local distinctiveness and consider the amenity of existing developments in terms of outlook. Framework paragraph 170 says that decisions should contribute to and enhance the natural and local environment through, recognising the intrinsic character and beauty of the countryside and protecting and enhancing valued landscapes in a manner commensurate with their statutory designation or identified quality in a development plan.

22. The appellant's Landscape and Visual Impact Assessment (LVIA), the scope of which was agreed with and accepted by the lpa provides, a robust and comprehensive assessment of the baseline condition and impact of the development. The LVIA includes a series of views to and across the site from public vantage points and visual representations of the scheme. These are useful aids, but they are no substitute for views and impressions obtained from walking the site and the network of roads and public footpaths in the area. When concluding on landscape and visual impact, I rely more on the impressions obtained during the site visits, particularly the post-inquiry visit.

Landscape Character

23. Published landscape character assessments include, Natural England's National Character Area Profile 107 (NCA) for the Cotswolds, OCC's Oxford Local Landscape and Wildlife Study (OWLS) and the lpa's Countryside Design Summary (CDS). A recurring theme of these studies is the reference to parkland landscapes within the relevant landscape types.
24. The NCA profile is a high-level landscape character assessment covering an extensive area, including the Cotswolds Area of Outstanding Natural Beauty (AONB). The NCA identifies as a Key Characteristic, parkland, gardens and historic designed landscapes. That said, the site is located almost on the eastern edge of the NCA, where it merges with neighbouring NCAs. This is an area of transition where many of the key characteristics of the NCA are either absent or heavily diluted. The OWLS and the CDS are finer grain character assessments. The OWLS shows the site located within the Wooded Estatelands Landscape Type (LT) and, at a finer grain, the Middleton Stoney Local Character Area (LoCA). Whilst the Wooded Estatelands LT lists large parklands and mansion houses as a key characteristic, this is qualified as, *"large parklands with ...distinctive country houses"*. Similarly, the Middleton Stoney LoCA refers to parklands as a prominent feature. The overarching landscape strategy for these areas is to safeguard and enhance the characteristic landscape of parklands, estates, hedgerows, and unspoilt villages. The CDS shows the site falling within the Ploughley Limestone Plateau Character Area, described as containing, amongst other things, the extensive remains of 19th century parklands. Here, development should avoid exposed and prominent locations.
25. Although Bignell Park is located on the opposite side of the A4095, there is nothing to suggest that the appeal site once formed part of a designed parkland. The golf course is heavily manicured and apart from blocks of woodland located in the northern third of the site, and on the south-eastern boundary with the M40, the fairways are separated by relatively thin lines of trees of varying quality and maturity, the majority being of low value. In this context, given the overriding thrust of the published landscape character assessments, the site would not fall to be considered as parkland. Rather, given the heavily managed and manicured appearance of the golf course, the most that can be said is that it has some limited parkland characteristics.
26. It is accepted, for the purposes of Framework paragraph 170, the site does not form part of a valued landscape and I have no reason to disagree with that conclusion. Whilst the public right of way (PROW) across the site and the golf course may be valued locally, there is nothing out of the ordinary to elevate the site to be a valued landscape. Traffic noise from the M40, has a

material impact on the level of tranquillity enjoyed by users of the PROW and the course. Drawing this together, the site has a medium landscape value.

27. The site is visually and physically enclosed by dense mixed tree groups and hedgerows of varying quality and maturity. As such, even in winter there is little or no appreciation of the site from public vantage points in the area. At most, in winter, there are glimpsed views of the course the from the A4095 and in summer views are all but obscured. The proposed building is large with the building and car park having an extensive footprint. In terms of its height, the 3 and 4-storey hotel wings would range from 16.3m at the eaves to 19.3m to the ridge. The family entertainment centre would be some 7.1m high with a high point at some 12.5 m. Whilst the water park has a ridge height of some 18.8m, the tower supporting the waterslides would have a ridge height of some 22.4m. Notwithstanding the substantial mass and scale of the building, the scheme's architects and landscape architects, have, whilst working to a template of the elements required, produced a design using a variety of building forms and styles, a varied palette of materials and landscaping and external lighting that produces a building that is neither institutional nor monolithic in its appearance in this rural setting. The landscaping proposed would be substantial including a 1.6ha increase in woodland cover, a 0.45ha increase in native shrub planting introducing some 660 extra-heavy standard or semi-mature trees and some 16,000 trees and shrubs and over 2.5km of new hedgerows.
28. Although there is nothing of a similar nature or scale in the wider area, there are significant nods to local character in terms of the palette of materials and design e.g. stone cladding and detailing (quoins and coping), painted render, red and grey roof tiles and metal cladding to the water park area. In the design, I recognise, strong cues to the grand country house characteristic of the Cotswolds. Thus, in terms of LP Policy EDS 15, the scheme would contribute positively, by creating its own local distinctiveness. In terms of design and execution, the outcome of the design process cannot be described as the "tail wagging the dog".
29. Whilst a large part of the NCA includes the AONB, the site is located some 13km to the west and there would be no material effect on that landscape. The landscape of the site, albeit it displays limited parkland characteristics, and its surrounds, given that it is an area of transition does not reflect the high susceptibility and value of NCA 107 in general. The landscape character of the appeal site itself would experience significant change and permanent transformation. However, given the scale of physical enclosure, the site and its landscape setting have a low susceptibility to change.
30. Drawing this together, the site has a medium landscape value and a low susceptibility to change resulting in a medium sensitivity to landscape change. Given the landscape effects would be highly localised, the magnitude of change to the landscape character of the Wooded Estate lands LT and Middleton Stoney LoCA would be low to negligible. The change to landscape character would not be significant and at Year 15 would be negligible.

Visual Impact

31. Given the limited number of viewpoints the development would be seen from, it is accepted that the visual impact of the development would be localised. The ES provides baseline and anticipated views from agreed

representative viewpoints. Given that in most of these views the development would be completely obscured by existing vegetation, I have concentrated on those from where in Year 1 the development might be seen. In addition, the ES provides 5 baseline and potential views from the south and northbound carriageways of the M40.

32. Dealing first with the A4095, the 2 key changes are the introduction of a pedestrian footway from the M40 overbridge to the site access, a pedestrian footway/cycle path from the site access to the junction of the A4095 and The Hale and the vehicular access to the site. The A4095 is an A Class road and the approach to Chesterton from the M40 overbridge is dominated by mature tree and hedgerow planting on both sides (Viewpoint 1a). The proposed off-site works would have no impact on the existing vegetation to the north. The proposed footpath works are relatively minor features and no more than is found on many rural roads. With some long overdue hedgerow maintenance and very limited removal of poor-quality hedgerow trees, the verge on the site side would be more than wide enough to accommodate both the pedestrian path and the shared cycleway/footpath. It is the verdant setting of this stretch of the A4095, that provides its rural appearance/character and the proposed footway/cycleway works would have no material impact on this element. Moreover, the proposed landscaping scheme proposes to strengthen the existing hedge along the whole length of the site boundary with additional woodland planting, parkland trees and native hedgerow. In winter there are very limited views through the existing hedge and in summer these would be significantly reduced. With the addition of the proposed planting there and the setback of the building from the boundary (between some 98m and 202m) there would, apart from the main access be no views of the building from the A4095.
33. The proposed vehicular access would create an opening in the existing hedgerow of some 40m and the creation of a right-turn lane for vehicles approaching from the west. Again, this type of access on a rural A Class road is not unusual. It would appear from the submitted plans that the access can be achieved without removing any of the verge on the norther side of the road. New hedgerows would be planted behind the visibility splays and the access road up to the landscaped turning area would be set out in a boulevard style with trees on either side and single species hedgerow to screen the car parking areas. Drivers, their passengers, and pedestrians would be receptors of low/medium and high sensitivity. In my view the combination of these features would materially narrow the field of view of drivers and their passengers passing on the A4095 and any views would fleeting glimpses. For pedestrians, the views obtained would be longer and more concentrated. However, the combination of the setback of the building (between 156m and 202m) from the access, the design of the front façade and the landscaping within the car park and to the front of the hotel entrance would acceptably mitigate the visual impact of the development.
34. Drawing this together, overall, the proposal would have at Year 1 a moderate adverse effect and by Year 15 this would reduce to minor adverse. On this basis, the proposal would not have an unacceptable visual impact on the verdant appearance and rural character of the A4095 approach to Chesterton or, given the degree of separation, the setting of the village.

35. Turning now to other views, drivers, their passengers, and pedestrians crossing the M40 on the A4095 bridge (Viewpoint 2) would in Year 1 would catch glimpses of parts of the upper floor of the hotel and its roof resulting in a moderate adverse effect on this view. However, by Year 15 with further growth of planting on the M40 boundary and the reinforcement proposed through the landscaping scheme, views from this location would be almost obscured and the resulting impact would be negligible.
36. From Viewpoint 4 from the M40 overbridge on Green Lane at Year 1 the uppermost parts of the southern elevation including the slide tower and waterslides would be visible to driver's their passengers and pedestrians would be apparent. Whilst the appearance of the water slides could be muted through careful choice of colour, I disagree with the appellant's assessment of effect at Year 1. Here, although for drivers/passengers' views would be fleeting the views obtained by pedestrians would be experienced for longer and given their high sensitivity, I consider the overall effect in Year 1 would be major adverse. That said, there is extensive woodland planting on this boundary and the landscape proposals show substantial woodland planting to reinforce this. At Year 15 the main elements of the building would be largely obscured, and the visual effect would be minor-moderate adverse. As with all the views discussed, Year 15 is taken as a snapshot in time to judge effect and the existing and proposed planting will continue to mature reducing the ability to see any of the proposed buildings.
37. From Viewpoint 13 on the road from Little Chesterton to Chesterton, the site is well screened by existing mature planting. From here, only limited glimpses of the building might be obtained and again by Year 15, with the maturing of existing and proposed planting, the building would be obscured and there would be no change to the view.
38. For drivers and their passengers on the northbound carriageway of the M40 the development would come into view at the Green Lane overbridge. In Year 1 glimpses of the roofline, the upper part of the waterslide tower and parts of the waterslides would be obtained. However, by Year 15 these features would be largely obscured. Drivers and their passengers on the southbound carriageway would have no views of the development.
39. Public Footpath 161/6/10 runs almost diagonally across the site from the club car park and exits onto the A4095. Users of the path have generally open views across the landscape of the golf course and of the sky providing the appreciation of a wider open aspect. The footpath would diverted where it fronts the clubhouse, to run north-eastwards and then run parallel to the hotel service yard and car park through a heavily landscaped strip of varying width containing 3.5 m high mounds topped by woodland planting and retained planting. For the most part, the boundary between the landscaped area and the car park would be a 1.8m high weldmesh fence with single species hedging behind. However, close to the exit onto the A4095 there would be a 2m high acoustic fence with single species hedging on the car park side and a single-storey utility building.
40. The proposed landscaping and retention of trees would, over time, largely obscure, views of the building and car park. Whilst for a significant length the path would be enclosed by woodland, where it would join the A4095 a substantial length would be dominated by a harsh acoustic fence. Users of

the PROW would have a high sensitivity and at Year 1 there would be a major deterioration in the amenity of the footpath resulting in a major adverse effect. By Year 15, the substantial planting would mitigate the impact of the building. However, where the path approaches the A4095 the effect would be major/moderate adverse i.e. a significant effect.

41. Vicarage Farm and Stableford House, are 2 substantial detached residences located on the opposite side of the service road to the existing hotel. The rear elevation of Vicarage Farm is oriented to the south-west towards the proposed hotel and would have views over the site on an arc between north-west and south-west. The gap between the main rear elevation and the nearest 3-storey wing of the hotel would be around 210m and some 250m to the nearest 4-storey wing. The front elevation of Stableford House is orientated to the north-west with an oblique view towards the hotel building. The gap between the front elevation and the nearest 3-storey wing of the hotel would be around 180m and some 220m to the nearest 4-storey wing. The 3-storey wing would have an eaves height of some 11.5m and a ridge height of some 14.6m. The 4-storey wing would have an eaves height of some 15m and a ridge height of some 19.7m.
42. Here, I deal with the visual component of the development on these properties and will deal with the overall effect on living conditions later. Some existing trees would be retained on the boundary and within the car park. The landscaping scheme proposes substantial mounding and tree planting in the intervening space between the car park and the eastern boundary of the development. At Year 1, given the retained trees/hedgerow and the bunding there would be restricted and filtered views of the lower and upper floors of the hotel building. Given the high sensitivity of these receptors, the effect would be major/moderate adverse. At Year 15 as the woodland planting on the mounds matures, the view would be materially softened and filtered, particularly from the ground floor of these properties. That said, I consider there would be a clear deterioration in the view and the effect would be moderate adverse and the effect would be significant.
43. Drawing all the above together, on this issue, I conclude that on balance the proposal would not have a significant or adverse effect on the landscape character of the area contrary to LP Policies ESD 13 and 15. The proposal would not have a significant or material impact on visual amenity other than for users of the diverted public footpath and the occupants of Vicarage Farm and Stableford House where the effect would be significant adverse.

Issue 3 – Sport & Recreation

44. Bicester Golf Club is an 18-hole course with a driving range, a practice green and bunkers. Although the development would involve the loss of the back 9-holes, the front 9-holes would be reconfigured by inserting a second tee at each hole, the driving range would be upgraded, the outfield of which would be shared with a 9-hole Par 3 Academy Course for beginners and family play and a short-game practice area. The S106 Agreement provides that these works would be undertaken before the commencement of construction.
45. LP Policy BSC 10 seeks to ensure that sufficient quantity and quality of, and convenient access to outdoor sport and recreation provision is secured through, amongst other things, protecting existing sites. The supporting text indicates that proposals that would result in the loss of a site will be assessed

having regard to the Framework. Development will not be permitted unless the proposal would not result in (1) the loss of an open space of importance to the character or amenity of the surrounding area, (2) an assessment has been undertaken which demonstrates that the site is surplus to requirements including consideration of all functions that the open space can perform, or (3) a suitable alternative site of at least equivalent community benefit in terms of quantity and quality is provided.

46. Framework paragraph 97 says that existing sports and recreational facilities should not be built on unless: (a) it is clearly shown the facility is surplus to requirements; or (b) the loss would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or (c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use. The Ipa acknowledges that the objective of national policy in Framework paragraph 97 would be met, and, in my view, by definition, LP Policy BSC 10, if any one of the 3 sub-paragraphs are met.
47. The appellant suggests that Framework paragraph 97 is not intended to restrict or prohibit the building of sports and recreational buildings on open space, sports, and recreational land. Whilst superficially an attractive argument, a fair reading of paragraph 97, particularly (b) refers to equivalent or better provision. In my view, in that test, the provision in terms of whether it is equivalent or better relates to what is being lost.
48. Tests 2 and 3 set out in the supporting text of LP Policy BSC 10 are broadly similar to the Framework paragraph 97 tests. However, Test 1 refers to a loss of open space important to the character and amenity of the area, which does not feature in any of the Framework tests. Although, the development would not result in harm to landscape character and most aspects of visual amenity, I acknowledge that there would be adverse effects in relation to the use of the diverted public footpath and the visual amenity of 2 adjacent residential properties. Thus, in terms of the LP Policy BSC 10 Test 1, the matter is not clear cut and is to be weighed in the balance.

Framework 97 (a)

49. This seeks a clear demonstration that a facility is surplus to requirements. The Ipa's position is based on a study commissioned in 2018 to forecast future needs for sport and recreation up to 2031 and inform development management decisions. On golf, one thing that is abundantly clear is that its conclusions are heavily qualified.
50. In relation to the supply/demand for golf facilities, key messages of the study are, the spread of provision means that everyone with access to a car can reach a course within 20-minutes drivetime²; it is not possible to accurately assess the current balance in supply/demand as membership figures and pay and play usage is commercially sensitive information; there may be a slight excess of supply over demand; latent demand analysis suggests there may be there may be potential for more demand although in Cherwell the current 18-hole dominant format may be hindering that potential; although average membership in Cherwell is below the national average there may be some spare capacity; England Golf identified that although there was good access to

² England Golf drive time catchment.

golf there are no Par 3 courses or other shorter formats that are more suitable for beginners or younger people; adjacent lpa's show a similar pattern to golf in Cherwell with capacity at most sites and little demand for new facilities.

51. The study sought to assess future demand with 3 approaches to modelling, although the report notes that none, *"provide a complete "answer" to the assessment of future need... but taken together they paint a similar picture"*. Again, the modelling exercise is qualified in that it only included sites within Cherwell and the import/export of golf demand is balanced. The first 2 approaches modelled need based on current provision across the district and in sub-areas: the third considered the likely growth in membership in sub-areas using England Golf average club membership.
52. Approach 1, based on the average rate of provision across the district, estimates a need for 2, 18-hole courses or as an alternative 4, 9-hole courses and 8 driving bays. That said, the study concludes that Approach 1 is not, *"...sound basis for future ...planning"*. Approach 2 takes the current rate of provision within sub-areas and estimates a need for one 18-hole course or as an alternative 2, 9-hole courses and 13 driving range bays. Although the study suggests that Approach 2 is, *"...probably more realistic..."* than Approach 1, it uses the same approach but on a smaller scale with the import/export of demand balanced. On this basis, the realism of this model must be approached with caution. Approach 3 forecasts the expected membership of clubs in Cherwell based on England Golf membership figures for local clubs and estimates an average rate of membership per 1,000 head of population, again assuming the import/export of demand is balanced. For Bicester, the output was a need for one new club with a standard course(s) and driving ranges. Again, the modelling approach is qualified by indicating that its outcome could only be used, *"indicatively"*. Prefacing the overall conclusion with the important qualification that there are no robust mechanisms for assessing supply/demand and that within the 20-minute drive time catchment, there are courses within easy reach, the study, without apparent explanation, plumped for a need based on Approach 2 i.e. one 18-hole course or alternatively 2, 9-hole courses and 13 driving range bays.
53. At the inquiry, the lpa updated Approach 3 using figures for average club membership derived from an England Golf Facility Planning Report dated December 2020. Using a national average of 484 members, Version A indicates a deficit in membership by 2031 for Bicester of some 40% of a club. However, using a national average of 341 members, Version B indicates a deficit for Bicester by 2031 of 1.4 new clubs. However, I find this approach just as unrealistic as Approaches 1 and 2 in that average club membership does not represent the capacity of the available clubs and appears counter intuitive. Version B shows that if average membership declines, the estimated need for new clubs increases. However, if membership declines, a fact that England Golf records in its December 2020 report, the capacity for a club to accept members does not change, rather it increases. Effectively the model is understating capacity and the ability of existing facilities to absorb increased demand generated by population growth. Moreover, the approach of balancing the import/export of demand is a closed system, which ignores the drivetime element used by England Golf and does not adequately reflect reality. This is particularly important here as the catchment area includes facilities outside of Bicester. Given all the qualifications discussed above, I

consider the lpa's conclusions on supply/demand for golf provision must be viewed with extreme caution.

54. The appellant's golf needs study recognised the problem of equating average membership with capacity and sought to address this using the Approach 3 method but using a higher average membership, 600, from the early 2000's. This is based on an assumption that whilst over the ensuing years membership has declined, the capacity of clubs would not have materially changed. This is a more realistic approach. This study concludes that there is sufficient local golf club provision and a strong case to suggest there is an oversupply. England Golf in its December 2020 report concluded, (a) that within the identified region there is a relatively low demand for golf when compared to the average for the South East region and (b) there is a high level of golf provision within the area in comparison to the demand, with a good number of traditional 18-hole courses.
55. Drawing the above together, there are significant issues associated with the lpa's modelling of demand and supply for golf facilities and the conclusion that there is a shortfall is unreliable. Whilst the appellant's conclusion on supply does not amount to a ringing endorsement, it does, tally with the conclusions of England Golf in its December 2020 Facility Planning Report, which together points to an existing oversupply of golf facilities. This, in my view, points to a conclusion that this facility is surplus to requirements. To comply with Framework paragraph 97 and, by definition, LP Policy BSC 10, the appellant only must show compliance with any one of the 3 exceptions. That said, I have gone on to consider the remaining exceptions (b) and (c).

Framework 97 (b)

56. This test requires equivalent or better provision. Whilst the club includes a driving range, it is no more than a platform overlooking a field. Golfers must provide and retrieve their own balls, which seriously limits its utility. The upgrading of the driving range, and the provision of a Par 3 Academy Course are positive benefits. The Academy Course has the potential, as demonstrated elsewhere, to widen the appeal of the sport. On their own, given the driving range and the Academy Course cannot be used at the same time, they cannot make up for the loss of the full 18-hole golf course.
57. It is acknowledged that the demographics of and participation in golf is changing. Given competing demands of work, family, and the availability of other leisure/recreational activities, the attraction of the shorter format is growing. In this context, the reconfiguration of the front 9 holes could contribute to increased participation in the sport. That said, the appellant's own research indicates that, amongst other things, the ability to play on an 18-hole golf course is still one of the most popular and enjoyable aspect of the sport. In this regard the configuration of the existing course where the front and back 9-holes start and finish at the clubhouse and the ability to play 18-holes continues to meet that demand i.e. it provides a facility for those who want to play 9-holes and those who want to play 18.
58. With the course reconfigured, those who wish to play an 18-hole round, would play the 9 holes twice. Whilst the same greens would be used, the tee position and its orientation would be different as would the playing length of the hole. Safety concerns about potential conflict with players playing overlapping holes can be addressed through scheduling of tee times.

59. Variety in stroke play is a fundamental part of the game particularly determining where to place the ball in relation to hazards and the approach to the green. I accept, based on the illustrative design submitted to the inquiry, the drive from the second tee would appear to be only marginally different to the first. Moreover, after the first or second shot, the approach to the green and the green itself would be the same. However, from my detailed inspection of the front 9 holes, it appears to me that apart from one or 2 holes, there is the potential to position the second tee in such a way to produce a materially different direction of drive and to introduce additional hazards through new planting and/or sand/water features. In this way and with careful design, the placement of the ball and, in most cases, the approach to the green would be materially varied. In this situation, second time around the experience of playing the hole would be materially different. The S106 Agreement requires the details of the reconfigured course to be agreed with the lpa and the works completed before the commencement of construction. These provisions would enable the lpa to ensure that the reconfiguration was provided to a high standard.
60. Along with the benefits of the upgraded driving range and the introduction of the Academy Course, the reconfiguration of the front 9 holes, would, on-balance, provide at least equivalent provision in terms of quality and quantity.

Framework paragraph 97 (c)

61. This test seeks to assess whether the benefits of alternative sports and recreational provision clearly outweigh the loss of the current use. The Draft Operational Management Plan provides a flavour of what might be expected at this resort, with the focus on recreational activities for families with children aged 2 to 12. The centrepiece of the experience is the indoor water park, which generally includes water play structures, slide and tube rides, wave pools and lazy rivers. Out of the water, the Family Entertainment Centre would provide a variety of activities, including live shows, junior yoga, dance, story-times; arcade games; a rope course; mini 10-pin bowling or golf. Outdoor provision would include a playground and the nature walk.
62. Although the definition of what constitutes sporting provision is very wide, given the context and nature of the activities to be provided, defining them as sports provision would be a stretch. The proposed offer falls squarely under the heading of leisure, entertainment, and recreational provision. The lpa's and PAW's submissions refer to the appellant failing to submit an assessment of need for the proposal contrary to the expectation of Framework paragraph 97. The planning system does not in general require an applicant to demonstrate a need for their proposal and there is not in Framework paragraph 97 (c) or LP Policy BSC 10 an explicit or implicit reference to demonstrating need. Moreover, Framework paragraph 97 (c) does not constrain what is to be considered as benefits. Albeit contained within the section on Historic Environment, PPG refers to a public benefit as "*...anything that delivers economic, social or environmental progress*"³. This definition has wider applicability, particularly where a measure of benefit is sought by policy. That said, given the nature of the offer and the nature of the existing sport/recreational activity, how to strike the balance is difficult. In the

³ Planning Practice Guidance, Paragraph 020 Reference ID:18a-020-20140306.

absence of any guidance within the Framework and PPG, in undertaking this balance, I have fallen back on my experience and professional judgement.

63. Benefits include up to 945 construction jobs over the 2-year build period, contributing some £1.3m to the local economy. The estimated annual number of visitors to the resort would significantly stimulate local tourism (500,000+ visitors a year) and enhance the attractiveness of this part of Oxfordshire as a tourist destination. During the operational phase, the development would provide up to 600 jobs (460 full-time equivalents) contributing up to £157,000 to the local economy and the potential to support some 700 additional jobs (540 full-time equivalents) in the wider Oxfordshire economy. In terms of the nature of the jobs, many of those on offer would meet the growing demand for part-time and flexible employment. Overall, it is estimated that the development would contribute up to £23m GVA per annum to the local economy. Whilst the proposal is a, "everything under one roof" offer, there is potential for some £4.9m per year on spin-off expenditure from those coming to and going from the resort and whilst in the area.
64. On social benefits, the resort offer would focus on families with children aged 2 to 12. The concept provides for families and extended families to undertake short breaks where a variety of activities is provided on-tap. Whilst it might appear trite, the value of this, albeit it is unquantifiable and in a commercial setting, should not be underestimated. Moreover, whilst several of the benefits listed by the appellant arise out of the need for the development to mitigate its effect, these would provide wider benefits to the local community. Based on the above, the proposal would provide alternative recreational provision, the benefits of which would clearly outweigh the loss of 9 holes.
65. Drawing the above together, the nature of the reconfigured golf course and the benefits that would flow from it means that the proposal would accord with LP Policy BSC 10 and Framework paragraph 97.

Locational Sustainability

66. Recognising the value of tourism to the local economy through increasing overnight stays and visitor numbers, LP Policy SLE 3 indicates that new tourist proposals, in sustainable locations, will be supported. The LP identifies sites in and around Bicester and Banbury as being amongst the most sustainable locations. LP Policy SLE 2 seeks to direct leisure and tourism uses to, amongst other places, Bicester town centre, and proposals should be assessed against the sequential test set out in Framework paragraphs 86 and 87. The Framework indicates that tourism and leisure uses, which are defined as main town centre uses should be located in town centres, then in edge-of-centre locations and only if suitable sites are not available or may become available should out-of-centre sites be considered. When edge-of or out-of-centre sites are being considered, preference should be given to accessible sites that are well connected to the town centre. That said, PPG recognises that certain main town centre uses have market and locational requirements which mean that they may only be accommodated in specific locations.
67. The appellant's stated requirements are for a site located 90 minutes' drive time from London and Birmingham, approximately 12ha with a relatively level topography, reasonably well concealed with no nearby sensitive receptors, proximity to and ability to connect to public transport infrastructure, main road proximity and visibility and ease of access, M40 corridor location and

proximity to a population of 30,000 plus to provide a local workforce. Notwithstanding, these requirements the appellant undertook a sequential assessment based on, amongst other things, a much larger catchment area and a smaller site. The assessment looked at the relevant Development Plan document(s) and identification of allocated sites in the Vale of White Horse; Aylesbury Vale; Central Bedfordshire Council, Milton Keynes; Oxford City and South Northamptonshire areas.

68. In terms of the sequential approach, it is common ground that there are no town centre sites or edge-of-centre sites within Cherwell that are suitable and available. Whilst an interested party highlights the potential of a 16ha site on the edge of Bicester at Graven Hill, the lpa acknowledged that the site was not suitable or acceptable for planning policy reasons.
69. Criticism is levelled at the appellant's approach of only looking at allocated sites. However, given the requirement of the sequential test is to look at town centre sites and then edge-of-centre sites it would be unusual that sites of the scale appropriate to accommodate the development, were not included in a relevant development plan. In that context the approach adopted by the appellant is reasonable and has demonstrated there are no sequentially preferable sites available. Moreover, there is, as far as I am aware, no requirement for the appellant to undertake an assessment of every piece of land within its likely catchment area on the basis that the development is essentially footloose and could go anywhere. Given the scale of the search area, that, in my view, would be manifestly unreasonable.
70. Framework paragraph 103 indicates that significant development should be focused on locations that are or can be made sustainable through limiting the need to travel and offering a genuine choice of transport modes. However, the Framework recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be factored into any assessment. Thus, Framework paragraph 103 is not a bar to out-of-centre development and it is in this context the Framework reference to limiting the need to travel must be considered. Whilst the proposal does not provide a breakdown of likely mode share, other similar large-scale, tourism and leisure facilities, e.g. Center Parcs, Alton Towers and Legoland, have been permitted in out-of-centre recognising that trips for holiday and leisure are discretionary and that they generate a need to travel, mostly by car. In this context, the essence of the Framework test is whether a genuine choice of transport modes is on offer.
71. A package of measures is proposed including, the provision of footpath and cycleway links to Chesterton and a financial contribution to upgrade where possible cycle links between Chesterton and Bicester. Whilst the site is not currently served by public transport, a financial contribution for 10 years would be made to provide a public bus service between Bicester and the site capable of offering a half-hourly improvement to the existing Chesterton bus service. In addition, the appellant would provide a dedicated Shuttle Bus service for visitors and staff, which would link the resort with the 2 railway stations and selected locations in Bicester. In addition, the car park would, on opening, provide a material number of spaces dedicated for electric vehicles and constructed in a way that the number of charging points could be increased as the switch to low and ultra-low emission vehicles increases.

72. Whilst, the number day-visitor passes would be linked to hotel occupancy, the package of measures would provide residents with a genuine alternative to the private car. I have no doubt that Cherwell residents travel to existing similar tourist leisure destinations and the resort would provide an attractive local alternative, that would result in a reduction in the overall length of leisure journeys undertaken. The cost/time differential between public transport and the private car is real. However, the number of families, particularly in the larger conurbations that would be served by the resort, who choose to dispense with the private car is increasing, driven by the cost of car ownership and the availability of public transport discounts, particularly for families. The proposed package of measures represents genuine alternatives.
73. Taken in the round, with the package of transport measure proposed, the proposed development would, given its nature, be in a location that can be made locationally sustainable. In this context the proposal would not conflict with the objectives of Policy SLE 3 or the Framework.

Other Considerations

Drainage & Water Supplies

74. The Framework⁴ seeks to direct development to areas with the least risk of flooding and to ensure that the risk of flooding is not increased elsewhere. LP Policies ESD 6 and 7 require all developments to use Sustainable Drainage Systems (SuDS) to manage surface water run-off. Residents downstream of the site are concerned that the development could exacerbate flood events.
75. The site is in Flood Zone 1, an area with a low risk of flooding, and as such the Framework requirement is met. Here, groundwater levels are shallow and infiltration to address surface water run-off is not appropriate. To mitigate the effects of the development, the proposed SuDS provides for green roofs, rainwater harvesting, underground storage, swales, detention basins and permeable pavements to control the peak flow and volume of run-off to QBar⁵ so as to maintain the status quo. The SuDS would cap the rate of surface water run-off to a QBar level of 31.3 litres per second compared to the 1 in 100-Year run-off rate of some 99 litres per second. Not only would the status quo be maintained, there is the potential for a material benefit to down-stream communities through a reduction in the rate of run-off.
76. Providing capacity within the water supply/drainage system is the responsibility of the relevant water and sewerage undertakers and Thames Water have no objections. Ensuring that the system has sufficient capacity to accept development could be dealt with by condition.

Biodiversity

77. Consistent with the Framework, LP Policy ESD 10 seeks biodiversity net gain (BNG). The policy indicates that BNG will be achieved by protecting, managing, enhancing/extending existing resources, and by creating new resources. The protection of trees will be encouraged, with an aim to increase the number of trees. Development will not be permitted, if significant harm cannot be avoided, adequately mitigated, or compensated for. Neither the LP

⁴ Paragraphs 158 & 163.

⁵ The peak rate of flow from a site for the mean annual flood (a return rate of 1:2.3 years).

nor the Framework sets a minimum level of or a specific methodology for measuring BNG. That said, the lpa has resolved to seek a minimum of 10% BNG and the Environment Bill includes a requirement for all new development to deliver a mandatory 10% BNG.

78. Based on a baseline habitat survey undertaken in October 2019 and using the 2012 DEFRA Metric supplemented by best practice⁶, the appellant's assessment identifies a BNG of some +27% in area-based biodiversity and +117% in linear units. Notwithstanding that in July 2019 DEFRA published a beta test version of the Biodiversity Metric 2.0, there is no single mandated methodology to calculate BNG and there is no reason to conclude that the appellant's methodology, which was clearly routed in best practice and acceptable to the lpa is inappropriate. Similarly, there is nothing to suggest that the lpa's detailed scrutiny of the evidence, was deficient. Notwithstanding the acceptability of the original BNG calculation, the appellant has produced a further assessment using the Biodiversity Metric 2.0. This shows a BNG of some +17% in area-based biodiversity and +157% in linear units. The difference is largely due to changes in how the Metric is run.
79. One of PAW's concerns relates to the baseline classification of most of the site (68%), as amenity grassland habitat in poor condition and the effect this has on the BNG calculation. PAW submits that areas of rough should be classified as being of moderate condition on the basis there is a diversity of species present. This approach would result in a biodiversity net loss of some 6%⁷.
80. Fundamental to the DEFRA Metric is the classification of habitat condition. The approach suggested by DEFRA is contained in Natural England's Farm Environment Plan (FEP) manual at Table 2 – Habitat Condition Bands and Scores and Table 3 – Commonly Used Habitat Condition Assessment Criteria. Whilst amenity grassland is not a habitat referred to in the FEP, the guidance is that the Table 3 criteria can be used to grade its condition. The FEP defines poor condition as any habitat which fails 2 or more FEP criteria and moderate as any habitat that fails one of the criteria. Table 3 lists 6 criteria, a diverse age range; a diverse species mix; a diverse structure/form; the presence of protected species; no presence or a limited presence of invasive species and no or limited damage.
81. Here, there is a qualitative difference between the rough areas and the extensively managed and closely mown fairways. However, evidenced in several photographs and confirmed by my walk of the site, some of the rough areas are managed and regularly mown. Moreover, even if the roughs are classed as containing a diverse species mix, these areas would still not fall within the moderate band in that they fail 2 or more of the Table 3 criteria. These areas do not display, a diverse age, a diverse variety/form nor they do not show the presence of protected species. This conclusion is reenforced by applying the Condition Assessment Criteria set out in the Biodiversity Metric 2.0 Technical Supplement⁸.

⁶ Defra (2012b). Biodiversity Offsetting Pilots: Technical Paper- the Metric for the Biodiversity Offsetting Pilots in England. Natural England (2010). Higher Stewardship, Farm Environment Plan (FEP) Manual, 3rd Edition. BRE (2018). GN36 - BREEAM, CEEQUAL and HQM Ecology Calculation Methodology – Route 2. CIEEM, IEMA & CIRIA (2016). Biodiversity Net Gain: Good Practice Principles for Development.

⁷ Percentage rounded up.

⁸ Grassland Habitat Types Page 19.

82. Other areas i.e. classed as amenity grassland in the Phase 1 survey are, PAW submits mapping errors, and these should have been graded as higher quality areas of semi-improved grassland i.e. pond margins or plantation woodland with grassland beneath. However, several of these areas are either to be retained as part of the scheme or they are outside the site boundary. Moreover, an examination of the Phase 1 Habitat Survey¹² indicates that the surveyors were conscious of pond margins exhibiting higher value habitats and mapped these. Ponds SW2, 4, 5, 7, 8, 9 and 10 show the margins as, amongst other things, semi-improved grassland, scattered scrub, and broadleaved woodland. Thus, if ponds SW11 and 13 were areas of higher value, it is inconceivable that they were not mapped properly. In addition, in some cases these areas have at different times been managed differently. In several instances, photographs show the same pond margin either being left unmanaged or mown short down to the water's edge. Moreover, where there are overlapping habitats with different habitat values i.e. ponds and their edges, the assessment uses the higher value classification⁹.
83. There is concern about the treatment of individual trees and the impact of their loss in terms of the habitat value of their canopy in the calculation of BNG. As I understand it, although individual trees are shown on the Phase 1 Habitat maps¹⁰, these are not, for the purposes of the Metric, classed as area habitats, as opposed to blocks of trees. Even if cumulative canopy area is calculated there is no habitat equivalent within the Metric that allows it to be entered into the calculation. Drawing this together, the Phase 1 Habitat Survey carried out for the Environmental Statement is, on balance, an adequate basis for undertaking the BNG calculation.
84. Turning now, to the features that would contribute to BNG, these are shown on the Landscape Masterplan, building plans and in the Arboricultural Impact Assessment. There would be an overall increase in woodland cover from 2.07ha to 3.67ha and an increase in native shrub planting from 0.03ha to 0.48ha. This would involve the establishment of some 660 extra-heavy standard or semi-mature trees and some 16,000 trees and shrubs¹¹; an increase the amount of semi-improved grassland from 0.46ha to 3.07ha; an increase in hedgerow from 182m (of which only 8.5m is species-rich) to 812m of which some 655m would be species-rich; some 2km of new single species native hedgerow in the car park, enhancement of existing ponds with marginal and aquatic planting, along with creation of 0.63ha of marsh grassland. Although not featured in the BNG calculation, but which could make a material contribution to biodiversity is the use of a green roof over the Family Entertainment Centre.
85. Specific criticism is directed towards the potential quality of the grassland areas next to the hotel area/bedroom wings and under the external waterslides, and the car park planting. However, none of these areas are unique and while each may present individual challenges in terms of establishment and maintenance, none of these issues would be insurmountable. The ethos of this development is to create an external environment to reflect the high quality of the leisure offer. In this context, it

⁹ CD 2-1 Biodiversity Net gain Assessment Report December 2019.

¹⁰ Environmental Statement Volume 2 Appendix 9.1, Figure 4.

¹¹ Arboricultural Impact Assessment November 2019, Page 12 paragraph 5.5.2 (CD1.3)

is highly unlikely that the external areas would not receive the attention required to maintain both their quality and contribution to biodiversity.

86. The planted areas either side of the hotel entrance, the area to the front of the Porte Cochere and the area underneath the external water slides are designed to host meadow grass or a mix of meadow grass and wet meadow. Substantially enclosed by the bedroom wings, public access to these areas would be limited and most likely discouraged. This would significantly aid their establishment and biodiversity contribution. Hedgerow and tree planting with car park areas is not unique and whilst in the early days, establishment, particularly between rows of parking bays, can be challenging it is not insurmountable.
87. Drawing all the above together, the appellant's submissions on BNG are robust and the measures proposed, all of which would be covered by planning conditions, would achieve a BNG consistent with the objectives of development plan and Framework policy.

Living Conditions

88. Concern has been expressed by PAW and the occupiers of Vicarage Farm and Stableford House about the impact the scheme would have on their living conditions. Paragraphs 41 and 42 describe the visual effects of the proposal on these dwellings, concluding that at Year 1 the effect would be major/moderate adverse and at Year 15 moderate adverse and that overall, the effects would be significant.
89. PPG¹² reiterates the long-standing tenet that the planning system does not exist to protect the private interests of one person against the activities of another. However, there are some situations where the protection of private interests may coincide with the public interest. Thus, whilst no individual has the right to a particular view there comes a point when, by reason of the proximity, size and scale of a development, a dwelling would become a so unattractive place to live that planning permission should be refused.
90. PAW acknowledges that the proposal would not fail the public interest. Moreover, given the degree of separation and the filtered views, notwithstanding the conclusion on the visual component, the proposal would, on balance, not materially affect the living conditions of the residents at Vicarage Farm and Stableford House through a loss of light, privacy or the building being dominant and overbearing to justify dismissing the appeal.

Impact Assessment

91. Both the Framework and LP Policy SLE 2 require an impact assessment. PPG advises that the impact assessment should be undertaken in a proportionate and locally appropriate way on a like-for-like basis of that sector. That said, unlike retail developments there is no established methodology for a quantitative impact assessment of a leisure/recreation development.
92. The proposal is for a substantial water-based resort where the hotel is largely designed to serve the users of the resort. What is proposed, is unique locally and there is nothing comparable within Cherwell's town centres or other town

¹² Determining a Planning Application - Paragraph 008 Reference ID 21B-008-20140306.

centres within the substantial catchment area. On this basis, I am confident in concluding that there would not be adverse impact on any town centre.

Benefits of the Scheme

93. Although the benefits of the scheme are referred to when dealing with the effect on sporting facilities, for the sake of completeness they are briefly repeated here. These include the contribution of construction jobs to the local economy. The stimulus to local tourism and the profile of Cherwell as a major tourist attraction through linking with Bicester Heritage, Bicester Village and the Upper Heyford Heritage proposals. During the operational phase, there would be a direct contribution of up to 600 jobs (460 full-time equivalents) and up to 700 additional jobs (540 full-time equivalents) in the wider Oxfordshire economy. Many of the jobs on offer would service the growing demand for part-time and flexible employment. A contribution of up to £23m GVA per annum to the local economy and the potential for some £4.9m per year of spin-off expenditure whilst in the area. In terms of social benefits, the resort would provide families with children and extended families the ability to undertake short breaks.

Public Consultation

94. The application was accompanied by a comprehensive and robust Statement of Community Involvement. A criticism of this exercise is that following consultation there was little or no change to the plans. I understand residents' frustration, as evidenced by the scale of representations received at the time of the appeal. However, the objections to the scheme are largely fundamental. In this context, short of abandoning the proposal, there are few changes that would have altered residents' opinions. The appellant engaged in appropriate public consultation.

S106 Agreement

95. In coming to my conclusion on the merits of this proposal, I have had regard to the covenants and obligations contained within the S106 Agreement. The S106 Agreement includes a clause which identifies that if an obligation or covenant does not meet the policy and statutory tests¹³ it will be deemed to have been discharged except for the obligations relating to the provision of a Shuttle Bus Service and the provision of Visitor Day Passes.
96. The Agreement provides for:
- a. development would not commence until a Golf Course Scheme comprising the reconfiguration of the retained 9-holes to provide 18 playable tees, the provision of a driving range with a minimum of 12 mats/bays with laser tracking, the provision of an Academy Par 3 short course, a golf practice area and a Golf Scholarship providing for a minimum of 20 young persons (16 years and under) per annum with free course/driving range membership for 10 years has been agreed with the lpa and implemented;
 - b. agree a management plan for the provision and distribution of up to 450 Day Passes, Discounted Day Passes and Discounted Sustainable Day Passes with the lpa. The Discounted Day Passes would be available to residents of post codes covering the District Council area and Discounted

¹³ Framework Paragraph 56 and R122 of the Community Infrastructure Levy Requirements 2010.

- Sustainable Day passes would be available to the same residents but limited to those who use the Staff/Visitors' Shuttle Bus service;
- c. not to commence development until the implementation of a Training and Employment Plan to provide minimum of 150 construction and related trade apprenticeships has been agreed with the District Council;
 - d. pay the District Council £75,000 as a Cultural Well-Being contribution to support strategic public events in the area e.g. the Bicester Festival and other local initiatives at or around Chesterton that would be attractive for both staff and guests of the development so as to enhance their leisure experience and the tourism potential of the resort and local area;
 - e. agree the details of a Shuttle Bus Service for staff and visitors between the development and Bicester with the lpa and to submit a Travel Plan;
 - f. to undertake highway works to include construction of the access to the A4095, a shared use footway/cycleway along the A4095 to Chesterton, 2 lengths of footway on the A4095 either side of the M40 bridge to connect Public footpaths 161/6 with 161/11, a ramped access to Pubic Footpath 161/1 located on the northern edge of Chesterton and 2 lengths of footway either side of The Hale to connect Public Footpath 161/6 to Chesterton;
 - g. pay OCC £70,000 towards the improvement of cycle routes between Chesterton and Bicester, £10,000 for traffic calming in Middleton Stoney, £2,105 for bus stop improvements in Chesterton, £1.6m towards a new public bus service linking the site to Bicester town centre and railway stations for up to 10 years and £2,040 for Travel Plan Monitoring;
 - h. provide a bond for £1.8m as surety and a pay contribution of £6,250 for implementation and monitoring by OCC and the District Council.
97. Having regard to the submitted CIL compliance schedules, other than the Cultural Wellbeing Contribution, the balance of the S106 Agreement is consistent with the requirements of Framework paragraph 56 and CIL R122 and has been taken into account in coming to a conclusion.
98. The justification for the Cultural Wellbeing Contribution is that access to the development by any transport mode would have a significant environmental and social impact on residents. The lpa maintain that the cultural well-being of communities would need to be mitigated to make development acceptable. A financial contribution to the Bicester Festival is one of the elements suggested as being necessary to mitigate the alleged environmental and social impact of the development on the local community. The 2-week festival is an annual event to celebrate arts and creativity in all its forms. Whilst this and similar events are something a major local employer might seek to support voluntarily, the link between the end purpose of the contribution and the alleged harm that the development would cause is tenuous. This contribution fails the tests of being necessary to make the development acceptable in planning terms and would not be directly related to the development. Accordingly, no weight has been attached to this element of the S106 Agreement when concluding on the proposal.

Development Plan

99. The proposal would not conflict with LP Policies SLE 5: BSC 10, ESD 13, ESD 15; SLE 2 and SLE 3 and SLP Policy TR 7. The proposal would have an impact on the outlook of nearby residents and users of the diverted public footpath. The amenity of a short stretch of the public footpath would change. Whilst nearby residents would experience a significant change in their outlook, on balance the proposal would not materially affect the living conditions of the residents at Vicarage Farm and Stableford House through a loss of light, privacy or the building being dominant and overbearing to justify, on its own, a reason to dismiss the appeal. Moreover, the impact on the PROW and residents would be significantly and materially outweighed by the acknowledged benefits of the development, particularly the economic and social benefits that would accrue in the local area. For these reasons, the proposal would accord with the development plan when read as a whole.

Conclusion

100. For the above reasons and having taken all other matters into account, the appeal is allowed subject to the conditions contained in the attached Schedule.

Conditions

101. Following discussion at the inquiry, a list of agreed planning conditions including pre-commencement conditions and the reasons¹⁴ for them were submitted. In the interests of providing certainty, a condition specifying the approved plans is necessary (2)¹⁵. In the interests of the appearance of the area, conditions relating to: details of finished floor levels (3 & 6); finishing materials (4); architectural detailing and services (5 & 8); landscaping including maintenance and the protection of landscape features to be retained (9, 10 & 11) and details of the construction and finish of the diverted Public Right of Way (24) are reasonable and necessary.
102. In the interests of biodiversity, conditions relating to the submission of: a Landscape and Ecological Management Plan (12); tree, shrub and scrub removal (22); the protection of great crested newts (23, 27, 28 & 29) and the provision of the green roof (33) are reasonable and necessary. In the interests of safety, including highway safety, conditions relating to: the provision of fire hydrants (7); access to the A4095 (15) and the achievement of Secure by Design principles (26) are reasonable and necessary. In the interests of protection of neighbours' living conditions and guest comfort conditions relating to: ventilation of cooking odours (18); the timing of construction works (19); soundproofing (20) and external lighting (21) are reasonable and necessary.
103. In the interest of ensuring the maintenance of water supplies, adequate surface and foul water drainage and mitigating flooding, conditions relating to: details of surface water drainage (16); hard surfacing materials (17); waste and water network upgrades (35) and timing of swimming pool drainage (36) are reasonable and necessary. In the interests of mitigating the impact of the development on the highway network: the implementation of approved parking including cycle parking and servicing features (13 & 14);

¹⁴ Where necessary, I have accounted for the misnumbering of the reasons.

¹⁵ The figure in brackets relates to the condition in the attached Schedule of Conditions.

the submission of a Construction Traffic Management Plan (25); the provision of on-site bus turning facilities (30); the provision of a signage strategy (31); the submission of a Travel Plan (32) and restriction on guest check-in times (34) are reasonable and necessary. Where necessary and in the interests of precision and enforceability, I have amended the suggested conditions.

George Baird

Inspector

SCHEDULE OF CONDITIONS

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
- 2 The development shall be carried in accordance with the approved plans (all are Rev 3, except 0102 and 0402, which are both Rev 4) Refs:
Site Plan drawings 10875-EPR-00-ZZ-DR-A-TP-0100; 10875-EPR-00-ZZ-DR-A-TP-0101; 10875-EPR-00-ZZ-DR-A-TP-0102; 10875-EPR-00-ZZ-DR-A-TP-0103;
Floor Plan drawings 10875-EPR-00-B1-DR-A-TP-0199; 10875-EPR-00-GF-DR-A-TP-0200; 10875-EPR-00-01-DR-A-TP-0201; 10875-EPR-00-02-DR-A-TP-0202; 10875-EPR-00-GF-DR-A-TP-0203; 10875-EPR-00-05-DR-A-TP-0204; 10875-EPR-00-GF-DR-A-TP-0300; 10875-EPR-00-GF-DR-A-TP-0311; 10875-EPR-00-GF-DR-A-TP-0312; 10875-EPR-00-GF-DR-A-TP-0313; 10875-EPR-00-GF-DR-A-TP-0314; 10875-EPR-00-GF-DR-A-TP-0315; 10875-EPR-00-GF-DR-A-TP-0316; 10875-EPR-00-GF-DR-A-TP-0317; 10875-EPR-00-GF-DR-A-TP-0318; 10875-EPR-00-GF-DR-A-TP-0319; 10875-EPR-00-GF-DR-A-TP-0320; 10875-EPR-00-GF-DR-A-TP-0321; 10875-EPR-00-GF-DR-A-TP-0322; 10875-EPR-00-GF-DR-A-TP-0323; 10875-EPR-00-01-DR-A-TP-0324; 10875-EPR-00-01-DR-A-TP-0325; 10875-EPR-00-01-DR-A-TP-0326; 10875-EPR-00-01-DR-A-TP-0327; 10875-EPR-00-01-DR-A-TP-0328; 10875-EPR-00-01-DR-A-TP-0329; 10875-EPR-00-01-DR-A-TP-0330; 10875-EPR-00-01-DR-A-TP-0331; 10875-EPR-00-02-DR-A-TP-0332; 10875-EPR-00-02-DR-A-TP-0333; 10875-EPR-00-02-DR-A-TP-0334; 10875-EPR-00-02-DR-A-TP-0335; 10875-EPR-00-02-DR-A-TP-0336; 10875-EPR-00-02-DR-A-TP-0337; 10875-EPR-00-02-DR-A-TP-0338; 10875-EPR-00-03-DR-A-TP-0339; 10875-EPR-00-03-DR-A-TP-0340; 10875-EPR-00-03-DR-A-TP-0341; 10875-EPR-00-03-DR-A-TP-0342; 10875-EPR-00-03-DR-A-TP-0343; 10875-EPR-00-03-DR-A-TP-0344; 10875-EPR-00-03-DR-A-TP-0345; 10875-EPR-00-RF-DR-A-TP-0346; 10875-EPR-00-RF-DR-A-TP-0347; 10875-EPR-00-RF-DR-A-TP-0348; 10875-EPR-00-RF-DR-A-TP-0349; 10875-EPR-00-RF-DR-A-TP-0350; 10875-EPR-00-RF-DR-A-TP-0351; 10875-EPR-00-RF-DR-A-TP-0352; 10875-EPR-00-RF-DR-A-TP-0353; 10875-EPR-00-RF-DR-A-TP-0354; 10875-EPR-00-RF-DR-A-TP-0355; 10875-EPR-00-RF-DR-A-TP-0356; 10875-EPR-00-RF-DR-A-TP-0357; 10875-EPR-00-RF-DR-A-TP-0358; 10875-EPR-00-B1-DR-A-TP-0359;
Elevation drawings 10875-EPR-00-XX-EL-A-TP-0401; 10875-EPR-00-XX-EL-A-TP-0402; 10875-EPR-00-XX-DR-A-TP-4201; 10875-EPR-00-XX-DR-A-TP-4203; 10875-EPR-00-XX-DR-A-TP-4204; 10875-EPR-00-XX-DR-A-TP-4205; 10875-EPR-00-XX-DR-A-TP-4206; 10875-EPR-00-XX-DR-A-TP-4207; 10875-EPR-00-XX-DR-A-TP-4208;
Section drawing 10875-EPR-00-XX-GS-A-TP-0501;
Typical Bay Study drawings 10875-EPR-00-XX-DR-A-TP-4101; 10875-EPR-00-XX-DR-A-TP-4102; 10875-EPR-00-XX-DR-A-TP-4103; 10875-EPR-00-XX-DR-A-TP-4104; 10875-EPR-00-XX-DR-A-TP-4105; 10875-EPR-00-XX-DR-A-TP-4106; 10875-EPR-00-XX-DR-A-TP-4107;
Ancillary Buildings drawing 10875-EPR-00-GF-DR-A-TP-7701;
all received by the LPA on 08 November 2019;
and Additional Elevation drawing 10875-EPR-00-XX-DR-A-TP-4202 received by the LPA on 25 November 2019; additional Highway mitigation works drawings prepared by Motion Refs: 1803047-02 Rev A; 1803047-03 Rev F; 1803047-08; and 1803047-15; Landscape drawings prepared by BMD Refs:

BMD.19.010.DR.P001E, BMD.19.010.DR.P101B, BMD.19.010.DR.P102B, BMD.19.010.DR.P103B, BMD.19.010.DR.P104B, BMD.19.010.DR.P301A, BMD.19.010.DR.P302A, BMD.19.010.DR.P303A, BMD.19.010.DR.P304A and BMD.19.010.DR.P305A;

- 3 No development shall take place until details of all finished floor levels in relation to existing and proposed site levels and to the adjacent buildings have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved levels.
- 4 Notwithstanding the materials shown on the submitted plans, a detailed schedule of materials and finishes to be used in the external walls and roofs of the buildings shall be submitted to and approved in writing by the local planning authority prior to commencement of those works. Development shall carried out in accordance with the approved details.
- 5 Notwithstanding the details shown on the approved plans, details of the architectural detailing of the exterior of the buildings, including the windows and doors (and their surrounds), together with the eaves and verge treatment shall be submitted to and approved in writing by the local planning authority prior to the construction of the buildings above slab level. Development shall carried out in accordance with the approved details.
- 6 Prior to commencement of development, details of the colours and materials of any water slide, wolf, or other external built feature beyond the main building(s) shall be submitted to and approved in writing by the local planning authority. Development shall carried out in accordance with the approved details.
- 7 Prior to the commencement of any above ground works, full details of the fire hydrants to be provided on the site shall be submitted to and approved in writing by the local planning authority. Prior to the first occupation of the development, the fire hydrants shall be provided in accordance with the approved details and retained thereafter.
- 8 Prior to commencement of development, all details relating to services serving the development shall be submitted to and approved in writing by the local planning authority, including underground services, unless details of any necessary above ground service infrastructure, whether or not permitted by the Town and Country Planning (General Permitted Development Order) 1995 (as amended), have been agreed. Development shall carried out in accordance with the approved details
- 9 Prior to commencement of development, precise details of a scheme for enhanced landscaping along the north-eastern boundary hedgerow of the site with the A4095, along the south/south-eastern boundary with the Bicester Hotel, Golf and Spa, the Public Right of Way and the neighbouring properties of Stableford Cottage and Vicarage Farm and within the nature trail area shall be submitted to and approved in writing by the local planning authority, which shall include details relating to:-

- a) the proposed additional tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas and written specifications (including cultivation and other operations associated with plant and grass establishment i.e. depth of topsoil, mulch etc);
- b) the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation;
- c) the hard and soft landscaping including hard surface areas, pavements, pedestrian areas and steps and the proposed screen bunding mounds.

The approved scheme shall be implemented by the end of the first planting season following occupation of the development and shall thereafter be maintained. Any trees and/or shrubs which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent for any variation.

- 10 All planting, seeding or turfing of grassland comprised in the approved details of landscaping shown in the BDM drawings BMD.19.010.DR.P001E, P301A, P302A, P3033A and P304A and in the details to be implemented in accordance with Condition 9 shall be carried out in the first planting and seeding seasons following the occupation of the building(s) or on the completion of the development, whichever is the sooner, or in accordance with any other program of landscaping works previously approved in writing by the local planning authority and thereafter shall be maintained. Any grassland planting which within a period of 5 years from the completion of the development dies or becomes seriously damaged or diseased shall be replaced in the next planting season unless the local planning authority gives written consent for any variation.
- 11 No development shall take place until the existing trees to be retained have been protected in accordance with an Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP), to be agreed in writing by the local planning authority, to include:
 - a. protective barriers around the trees, to a distance specified in the AMS and illustrated on the TPP;
 - b. the barriers shall comply with the specification set out in the AMS, with specific reference and regard to British Standard BS5837:2012 'Trees in Relation to Design, Demolition and Construction – Recommendations';
 - c. the barriers shall be erected and removed in accordance with a programme to be agreed with the LPA, installed before works commence in the respective areas of the site and removed only on completion of works in that area of the site; and

- d. nothing shall be stored or placed within the areas protected by the barriers erected in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavations be made, without the written consent of the Local planning authority.
- 12 Prior to commencement of development, a Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the local planning authority. The content of the LEMP shall include:
- a) description and evolution of landscape and ecological features to be managed, including locations shown on a site map;
 - b) site constraints that might influence management;
 - c) aims and objectives of management;
 - d) appropriate management options for achieving aims and objectives;
 - e) prescriptions of management actions;
 - f) Preparation of a work schedule (including annual work plan capable of being rolled forward over a 5-year period);
 - g) details of the body or organisation responsible for implementation of the plan;
 - h) on-going monitoring and remedial measures;
 - i) the LEMP shall include details of the legal and funding mechanism(s) by which long term implementation of the plan will be secured by the developer with the management body responsible for its delivery; and
 - j) the plan shall set out (where the results of monitoring show that the conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented.

The LEMP shall be implemented in full in accordance with the approved details and ensure delivery of a net biodiversity gain which shall be provided/created prior to the first occupation of the development (and shall thereafter be maintained in accordance with the approved LEMP).

- 13 The approved parking, turning, and loading/unloading facilities shall be laid out and completed in accordance with the approved details shown on drawing 10875-EPR-00-ZZ-DR-A-TP-0102 Rev 4 before the first occupation of the buildings. The car parking, turning, and loading/unloading spaces shall be retained for the parking, turning and loading/unloading of vehicles at all times thereafter.
- 14 Prior to the first occupation of the development hereby permitted, covered cycle parking facilities shall be provided on the site in accordance with details to be first submitted to and approved in writing by the local planning

authority. The covered cycle parking facilities so provided shall thereafter be permanently retained for the parking of cycles in connection with the development.

- 15 Details of the proposed construction, materials and surfacing of the access road and its junction with the A4095 shall be submitted to and approved in writing by the local planning authority prior to commencement of those works. The development shall be carried out in accordance with the approved details before first occupation of the building(s) and thereafter permanently retained.
- 16 No development shall commence until a detailed surface water drainage scheme for the site, has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details before the development is completed. The scheme shall include:
 - a) a compliance report to demonstrate how the scheme complies with the "Local Standards and Guidance for Surface Water Drainage on Major Development in Oxfordshire";
 - b) full micro-drainage calculations for all events up to and including the 1 in 100 year plus 40% climate change;
 - c) a Flood Exceedance Conveyance Plan;
 - d) comprehensive groundwater monitoring and modelling to understand the groundwater flows across the site;
 - e) detailed design drainage layout drawings of the SuDS proposals including cross-section details;
 - f) detailed maintenance management plan in accordance with Section 32 of CIRIA C753 including maintenance schedules for each drainage element; and
 - g) details of how water quality will be managed during construction.

The scheme shall also include the following details of the tank proposed for the storage of surface water:

- h) full details of the design and proposed location of the tank and the pipes and the conduits to be installed to convey water to and from the tank, such details to include the materials from which the tank, pipes and conduits are to be made;
- i) full details of the proposals for the installation of the tank, including the means by which the tank will be anchored;
- j) full details of the proposed means of operation of the tank, including the control of discharge;
- k) full details of on-going maintenance of the tank and the pipes and

conduits to be installed to convey water to and from the tank and a scheme for on-going monitoring of its operation.

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

- l) as built plans in both .pdf and .shp file format;
 - m) photographs to document each key stage of the drainage system when installed on site;
 - n) photographs to document the completed installation of the drainage structures on site; and
 - o) the name and contact details of any appointed management company information.
- 17 No construction of any hard surfacing as shown on the approved plans shall commence until details of its method of construction, including any porous materials or provision to direct surface water to a permeable or porous area within the site, have been submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved details before the development is brought into use.
- 18 A scheme for the ventilation and extraction of cooking fumes shall be submitted to and approved in writing by the local planning authority prior to the commencement of the use of the kitchen, restaurant, and café facilities at the new leisure resort. The approved system(s) shall be installed and operated in accordance with the approved scheme at all times the building is in use for the purposes hereby permitted.
- 19 No external construction work including site clearance and delivery of materials shall be carried out except between the hours of 07.30 to 18.00 Monday to Friday and 08.00 to 13.00 on Saturdays and at no times on Sundays, Bank and Public Holidays.
- 20 Prior to commencement of development, a scheme for the soundproofing of the buildings shall be submitted to and approved in writing by the local planning authority. Thereafter, the measures shall be implemented in strict accordance with the approved details prior to occupation of the development and shall be retained as such.
- 21 Details of the external lighting/security lighting/floodlighting within the site including the design, position, orientation, and any screening of the lighting shall be submitted to and approved in writing by the local planning authority prior to commencement of those works. The lighting shall be installed and operated in accordance with the approved scheme at all times thereafter.

- 22 All removal of trees, hedgerows, shrubs, scrub, or tall herbaceous vegetation shall be undertaken between September and February inclusive. If this is not possible then a suitably qualified ecologist shall check the areas concerned immediately prior to the clearance works to ensure that no nesting or nest-building birds are present, then the vegetation shall not be removed until the fledglings have left the nest. The ecologist shall certify this in writing to the Local planning authority.
- 23 Prior to the commencement of the development hereby approved, including any works of site clearance, a mitigation strategy for great crested newts, which shall include timing of works, exclusion fencing, the location and design of alternative ponds/habitats together with the timing of their provision, shall be submitted to and approved in writing by the local planning authority. The mitigation works shall be carried out in accordance with the approved details.
- 24 Prior to the first use of any new public footpath, the new footpath shall be formed, constructed, surfaced, laid and marked out, drained and completed in accordance with specification details which shall be firstly submitted to and approved in writing by the local planning authority.
- 25 Prior to commencement of development a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local planning authority, in conjunction with the Local Highway Authorities. The CTMP shall provide for:
- a) the routing of construction vehicles and Construction Plan Directional signage (on and off site);
 - b) the parking of vehicles of site operatives and visitors;
 - c) loading and unloading of plant and materials;
 - d) storage of plant and materials used in constructing the development;
 - e) operating hours and details of deliveries;
 - f) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - g) wheel washing facilities;
 - h) measures to control the emission of dust and dirt during construction;
 - i) a scheme for recycling/disposing of waste resulting from demolition and construction works;
 - j) overall strategy for managing environmental impacts which arise during construction;
 - k) procedures for maintaining good public relations including complaint management, public consultation and liaison;
 - l) control of noise emanating from the site during the construction period;
 - m) details of construction access(s); and
 - n) provision for emergency vehicles.

- 26 Prior to first occupation of the development, a '*Secured by Design*' (SBD) accreditation shall be obtained, and then presented to the local planning authority. Development will thereafter be required to proceed in accordance with the layout plan accompanying that accreditation.
- 27 No development hereby permitted shall take place except in accordance with the terms and conditions of this Council's organisational licence (WML-OR48-2019-01) and with the proposals detailed on plan '201908002 –Bicester Golf Course Impact Map', dated 29th November 2019.
- 28 No development hereby permitted shall take place unless and until a certificate (as set out in the District Licence WML-OR48-2019-01), confirming that all necessary measures in regard to great crested newt compensation have been appropriately dealt with, has been submitted to and approved by the Local planning authority and the local authority has provided authorisation for the development to proceed under the district newt licence.
- 29 No development hereby permitted shall take place except in accordance with Part 1 of the GCN Mitigation Principles, as set out in the District Licence WML-OR48-2019-01 and in addition in compliance with the following:
- a) works to existing ponds onsite may only be undertaken during autumn/winter, unless otherwise in accordance with the GCN Mitigation Principles;
 - b) works which will affect likely newt hibernacula may only be undertaken during the active period for amphibians;
 - c) capture methods must be used at suitable habitat features prior to the commencement of the development (i.e. hand/destructive/night searches), which may include the use of temporary amphibian fencing, to prevent newts moving onto a development site from adjacent suitable habitat, installed for the period of the development (and removed upon completion of the development);
 - d) amphibian fencing and pitfall trapping must be undertaken at suitable habitats and features, prior to commencement of works;
 - e) the recommendations in report 'Great Wolf Resorts Bicester golf course Habitat Management and Monitoring Plan (Revision 1)', dated November 2019, provided as part of the planning application must be complied with.
- 30 Prior to the commencement of the development, full details shall be submitted to and approved in writing by the local planning authority of bus facilities within the site including a turning loop suitable for a 12m long single-deck bus, bus shelter, seating, flagpole and timetable case. Thereafter, the facilities shall be provided in accordance with the approved details and shall be maintained and retained unobstructed for the purpose of facilitating a public bus service to the site.
- 31 The development shall not be occupied until a signage strategy for the site including a scheme for its implementation has been submitted to and

approved in writing by the local planning authority. The Signage Strategy is to be delivered prior to first occupation.

- 32 Prior to the first occupation of the development hereby approved, a Travel Plan, prepared in accordance with the Department of Transport's Best Practice Guidance Note "Using the Planning Process to Secure Travel Plans", shall be submitted to and approved in writing by the local planning authority. Thereafter, the approved Travel Plan shall be implemented and operated in accordance with the approved details.
- 33 The development shall not be commenced until full details of the green roof to be installed in accordance with the following submitted plans 10875-EPR-00-03-DR-A-TP-0203 and 10875-EPR-00-05-DR-A-TP-0204 have been submitted to and approved in writing by the local planning authority. Those details shall include the precise extent of green roof proposed, the form of design including waterproofing and moisture retention layers, the planting scheme and how the green roof will be maintained for the lifetime of the development. The development shall be carried out in accordance with the approved green roof design and details.
- 34 No hotel or day visitor guests shall be permitted to check in to the resort prior to 10:00am on Mondays to Fridays (excluding bank holidays and public holidays). This shall apply for the life of the development.
- 35 The development shall not be occupied until written confirmation has been provided by the sewerage and water undertaker, that:
 - a) wastewater network upgrades required to accommodate the additional flows from the development have been completed; and
 - b) all water network upgrades required to accommodate the additional flows to serve the development have been completed.
- 36 With regard to the emptying of swimming pools forming part of the development into a public sewer:
 - a) the pool to be emptied overnight and in dry periods; and
 - b) the discharge rate is controlled such that it does not exceed a flow rate of 5 litres/second into the public sewer network.

APPEARANCES

FOR THE APPELLANT

James Strachan QC instructed by Great Lakes UK Limited

He called:

Chris Goddard BA(Hons) BPL MRTPI MRICS.
Board Director, DP9 Ltd.

Richard Bettridge BSc (Hons) BA CEng CEnv MICE FCIHT MCIWEM
Director, Motion Consultants Limited.

Philip Bell BEng(Hons) MCIT MILT MCIHT.
Managing Director, Motion Consultants Limited.

James Patmore CEng CEnv MCIEEM BSc Hons.
Director of Ecology, Bradley Murphy Design Limited.

Richard Waddell.
Senior Associate, Bradley Murphy Design Limited.

Nick Rayner BA(Hons) DipArch RIBA.
Director, EPR Architects.

John Ashworth.
Principal, John Ashworth Associates.

Howard Swan.
Principal Architect & Director Swan Golf Designs Limited.

Conditions & S106 Round Table Session

S Wooton.
P Twemlow.

FOR THE LOCAL PLANNING AUTHORITY

Douglas Edwards QC and Annabel Graham Paul of Counsel, instructed by Matthew Barrett LLB, Planning Solicitor, Cherwell District Council.

They called:

Thomas Darlington, BA (Hons).
Senior Community Infrastructure Officer, Cherwell District Council.

Paul Almond.
Street Scene & Landscape Manager, Cherwell District Council.

Alan DeVenny, BEng (Hons), PhD, MICE.
Projects Director, Systra Limited.

David Huskisson, Dip LA, CMLI.
Director, Huskisson Brown Associates.

Richard Bennett, BSc (Hons), MICE.
Flood Risk Engineer, Oxfordshire County Council.

Andrew Bateson, BSc (Hons), MRTPI.
Team Leader – Major Developments, Cherwell District Council.

Conditions & S106 Round Table Session

Mr M Barrett.
Ms J White.

FOR PARISHES AGAINST WOLF

Sasha White QC and Anjoli Foster instructed by Tom Brewerton & Stephen Webster of Parishes Against Wolf.

They called:

Andrew Cook BA (Hons) MLD CMLI MIEMA CENV.
Executive Director, Pegasus Group.

Rupert Lyons MSc CMILT MIOD
Director, Transport Planning Associates Limited.

Steven J Sensecall BA (Hons) DIP. T.P. MRTPI.
Partner, Carter Jonas.

Dominic Woodfield CEcol CEnv MCIEEM.
Director, Bioscan (UK) Ltd.

Conditions & S106 Round Table Session

T Brewerton

INTERESTED PERSONS

Ms D Bohm.
Mr S Webster.
Mr T Brewerton.
Mr P Clarke.
Mr R Jones.
Mr R Cornford.
Ms K Jones.
Mr A Banks.
Professor A Fitt.
Mr J Reese.
Mr N Mullane.
Mr P Stoddart.
Mr Hugh Williams
Ms I Newton.
Mr N Dolden.
Ms N Bohm.
Ms F Boyer-Warland.
Mr D Jones.
Mr T Hibbert.
Mr P Brain.
Ms R Miles.
Mr M Horseman
Ms J Keeling.
Mr J Martin.
Ms D Messum.

Reverend G Miller.
Mr J Floyd.
Ms R Hucker.
Mr K Moore.
Mr I Corkin.
Ms C Chipperfield-Twiddy.

DOCUMENTS SUBMITTED DURING THE INQUIRY

Doc 1	-	Agreed Summary Traffic Modelling Tables Scenarios 1 to 10.
Doc 2	-	Landscape Value and Valued Landscapes – Draft Technical Note (February 2021).
Doc 3	-	18 Hole Golf Course Layout (Swan Golf Designs).
Doc 4	-	Annotated Site Location Plan – Dimensioned (EPR Architects).
Doc 5	-	Appellant’s (Motion) Technical Note: Summary of Discussions with OCC N10 (September 2020).
Doc 6	-	OCC Pre-App Response on Middleton Stoney Junction (September 2020).
Doc 7	-	Note re Potential Cycle Improvements S106 Contribution.
Doc 8	-	OCC Correspondence - Heyford Park Phase 2 mitigation.
Doc 9	-	Officer’s Report - Heyford Park Phase 2.
Doc 10	-	OCC Drainage Note 8/2/2021.
Doc 11	-	Evening Session List of Speakers & Statements.
Doc 12	-	LPA Update to OSSRS Figure 61.
Doc 13	-	England Golf Strategy 2017-2021.
Doc 14	-	Note re Middleton Stoney Pedestrian Refuge.
Doc 15	-	Email re Guest Occupancy & Servicing Details.
Doc 16	-	Table of Day Passes US Properties.
Doc 17	-	Technical Note Trip Comparison 11/02/2021.
Doc 18	-	Scenario 10 Additional transport information.
Doc 19	-	Alternative sites with plans.
Doc 20	-	Distances between greens and tees.
Doc 21	-	Great Wolf Pre-application presentation.
Doc 22	-	Transport Statements of Common Ground (OCC & CDC).
Doc 23	-	OCC R122 Compliance Statement.
Doc 24	-	Golf Participation 2016-2020.
Doc 25	-	S106 requests on behalf of PAW.
Doc 26	-	Request for Traffic Flow Bond (PAW).
Doc 27	-	Drainage Statement of Common Ground.
Doc 28	-	Statement of Common Ground Ecology.
Doc 28	-	Statement of Common Ground Ecology.
Doc 29	-	Email from D Messum re Flooding.
Doc 30	-	Email Mr Hucker re Flooding.
Doc 31	-	Email L Beever re Flooding.
Doc 32	-	Email from Mr Woodfield seeking to agree measurements.
Doc 33	-	Consultation response from Natural England.
Doc 34	-	Two photographs of pond margins and amenity grassland, Mr Patmore.
Doc 35	-	Landscape Officer comments.
Doc 36	-	Joint Statement on Middleton Stoney Junction. 25/2/21.
Doc 37 -	-	Heyford Park Development & Planned Highway Improvements.
Doc 38	-	Bundle of Emails re Sterling Golf Course.
Doc 39	-	Clarification Note on Sport England & England Golf involvement in the Open Space, Sport & Recreation Assessments.
Doc 40	-	Addendum to Clarification Note – Doc 39.
Doc 41	-	Appellant’s Note on S106 & Land Registry Details.
Doc 42	-	Car Park Landscape Images - Mr Waddell.
Doc 43	-	No Document.

- Doc 44 - PAW, S106 Comments 1/3/2021.
- Doc 45 - PAW, Note on Remaining Flooding & Drainage Concerns.
- Doc 46 - Clarification of Golf Round Timings, Mr Swann.
- Doc 47 - Appellant's Notes of Online Meeting with Members of the Parishes on Drainage 2/3/2021.
- Doc 48 - Lpa clarification of number of bedrooms at Bicester Heritage Hotel.
- Doc 49 - Additional conditions suggested by PAW & the Appellant (Green Roof & Check-In Times).
- Doc 50 - Appellant's response to PAW s.106 comments.
- Doc 54 - Landscape of Statement of Common Ground.
- Doc 55 - CDC R122 Statement.
- Doc 56 - Certified Copy of S106 Agreement Part 1.
- Doc 57 - Certified Copy of S106 Agreement Part 2.
- Doc 58 - Main Statement of Common Ground.
- Doc 59 - List of suggested conditions.
- Doc 60 - List of reason for the conditions.

APPENDIX D. Bicester Sports Association Appeal Decisions

Appeal Decision

Inquiry Held on 29 June 2021 to 2 July 2021 & 13 July 2021

Site visits made on 25 June 2021 & 12 July 2021

by Richard Aston BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities

Decision date: 27th August 2021

Appeal Ref: APP/C3105/W/20/3265278

The Tudor Jones Building, Bicester Sports Association, Akeman Street, Chesterton OX26 1TH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Bicester Sports Association against the decision of Cherwell District Council.
 - The application Ref 19/00934/F, dated 14 May 2019, was refused by notice dated 18 June 2020.
 - The development proposed is described as '*Change of use of Agricultural land and extension of the existing Bicester Sports Association facilities for enhanced sports facilities including relocation and reorientation of existing pitches and archery zone, 2 no. training pitches with floodlighting, 2 no. match pitches, new flexible sports pitch, new rugby training grids, new clubhouse with events space, new rifle and shooting range, cricket scorers building, storage and maintenance buildings and provision of associated car parking, amended access, landscaping and other associated works*'.
-

Decision

1. The appeal is allowed and planning permission is granted for development described as '*Change of use of Agricultural land and extension of the existing Bicester Sports Association facilities for enhanced sports facilities including relocation and reorientation of existing pitches and archery zone, 2 no. training pitches with floodlighting, 2 no. match pitches, new flexible sports pitch, new rugby training grids,, new clubhouse with events space, new rifle and shooting range, cricket scorers building, storage and maintenance buildings and provision of associated car parking, amended access, landscaping and other associated works*' at The Tudor Jones Building, Bicester Sports Association, Akeman Street, Chesterton OX26 1TH in accordance with the terms of the application, Ref 19/00934/F, dated 14 May 2019, subject to the conditions set out in the attached schedule.

Procedural Matters

2. The parties were provided with an opportunity to comment on the revised National Planning Policy Framework ('the Framework') that came into force on 20 July 2021. I have had regard to these comments in my determination of this appeal. The Council has commenced work on a new local plan to 2040, but it is in the very early stages and the parties accept that in accordance with Paragraph 48 of the Framework it carries little weight in this appeal.

3. I carried out unaccompanied site visits, following agreed itineraries to specific and representative viewpoints on 2 occasions as set out above. Due to a necessary change in the programme and the order in which the evidence was presented, the Inquiry was adjourned on 2 July 2021 and then resumed and closed on 13 July 2021.

Preliminary Matter

4. A number of appeal and other decisions were put before me by the parties but most relevant are a recent appeal decision at land to the east of the M40 and south of A4095 directly to the north of the appeal site¹ ('the Great Wolf scheme') and an appeal for a similar form of development, dismissed on the appeal site in 1990² ('the 1990 decision').
5. At Great Wolf planning permission was granted on appeal on 11 May 2021 for a substantial new leisure resort incorporating a waterpark, a family entertainment centre, a hotel, conferencing facilities and restaurants with associated works. Whilst each case must be determined on its own merits I have had regard to these decisions and all other decisions put before me, as necessary below.

Main Issues

6. The main issues in this appeal are:
 - Whether the proposed development would be in a suitable location, with particular regard to the extent to which the site is accessible by a range of modes of transport and reliance on private vehicle journeys.
 - The effect of the proposal on the character and appearance of the appeal site and surrounding area.
 - If harm and conflict with the development plan is identified whether this would be outweighed by other material considerations.

Reasons

Suitable location

7. The appeal site is an existing sporting facility with buildings, car parking and playing fields, operated by Bicester Sports Association ('the BSA'), a private trust providing sports pitches and facilities for nearly 100 years at a subsidised rate for the benefit of amateur and grassroots sport in the Bicester area.
8. The appeal site is already home to a variety of affiliate sports clubs including Bicester and North Oxford Cricket Club, Bicester Archers, Bicester Town and District Rifle and Pistol Club and Alchester Runners. The site is not floodlit, and the timing of sporting sessions ranges from the morning to the evening, with the summer months at its busiest with various training sessions and matches for both Adults and Juniors.
9. The site sits in a countryside location beyond the western periphery of Chesterton, a medium sized village assessed as being one of the Districts more

¹ APP/C3105/W/20/3259189.

² T/APP/C3105/A/90/147430.

sustainable villages because of the range of services available. In turn, Chesterton lies to the expanding western edge of Bicester and the M40 motorway runs north south immediately to the west of the appeal site. The site lies approximately 2.5 kilometres from the now closed Oxford Road site, a former facility in the town jointly used with the appeal site by rugby, football and shooting clubs and once owned and operated by the BSA. The proposal includes provision for those facilities previously located at Oxford Road.

10. There is no principal objection to the appeal scheme being developed on the appeal site, but the parties disagree as to the extent to which the site is accessible by a range of modes of transport. All aspects of sustainability should be considered in planning decisions, including local circumstances. The Framework is clear that opportunities to maximise sustainable transport solutions will vary from urban to rural areas. Although the Council maintained the proposal does not require a countryside location, it is also not in dispute that there are no other single sites in the Bicester built-up area to accommodate the proposal.
11. Actively managing patterns of growth, includes locating significant development in locations which are or can be made sustainable through limiting the need to travel and offering a genuine choice of transport modes. Ultimately, this is to reduce the effects of congestion and emissions, mitigate and adapt to climate change and ensure air quality and public health is improved.
12. The Transport Assessment and overall methodologies are agreed and predict 263 2-way vehicle trips in a single hour on a Saturday, double the 98 trips for the equivalent period for the existing activities on the site. Trips would be slightly greater of an evening and Sunday morning, with 109 and 102 2-way trips estimated respectively.
13. The majority of users (70%³) of the proposal would originate from the Bicester urban area and surrounding countryside and vehicle trips would therefore be short. The Sports Consultancy May 2019 Sporting Need report, referencing its March 2018 online travel survey, states 76% of respondents at the BSA's existing Oxford Road facilities confirmed that they currently also use the facilities at Chesterton. Therefore many of the trips to the appeal site already take place as also evidenced in third party representations and by those club representatives that appeared at the Inquiry.
14. However, there is currently no public transport to or near the site in the form of a bus service and no suggestion from the Council that one could be provided. It is agreed however that, if or when implemented, the measures to be delivered as part of the Great Wolf scheme, including a bus service, will significantly improve the accessibility of Chesterton village by public transport.
15. Reliance on private vehicle trips would be significant and it is of no surprise that 97% of journeys to the appeal site for its existing provision are carried out by car given its location, lack of alternatives, the prevalence of car sharing, junior sports provision and other factors such as carrying of firearms and other heavy or unwieldy sports equipment.

³ Mr Nichol's estimate based on postcode plan D11.1.

16. Consequently, the appellant proposes the following measures to seek to promote more sustainable modes of transport:
- A Travel Plan, including further enhancement of car sharing.
 - Provision of minibus service for 5 or 10 years.
 - Improved signage on A4095/Vendee Drive and A41/Little Chesterton junction.
 - A proposed footway along the eastern side of The Hale between its junction with Penrose Gardens to the north and its junction with Akeman Street/Green Lane.
 - Tactile crossings over Green Lane and Little Chesterton Road and tactile crossings on A4095 at 2 additional locations.
17. The draft targets (based on a predicted baseline modal share) in the Travel Plan are to achieve a 5% reduction in car driver trips; a 2% reduction in car passenger trips; a 3% increase in walking trips; a 3% increase in cycling trips; and a 1% increase in public transport trips.
18. Significant car sharing already takes place and is defined as a sustainable mode of transport by the Framework. The figures were somewhat muddled by a failure to distinguish between parents driving their own children and genuine car sharing which reduces overall vehicle journeys. It is also predominantly a friend/parent arrangement, shared between friendly parents as opposed to any member of a club and clubs will have established players with circles of parents who are able to offer alternative lifts.
19. Approximately 35% of journeys to the appeal site are made by car drivers and passengers who are not parents and children. Car sharing would be particularly useful and effective among members of the same teams that use the facilities or for parents providing lifts for groups of children. I see no reason why the BSA, a long-standing association with a track record of delivering sports pitches and facilities, could not further promote, encourage and enhance car sharing beyond these existing levels. This would be secured in the GP which commits the appellant to achieving modal shift over a proposed 5-year Travel Plan period. Monitoring of this would further enable a review of effectiveness to take place and implement any further recommendations.
20. Provision for the purchase, operational and management of a single 15 seat minibus is also proposed for a period of 5 or 10 years⁴. The Council were critical of this measure's effectiveness, but such a service could be based on a regular and well-advertised timetable with pick up and drops off from established locations within the town, a short drive. This service could reasonably include those who cannot access the site due to age or disability.
21. The service would be shared by up to 16 clubs, although not all may find it necessary, and it would be run by volunteers and with disability and sporting equipment space requirements perhaps reducing its capacity. Whilst a challenging and complex task no doubt to administrate the experience and resources of the BSA means they should be well placed to make this a success

⁴ The appellant requested this was left to my discretion.

- and such a scheme would represent a genuine alternative mode of transport for future users and could encourage modal shift.
22. There are some limited opportunities for pedestrians to access this site, more so for cyclists via the existing and accessible network of public rights of way and Bicester's expanding periphery is not far. Having observed the routes, although there is some disconnection in the route to Bicester around the junction with Vendee Drive, the centre and eastern side of town could still be reached in a short and leisurely 10–15 minute cycle by a reasonably proficient cyclist on generally flat cycle routes. Such a journey would not appeal to all, especially in inclement weather and would also not be an option with anything other than a backpack.
23. Only experienced and enthusiastic cyclists would take the route from the south through Little Chesterton, but nonetheless, it is still an option and links up with other local and national routes to the south. Chesterton, and therefore the site could also be accessed via the Park and Ride site adjacent to the A41/Vendee Drive junction with, more direct, commercial public transport available for Oxford, Bicester Town Centre and other destinations. I note this was also accepted by a colleague in a recent appeal granting permission for 51 dwellings in The Hale, Chesterton⁵.
24. Overall, the quality and accessibility of cycling routes I observed in combination with the measures proposed would offer choice to users to cycle to the site and it must be borne in mind that this is a sporting facility, its users used to physical exertion and activity. On site, 2 locations would provide 64 cycle spaces and access to changing facilities would be secured in the proposed travel plan. I therefore consider that cycling has some opportunities here to encourage modal shift.
25. Signage proposals would enhance highway safety and the improvements to The Hale would primarily benefit residents of Chesterton but nonetheless, serving a larger residential area it would improve the safety of the walking route between the site and PROW 161/1, with onward connection to Bicester.
26. Whilst no improvements are proposed to Green Lane, my observations were that residents would probably walk and cycle along it anyway, being an entirely safe route to take with low traffic speeds on the approach into the southern part to the village. Tactile crossings would also enhance highway safety and whilst I accept that only a small number of users would be pedestrians, highway safety would still be improved overall.
27. The car park would, on opening, provide a material number of spaces dedicated for electric vehicles and constructed in a way that the number of charging points could be increased as the switch to low and ultra-low emission vehicles increases. This would allow greater flexibility to use low emission and ultra-low emission vehicles, defined as sustainable transport modes in the Framework. There would also be some small but unquantifiable at this stage, improvements to the accessibility of the site for existing users.
28. There would be an increase in trips to this location and associated vehicle emissions here and I acknowledge that Paragraph 105 of the Framework refers

⁵ APP/C3105/W/15/3130576.

to improving public health by reducing emissions to improve air quality and public health. Paragraph 98 of the Framework is now also clear however that access to a network of high-quality opportunities for sport and physical activity is important for the health and well-being of communities. Further, this can also support efforts to address climate change and ultimately a balance of such considerations has to be carried out.

29. The Council refer to the minibus and car sharing measures as being entirely dependent on the willingness of members to adapt their behaviour. That may be true, but the scheme should be viewed as a positive opportunity to seek to amend behaviour, otherwise travel behaviour is unlikely to ever change and existing trips will continue to be not as sustainable as they could be.
30. Whilst some visitors and users may be unable to take advantage of the sustainable transport measures proposed with reliance on the private car, appropriate opportunities to maximise and promote sustainable transport modes have been or can be taken up in this proposal, having regard to type and location. Subject to these measures being secured by condition the proposal would be in a suitable location, with particular regard to the extent to which the site is accessible by a range of modes of transport and reliance on private vehicle journeys.
31. Accordingly, it would not be in conflict with Policies SLE4 and ESD1 of the Cherwell Local Plan 2011 – 2031 Part 1 ('the LP'). When taken as a whole these require all development where reasonable to do so, to facilitate the use of sustainable modes of transport to make the fullest possible use of public transport, walking and cycling. Furthermore, that measures are taken to mitigate the impact of development within the district on climate change, delivering development that seeks to reduce the need to travel and which encourages sustainable travel options.
32. I return to Policy BSC10 of the LP in other considerations below as on my reading it is not relevant to my consideration of this particular issue. These policies are consistent with the Framework and there would be no conflict with the relevant objectives of national planning policy as referred to above.

Character and appearance

Landscape character

33. The site straddles the boundary of 2 National Character Areas ('NCA'): NCA 107 Cotswolds to the north and overlies the majority of the northern part of the site and the north-western corner of the agricultural field to the south. To the south and overlying the majority of the southern part of the site and a small portion of the south-eastern corner of the existing BSA playing fields is the NCA 108 Upper Thames Clay Vales.
34. The Oxfordshire Local Wildlife and Landscape Study ('OWLS') and the Council's Countryside Design Summary ('CDS') are also relevant. The OWLS study defines the site as almost entirely within Area 19, which is described as Wooded Estate lands Landscape Type and Middleton Stoney Local Character Area. The CDS locates it in the Ploughley Limestone Plateau Character Area described as containing, amongst other things, the extensive remains of 19th century parklands. Here, development should avoid exposed and prominent locations.

35. Although the appeal site is covered by these published assessments, they are of varying degrees of relevance to the appeal site in its immediate vicinity and I rely more on my observations on the ground. It is accepted by the parties, for the purposes of Framework paragraph 170, the site does not form part of a valued landscape. Whilst the site and its surroundings may be valued locally, there is nothing out of the ordinary to elevate the site to be a valued landscape.

Character and feature effects

36. It is agreed that the submitted Landscape and Visual Assessment is robust and in accordance with relevant guidance. There was some disagreement as to the methodology used by the Council, who offered their own assessment, but this was very limited and is not determinative.
37. The currently developed northern part of the appeal site includes 2 county level Cricket pitches and an associated pavilion, 12 rugby pitches of various sizes, 8 football pitches of various sizes, an outdoor shooting range, changing rooms and associated parking. Other ancillary structures, and equipment were evident within the northern part of the site, including a shipping container used for storage, a scorer's box, storage sheds, rugby posts, football goals, cricket screens, wicket covers on rollers and cricket practice nets.
38. The northern boundary is formed by a substantial hedgerow with the only access onto Akeman Street. To the immediate north I observed significant development in the form of substantial buildings, other structures and lighting centred around and in the grounds of Bicester Hotel Golf and Spa. This included a floodlit driving range, tennis courts and parking, an indoor gymnasium, assault course and other outdoor pursuit related structures, clearly evident from Viewpoint 15, the overbridge of the M40 on Akeman Street. There is also associated vehicular and other activity which I observed both during the day and evening.
39. Opposite the appeal site lies a rural industrial unit occupied by Wig Engineering Ltd, a structural steel fabrication operation. The appeal site and its immediate surroundings are tightly enclosed by the M40 to the west, the A41 to the south and the settlements of Chesterton and Little Chesterton. Dense boundary planting in the form of mature trees and understorey planting was a prevailing characteristic of the narrow lanes that criss-cross this area of countryside, with dense foliage only affording glimpses of the fields they surround.
40. The southern part of the site contains the existing irregular shaped but apparently remnant agricultural field. Although visually it is appreciated as part of the countryside, any positive contribution is highly localised. Clearly there are elements of rurality here, but I also found a clear and marked distinction with the much less altered and more agrarian landscape to the west of the appeal site immediately beyond the M40. Traffic noise from the M40 has a material effect on tranquillity of the area, as I experienced on both visits.
41. To the east the site is bordered by a narrow lane, which provides access to Little Chesterton, a hamlet of residential, agricultural fields and former agricultural turned industrial diversification developments. As one travels down the lane to Little Chesterton, dense boundary planting encloses it before giving way to the partly open eastern boundary of the appeal site, before returning to a dense overhanging canopy, paddocks, agricultural barns, field shelters and

rural industrial buildings along with a scattering of residential dwellings and associated outbuildings in Little Chesterton. Residential dwellings of Vespasian Way are also evident from the lane to the east.

42. The NCA profile is a high-level landscape character assessment covering an extensive area, including the Cotswolds Area of Outstanding Natural Beauty. Located on the eastern edge I share the view of my colleague in the Great Wolf appeal that this is an area of transition where many of the key characteristics of the NCA are either absent or heavily diluted. The appeal site and its locality are materially influenced by a substantial variety and type of buildings, uses, activity and lighting. These affect the physical fabric and character of the LCAs and locality and on both of my visits I did not find the field or surrounding area to be '*deeply rural*' as the Council contend.
43. The change from an open field to a sports facility development, even allowing for landscaping and planting, would have a permanent effect on character and a consequent change in the appreciation of the immediate landscape. This would include through the introduction of buildings, associated structures, floodlighting and vehicles both parked and moving.
44. The clubhouse would also be located in the most open part of the undeveloped southern part of the site. There are clearly operational matters to address in terms of distances from changing rooms and facilities to pitches but it would be close to the partially retained mature boundary that runs across the middle of the site. The layout would not encroach beyond the track and natural western boundary set by Grange Farm to the south, with the adjoining open field retaining a buffer with the M40. There would still be a significant perception of openness and spaciousness across the southern part of the site.
45. This is not a building which given its function and purpose should be expected to be hidden in the corner of the site. Nevertheless, the use of the building, the large first floor terrace and bar would introduce comings and goings, additional activity from vehicles and lighting that would be perceived from the lane and in limited areas from private land to the south.
46. A large square building with a barn style structure atop a considerable flat roof ground floor, the design approach has taken elements of the rural vernacular and the shallow roof was evident in the locality on the Wig engineering building. With its timber cladding, Kingspan panels and blockwork the building would be reflective of the rural vernacular of its context and the scale and mass of built form I observed within the locality of the appeal site. The combination and juxtaposition of materials would also reduce its prominence, an approach I observed had been successful at Whitelands Sports Centre, a large similar sports building located in an open location off Vendee Drive.
47. There are also further opportunities for soft landscaping along the eastern side of the car park and clubhouse and around the events space, perhaps reflecting the appellant's contention that a hedgerow broadly in this location previously existed⁶. Subject to appropriate conditions relating to materials, hard surfacing, and such additional landscaping the proposed clubhouse could contribute positively, by creating its own local distinctiveness and would not be inconsistent with local character.

⁶ Paragraph 3.10 of PC PoE – 1945 aerial image of appeal site.

48. Whilst a significant section of the eastern boundary of the site does not contain a hedge or boundary planting it is the enclosure of lanes and roads by mature landscaping, with glimpses and intermittent views across fields which prevails. I did not find in the context of the dark, overhanging tree canopies that loom over the highway such modest sections of openness to be an important characteristic.
49. In this context the introduction of such a buffer would not be harmfully out of place, even if an element is to provide year-round screening and at a depth of approximately 10 metres, this would not be perceived as being overly or harmfully deep or incongruous. The landscaped buffers would reinforce key characteristics of the LCA, and it would have a dual function of enhancing in general biodiversity terms. It would almost entirely contain the influences of the sports infrastructure within the appeal site by Year 15.
50. There would be an associated loss of approximately 500 metres of Category B and C hedgerows in and around the site. Where practicable the trees should be a mixture of size and standard of specimens to allow for some instant effects. Success would be dependent on soil conditions, future management, and maintenance, but given the existing verdant boundaries in the area, existing soil conditions would be unlikely to hinder the successful establishment and growth.
51. In line with the appellant's assessment the character of the appeal site and vicinity has a 'Low-Medium' value, with a 'Low-Medium' susceptibility. Highly localised and not as adverse as the Council contends, the magnitude of change to the character of the appeal site and vicinity across all landscape character areas, would range from 'Small' to 'Medium-Adverse'. This would result in effects that are more in line with the appellant's assessment as being no greater than 'Moderate-Adverse' for the southern part of the site, including at Year 15. By Year 15 and from approximately years 3-5 onwards the proposed planting and mitigation would result in 'Neutral' effects for all other character and landscape features.
52. In accordance with published landscape character guidance, the proposed vegetation would create green infrastructure; contribute to local distinctiveness and provide new structural planting including woodland, strengthening a prevailing characteristic. It would not be out of keeping with the character of the area its well-defined pattern of hedgerows and hedgerow trees, woodlands and tree-lined watercourses would be safeguarded and enhanced. As appropriate development and although the soil structure would be altered, there would be no material conflict with the Key Statements of Environmental Opportunity. Overall, there would not be unacceptable harm to the key characteristics of the landscape at a national, county or local level.
53. Future effects from growth were raised by the Council and on the evidence before me whilst this should not be ruled out, any such proposal would need to be determined on its own merits at that time, including any consideration of the accumulation of effects.

Visual effects

54. Given established and mature boundary vegetation, the existing facilities are visually contained although some white posts are glimpsed from the lane and through the access on Akeman Street. Even then views are terminated by and

in the context of dense planting interspersed with glimpses of lorry bodies traveling along the M40.

55. The most important and relevant viewpoints were narrowed down to be Viewpoints ('VPs') 5, 8, 9, 10, 13 and 15. There are virtually no views of the site from the wider undeveloped countryside, and I agree with the parties that all other VPs (1-4, 6, 7, 12 and 16 and 17) would experience 'Negligible to Negligible-Adverse' effects due to location, existing topography and intervening landscaping.
56. The greatest visual effects would be experienced by those from travelling up and down the lane (VPs 8, 9 and 10) where for a significant section there would be a deterioration in existing open views in the short to medium term as the clubhouse reveals itself beyond the existing dense vegetated corridors to the south and north and sited centrally within the site. I agree they would be 'Moderate Adverse' initially, but the proposed landscaping and retention of trees would, over time, largely obscure, views of the building and car park.
57. The upper storey and terrace of the clubhouse along with the floodlighting would be visible locally, across an open field from Vespasian Way (VP13) and from some of its residential dwellings. Seen in the context of dense existing planting and additional planting, which would significantly mature over time, it would not be overly prominent or unduly dominant to an unacceptably harmful extent. The effects would be no more than 'Minor-Moderate' Adverse.
58. For drivers and their passengers from VP15 the upper storey of the clubhouse and lighting would come into view at the overbridge, but this would be a fleeting glimpse, perceived more of an evening in the winter. This would also be at speed on a road with few pedestrians and the proposal would be seen in the context of the prominent hotel and spa complex and facilities to the north. There would be some 'Minor-Adverse' visual effects.
59. A private industrial estate centred around a former farmyard and with mature vegetated boundaries, I do not agree Grange Farm (VP5) should be treated with the same sensitivity same as direct views from the lane. Any limited views, in the context of intervening landscaping with the presence of buildings and paddocks would result in no more than 'Moderate Adverse' effects and not 'Substantial-Adverse', reducing significantly over time as the southern boundary planting of the scheme matures.
60. Overall, there would be some highly localised adverse changes more in line with the appellant's assessment at Year 1. These would significantly reduce over time subject to an appropriate landscaping scheme being agreed, implemented and managed along with conditions relating to materials and lighting so that at Years c.10-15 the visual effects would be 'Minor-Adverse' but at no point unacceptably harmful or detrimental to the visual interests of the site's surroundings.

Nighttime skies

61. I observed the appeal site and its surroundings during the hours of darkness and experienced that the appeal site is subject to a number of sources of lighting influence⁷ predominantly from the south, east and the M40.

⁷ Nighttime Light Sources Plan – Figure Pc-6 PC PoE.

62. The football pitch columns would be set behind the clubhouse building in views from the lane and those in the north eastern corner are closer to the significant lighting influences of the hotel and spa opposite. From the east and north they would also be screened by existing mature trees. Nonetheless, the introduction of 18 lighting columns would result in a change to the character of the night sky when in use. There would also be illumination from the car park lighting, the clubhouse and its outdoor terrace and events space, although this could be mitigated by additional landscaping.
63. Effects from lighting would be most noticeable during the winter months and during the spring and summer months as the evenings begin to shorten, or on overcast days. During this time the lighting would be perceived in the twilight and not total darkness and the suggested conditions refers to a cut-off time of 2200 hours. Despite their submissions, the Council's main concern appeared to dilute to whether the suggested condition was strong enough, without reference to Guidance Note 01/21⁸. The rebuttal for the Council suggests that compliance with this would ensure '*obtrusive light would be limited*'⁹ and by the close of the Inquiry this requirement was included in the suggested lighting condition.
64. Any new lighting should be capable of being delivered on 12 metre columns; with no substantive evidence they should require 15-metre-tall columns. The changes to the proposed design and use of ever advancing LED technology would also result in the effects being approximately halved, a point not disputed by the Council. Fittings would be positioned parallel to the ground and no upward light other than those reflected off surfaces would be spilled.
65. Views would be largely contained, and the combination of the lighting technology and planting would not result in unduly prominent levels of light spill or direct glare. Whilst no final Illumination Impact Profile was submitted the Council's assessment of a 'High Adverse' magnitude of change in the vicinity of the site at Day 1 is somewhat overstated. The effects would not be unacceptably harmful in terms of the character of the night time sky in the area.

Character and appearance conclusion

66. Overall, there would be some short to medium term and moderate adverse character changes and visual effects. Highly localised and experienced from a limited number of viewpoints and areas. The effects would be significantly reduced in the longer term by the proposed landscaping, tree protection, lighting and biodiversity mitigation and enhancements, which I find to be well considered, sensitive and appropriate in this context.
67. Even in the early years I do not categorise any visual effects as being unwarranted or inappropriate because they would be excessive or disproportionate. Such effects should not therefore be classed as '*undue*' visual intrusion for the purposes of Policy ESD13 of the LP.
68. Accordingly, the proposal would not result in such landscape character or visual harm that it would be in conflict with Policies ESD13 and ESD15 of the LP, Saved Policy C28 of the Cherwell Local Plan 1996 ('the CLP') or relevant

⁸ Institution of Lighting Professionals' Guidance Notes for the Reduction of Obtrusive Light (GN01:2020).

⁹ DFL rebuttal for Cherwell DC.

landscape guidance. When taken as a whole, these policies require development to seek opportunities to secure the enhancement of the character and appearance of the landscape, to respect and enhance local landscape character, securing appropriate mitigation where damage to local landscape character cannot be avoided. Further, that there is no undue visual intrusion, be sensitive in its siting, layout, of a high-quality design, creating and reinforcing local distinctiveness and that regard should be had to guidance and relevant landscape studies.

69. The appeal site is an existing facility and should not be considered as sporadic given it is not isolated, so Policy C8 of the CLP is not relevant and there is no objection in principle. It is also not located in a '*sensitive area*' for the purposes of Policy C28, so the second part is also not relevant. In Framework terms, the proposal recognises the intrinsic character of the countryside at this point and proposes suitable mitigation for any adverse effects. There would be no conflict with Paragraph 174 of the Framework or its other objectives for the natural environment or design quality.

Other considerations

Sporting need and benefits

70. In this appeal the applicant is not required to demonstrate a need for their proposal and neither the Framework at paragraph 99 or Policy BSC10 of the LP contain an explicit or implicit reference to demonstrating need. It is the appellant's contention that sporting provision and facilities would be improved with a substantial investment into the appeal site and that there are issues with existing sporting provision in the district that this proposal would address. This view was strongly supported by all of the representatives from the Cricket, Football¹⁰, Bicester Archers and Bicester Town and District Rifle and Pistol Clubs I heard from on the first day of the Inquiry and the round table discussion.
71. It is agreed the proposal would add to the quantum of sporting pitch provision in the Bicester area and that there are no single sites within the town's built-up area that could accommodate all of the proposed development. Further, that multi sports venues such as this proposal are supported and that Sport England raised no statutory objections, to which I give considerable weight.
72. Whilst not a comparison exercise the evidence that the age of the Oxford Road site had led to a deterioration in the quality of facilities and lack of compliance with National Governing Body standards. Further, that consolidation at a single site was preferred for a number of operational reasons and benefits¹¹, which in my experience seem reasonable to me for such a provider.
73. The Council's position is that the only need is that occasioned by the Oxford Road site. Further, that the appeal site is not the only solution, based on The Cherwell Playing Pitch Strategy commissioned in 2018 to forecast future needs for sport and recreation up to 2031 and to inform development management decisions. The Council is looking to make provision for sports facilities through its site allocations, but ultimately that provision is required to meet the needs of those allocations and would not address any need arising from the loss of the Oxford Road site.

¹⁰ Bicester Town Colts FC.

¹¹ Simon Molden's Statement on Sporting Need Pages 25-29 and appendix A.

74. There is a clear and pressing need for a replacement indoor rifle range following the closure of a similar facility at Oxford Road. It was also evident that neither the club nor Council had been particularly proactive in looking for alternative sites, but the proposal would enable replacement and enhanced sporting provision including offering greater opportunities for shooting for the disabled, the visually impaired and across a wider array of ages.
75. I was left in no doubt that the proposal was a long-term goal of Bicester Town Colts Football Club to enable greater pathways from Junior to Adult football. I also heard of current operational issues of incorrect pitch sizes, capacity and overcrowding issues, litter, dog fouling and parking at both Coopers School and Whitelands. I was left in no doubt the club were 'making do' with current arrangements because of the situation but there had also been booking errors and the club have had to undertake additional funding as a result. Their objectives of providing enhanced high-quality facilities to aid both individual player, team and club development/expansion for all users would be met by the proposal and are unlikely to be met by their current arrangements. Bicester Town United would also benefit from operating from a single site and have also had issues with finding suitable pitches.
76. The Council's strategy highlights the long-term objective of Bicester Rugby Football Club to operate from a single site (the club's Junior teams play at Chesterton and the Adults at the former Oxford Road). There remained a big question mark over their position by the close of the Inquiry but given the circumstances I would expect discussions to be ongoing and options kept open by all clubs.
77. Whilst there is no guarantee that the club, or any other, would move to the Chesterton site if permission were to be granted, there is a present need for the club and the important point is that the proposal does now meet their requirements. They would no longer need to operate across 2 sites as the whole club could be accommodated and previous obstacles in terms of revenue creation no longer exists. It is agreed that the facilities would be consistent with their requirements in a similar way to their operation at Oxford Road. The proposal would fulfil their requirements as set out in the strategy.
78. Bicester and North Oxford Cricket Club were not affected by the closure of Oxford Road, but the upgrade of facilities and replacement with more modern infrastructure at the appeal site would be a significant benefit to them. It would allow for more training and match wickets and in turn, allow for future growth and expansion of the club and game for all ages, including by those with a disability. The proposal would also assist Bicester Archers in expanding their club, allowing greater participation and I heard this was particularly needed due to the ongoing effects of the COVID-19 Pandemic on membership.
79. The BSA is also willing to grant the clubs more formal security of tenure via a lease which, in turn, will enable them to apply for other funding for their activities. Entirely self-funding it would be at no cost to the public purse with the value realised from the sale of Oxford Road funding the proposal and its long-term maintenance.
80. There would also be the wider general benefits for residents and existing users from a significant enhancement of a sporting facility and pitch provision with modern, purpose-built pitches and facilities. Further, economic benefits would accrue from the investment in sports provision in the short-term during

construction and from its use in the future. In the midst of an ongoing global pandemic the need for such facilities takes on a greater significance and overall there would be demonstrably significant social and economic benefits.

81. The Council referred me to 3 sites as being credible alternatives to the appeal site. For the Wretchwick Green site the Council could not provide me with any definitive timescales other than a projection in the Annual Monitoring Report of 2027 when the artificial grass pitches and an Adult sized pitch would be provided. Required by the 800th dwelling there was, as put by the Council '*no good visibility*' on the timescale¹². Further, this would only meet the growth from the 1500 dwelling housing allocation and not directly address the loss of the Oxford Road site.
82. I visited Graven Hill a self-build housing scheme where 4 pitches are proposed and due to be delivered by the 1000th dwelling. This appeared to be some way off with 200 in place and nothing substantive put before me concerning legal agreement re-negotiations bringing pitches forward, leaving significant uncertainty as to what and when any sports pitches may be delivered.
83. At North West Bicester, an extension of 5,000 dwellings there are to be 15.2 hectares of sports pitches. The type of provision has yet to be agreed however and by the Council's own admission when these will be delivered is unknown. The ongoing review of the development plan creates opportunities for the allocation of more appropriately located sports pitches, but no material weight can be given to it due to the stage it is at.
84. I understand that the Council object in the context of trying to secure sports facilities for Bicester that are suitably located for the long term, but no other sites exist in the town for such a facility. There is both a quantitative and qualitative identified and pressing need for additional sports pitch and facility provision and enhancement apart from that occasioned by the closure of the Oxford Road site.
85. There are plans in place but interested persons and the round table discussion only served to emphasise the clear uncertainty as to when any of the sites would deliver sports facilities by 2031, let alone whether they would provide suitable appropriate facilities that the town's main and established sporting clubs require. They are not credible plans for the purposes of demonstrating there are suitable alternative and available sites to the one before me at this point and in the medium to longer term.
86. There would be no conflict with Policy BSC10 of the LP insofar as it seeks to ensure that sufficient quantity and quality of, and convenient access to outdoor sport and recreation provision is secured through, amongst other things, protecting existing sites, addressing existing deficiencies in provision through qualitative enhancement of existing provision, improving access to existing facilities and securing sport and recreation provision commensurate to the need generated by the proposals.
87. The Council refer to paragraph 99 (b) of the Framework being '*not strictly relevant since we are not dealing with the loss of the Oxford Road site*' but then goes onto state its theme of sustainability is relevant. I consider the

¹² Mr Lowin in response to an Inspector question at the RTD.

proposal would make better provision in a suitable location for the development proposed. As set out above, I have identified a sporting need and enhancement of provision and there would be no conflict with the aims and objectives of paragraph 99.

88. Moreover, the 3 overarching objectives of the Framework for sustainable development at paragraph 8 are interdependent and need to be pursued in mutually supportive ways, they are not criteria against which every decision can or should be judged. The presumption in favour of sustainable development in Paragraph 11 of the Framework is not invoked and I return to whether it would be sustainable development in those terms below. Having regard to the 3 dimensions and taking local circumstances into account to reflect the character, needs and opportunities of this area, the proposal would contribute to significantly more of those overarching objectives than it would fail to fulfil.

The Public Sector Equality Duty

89. In reaching my decision I have had due regard to the Public Sector Equality Duty contained in s.149 of the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. The duty does not compel a particular outcome however and due regard is the regard which is appropriate in consideration of the circumstances of the particular case.
90. At my request the Council provided a 'PSED note'¹³ setting out concerns regarding the site's location and access by those who cannot by law drive, and disability albeit with no accompanying or substantive evidence of any negative effects. There is also no evidence to suggest that the existing site is accessible to all and that an individual has guaranteed access to it, or indeed that was the case for the Oxford Road site. It is also clear that individuals with a disability currently access and use the facilities at the appeal site¹⁴.
91. There could realistically be a case where an individual wishes to partake in sport at the appeal site but does not have a car or access to one, or indeed cannot drive due to age or disability. This is the very type of instance however that to my mind the measures in the TP, in particular the minibus and car sharing scheme here should identify and seek to address if set up and operated as it should be. It is therefore important that any scheme agreed by condition includes provision of access for the disabled and promotion of the measures to residents and users.
92. It is also highly likely that a member of any of the clubs wishing to use the site or indeed try out the sport would, via that club, be able to seek assistance in obtaining access. I see no reason why such accessibility matters could not be addressed so that any agreed plan and schemes operate successfully for anyone who may not be able to access the site, including by more sustainable modes of transport. The proposal would also be 'DDA compliant'¹⁵ an outdated term but as a new build would provide improved and high-quality disabled

¹³ Inquiry Document 23.

¹⁴ OCB Disability Cricket and Archery for the Blind.

¹⁵ As required by The Equality Act 2010.

access and facilities for outdoor and indoor participatory sport advancing equality of opportunity. Accessibility would also be improved further if the Great Wolf scheme were to go ahead although there is clearly no guarantee at this point.

93. The current situation is also far from ideal or sustainable for the town's clubs. Any allocations of facilities by the Council will predominantly address their own needs, and even if the clubs were offered those pitches this would be at some unspecified point in the future significantly reducing opportunities and access to sport for the next 5, 10 and maybe more years.
94. To my mind, it is a far more acceptable situation for there to be some form of sports provision, in this case in a purpose-built facility in a suitable location, than to allow the current status quo to continue where there would likely be a significant deterioration in the quality and quantity of sports pitches and facilities and an associated decline in the health and wellbeing of residents including those with protected characteristics the Council refers to. At a time when the COVID-19 Pandemic demonstrates the importance of such facilities from a public health perspective, the benefits this proposal would bring at this point would clearly outweigh any potential negative impacts on those protected characteristics.

Other Matters

95. In reaching this view I have had regard to the 1990 decision as a material consideration. Notwithstanding it is of some vintage being made 31 years ago, its significance lies in that Inspector's considerations and conclusions on character and appearance. However, that scheme proposed a larger pavilion¹⁶ and at 20 metres, much taller albeit fewer floodlighting columns. No doubt different mitigation would have been proposed and in this case, I have also identified a dual screening and enhancement from the proposed planting and no policy conflicts.
96. That appeal was decided under a materially different local and national planning policy context and the site and area that Inspector observed 31 years ago would also have been materially different from the one I observed, in particular because the site was not developed for sporting facilities as it is now. I have also found no objections in terms of scale or character to a much-altered transitional area of countryside and there are no concerns here about the scale or other amenity effects in relation to nearby villages. Although only the decision notice is before me it would appear to not be a directly comparable form of development to the proposal before me.
97. That Inspector appeared to also find that outline proposal '*extremely difficult*' to assess in the absence of certain details. Based on the evidence as solely put to me by the parties and my own observations in this Inquiry, I have used my own judgement on the bespoke issues and considerations before me. The 1990 decision does not therefore alter my views on the second main issue or my decision to allow the appeal.

¹⁶ 3060sqm in that appeal and 20m floodlight columns compared to 12m.

98. Clearly this is a proposal which divides opinion in the town, and I have had regard to the many representations both in support and objection. The fact that the facilities at Oxford Road are no longer available is ultimately a commercial decision and the circumstances surrounding that closure or the possible future use of that site have no bearing on the planning merits of the proposal before me. Neither does the way in which the BSA is set up or operates or the fact it has been a long-standing desire of the BSA to redevelop and expand the appeal site. Each case must be determined on its own merits as accepted by the Council in cross examination¹⁷ and that this is not a comparison exercise with that former facility.
99. Other representations from interested persons included highway safety, and drainage. No substantive evidence of any drainage or protected species matters was put before me that could not be adequately resolved by the proposed surface water and protected species conditions. I also have no technical highways evidence before me to support either the suggestion that the surrounding roads have a capacity problem or that highway safety would be compromised as a result of the proposal, also mindful of the mitigation measures proposed including improved signage. There is also no objection in such terms, subject to conditions from Oxfordshire County Council as highway authority.
100. I have considered all of the other matters raised in the representations, but do not find that they alter my conclusions above, or my decision to allow the appeal.
101. Following a matter I raised with regard to a suggested protected species condition, it was clarified that an extended Phase 1 Habitat Survey was submitted with the application dated December 2016 and updated in March 2018 which the Council were satisfied allowed an assessment to be made. The presence of protected species is a material consideration when a development proposal is being considered which would be likely to result in harm to the species or its habitat.
102. The Council confirmed the surveys were adequate but as set out in a further note to the Inquiry¹⁸ the Council's Ecologist also requested a re-survey for badgers because they '*seem active in the environs of the site*'. That officer also acknowledged a '*marginal net gain in biodiversity*'. I am satisfied that this would be a final survey check where the presence, or lack of in this case, of a protected species has already been established and given the timings involved a final survey check is therefore necessary. Subject to the suggested conditions the proposal would not result in loss or harm to protected species and there would be some modest biodiversity enhancements in the longer term once planting is established and from additional enhancement measures such as bat, invertebrate and bird boxes.

Conditions

103. Following a round table discussion at the Inquiry a list of conditions was agreed by the parties. I have considered them against the tests in the Framework and the advice in the Planning Practice Guidance. I have made such

¹⁷ Mr Lowin for the Council in XX.

¹⁸ Ecology note ID20.

amendments as necessary to comply with those documents and in the interests of clarity, precision and simplicity. The appellant has confirmed acceptance of the pre-commencement conditions.

104. To ensure the proposal is delivered to meet an identified and pressing need the commencement condition is amended to 2 years (1). A condition is required to ensure compliance with the approved plans for the avoidance of doubt as this provides certainty (2). Conditions are also necessary for a written scheme of archaeological investigation and mitigation, to ensure that features of historic interest are properly examined and recorded (3 and 4).
105. To prevent surface water flooding, a condition is necessary to require the approval and implementation of a Sustainable Urban Drainage System (5). A Construction Traffic Management Plan is also necessary to be agreed in the interests of highway safety although I have amended this as a number of the requirements appear to me to be unnecessary and are not matters for the local planning authority (6). A condition is necessary for access and off-site highway improvements to be provided prior to first use in order to enhance accessibility to the site and for highway safety (7). Secured by Design compliance is also required to protect public safety and prevent crime (8).
106. A condition for compliance with the Ecological Appraisal by LDA Design dated December 2016, as updated (14) is necessary to protect biodiversity along with a separate condition for a final badger survey as set out above (9), along with bat, invertebrate and bird box provision (15). A Construction Environmental Management Plan (10) is also required to protect biodiversity along with a condition for a lighting scheme, to be agreed in the interests of character and appearance (16), albeit there is no requirement to list all of the associated evidence documents put before the Inquiry.
107. Despite a scheme being submitted for the hard and soft landscaping of the site, the success of this is key to mitigating the effects and therefore it is necessary for these matters to be reviewed and agreed between the parties in the interests of the character and appearance of the area (19). For the same reason, development in accordance with the agreed Arboricultural Assessment is also necessary, albeit amended to reflect condition 19 (20).
108. To ensure the proposed parking and access areas are satisfactorily provided and thereafter permanently retained in the interests of highway safety, a condition is necessary for these to be provided and laid out prior to first use and to not be used for any other purpose (11). A condition requiring details of cycle storage and a scheme of electric charging points is also required in the interests of promoting more sustainable modes of transport (12 and 13).
109. A condition requiring details of the formation of the sports and playing pitches is necessary to ensure the pitches are of an appropriate standard and do not pollute the natural environment (17). A condition requiring a scheme for the provision of a Minibus to be made available for clubs and individuals using the site for a minimum period of 10 years in order to promote more sustainable forms of transport and enhance accessibility (18) is also necessary. Such a scheme shall include provision for those users without access to a vehicle and with a disability.
110. A condition requiring compliance of all buildings with The Building Research Establishment's Environmental Assessment Method ('BREEAM') 'Very Good'

standard is also necessary in the interests of sustainability and energy efficiency (21). A condition is required to restrict use of the site and its buildings for sports events hosted by the BSA and constituent clubs only, in the interests of rural amenity (22). Further details of previously agreed signage and implementation is required in the interests of highway safety (23) and a Travel Plan is required for the promotion of more sustainable modes of travel (24). Although shown in the original application submissions, material schedules are still required to be agreed in the interests of the character and appearance of the area (25).

111. Conditions 3, 6, 8, 9, 10 and 17 are conditions precedent. They are fundamental to the development to ensure that it does not occur until such matters are resolved, in the interest of heritage assets, flood risk and prevention of pollution, satisfactory standard of sports pitch provision, highway safety and Biodiversity.

Planning balance and conclusion

112. Applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. In this case I have found accordance with Policies SLE4, ESD1 and BSC10 of the LP and the Framework relating to the site's suitability in terms of its location for the development proposed and outdoor sport and recreation provision.
113. Although I have identified some adverse effects in terms of the second main issue, for the reasons given the harm would not amount to conflict with Policies ESD13 and ESD15 of the LP or the saved policies of the CLP, when read as a whole. The proposal should therefore be regarded as being in accordance with the development plan, when read as a whole and national policy, when taken as a whole.
114. Even if I were to agree with the Council that the effects resulted in harm sufficient to bring the proposal into some conflict with Policy ESD13 and ESD15, a proposal could cause some harm without breaching those policies. The proposal would still accord with many of the requirements and those of the other policies before me and in that instance there would still be compliance with the development plan, when read as a whole.
115. There is no suggestion that the policies are not consistent with the Framework and accordance with an up-to-date plan means the proposal would also be the sustainable development for which Policy PSD1 of the LP and Paragraph 11 c) of the Framework indicate should be approved without delay. The latter is a material consideration which, along with the benefits of the proposal weigh significantly in its favour.
116. There are no other material considerations that indicate permission should be withheld. I therefore conclude that the appeal should be allowed, and planning permission should be granted subject to the conditions set out in the attached Schedule.

Richard Aston

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mr Robert Walton, of Queens Counsel	instructed by Bicester Sports Association
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He called

Mr Paul Newton BA (Hons) MRTPI	Barton Willmore LLP
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Mr Stephen Evans BA (Hons) MA CMILT MCIHT MTPS	Pell Frischmann
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Mr Patrick Clark BA MA Lsc. Arch. CMLI	Barton Willmore LLP
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Also present for the appellant:

Mr. Simon Molden Susie Stephen/James Hill	The Sports Consultancy Barton Willmore LLP
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FOR THE COUNCIL:

Ms. Annabel Graham-Paul, of Counsel	instructed by Cherwell District Council
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She called

Mr David Lowin BA MA MRTPI	Principal Officer, Major Developments Officer, Cherwell District Council
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Mr David Webster BSc MSc MA CMLI	Huskisson Brown Associates
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Mr Chris Nichols	Transport Development Control Officer, Oxfordshire County Council
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Also present for the Council:

Mr Thomas Darlington	Senior Community Infrastructure Officer, Cherwell District Council
Mr Simon Aley	Solicitor, Cherwell District Council
Mr Mathew Swinford/Ms Joy White	Cherwell District Council

INTERESTED PERSONS:

Chesterton Parish Council – Fiona Rowe
 Jenny Hodges
 Sarah Kearney
 Caroline Chipperfield-Twiddy.

Alex Robertson Len Payne
 Roger Wise Gary Sansome
 James Kirkham Chris Wales
 Jock Murray Timothy Peart
 Williams Malins.

DOCUMENTS SUBMITTED AT AND AFTER THE INQUIRY

Document Number	Document name	Submitted by
Document 1	Hoare Lea Lighting Rebuttal	Appellant
Document 2	Council's rebuttal on Lighting	Council
Document 3	Appellant's comments on LPA's LVIA methodology	Appellant
Document 4	Travel Survey Data	Appellant
Document 5	Appellant's opening	Appellant
Document 6	Council's opening	Council
Document 7	Statement of Gary Sansome	North Oxford and Bicester CC
Document 8	<i>Left blank</i>	
Document 9	Email attachments	Appellant
Document 10	Statement of Mr. C Wales	Bicester Colts FC
Document 11	Statement of Mr. J Murray	Bicester Archers
Document 12	Statement of Mr. A Robertson	Bicester Rifle and Pistol Club
Document 13	Great Wolf operator correspondence	Appellant
Document 14	<i>Left blank</i>	
Document 15	Travel, s106 beneficiaries	Appellant
Document 16	Grange Farm decision notices	Council
Document 17	BSA Chesterton current summer/winter programme	Appellant
Document 18	Inspector's amended conditions	Inspector
Document 19	Amended conditions	Appellant/Council
Document 20	Note on Ecology	Appellant
Document 21	Council's closing submissions	Council
Document 22	Appellant's opening submissions	Appellant
Document 23	Council's PSED note	Council

SCHEDULE

CONDITIONS

1. The development hereby permitted shall be begun within 2 years of the date of this permission.
2. The proposed development shall be built in accordance with the following approved plans unless the prior written approval has been obtained from the local planning authority:

Site Location Plan (Existing)	32172-STL-XX-XX-DR-A-6020-PLO1 Rev PL01
Existing Site Plan	32172-STL-XX-XX-DR-A-6020-PLO2 Rev PL01
Proposed Site Plan	32172-STL-XX-XX-DR-A-6020-PLO3 Rev P07
Existing Site Sections	32172-STL-XX-XX-DR-A-6020-PLO4 Rev PL01
Proposed Site Sections	32172-STL-XX-XX-DR-A-6020-PLO5 Rev P07
Proposed Clubhouse Floor Plans	32172-STL-XX-XX-DR-A-6020-PLO6 Rev PL01
Proposed Clubhouse Elevations	32172-STL-XX-XX-DR-A-6020-PLO7 Rev PL01
Proposed Clubhouse Sections	32172-STL-XX-XX-DR-A-6020-PLO8 Rev PL01
Proposed Clubhouse 3D Views	32172-STL-XX-XX-DR-A-6020-PLO9 Rev PL01
Proposed Pistol & Rifle Club Drawings	32172-STL-XX-XX-DR-A-6020-PL10 Rev PL01
Proposed Maintenance Shed & Garage Storage & Shelter Drawings	32172-STL-XX-XX-DR-A-6020-PL11 Rev PL07
Proposed Cricket Scorebox Drawings	32172-STL-XX-XX-DR-A-6020-PL12 Rev PL02
Proposed Pitch Provision	32172-STL-XX-XX-DR-A-6020-PL13 Rev P07
Proposed Site Layout	32172-STL-XX-XX-DR-A-6020-PL14 Rev P07

Landscape Section	LN-LP-110
Landscape Plan	32172-STL-XX-XX-DR-L-ZZ-SK105 Rev PL12

3. Prior to the commencement of development a professional archaeological organisation shall prepare an Archaeological Written Scheme of Investigation, relating to the application site area, which shall be submitted to and approved in writing by the local planning authority.
4. Following the approval of the Written Scheme of Investigation referred to in Condition 3, and prior to the commencement of development (other than in accordance with the agreed Written Scheme of Investigation), a staged programme of archaeological evaluation and mitigation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation. The programme of work shall include all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to the local planning authority.
5. A detailed design and associated management and maintenance plan of surface water drainage for the site using sustainable drainage methods (which shall be based on the submitted Flood Risk and Drainage Statement (Ref: 2281-STED-ICS-RP-C-07.012)) shall be submitted to and approved in writing by the local planning authority. The approved drainage system shall be implemented in accordance with the approved design prior to the first use of the new playing fields and sports buildings and shall thereafter be managed and maintained in accordance with the agreed plan.
6. No development shall take place until a Construction Traffic Management Plan, to include, but not be limited to the following details:
 - Routing of construction traffic and delivery vehicles including means of access into the site.
 - Details of any proposed road closures needed during construction.
 - Details of any proposed traffic management measures needed during construction.
 - Details of measures to prevent mud etc, in vehicle tyres/wheels, from migrating onto the highway.
 - Details of appropriate signing for pedestrians during construction works, including any footpath diversions.
 - The erection and maintenance of security hoarding / scaffolding if required.
 - Layout plan of the site that shows structures, roads, site storage, compound, pedestrian routes etc.
 - A highway condition survey of roads to be used by construction traffic in the vicinity of the appeal site (pre-condition survey).
 - Details of times for construction traffic and delivery vehicles.

has been submitted to and approved in writing by the local planning authority. The approved statement shall be adhered to throughout the construction period for the development.

7. The development hereby approved shall not be used or occupied until the following works have been carried out and completed in accordance with details which shall be submitted to and approved in writing by the local planning authority, and retained as such thereafter:
 - (i) Widening of site access road and radii clearance of any vegetation required in order to achieve visibility splays as shown in Drawing No: A13419-TA-102 (as included in the Pell Frischmann Transport Statement (ref A13419/VAA) dated 7 May 2019).
 - (ii) Provision of a new footway link with a typical width of no less than 1.5m (localised narrowing can be permitted at pinch points) on the eastern side of The Hale between its junction with Green Lane and the footway north of Penrose Gardens. Tactile crossings over Green Lane and Little Chesterton road arms of the junction. As indicated in Drawing No: A13419-TA-103 Rev A (included in Pell Frischmann technical note dated 29/11/2019).
 - (iii) Tactile crossing on A4095 approximately 50-60m south of junction with Alchester Road. As indicated in Drawing No: A13419-TA-016 Rev A (included in Pell Frischmann technical note dated 29/11/2019).
 - (iv) Tactile crossing on A4095 north of the point where PROW 161/1 emerges on to the road including short sections of connecting footway as indicated in Drawing No: A13419-TA-016 Rev A (included in Pell Frischmann technical note dated 29/11/2019).
8. Prior to the commencement of development details of measures to be incorporated into the proposals demonstrating how Secured by Design principles and standards on physical security will be integrated shall be submitted to and approved in writing by the local planning authority. The approved measures shall be carried out prior to the first use of the new playing fields and sports buildings and maintained in the approved form thereafter.
9. Prior to the commencement of development hereby approved, including any demolition and any works of site clearance, a final survey for Badgers (no older than 6 months) shall be carried out and a detailed mitigation strategy, if necessary, including details of whether a development licence is required and the location and timing of the provision of any protective fencing around setts/commuting routes as required, shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
10. No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan ('CEMP: Biodiversity') has been submitted to and approved in writing by the local planning authority. The CEMP: Biodiversity plan shall include:
 - a) Risk assessment of potentially damaging construction activities;

- b) Identification of 'Biodiversity Protection Zones';
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
- d) The location and timing of sensitive works to avoid harm to biodiversity features;
- e) The times during construction when specialist ecologists need to be present on site to oversee works;
- f) Responsible persons and lines of communication;
- g) The role and responsibilities on site of any ecological clerk of works (ECoW) or similarly competent person;
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP: Biodiversity Plan shall be adhered to throughout the construction period for the development.

11. Full specification details (including construction, layout, surfacing and drainage) of the parking and manoeuvring areas shall be submitted to and approved in writing by the local planning authority. Prior to the first use or occupation of the new playing fields and sports buildings hereby permitted, the parking and manoeuvring areas shall be provided on the site in accordance with the approved details and shall be retained unobstructed except for the parking and manoeuvring of vehicles at all times thereafter.
12. Prior to the first use of the new playing fields and sports pitches hereby permitted, a total of 64 covered cycle parking spaces shall be provided on the site in accordance with details which shall be submitted to and approved in writing by the local planning authority. Thereafter, the covered cycle parking spaces shall be permanently retained and maintained for the parking of cycles in connection with the development.
13. Prior to the first use or occupation of the development hereby permitted, a scheme for the provision of 10 active vehicular electric charging spaces (equal to 5% of new spaces) and points of passive provision for the integration of future charging points for 102 spaces (equal to 50% of new spaces) to serve the development shall be submitted to and approved in writing by the local planning authority. The vehicular electric charging spaces shall be provided in accordance with the approved details prior to the first use or occupation of the development hereby permitted and retained as such thereafter.
14. Notwithstanding conditions 9 and 15, the development hereby permitted shall be carried out in accordance with the recommendations set out in Section 5 of the Ecological Appraisal by LDA Design dated December 2016, and the Landscape and Biodiversity Management Strategy dated June 2021, including any updated versions, unless otherwise agreed in writing with the local planning authority.
15. A scheme (including a method statement) to provide bat, bird and invertebrate boxes shall be submitted to and approved in writing by the local planning authority prior to the development reaching slab level. The approved scheme

shall be implemented prior to the first use or occupation of the new playing fields and sports buildings and retained and maintained as approved thereafter.

16. Details of any floodlighting and other external lighting shall be submitted to and approved in writing by the local planning authority prior to the first use of the new playing pitches and sports buildings hereby approved. The lighting shall comply with GN01/21 (Institution of Lighting Professionals' update to their Guidance Notes for the Reduction of Obtrusive Light) and the details shall include, but not be limited to, the positions and heights of lighting masts, luminaire specifications of all lighting to be installed, hours of operation and future maintenance. Development shall be carried out and maintained in accordance with the approved details thereafter.

17. Prior to the commencement of development, a scheme outlining a written specification of the proposed soil structure, proposed drainage, cultivation and other operations associated with grass and sports turf establishment of the new sports pitches hereby permitted and a programme of implementation and management, shall be submitted to and approved in writing by the local planning authority, in consultation with Sport England. Development shall be carried out in accordance with the approved details and maintained as approved thereafter.

18. Prior to the first use of the development hereby permitted, a scheme for the provision of a minibus service to be available for use by the clubs and individuals using the site for a minimum period of 10 years shall be submitted to and approved in writing by the local planning authority. The details in the scheme shall include, but not be limited to:

- (i) the specification, size and seating capacity of the vehicle to be used (to include provision for the disabled and sporting equipment);
- (ii) details of the costs and availability to clubs/individuals;
- (iii) the arrangements for booking by sports clubs using the site;
- (iv) the availability of the service on all days when team activities are taking place at the site, including at the start and end of those time periods; and
- (v) how the service will be administered and co-ordinated by BSA personnel.

Following approval, the service shall be made available prior to the first use or occupation of the new sports pitches and sports buildings hereby approved and shall be operated, managed and maintained thereafter in accordance with the approved scheme.

19. Notwithstanding the landscaping plans at condition 2, prior to any works above slab level, a revised soft and hard landscaping scheme shall be submitted to and approved in writing by the local planning authority and these works shall be carried out as approved prior to the first use or occupation of the new playing fields and sports buildings. The scheme for landscaping the site shall include:-

- i. Details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas.

- ii. Details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation.
- iii. Details of the hard surface areas, including pavements, pedestrian areas, reduced-dig areas, crossing points and steps.
- iv. Details of all boundary fences or other treatments.
- v. Details of additional structural soft landscaping around the clubhouse and car park area.
- vi. Timing details of planting and a future management and maintenance plan.

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with BS 4428:1989 Code of Practice for general landscape operations (excluding hard surfaces), or the most up to date and current British Standard.

20. Other than in relation to additional works required by condition 19, the development hereby permitted shall be carried out in strict accordance with the SJ Stephen Associates Arboricultural Impact Assessment (Project no. 1086.2 date 22 March 2021). The tree protection and any other Arboricultural measures shall be put in place prior to the commencement of development and maintained for the duration of the construction period.

21. All buildings hereby permitted shall be constructed to at least a BREEAM 'Very Good' standard.

22. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 Schedule 2 Part 4 Classes A & B as amended temporarily by the Town and Country Planning (General Permitted Development Order) Regulations 2020, the use of the site and any of its buildings in part for any non-sports events which are not directly hosted by constituent BSA clubs, is prohibited.

23. The new playing fields and sports buildings hereby permitted shall not be used or occupied until the following works have been implemented, the details of which shall be submitted to and approved in writing by the local planning authority, and retained as such thereafter:

- (i) Scheme of improved signage for drivers along the A4095 cycle route between Vendee Drive and Chesterton Village.
- (ii) Road signage at A41 / Little Chesterton junction to deter visitors from accessing the development from that route.

24. Prior to the first use of the development hereby permitted, the applicant shall submit for the written approval of the local planning authority a Travel Plan, written in accordance with the aims and objectives of the Framework and Oxfordshire County Council's guidelines Transport for New Developments: Transport Assessments and Travel Plans (March 2014), which shall:

- (i) Raise awareness amongst staff and visitors of, and promote sustainable transport modes for accessing the site;
- (ii) Effectively manage on-site car parking;
- (iii) Reduce the numbers of trips generated by private motor vehicles;
- (iv) Improve air quality through the reduction of carbon emissions and other pollutants; and
- (v) Promote healthier and more active lifestyles to staff, players, parents and spectators.

The Travel Plan shall include, but not be limited to:

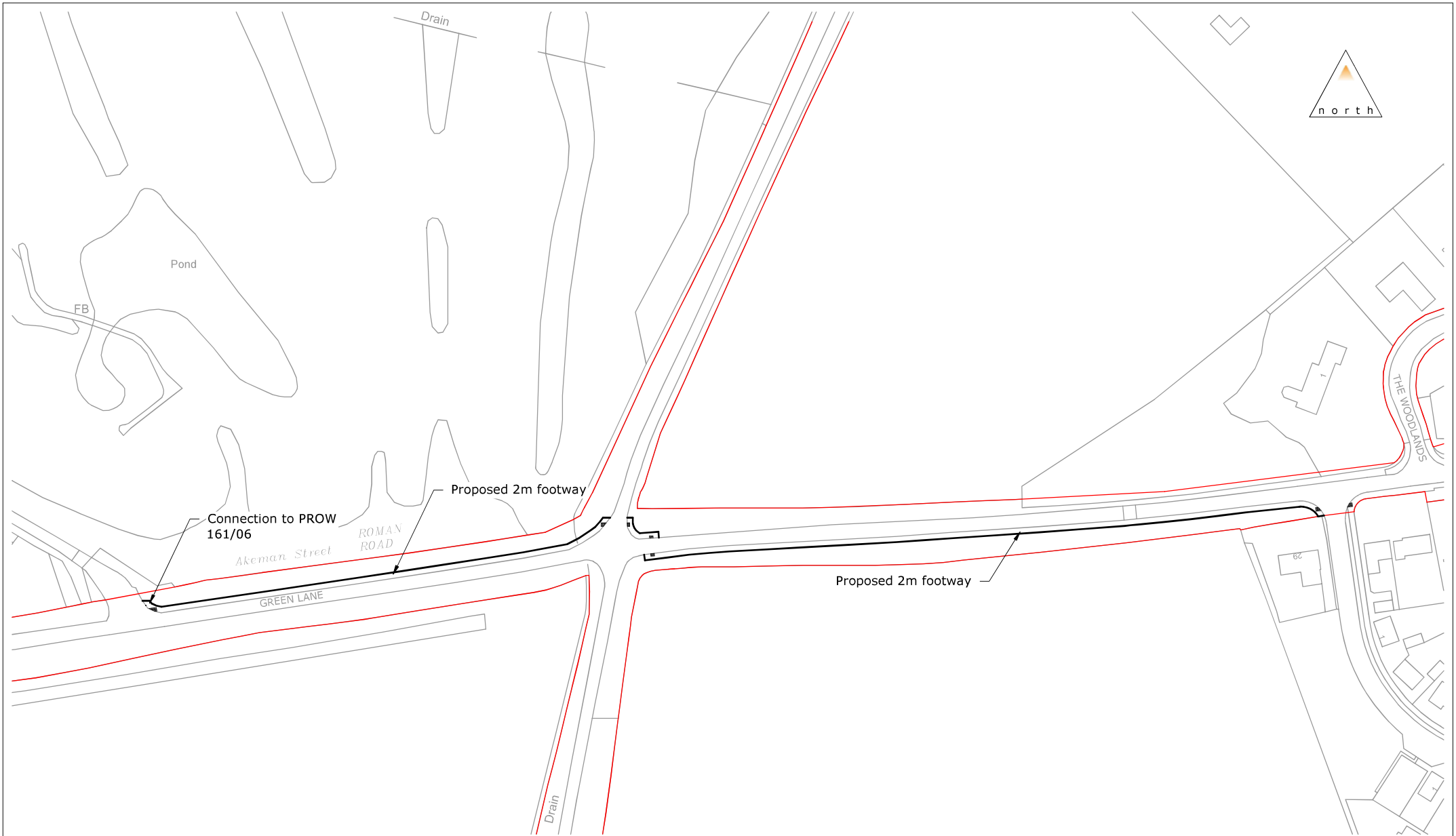
- a) A commitment to appoint and details of a site-wide Travel Plan Co-ordinator prior to first use or occupation of the new playing fields and sports buildings hereby permitted; and
- b) Details of a commitment to set up/operate a car sharing scheme for users of the site;

The development hereby permitted shall not be used or occupied until the approved Travel Plan has been implemented. Within 6 calendar months of the first use or occupation of the development hereby permitted, a baseline travel survey shall be carried out and the results submitted to the local planning authority in an updated version of the Travel Plan. Thereafter on an annual basis for a period of 5 years a monitoring travel survey shall be carried out and submitted to the local planning authority in a monitoring report. The survey shall confirm whether or not the objectives of the Travel Plan have been achieved and shall contain, where necessary, recommendations for amendments or improvements to the Travel Plan.

25.No development above slab level shall commence until details of the external materials to be used have been submitted to and approved in writing by the local planning authority. Materials to be agreed shall include roof and wall panels, cladding, blockwork, windows and other fenestration. Thereafter the development shall be carried out in accordance with the approved details and maintained as approved.

----- End of conditions -----

APPENDIX E. Committed Footway / Cycleway Improvement Plans



Legend:
Highway Boundary



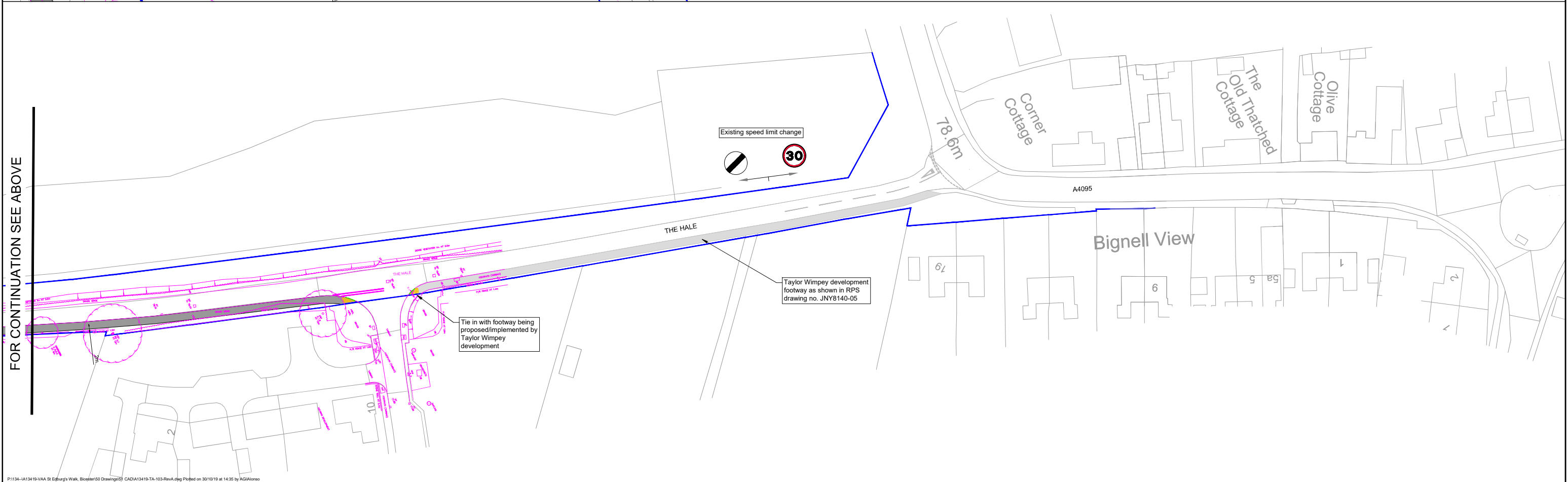
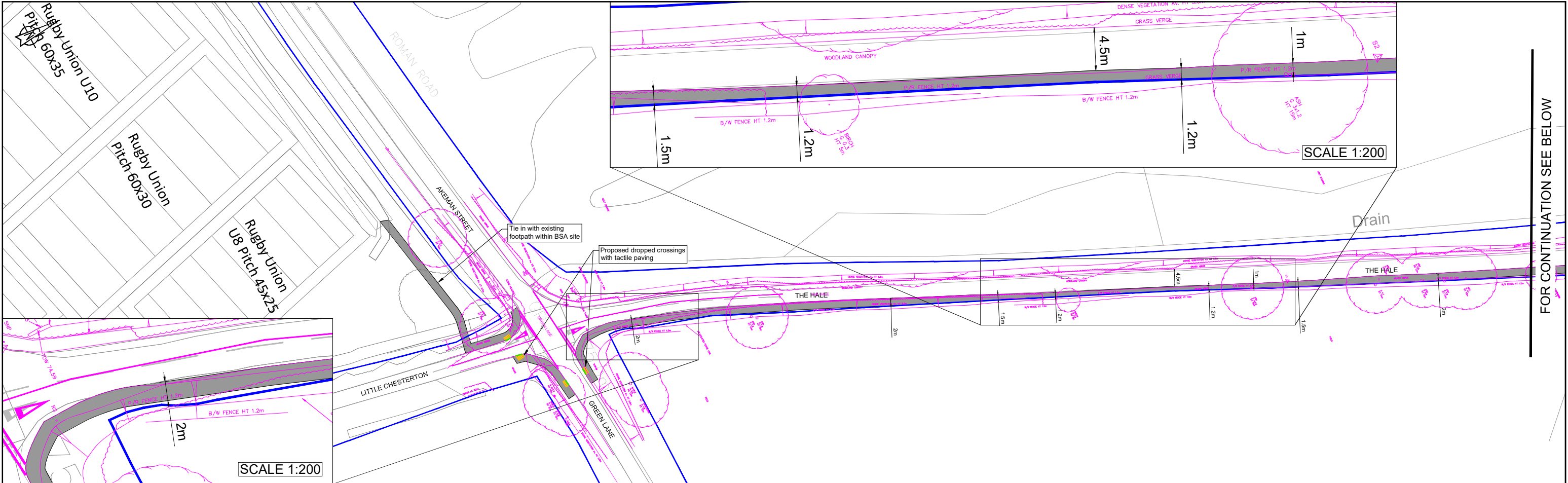
84 North Street
Guildford
Surrey
GU1 4AU
T: 01483 531 300

Cargo Works
1-2 Hatfields
London
SE1 9PG
T: 020 8065 5208

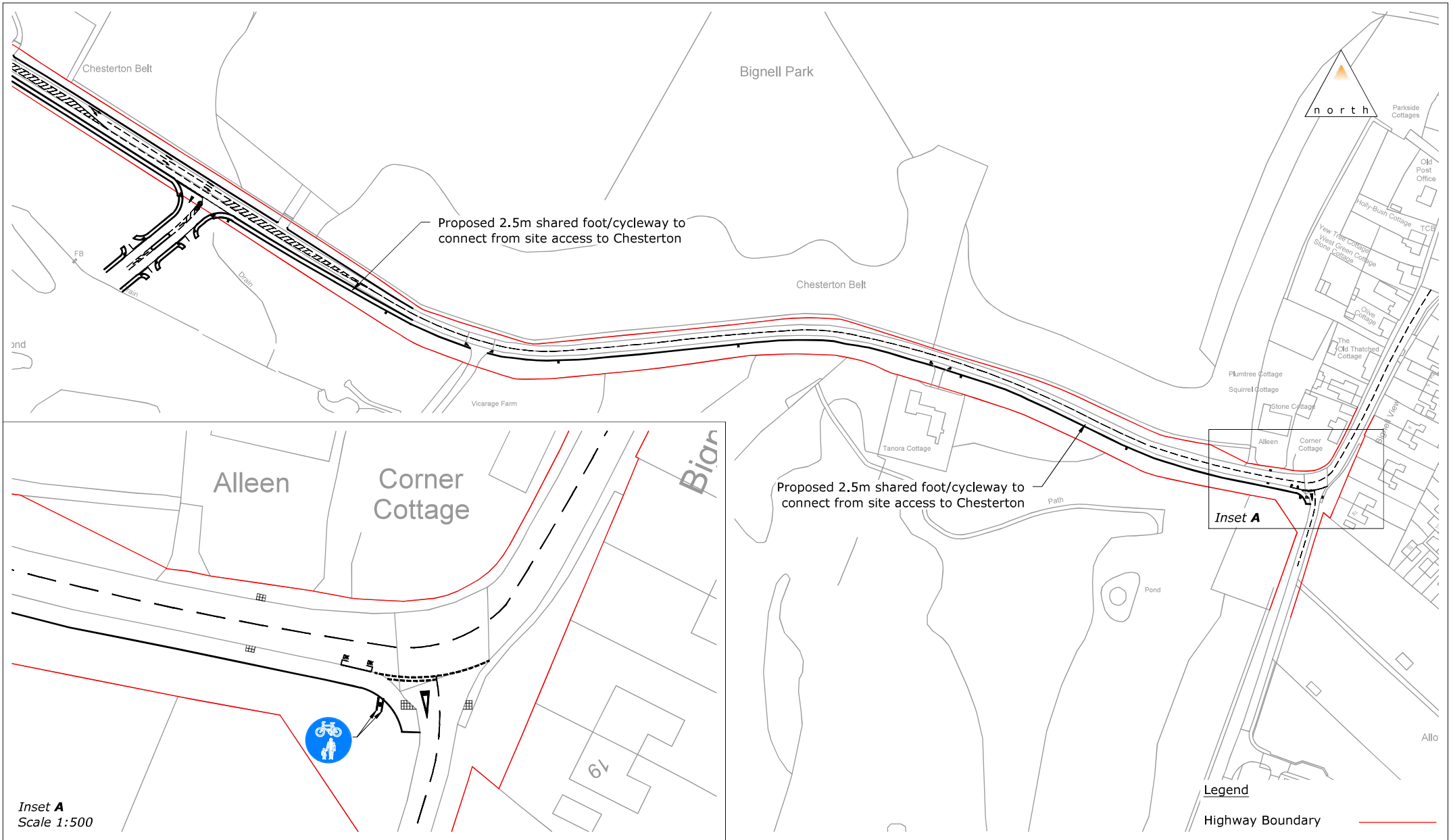
www.motion.co.uk

Project: Great Wolf Resort, Bicester		
Title: Proposed Footway		
Scale: 1:1000 (@ A3)		
Notes:	Drawing: 1803047-15	Revision: -

N:\Projects\gwbrice 1803047\Drawings\1803047-15.dwg



REVISIONS					NOTES: 1. Do not scale from this drawing. 2. This drawing is to be read and printed in colour. 3. This drawing is for illustrative purposes only. 4. The information contained in this drawing is based on Ordnance Survey (OS) mapping and data provided by other parties and Pell Frischmann shall not be held liable for any inaccuracies or deficiencies. 5. Topographical survey as per mksurveys drawing no. 22782 dated October 2019. <u>NOTES FROM OCC HIGHWAY BOUNDARY PLAN:</u> 1. Our current highway record plan is derived from a variety of sources of different quality/accuracy, which to a large extent is inevitable given the piecemeal development of the highway network. This my plan shows the general boundaries of the highway and does not determine the exact line of the boundary. 2. As specified this information is derived from our current highway record plan. We may also hold historic background papers and are able to provide these.	KEY:  Proposed footway along existing verge  Proposed tactile paving  Proposed dropped kerb  Highway Boundary (as advised by OCC ref. MJ/31053/10.11.161, dated 12 February 2018)  Key dimensions  Existing (Topographical Survey)  Existing (OS)		Architect/Client/Contractor Bicester Sport Association (BSA) 5 MANCHESTER SQUARE LONDON W1U 3PD Telephone +44 (0)20 7486 3661 Email: pflondon@pellfrischmann.com www.pellfrischmann.com		Pell Frischmann 5 MANCHESTER SQUARE LONDON W1U 3PD Telephone +44 (0)20 7486 3661 Email: pflondon@pellfrischmann.com www.pellfrischmann.com		Name Date	
REV	DESCRIPTION	DRN	CHK	APP		DATE	Project Proposed Redevelopment of Bicester Sport Association (BSA) Sport Facilities, Chesterton		File No. A13419-TA-103-RevA.dwg		Scale 1:500 @ A1		
	Initial issue	AGA	SME	SME		19/08/19	Drawing Title Chesterton Site - Propoeod Footway - The Hale (incorporating Topographical Survey)		Drawing No. A13419-TA-103		Revision A		
A	Topographical survey incorporated	AGA	SME	SME		30/10/19	Drawing Status DRAFT		Checked SME 30/10/19		Approved SME 30/10/19		



Note:
Shared foot/cycleway roundels to be mounted along proposed foot/cycle way

motion

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Project: Great Wolf Resort, Bicester		
Title: Proposed Shared Foot/Cycleway		
Scale: 1:2000 (@ A3)		
Notes:	Drawing: 1803047-02	Revision: A

APPENDIX F. Chesterton Proposed 20mph and 40mph Speed Limits

Divisions affected: *Ploughley*

CABINET MEMBER FOR HIGHWAY MANAGEMENT – 2 SEPTEMBER 2021

CHESTERTON: PROPOSED 20MPH AND 40MPH SPEED LIMITS

Report by Corporate Director, Environment and Place

RECOMMENDATION

1. The Cabinet Member for Highway Management is RECOMMENDED to approve as advertised:
 - a) the proposed 20mph speed limit on the village roads to the south of the A4095 and east of The Hale in place of the current 30mph speed limit.
 - b) the proposed 40mph speed limit on Green Lane and The Hale in place of the current national speed limit.

Executive summary

2. This report presents responses received to a statutory consultation to introduce a 20mph speed limit on the minor village roads in place of the current 30mph speed limit and a 40mph speed limit on The Hale south of the current 30mph speed limit and Green Lane west of the current 30mph speed limit following a request by Chesterton Parish Council.

Financial Implications

3. Funding for consultation on the proposals has been provided jointly by the local member Councillor Ian Corkin from his Councillor Priority Fund and the Parish Support budget, which will also fund implementation of the proposals should they be approved.

Equality and Inclusion Implications

4. No implications in respect of equalities or inclusion have been identified in respect of the proposals.

Sustainability Implications

5. The proposals would help facilitate walking and cycling within the village and safe movement of traffic.

Consultation

6. Formal consultation was carried out between 15 July and 13 August 2021. A notice was published in the Bicester Advertiser newspaper and an email sent to statutory consultees, including Thames Valley Police, the Fire & Rescue Service, Ambulance service, Bus operators, Cherwell District Council, Chesterton Parish Council and local County Councillor.
7. 26 responses were received during the formal consultation. 3 objections (12%), 6 expressions of concern (23%) and 17 in support (65%). The responses are shown at Annex 2 with copies of the original responses available for inspection by County Councillors.
8. Thames Valley Police concerns are that the proposal in part does not meet criteria. If the mean speed is 4 mph or more over the proposed limit it is unlikely to be effective without other measures such as engineering or continual enforcement.
9. In the main the 20mph as proposed does meet criteria, the exception being Green Lane which does have a mean speed between 25.6mph to 27.3mph above the required 24mph. However, funding has not been identified to introduce physical measures but we can look at the gateway to the village to improve conspicuity and further emphasise the entry to the 20mph. There will also be repeater signs along Green Lane. To address TVP's concern Green Lane could be removed from the order to meet criteria.
10. Objection (3) Traffic calming measures are more effective.
11. Traffic calming would be more effective, but significantly more expensive, and more intrusive from both noise and air pollution.
12. One objection (4) was received on the grounds that the proposed measures were a stealth tax. The suggestion being that the 20mph speed limit would generate an income through fines raised by speed enforcement of non-compliant drivers.
13. The Department for Transport suggests that 20mph speed limits should be self-enforcing to avoid additional demand on police resources. In the main local conditions suggest compliance due to parked cars, geometry of roads. Green Lane being the exception, as mentioned above.
14. Objection (5) suggests that the proposal is vague and suggests it is inappropriate to change the limits as the surroundings dictate otherwise and would be at odds with normal driving behaviour.
15. Green Lane west of the village is subject to the national speed limit of 60mph. These proposals introduce a buffer 40mph speed limit, thereby allowing vehicles to decelerate and be aware before entering the 20mph rather than entering the 20mph at 60mph.

CMDHM4

16. It is acknowledged that surroundings can dictate driver behaviour but equally the introduction of speed limits does encourage good practice in many drivers. Unfortunately, there is always a small minority who choose to ignore speed limits.
17. Regarding the concerns raised in the main they have a similar theme which is that the measures do not go far enough, for instance they do not cover the whole village, nor do they extend to cover Little Chesterton.
18. Regarding the above point the proposed measures cover all the minor roads and residential parts of Chesterton, but did not include the A4095, which is a major road, currently with a 30mph limit and traffic calmed, so was not included in the initial consultation.
19. Officers will shortly be speaking to Little Chesterton regarding suitable measures there.

BILL COTTON

Corporate Director, Environment and Place

Annexes

Annex 1: Consultation Plan

Annex 2: Consultation responses

Contact Officers:

Tim Shickle 07920 591545

Mike Wasley 07393 001045

September 2021

Drawing No.	Revision		
	0		

40mph Proposal


20Mph Proposal


 Existing 30mph Speed Limit (to remain)


N

SAFETY, HEALTH AND ENVIRONMENTAL INFORMATION

IN ADDITION TO THE HAZARDS/RISKS NORMALLY ASSOCIATED WITH THE TYPES OF WORK, DETAILED ON THIS DRAWING, NOTE THE FOLLOWING SIGNIFICANT RESIDUAL RISKS

CONSTRUCTION	CENTER 'NONE' IF APPLICABLE
MAINTENANCE/CLEANING	CENTER 'NONE' IF APPLICABLE
USE	CENTER 'NONE' IF APPLICABLE
RECOMMISSIONING/DEMOLITION	CENTER 'NONE' IF APPLICABLE

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Rev.	Date	Purpose of revision	Drawn	Checked	Approved

 **OXFORDSHIRE COUNTY COUNCIL**

Owen Jenkins
 Director for Infrastructure Delivery
 Communities
 Oxfordshire County Council
 County Hall
 New Road,
 Oxford
 OX1 1AD
 Tel: 01845 310 1111

Project title
 Chesterton speed limit

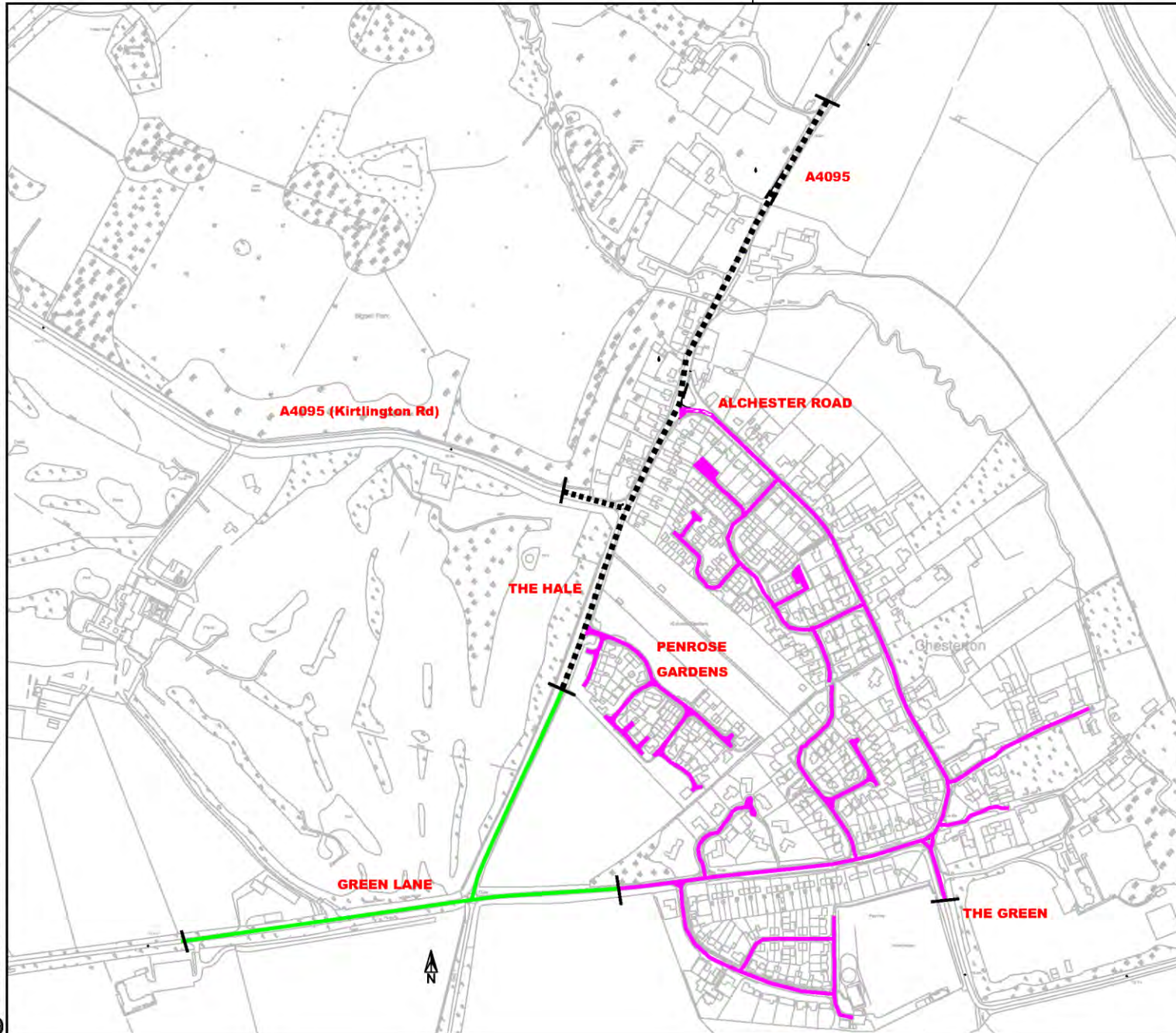
Drawing title
 20Mph proposal

Drawing Status

Scale @ A3	Drawn by	Checked by	Approved by
	Date drawn	Date checked	Date approved

Oxfordshire Project No. & File Ref

Drawing No.	Revision
	0



RESPONDENT	COMMENTS
(1) Traffic Management Officer, (Thames Valley Police)	Concerns – Thames Valley Police are not opposed to lowering speed limits providing they are appropriate to the road environment and likely to have casualty reduction benefits. All aspects of the proposed speed limit are taken into account i.e. collision history, speed of existing traffic, road environment, enforcement, road character and driver perception etc. The current speed of traffic is a reliable indicator of how acceptable a new speed limit would be. The recognised way of ascertaining this level of self-compliance is the mean speed. If the mean speed is 4 mph or more over the proposed limit it is unlikely to be effective without other measures such as engineering or continual enforcement. There is a proven link between road environment/character and drivers speed. Drivers must respect the need for a speed limit. If it is not accepted as realistic it will quickly be abused and be the source of constant demands for police action. The police stance still reflects that 20 mph limits and zones should still be self-enforcing. The policy of Thames Valley Police is to use sound practical and realistic criteria (Circular Roads 1/2013) when responding to Highway Authorities in an effort to promote consistency and to reduce the burden of constant and unnecessary enforcement. The advice shown in Circular Roads 1/2013 states Speed Limit should not be used to attempt to solve the problem of isolated hazards, for example a single junction or reduced forward visibility. No speed data has been received in support of these proposals and there is no mention of what physical engineering measures may be necessary. In light of the recent introduction of the 20 mph Steering Group I feel it inappropriate to comment further on this proposal when its neighbouring parish Kirtlington is likely to implement a 20 limit under differing criteria. I note in the Chesterton proposal that the A4095 will remain unchanged. Any implementation needs to be consistent in its application in order to receive respect from the motoring public.

CMDHM4

(2) Local Group, (Cycling UK Oxford)	Support – For the residential areas over short distances, 20mph should be viewed as the normal speed limit, and it substantially improves safety and ease of crossing for people walking, and safety and confidence for people cycling. For the 40mph proposal, the most important factor is the large number of crashes that have occurred at the junctions of Green Lane with The Hale and entrance to Golf Club: 5 since 2015. Reducing the speed of traffic on these roads should be a significant improvement to safety.
(3) Resident, (Bicester)	Object – Traffic calming measures are more effective.
(4) unknown, (Oxford)	Object – OBJECTION: STEALTH TAX There is no need for a 20 mph in this vicinity, it is an unreasonable speed to impose on its residents. There will be no timed or flexible restriction, and no effort has been made to adapt it to peak times, because Oxford city council does not want drivers to avoid people getting fined or support the village residents. It is as low as Oxford city council can go whilst pretending that it is for the safety of the village residents. Any lower then it will affect house prices in the village as people will see it for what it obviously is which is a stealth tax. An organised objection will then be raised and Oxford city council will find it harder to impose this, therefore it is pitched at just the right speed so that it does not appear as harassment and thereby cause an organised objection, but low enough to generate a healthy income from ongoing fines and penalties without having to explain itself or defend this patently transparent stealth tax.
(5) Email response, (unknown)	Object – The proposal is vague and states there are road safety concerns, then fails to state if these are speed related and fails to give any details of what current; average, 85th percentile speed are or any prediction of what is expected in terms of drops in actual traffic speeds through the village, or levels of compliance as a result of making this change. I would also add that I think many people responding to the consultation may be under the presumption that if you drop the speed limit 10mph then average speeds drop by the same amount or close to it, and/or that those who genuinely treat the roads as a race track will only dare drive 5 or 10mph over the posted limit and support it on this basis. It should be the council's responsibility to subvert people demanding lower speed limits based on this belief. If just setting the speed limit very low was thought to work, that would always have been the way you set them. It was the realisation that that didn't work that lead to the abandonment of the 20 limit in favour of the 30 limit in 1934. It's also the fastest you can go under ideal conditions hence the need for other laws like reckless and dangerous

CMDHM4

	driving should you be deemed to be driving too fast for the prevailing conditions and cause an accident. You may achieve a small drop in average speed, this would be achieved by prohibiting the behaviour of drivers going speeds well down into the low 20s even when clearly safe to be doing so. However, it's the fastest 1-5% of drivers who are some of the least likely to slow down, the most likely to do harm and the drivers properly set speed limits are more efficient at singling out. All the while some of the most vulnerable road users may be given a false indication of actual traffic speeds, it's not uncommon for 20 limits to have non-compliance rates of over 90% as you've just prohibited normal driver behaviour. As for the "buffer zone" they make sense when the road changes in character of the approach to a village, for example when there's a small number of isolated houses, when this happens the limit also makes sense in both directions. There is no grace distance for UK speed limit signs, and speed limits are meant to be "self-explaining", so there should be no need for ANY kind of buffer zone without a change to the road's character, a sign warning of the speed limit drop ahead would makes sense though. I see no change to the road's character where the 40 limit is proposed to start, it looks entirely arbitrary. This can also have the effect of causing some people to brake suddenly endangering cars behind. If you have a link to a study that support the efficacy of speed limit changes in arbitrary locations, I would like to read it. If you have a speed limit change where no change in a road's character occurs drivers are more likely to not notice it or dismiss it as irrelevant, it helps to create apathy towards speed limits, if drivers are not slowing down before they get to settlements this may be a learned behaviour that comes about as a consequence of councils setting the speed limits back. It also makes even less sense for traffic leaving the settlement which is told to remain at 40 for no other reason than because you can't have different speed limits in different directions.
(6) Local Resident, (Chesterton)	Concerns – I support the principle of introducing a 20mph speed limit and addressing the issues with speeding down The Hale. However, this skirts around the problem entirely. The 20mph limit areas are restricted to residential closes where speeds are almost impossible to reach 30mph anyway. The issue is not due to local residents speeding, it is people travelling through the village primarily via the A4095 from Bicester, and via The Hale. Under your plans, both roads will remain at 30mph, so there will be no discernible impact on the speeding problem where it is most acute.

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	1) The 20mph limit should be extended to the entirety of the village limits, incorporating the black and white 30mph designated area in the proposal. 2) A traffic calming measure should be introduced at the A4095/Hale junction as it at this point that people start accelerating and speeding - ignoring the 30mph limit down past the entrance to Penrose Gardens. The Hale could for example be turned into an access only route, it could be made one-way only, the entrance to the Hale from the A4095 could be made more defined (forcing cars to slow into the turn), or a chicane could be constructed.
(7) Local Resident, (Little Chesterton)	Concerns – I would like to request that the speed limit from Chesterton through Little Chesterton should also be reviewed. This little single track lane has multiple blind bends and is frequently used by joggers, walkers and cyclists. I feel that the current car speeds are dangerous and should be reduced.
(8) Local Resident, (Little Chesterton)	Concerns – I have lived in Little Chesterton for many years and am absolutely astonished and also relieved that there have not been any fatalities due to speeding. I am on one of the blind bends and over the last year have witnessed several near miss head on collisions. I am seeing drivers come off the A41 into Little Chesterton at speed which is then maintained as they drive through the hamlet. When they hit the first blind bend at speed no attempt is made to slow down unless a car is coming down the opposite side of the road, I then see the same drivers hit the second blind bend at speed. To date I have seen several instances of drivers ending up in the ditch on the opposite side of the road. I have also had an insurance adjuster ask if I was witness to a driver hitting the wall outside of the house. As the bends in Little Chesterton are blind bends, drivers seem to come around them in the middle of the road because they are going too fast. They are then unable to correct their position on the road by the time they realise how sharp the bends are. It would be shameful to not ask for action to be taken about the speed restriction, we should not have to wait until somebody has died to request a change in policy. I would like to request that a limit of 20mph should be put in place for both Chesterton and Little Chesterton.

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(9) Local Resident, (Little Chesterton)	Concerns – I would like to make a representation with regard to the road through Little Chesterton. Unfortunately, we have cars travelling through the hamlet on a daily basis at very high speeds. We have three blind bends on a single track road with limited passing width. Due to the presence of a working farm, there is also regular movement of livestock and farming machinery on the lane. It can only be a matter of time before someone is severely injured or killed. I have personally experienced a very near miss whilst standing on a grass verge outside my home talking with a neighbour. A car came speeding from the direction of Chesterton and in attempting to pass an oncoming vehicle, without reducing speed, mounted the verge missing me by inches as I jumped clear of the vehicle. The driver sped away with damage to his vehicle and leaving the marker post, which protects the verge, substantively damaged. The driver of the oncoming vehicle, a woman with three pre-school aged passengers was forced off the road and was clearly distressed by the incident. This type of incident is all too regular in Little Chesterton on a road which is routinely used as a 'rat run' shortcut which avoids the roundabout on the A41 for motorists coming from J9 of the M40. It is wholly unacceptable for elected officials to wait for a death to occur on this lane before pro-active action is taken to reduce risk to pedestrians, livestock and residents. There is an opportunity for preventative measures to be adopted at relatively little cost and I urge you to act in this regard.
(10) Local Resident, (Chesterton)	Concerns – I am a resident of Chesterton, living on The Green. I am writing to provide my support for the speed reductions through Chesterton (as outlined here). I have been lobbying our local councillor (Ian Corkin) to help get this in place for the past 2 years, particularly as vehicles driving along The Green regularly drive at 40-50mph in the evenings. I am in full support of all the proposed reductions, however, feel they will only be effective if they are appropriately enforced. I would recommend that the existing speed hump on The Green be repaired/upgraded so that it cannot be driven over (safely) at more than 20mph (similar to those in Bucknell), and I would also recommend that additional traffic calming measures be introduced as necessary to ensure the traffic adheres to these new limits through the village. A lot of traffic uses Chesterton village as a "rat-run" (from the Wendlebury road and down The Green) and I would like to see additional measures introduced to discourage this.

CMDHM4

	I would also recommend a further reduction to 30mph before the junction at "The Hale"/"The Green" - this is a regular accident spot with many near misses as drivers do not look properly before pulling out of that junction.
(11) Local Resident, (Chesterton)	Support – I welcome the 20mph but we must also have some enforcement of the limit.
(12) Local Resident, (Chesterton)	Support – We have a house on Alcester Road and cars speed along there when they can - also there is a school on the road and we need to be mindful of the children.
(13) Local Resident, (Chesterton)	Support – I support this application since traffic is heavy through the village and frequently drivers travel too fast so hopefully additional speed limit reduction and buffer zones would help this situation as long as it is enforced
(14) Local Resident, (Chesterton)	Support – I live on Green Lane and would be pleased to see a reduced speed limit in the village for the safety of residents. This will become even more important when the proposed water park is built on part of the golf course, resulting in an increase in the amount of traffic driving through the village. I would have preferred to see the 30mph restriction extended along the entirety of The Hale, as the road is extremely narrow and dangerous, and I think it should also be extended as far as the entrance to the golf club and the Chesterton Sports Association.
(15) Local Resident, (Chesterton)	Support – Please, please allow these speed reductions, we really need this. People speed through our village and it's not safe. I support the campaign to reduce the speed.
(16) Local Resident, (Chesterton)	Support – I am writing in support of the proposed speed reductions.
(17) Local Resident, (Chesterton)	Support – We are in support of reducing the existing 30mph speed limit to 20 mph speed limit on the roads highlighted. How this will be enforced is another matter as they already ignore the 30mph signs.
(18) Local Resident, (Chesterton)	Support – I am writing to inform you of my strong support for the Chesterton proposed speed reductions.

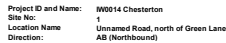
CMDHM4

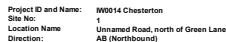
(19) Local Resident, (Chesterton)	Support – We write very much in support of the long-awaited and desperately need speed restrictions in Chesterton, as stipulated. In the last three years that we have lived in Chesterton, we have noticed a considerable increase in the amount of traffic (both private and commercial) travelling through the village (often as a ‘shortcut’ to and from faster roads) at speeds far exceeding even the current limits. This, in itself has been the cause of several accidents and many unrecorded ‘near misses’ as our old, narrow village roads with their many bends and junctions are surrounded by housing, with many elderly people and young families residing adjacent to and constantly traversing along these roads (in places without even the option of a footpath!). The excessive speeding results in the narrow junctions and bends being negotiated in a dangerous manner and the longer straight stretches being driven at totally inappropriate speeds. The main road through the village centre (Alchester Road) along which many children walk to school, suffers a great deal of on-street parking, adding to the dangers caused by speeding traffic. The recommended new village speed limits (in conjunction with the much needed weight restriction on The Hale) are vital in my view and totally appropriate throughout Chesterton to ensure the improved safety and quality of life of both residents and other road users. We are extremely grateful to the Parish Council for pursuing these vital speed limit reductions with OCC Highways in order to help restore a considerable degree of safety and enjoyment to the lifestyle of its local residents and other road users, as Chesterton becomes an increasingly used ‘rat run’ and will become even more so in the coming years!
(20) Local Resident, (Chesterton)	Support – I would just like to say that I fully SUPPORT this proposal.
(21) Local Resident, (Chesterton)	Support – I am writing in support of the proposed speed reductions as detailed in the public consultations. Specifically relating to the reduction from 60 mph to 40 mph along the Hale, I would ask that consideration could be made to reduce it to 30 mph along all of the Hale. There is only a small length of footpath, and for the remainder, walkers and cyclists are very exposed to traffic so it would be/feel much safer to reduce it to 30 mph completely.

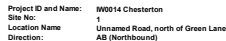
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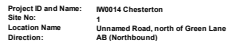
(22) Local Resident, (Chesterton)	Support – I agree with the speed restrictions and please introduce speed humps across the entire roads - it is the only way to stop traffic from circumnavigating themselves around humps. In addition 4 wheeled vehicles can avoid the small humps altogether.
(23) Local Resident, (Chesterton)	Support – I am contacting you as a resident of Chesterton village, near Bicester, to say that I support the planned changes to the speed limits – reducing it to 20mph in the village and 40mph on the outskirts.
(24) Local Resident, (Chesterton)	Support – We live in Chesterton and have witnessed first hand vans bouncing over the hump outside the School, large 4x4 cars and SUV's just race over the hump without even slowing down as if the hump did not exist. 20mph is plenty and so any measures that can help enforce the new proposed 20mph limit along Alchester road would be welcomed. I do agree that we don't want too much additional signage along the proposed route so this must be taken into consideration. I hope this helps gain support for 20 is plenty in Chesterton
(25) Local Resident, (Chesterton)	Support – living in this area for many years, would in my opinion be absolutely appropriate! In fact as a resident of Little Chesterton, the hamlet on a single track road with THREE blind bends just outside of Chesterton (see attached photos), please consider this request that we are also included on any and all reviews regarding speed limits in the area. The rat run traffic through our hamlet and a need for traffic calming measures has been an ongoing issue for those of us in Little Chesterton. Our road is actually quite dangerous and we all have stories of being run off the road by vehicles rushing through our hamlet. A reduced speed limit and corresponding signage would certainly help alleviate the problem.
(26) Local Resident, (Chesterton)	Support – I am writing to support the proposed reductions in Chesterton.

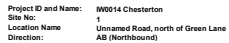
APPENDIX G. Traffic Survey Data and COVID Uplift Factor Calculations

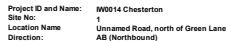
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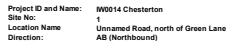
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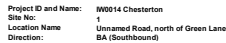
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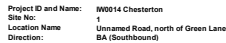
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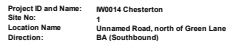
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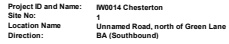
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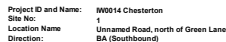
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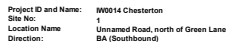
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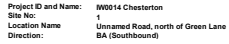
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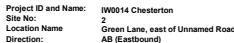
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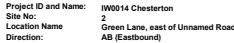
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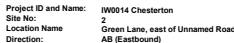
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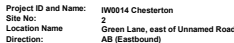
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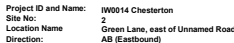
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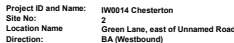
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25 November 2021

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26 November 2021

27 November 2021







22 November 2021

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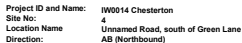
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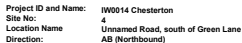
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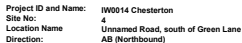
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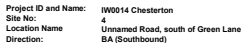
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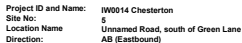
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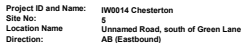
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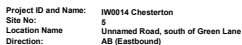
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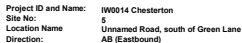
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06-22	648	594	0	47	3	0	0	1	0	0	0	0	0	2	1	39.6	46.2	0	0	3	2	2	23	124	200	174	81	34	4	1	0	0	0	1
06-00	666	612	0	47	3	0	0	1	0	0	0	0	0	2	1	39.6	46.1	0	0	3	2	2	23	126	209	179	82	34	5	1	0	0	0	1
00-00	679	624	0	47	3	0	0	1	0	0	0	0	0	2	2	39.6	46.2	0	0	4	2	2	23	129	211	183	85	34	5	1	0	0	0	1

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07:19	427	409	0	17	0	0	0	0	0	0	0	0	0	1	39.1	46	0	0	2	4	3	9	88	140	102	62	15	1	1	0	0	0	0	1	
06:22	463	443	0	19	0	0	0	0	0	0	0	0	0	1	39.3	46.1	0	0	2	4	3	10	97	145	111	70	18	2	1	0	0	0	0	1	
06:00	471	450	0	20	0	0	0	0	0	0	0	0	0	1	39.4	46.1	0	0	2	4	3	11	97	147	112	71	20	3	1	0	0	0	0	1	
00:00	476	454	0	21	0	0	0	0	0	0	0	0	0	0	1	39.3	46.1	0	0	2	4	3	12	99	148	112	72	20	3	1	0	0	0	0	1