1. **APPLICATION SITE AND LOCALITY** 
   1. The application site runs across agricultural land south of the village of Bodicote. The site is within open countryside adjacent an existing tree-belt which provides screening for residential development currently under construction north of the site, and is east of an existing reservoir and adjacent existing agricultural hedgerows. The site sits within an undulating landscape with land levels dropping off down to the south, down to the Sor Brook watercourse.
   2. In terms of site constraints, the site is not within a conservation area and there are no heritage assets within the vicinity of the site. The land is classified as Grade 2 (Very Good) agricultural land (Natural England - Agricultural Land Classification) and sits within a Minerals Consultation Zone. A Public Right of Way (ref. Footpath 137/6) (PRoW) runs through the site and there are further PRoWs (Ref. Bridleways 137/4, 137/5 and 101/15) crossing land to the west, south and east of the site. Land to the south-west of the main part of the site lies within an area at high risk of flooding (Flood-zone 2 & 3), following the route of Sor Brook. There are records of protected species (Grass Snakes) being present within the vicinity of the site. An area of high archaeological interest lies within 50m to the east of the site.
2. **DESCRIPTION OF PROPOSED DEVELOPMENT**
   1. The application seeks planning permission for engineering operations associated with the construction of drainage pipe-work and outfall (with the creation of a reed-bed at the discharge point), required as part of an alternative drainage strategy to serve the residential development currently under construction north of the site, originally granted consent on appeal under application 11/00617/OUT.
   2. A Section 73 application (17/00330/OUT) has also been submitted separate to this current application, detailing the same drainage scheme, which seeks to amend the wording of condition 5 of 11/00617/OUT to allow for a revised drainage strategy and associated Flood-Risk Assessment (FRA) to be implemented.
   3. The application comes following the refusal (detailed below) of an alternative scheme (1700316/F) for the creation of an attenuation pond and associated bunding.
   4. During the application the applicant has been made aware of the need for additional information to be submitted with regards to ecological matters and SuDs management. Whilst these matters could have been dealt with by way of appropriate conditions attached to any such permission, the applicant submitted the additional information to avoid the need for such. Unfortunately this resulted in the application going beyond its original statutory determination target date as a result of the need for revised and additional information to be submitted and duly considered. The Council has worked with the applicant and their agent to reach a mutually acceptable scheme without the need for any pre-commencement conditions and have subsequently agreed an extension to the determination period of the application.
3. **RELEVANT PLANNING HISTORY**
4. The following planning history is considered relevant to the current proposal:

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| Application Ref. | Proposal | Decision |
| 11/00617/OUT | Outline application for residential development of 82 No. dwellings | Application Refused |
| 12/01802/REM | Reserved Matters Application - (Outline Application 11/00617/OUT) - Layout, appearance, scale and landscaping of a scheme of 82 dwellings | Application Permitted |
| 13/01767/OBL | Submission of details to address Clause 13.1 of first schedule of S106 dated 27 February 2012 - Landscape Management Plan from App ref 11/00617/OUT | Application Permitted |
| 13/00357/DISC | Discharge of conditions 4, 5, 6, 8, 9, 10 and 11 of 11/00617/OUT | Application Permitted |
| 13/00358/DISC | Discharge of Conditions 2, 3, 4, 5, 6, 7, 8, 9, 11, 12, 13, 14, 16, 17 & 18 of 12/01802/REM | Application Permitted |
| 13/00105/NMA | Non Material Amendment to 12/01802/REM - To remove and/or reduce the height of planting where there is planting within the vision splays in order to improve both driver and pedestrian safety | Application Permitted |
| 16/00048/NMA | Elevation changes to plots 32, 33, 37, 38, 40, 41, 54, 61, 70, 71, 72 and 73 (proposed non-material amendments to 11/00617/OUT and 12/01802/REM) | Application Permitted |
| 16/01599/F | Amendments to planning permission reference 11/00617/OUT (and reserved matters approval 12/01802/REM) to create an additional 4 dwellings and replacing a number of the existing approved dwellings with new house types. | Application Permitted |
| 16/00107/NMA | Elevational changes to plots 62, 63, 69, 74, 81 and 82 (Proposed Non-Material Amendment to application 11/00617/OUT and 12/01802/REM) | Application Permitted |
| 17/00316/F | Application for engineering operations to include the creation of pond through associated bunding to serve consented residential development (ref. 11/00617/OUT, 12/01802/REM) | Application Refused |
| 17/00330/OUT | Variation of Condition 5 (Drainage) of 11/00617/OUT | Pending Consideration |
| 17/00247/DISC | Discharge of condition 10 (surface treatment and street lighting) of 12/01802/REM | Application Permitted |

1. 17/00316/F was refused on the grounds that the proposed engineering operations, and in particular the scale, prominent siting and artificial appearance of the attenuation pond, represents unjustified sporadic development within the open countryside, resulting in the introduction of an unnatural landscape feature that would not be sympathetic to the rural context, disrupting the existing topography, to the detriment of the visual amenities of the area and the existing character and appearance of the valued rural landscape; contrary to the provisions and aims of Saved Policies C8 and C28 of the Cherwell Local Plan 1996, Policies ESD 13 and ESD 15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance with the National Planning Policy Framework, with regards to conserving and enhancing the natural environment.
2. **PRE-APPLICATION DISCUSSIONS**
3. No pre-application discussions have taken place with regard to this proposal.
4. **RESPONSE TO PUBLICITY**
   1. This application has been publicised by way of a site notice displayed near the site and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments was 14.07.2017.
   2. No comments have been raised by third parties.
5. **RESPONSE TO CONSULTATION**
   1. Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council’s website, via the online Planning Register.

PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

* 1. ADDERBURY PARISH COUNCIL: **Objects.** *The Parish Council wishes to reiterate its objection to the above as follows:*
  2. *The drainage ‘pond’ should be located within the development and form part of the open space within the development. If the development has not been designed so as to accommodate the pond then this merely suggests the development currently being constructed is too dense and is an ill-considered scheme. There is scope for the ‘pond’ to be located on the land immediately to the south of the development under construction (on the land between the estate access road and the garden centre and the immediately to the north of the modern farm buildings of Cotefield Farm); and*
  3. *The siting of the ‘pond’ and the associated engineering and ground works have the practical effect of extending the development into adjacent farmland and amounts to an attempt, by stealth, to incorporate additional land into the consented development and to expand, strategically, the site boundary. It is noted that on the development application the site area is stated to be 4,619 sq m which is a larger area than is required to accommodate the ‘pond’.*
  4. BLOXHAM PARISH COUNCIL: **No comments to make.**
  5. BODICOTE PARISH COUNCIL: **No objections.**

STATUTORY CONSULTEES

* 1. ENVIRONMENT AGENCY: **No comments received.**
  2. OCC DRAINAGE: **No objections**, following the submission of SuDs Management details.
  3. OCC HIGHWAYS: **No objections**, following the submission of revised information.
  4. OCC MINERALS AND WASTE: **No objections**.

NON-STATUTORY CONSULTEES

* 1. ARBORICULTURAL OFFICER: **No comments received.**
  2. ARCHAEOLOGY (OCC): **No objections,** subject to conditions.
  3. ECOLOGIST: **No objections,** following the submission of a revised construction environmental management plan (CEMP).
  4. LANDSCAPE SERVICES: **No objections,** following the submission of revision planting details.
  5. OPEN SPACES SOCIETY: **No comments received.**
  6. RAMBLERS ASSOCIATION: **No comments received.**
  7. RIGHTS OF WAY (OCC): **No comments received.**

1. **RELEVANT PLANNING POLICY AND GUIDANCE**
2. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
3. The Cherwell Local Plan 2011-2031 - Part 1 was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031.  The Local Plan 2011-2031 – Part 1 replaced a number of the ‘saved’ policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the development plan. The relevant planning policies of Cherwell District’s statutory Development Plan are set out below:

CHERWELL LOCAL PLAN 2011 - 2031 PART 1 (CLP 2031 Part 1)

* PSD1: Presumption in Favour of Sustainable Development
* ESD 1: Mitigating and Adapting to Climate Change
* ESD 6: Sustainable Flood Risk Management
* ESD 7: Sustainable Drainage Systems (SuDS)
* ESD 10: Protection and Enhancement of Biodiversity and the Natural Environment
* ESD 13: Local Landscape Protection and Enhancement
* ESD15: The Character of the Built and Historic Environment

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

* C8: Sporadic development in the countryside
* C28: Layout, design and external appearance of new development

1. Other Material Planning Considerations

* National Planning Policy Framework (NPPF)
* Planning Practice Guidance (PPG)

1. **APPRAISAL**
2. The key issues for consideration in this case are:

* Principle of development
* Visual amenity; including landscape impact
* Drainage and Floodrisk
* Ecology and Biodiversity
* Highway safety
* Residential amenity

Principle:

1. The National Planning Policy Framework (NPPF) explains that the purpose of the planning system is to contribute to the achievement of sustainable development. This is defined as meeting the needs of the present without compromising the ability of future generations to meet their own needs. There are three dimensions to sustainable development; these are environmental, social and economic. Also at the heart of the NPPF is a presumption in favour of sustainable development and in the context of this application would include conserving and enhancing the natural environment.
2. Policy PSD1 contained within the CLP 2031 echoes the NPPF’s requirements for ‘sustainable development’ and that planning applications that accord with the policies in the Local Plan (or other part of the statutory Development Plan) will be approved without delay unless material considerations indicate otherwise.
3. The proposals constitute an engineering operation within open countryside, which would look to provide a revised drainage solution for a residential development originally granted consent under application 11/00617/OUT, and which is currently under construction following the approval of a reserved matters application (12/01802/REM) and clearance of conditions applications 13/00357/DISC and 13/00358/DISC. The Council do not have any specific development plan policies directly relating to engineering operations. Therefore the acceptability or otherwise of the principle of the development is considered to be dependent on whether there is a justified need for such works, to support the residential development, and further, whether the proposals would result in any significant harm that would be contrary to policies within the development plan with regard to ensuring the protection and enhancement of both the built and natural environment
4. The outline permission (11/00617/OUT) was granted consent on appeal subject to a schedule of conditions. Condition 5 of 11/00617/OUT required the submission and approval of an acceptable drainage scheme for the site:

Condition 5: *‘The development hereby approved shall not commence until drainage works have been carried out in accordance with details to be submitted to and approved in writing by the local planning authority. The details shall be in accordance with the submitted Flood Risk Assessment and shall include consideration of a sustainable drainage system in accordance with the principles set out in Annex F of PPS25 (or any subsequent version)’.*

1. The requirements of this condition were satisfied by the submission and approval of details assessed and considered acceptable under clearance of conditions application 13/00357/DISC. The approved scheme was largely contained within the site, utilising underground storage culverts to attenuate surface water runoff, with discharge into the Sor Brook south-west of the site.
2. The proposals assessed within this application seek consent for the engineering operations associated with an amended drainage strategy for the previously approved residential development (11/00617/OUT). The amended drainage strategy is similar in its nature to the details approved under 13/00357/DISC, utilising both on site storage and infiltration, with the discharge again being into the Sor Brook. The routing of the drainage pipework is revised and the proposals also include engineering operations to create a reed-bed with associated swales at the discharge point. The proposed development is considered necessary to support the appropriate drainage solutions of the residential development currently under construction and is unlikely to give rise to any significant visual impacts (discussed further below). The principle of development is considered acceptable in general sustainability terms subject to further considerations discussed below.

Visual amenity; including landscape impact:

1. The Government attaches great importance to the design of the built environment within the NPPF. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. The NPPF also places significant weight on conserving and enhancing the natural environment, which is seen as one of the core principles of sustainable development. These aims are reflected in the policies of the Cherwell Local Plan.
2. Policy ESD13 of the Cherwell Local Plan states that development will be expected to respect and enhance local landscape character, securing appropriate mitigation where damage to local landscape character cannot be avoided. It goes onto state that proposals will not be permitted if they would result in undue visual intrusion into the open countryside or would harm the setting of settlements.
3. Policy ESD15 of the Cherwell Local Plan states that new development will be expected to complement and enhance the character of its context through sensitive siting, layout and high quality design; stating that development should contribute positively to an area’s character and identity by creating or reinforcing local distinctiveness and respecting local topography and landscape features.
4. Saved Policy C28 of the CLP 1996 further states that control will be exercised over all new development to ensure that standards of layout, design and external appearance are sympathetic to the character of the rural or urban context of that development.
5. The proposals within this application have three distinct elements which would impact to varying degrees on the visual amenities of the area; the routing of the drainage pipework; the breach of the existing tree-belt and the creation of the reed-bed and associated swales.
6. The routing of the pipework will be predominantly below ground and as such would not have a lasting impact on visual amenities of the site or its wider setting.
7. The breaching of the existing tree-belt will have an impact on the visual amenities of the site and its setting within the open countryside with the loss of trees necessary for the routing of the drainage pipework and required easement. Whilst this is a negative impact of the proposed development, the principle of breaching the tree-belt has previously been accepted with the granting of 13/00357/DISC; the current proposals introduce no significant further impacts in this respect, above those previously considered being acceptable, and therefore do not warrant a reason to refuse the application on these grounds alone.
8. The creation of the reed-bed with swales would appear as a natural feature within the rural landscape sitting adjacent an existing reservoir. The proposals include landscaping which, following amendments to the planting schedule, is considered acceptable by officers.
9. Following the submission of revised landscaping details the Council’s Landscape Officer raises no objections to the proposals considering this to be a much improved, and less visually intrusive proposal, to the attenuation pond scheme previously considered unacceptable (ref. 17/00316/F) and officers see no reason not to agree with this opinion. On balance, it is considered that the proposal would not significantly intrude into open countryside to any significantly greater extent than the previously approved drainage scheme and would sustain the character and appearance of the rural landscape.

Drainage and Flood-risk:

1. Whilst the majority of the site is not within an area of high flood-risk, the discharge point and reed-bed sits within an area of higher flood-risk (Flood Zones 2 & 3) associated with Sor Brook watercourse and a detailed Flood Risk Assessment (FRA) has been submitted in support of the application. No comments have been received from the Environment Agency in response to the consultation undertaken on the application, but as surface water from the housing development site naturally drains to the Sor Brook in any case, the key issue is considered to be the need to ensure a suitable drainage scheme is in place to attenuate and properly manage the surface water flows so that they are not materially different to pre-development greenfield runoff rates.
2. Policy ESD 1 demonstrates the Council’s commitment to tackling issues relating to climate change within the district and includes provisions for development to minimise the risk of flooding and making use of sustainable drainage methods.
3. Policy ESD 6 further requires that development should be safe and remain operational (where necessary) and proposals should demonstrate that surface water will be managed effectively on site and that the development will not increase flood risk elsewhere, including sewer flooding.
4. As noted above, the application is supported by a FRA and detailed plans showing both the proposed layout of the residential development and the associated pipe network to the proposed reed-bed and discharge point into Sor Brook. The County Council as local drainage authority has again assessed the proposals and they raise no objections to the principle of development or the approach being taken (subject to the development being carried in accordance with the submitted details and mitigation measures detailed within the FRA). Further information in terms of SuDs management going forward was submitted during the application to ensure that the SuDs proposals were properly managed/maintained and that flood routing and flood storage areas were appropriately identified within the development to ensure that any flood waters are safely managed. These details were also considered acceptable by the Drainage Authority and negate the need for any conditions to be attached to any such permission, in this respect.
5. The proposals pass the sequential and exception tests as set out at Section 10 of the NPPF, in that the proposals are essential infrastructure required to serve an approved housing development, and the proposals are accompanied by a site specific flood risk assessment which is considered acceptable.
6. It is considered that the proposals are unlikely to exacerbate the potential for flood risk either on site or elsewhere, whilst providing appropriate surface water drainage to the adjacent residential development and therefore are considered acceptable in this regard.

Ecology and Biodiversity:

1. The NPPF – Conserving and enhancing the natural environment, requires that “the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government’s commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures” (Para. 109), these aims are reflected in the provisions of Policy ESD 10 of the CLP 2031.
2. Local planning authorities must also have regards to the requirements of the EC Habitats Directive when determining a planning application where European Protected Species (EPS) are affected, as prescribed in Regulation 9(5) of Conservation Regulations 2010, which states that “a competent authority, in exercising any of their functions, must have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of those functions”.
3. Whilst the majority of the site is agricultural field currently devoid of any significant features of ecological value, the proposals would require the removal of an 8m section of an existing tree-belt and also the creation of a proposed reed-bed adjacent existing hedgerows.
4. In respect to the application site, an ecological walk-over survey was undertaken by ACD Environmental Ltd and report dated 11th July 2017 submitted during the application. The Council’s Ecologist has reviewed the report and its findings and recommendations and considers it is largely acceptable. Given the context of the site and potential for reptiles and amphibians to be present the Council’s Ecologist initially recommended a condition requiring the submission of a Construction Environmental Management Plan (CEMP) to be submitted prior to the commencement of development, to ensure the protection of any protected species and their habitats. A CEMP was subsequently submitted by the applicant, which was reviewed and considered acceptable by the Council’s Ecologist.
5. Consequently it is considered that art.12(1) of the EC Habitats Directive has been duly considered in that the welfare of any protected species found to be present at the site and surrounding land could be safeguarded, notwithstanding the proposed development, subject to work being carried out in accordance with the CEMP. It is therefore considered that the proposal is acceptable in this respect having regard to the NPPF - Conserving and enhancing the natural environment and Policy ESD 10 of the CLP.
6. The application is supported by an Arboricultural Impact Assessment which while fairly limited in terms of detail concludes that the adverse impact of the proposal breaching the planting belt is not significant. The loss of trees from the tree-belt is regrettable. However, as no formal comment has been received from the Council’s Arboricultural Officer in objection to the proposals, and as noted above, the Council has previously accepted the principle of a breach of the tree-belt, with the approval of the previous drainage strategy, it is considered that this should not be a reason to refuse the application. The proposals are also supported by an Arboricultural Method Statement (AMS) and it is considered that subject to the development being carried out in accordance with the details of the AMS, to ensure the continued health and well-being of retained trees, that the proposals would be acceptable in this regard.

Highway safety:

1. The Highways Authority has assessed the proposals and raises no objections. The proposals will not directly affect general highway safety, with the only transport impacts likely to be in respect of construction traffic and associated operations, which are unlikely to be significant and would be relatively short-term given the nature of the proposed development.
2. The proposals would affect the PRoW, both directly during the construction phase and indirectly in terms of the visual impacts discussed above. PRoWs are protected by separate legislation. The County Council’s Rights of Way Officer raises no objections and indicates that a Temporary Traffic Regulation Order (TTRO) would not be required in this instance. However, the applicant would need to be mindful of issues relating to the PRoW and could be reminded of such through suitably worded informatives attached to any permission granted, to ensure that the PRoW is adequately protected.

Residential amenity:

1. Policy C30 of the CLP 1996 requires that a development must provide standards of amenity and privacy acceptable to the Local Planning Authority. These provisions are echoed in Policy ESD15 of the CLP 2031 which states that: ‘new development proposals should consider amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation and indoor and outdoor space’.
2. Given the context of the site, the nature of the proposed development and its relationship with other properties it is considered that the proposals would not impact on the amenity of any neighbouring properties, and is therefore acceptable in this regard.

Other matters:

1. The County Council’s Archaeologist identified the site as being located in an area of archaeological interest immediately south of an area of later prehistoric activity identified through archaeological evaluation, and that these features may continue into this area and would be disturbed by this development, in his initial response to the consultation on the application. The applicants have subsequently submitted an archaeological Written Scheme of Investigation (WSI) report, in response to these initial comments, detailing the methodology to be adopted with regard to archaeological potential and the recording of such. The County’s Archaeologist is satisfied with the detail of the report and proposed methodology, and raises no objections to the application subject to the work being carried out in accordance with the WSI and an appointed archaeologist being present on site. It is considered that the requirements of the County’s Archaeologist can be secured through an appropriate condition attached to any such permission; to ensure the safeguarding, recording and inspection of matters of archaeological importance on the site in accordance with the NPPF, with regards to preserving the historic environment.
2. In their response the County Council’s Transport Team suggest a requirement for a legal agreement linking any such permission back to the provisions and requirements of the S106 agreement attached to the original consent 11/00617/OUT. Whilst the proposed development would be related to the existing permission and residential development, this application seeks a standalone planning permission for engineering operations alone. Whilst there is a need for the proposed overall revised drainage strategy to be linked to the provisions and requirements of the original S106, it is considered that it is appropriate to deal with this matter in the context of the associated S73 application (17/00330/OUT) and not within this application.
3. **CONCLUSION**
4. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 requires that the three dimensions to sustainable development (economic, social and environmental) are not undertaken in isolation, but are sought jointly and simultaneously.
5. The proposals assessed within this application are considered to be an acceptable form of development which looks to support a sustainable drainage strategy for a residential development that is currently under construction. The proposals would not significantly impact on highway safety or residential amenity, and are not considered to impact on features of ecological value to any greater extent than has previously been considered acceptable with the granting of the previous drainage scheme under 13/00357/DISC. It is considered that the proposals would not significantly intrude into the open countryside or detract from the character and appearance of the valued rural landscape within which the site sits, and is acceptable in flood risk terms.
6. The proposals are considered to be broadly consistent with the provisions and aims of the development plan policies identified above and are therefore recommended for approval as set out below.

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| 1. **RECOMMENDATION**   That permission is granted, subject to the following conditions:   1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.   Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.   1. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents: Application forms; Planning Statement; Flood Risk Assessment, Ref. 15031 FRA-v1, prepared by Banners Gate dated May 2017; Drainage Management Plan, prepared by Banners Gate dated 7th August 2017; Ecological Walk-over Survey undertaken by ACD Environmental dated 11th July 2017; Construction Environmental Management Plan, Ref. BAN18397\_CEMP Rev. A, prepared by ACD Environmental dated 28/09/2017; Arboricultural Impact Assessment, dated 5 June 2017; Arboricultural Method Statement, dated 29 June 2017; Archaeological Watching Brief Ref. 17e172wb, prepared by Thames Valley Archaeological Services, dated 19th September 2017; and drawings numbered: 15031-100S38K, CFB\_FUL\_PLN\_210A, 15031-100S104(i)L, 15031-100S104(ii)K, 15031/106H, 15031/107G, 15031/108F, 15031/109G, 15031/110J, 15031-200F, 15031-201F, 15031-202H, 15031-203H, 15031-204F, 15031-205G, 15031-206, 15031-210H, 15031-211G, 15031-310A, 15031/311C, 15031-312A, 15031-313A, 15031-314A, 15031-315E, 15031-316B and CALA18397-12A.   Reason: For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and comply with Government guidance contained within the National Planning Policy Framework.   1. No development shall commence on site without the appointed archaeologist being present as set out in the agreed and submitted Written Scheme of Investigation. Once the watching brief has been completed its findings shall be reported to the Local Planning Authority, as agreed in the Written Scheme of Investigation, including all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication.   Reason: To safeguard the recording and inspection of matters of archaeological importance on the site in accordance with Policy ESD15 of the Cherwell Local Plan 2011-2031 and the NPPF (2012).   1. 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, in the first planting and seeding seasons following the first use of the drainage system or on the completion of the development, whichever is the sooner. Any trees, herbaceous planting and 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 current/next planting season with others of similar size and species.   Reason: In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.  PLANNING NOTES:   1. Planning permission only means that in planning terms a proposal is acceptable to the Local Planning Authority. Just because you have obtained planning permission, this does not mean you always have the right to carry out the development. Planning permission gives no additional rights to carry out the work, where that work is on someone else's land, or the work will affect someone else's rights in respect of the land. For example there may be a leaseholder or tenant, or someone who has a right of way over the land, or another owner. Their rights are still valid and you are therefore advised that you should seek legal advice before carrying out the planning permission where any other person's rights are involved. 2. Your attention is drawn to the need to have regard to the requirements of UK and European legislation relating to the protection of certain wild plants and animals. Approval under that legislation will be required and a licence may be necessary if protected species or habitats are affected by the development. If protected species are discovered you must be aware that to proceed with the development without seeking advice from Natural England could result in prosecution. For further information or to obtain approval contact Natural England on 0300 060 3900. 3. Birds and their nests are fully protected under the Wildlife and Countryside Act 1981 (as amended), which makes it an offence to intentionally take, damage or destroy the eggs, young or nest of a bird whilst it is being built or in use. Disturbance to nesting birds can be avoided by carrying out vegetation removal or building work outside the breeding season, which is March to August inclusive. 4. No materials, plant, temporary structures or excavations of any kind should be deposited / undertaken on or adjacent to the Public Right of Way that may obstruct or dissuade the public from using the public right of way whilst development takes place. 5. No changes to the public right of way direction, width, surface, signing or structures shall be made without prior permission approved by the Countryside Access Team at Oxfordshire County Council via the necessary legal process. 6. No construction/demolition vehicle access may be taken along or across a public right of way without prior permission and appropriate safety/mitigation measures approved by the Countryside Access Team. Any damage to the surface of the public right of way caused by such use will be the responsibility of the applicants or their contractors to put right / make good to a standard required by the Countryside Access Team. |

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| Case Officer: | Bob Neville | DATE: 02/10/2017 |
| Checked By: | Alex Keen | DATE: 06/10/2017 |