

Case Officer: Bob Neville

Applicant: Mr Bertrand Facon

Proposal: Erection of cattle shed, manure store and associated hardstanding.
Amendment to approved cattle shed 18/01724/F.

Ward: Deddington

Councillors: Cllr Bryn Williams
Cllr Hugo Brown
Cllr Mike Kerford-Byrnes

Reason for Referral: Major development

Expiry Date: 31 March 2020

Committee Date: 12 March 2020

EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS

Proposal

The application seeks planning permission for an amended design from that previously approved (consent ref. 18/01724/F) for a cattle shed, manure store and associated hardstanding to support a proposed new, cutting-edge embryo transfer breeding enterprise on agricultural land at Lessor Grange Farm, located some 1km (0.6miles) west of the village of Milcombe. The proposed agricultural building would measure 40m x 25m with an overall height to ridge of 7.8m. Walls would be constructed of half-height concrete panels with Yorkshire boarding above, under a dark green plastisol coated box profile steel sheet roof. The proposed building differs from the previously approved building by way of incorporating first floor vet and office accommodation in the southern end of the building, served by an external staircase. The proposed manure store would be an open structure (10m x 15m) on a concrete pad with concrete panel side walls (2m high).

Consultations

The following consultees have raised **no objections** to the application:

- Milcombe Parish Council, CDC Landscaping & OCC Highways

No letters of objection or support have been received.

Planning Policy and Constraints

The application has been assessed against the relevant policies in the NPPF, the adopted Local Plan and other relevant guidance as listed in detail at Section 8 of the report.

Conclusion

The key issues arising from the application details are:

- Relevant planning history
- Principle of development
- Visual amenity, and impact on the character of the area
- Highway safety

- Residential amenity
- Ecology and Biodiversity

The report looks into the key planning issues in detail, and officers conclude that, subject to conditions, the scheme meets the requirements of relevant CDC Development Plan policies and therefore that the proposals are acceptable.

Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies, the Officer's assessment and recommendations, and Members are advised that this summary should be read in conjunction with the detailed report.

MAIN REPORT

1. APPLICATION SITE AND LOCALITY

- 1.1. The application relates to an area of agricultural land located on the road between Milcombe and Wigginton Heath within open countryside. The village of Milcombe lies ~1km (0.6miles) to the east of the site, Rye Hill Golf Club lies ~280m to north-east of the site, with Lessor Grange some 480m to the south east of the site. Whilst the site itself is relatively level, land levels drop to the north and east of the site. The site is located adjacent the highway with an existing access and private drive serving Lessor Grange and associated farm. The site is bounded by a mature boundary hedgerow with trees adjacent the highway, whilst sitting within an area of open countryside characterised by agricultural fields with typical agricultural boundary hedgerows.

2. CONSTRAINTS

- 2.1. In terms of site constraints, the site sits within an area where the geology is known to contain natural occurring elevated levels of Arsenic, Nickel and Chromium; as seen across much of the district, and further, an area of higher probability (10-30%) of natural occurring Radon Gas being above Action Levels. Public Rights of Way (ref. Bridleway 409/7/10 and 298/5/20) cross land west and south of the site. There are no other significant site constraints relevant to planning and this application.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. The application comes following the previous approval of applications 18/01724/F, 18/01707/F and 18/01708/OUT (detailed below), which looked to support a proposed new, cutting-edge embryo transfer breeding enterprise on agricultural land at Lessor Grange Farm, located some 1km (0.6miles) west of the village of Milcombe. This application is submitted to seek planning permission for a revised design of the proposed cattle building approved under application 18/01724/F.
- 3.2. The proposed agricultural building would measure 40m x 25m with an overall height to ridge of 7.8m. Walls would be constructed of half-height concrete panels with Yorkshire boarding above, under a dark green plastisol coated box profile steel sheet roof. The proposed building differs from the previously approved building by way of incorporating first floor vet and office accommodation in the southern end of the building, served by an external staircase. The manure store would be an open structure (10m x 15m) on a concrete pad with concrete panel side walls (2m high).
- 3.3. The proposals also include an area of hardstanding around the proposed barn and landscaping around the perimeter of the site.

4. RELEVANT PLANNING HISTORY

4.1. The following planning history is considered relevant to the current proposal:

<u>Application Ref.</u>	<u>Proposal</u>	<u>Decision</u>
18/01724/F	Erection of cattle shed, manure store and associated hardstanding	Application Permitted
18/01707/F	Erection of straw and machinery storage barn and associated hardstanding	Application Permitted
18/01708/OUT	OUTLINE - Erection of agricultural workers dwelling	Application Permitted

5. PRE-APPLICATION DISCUSSIONS

5.1. No pre-application discussions have taken place with regard to this proposal.

6. RESPONSE TO PUBLICITY

6.1. 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 **7 February 2020**.

6.2. No comments have been raised by third parties.

7. RESPONSE TO CONSULTATION

7.1. 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

7.2. MILCOMBE PARISH COUNCIL: **No objections**

CONSULTEES

7.3. ECOLOGIST: No comments received.

7.4. LANDSCAPE OFFICER: **No objections** to this minor change.

7.5. OCC HIGHWAYS (LHA): **No objections** subject to standard conditions in respect of access, parking and manoeuvring, surfacing, drainage and protection of visibility splays.

8. RELEVANT PLANNING POLICY AND GUIDANCE

8.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

- 8.2. 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)

- PSD 1: Presumption in Favour of Sustainable Development
- SLE 4: Improved Transport and Connections
- ESD 7: Sustainable Drainage Systems (SuDS)
- ESD 10: Protection and Enhancement of Biodiversity and the Natural Environment
- ESD 13: Local Landscape Protection and Enhancement
- ESD 15: The Character of the Built and Historic Environment

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- AG2: Construction of farm buildings
- C28: Layout, design and external appearance of new development

8.3. Other Material Planning Considerations

- National Planning Policy Framework (as amended February 2019) (NPPF)
- Planning Practice Guidance (PPG)
- EU Habitats Directive
- Natural Environment and Rural Communities Act 2006
- Conservation of Habitats and Species Regulations 2010
- Circular 06/2005 (Biodiversity and Geological Conservation)
- Human Rights Act 1998 (“HRA”)
- Equalities Act 2010 (“EA”)

9. APPRAISAL

9.1. The key issues for consideration in this case are:

- Principle of development
- Visual amenity, and impact on the character of the area
- Residential amenity
- Highway safety
- Ecology and Biodiversity

Principle of development:

Policy context

- 9.2. The purpose of the planning system is to contribute to the achievement of sustainable development and the NPPF defines this as having 3 dimensions: economic, social and environmental.

- 9.3. The NPPF advocates the support of the sustainable growth and expansion of all types of business and enterprise in rural areas, both through the conversion of existing buildings and well-designed new buildings. This also includes the development and diversification of agricultural and other land-based rural businesses.

- 9.4. Saved Policy AG2 of the CLP 1996 is similarly supportive of the principle of farm buildings in the countryside, in that it supports new farm buildings where they are designed and sited such that they do not intrude into the landscape or residential areas.

Assessment

- 9.5. The principle of development has previously been considered acceptable with the granting of planning permission 18/01724/F. This permission remains extant and could yet be implemented.
- 9.6. The amendments now proposed under this current application are considered relatively minor in the context on the development scheme as a whole, and do not introduce any further significant considerations that would result in the principle of development not being considered in the same favourable light.
- 9.7. The applicant has indicated that the proposals at Lessor Grange (an existing farm with a holding of some 150Ha, with cattle and sheep) relate to a proposed new, cutting-edge embryo transfer breeding enterprise, specialising in in-vitro fertilisation (IVF) and embryo transfer (ET). The proposed building would be for the housing and handling of cows, with facilities for calving, with a further building for agricultural storage (straw and machinery) previously approved under separate application 18/01707/F.
- 9.8. The Council has previously accepted that there is a genuine agricultural need for a building in the location proposed, which would support both existing farm operations and also the further expansion of the existing farming business including the potential new in-vitro fertilisation (IVF) and embryo transfer (ET) enterprise.

Conclusion

- 9.9. The principle of the erection of a new farm building in this rural location is therefore again considered acceptable in general sustainability terms. Overall acceptability is subject to further considerations discussed below.

Visual amenity, and impact on the character of the area:

Policy context

- 9.10. Government guidance contained within the NPPF requiring good design states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Further, permission should be refused for development of poor design that fails to take the opportunities for improving the character and quality of an area and the way it functions.
- 9.11. As noted above, Saved Policy AG2 of the CLP 1996 states that farm buildings should normally be sited so they do not intrude into the landscape or residential areas and where appropriate landscaping schemes should be included and materials should be chosen so that development fits sympathetically into its rural context.
- 9.12. Saved Policy C28 of the CLP 1996 exercise control over all new developments to ensure that the standards of layout, design and external appearance are sympathetic to the character of the context.
- 9.13. Policy ESD13 of the CLP 2031 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. Proposals will not normally be permitted if they would cause undue visual intrusion into the open countryside, cause undue harm to important natural landscape features and topography, be inconsistent with local character, or impact on areas judged to have a high level of tranquillity.

Assessment

- 9.14. The proposed new agricultural building is of typical utilitarian modern agricultural style with concrete panel and Yorkshire timber boarded walls under a green profiled metal roof; which are relatively commonplace within the countryside. The proposed building and associated storage building (previously approved under 18/01707/F) would sit around an area of hardstanding with access taken of the existing access road leading to Lessor Grange. Views of the proposals from the public domain would largely be limited to those experienced when passing on the adjacent highway, with further localised views from within the site itself.
- 9.15. The design of the building is amended from that previously approved under 18/01724/F by way of replacing a single storey lean-to element on the southern elevation with a full height bay, incorporating first floor vet and office accommodation served by an external staircase. The proposed manure store and extent of the associated hardstanding would not change from that previously approved.
- 9.16. As was noted previously the building will be relatively large at 40m x 25m x 7.8m. However, the overall footprint and positioning of the building would not change from that previously approved. It would be screened to some extent by the existing boundary hedgerow. It is considered that the addition of the first-floor element would not increase the potential visual impacts of the proposed building to any greater extent than the previously approved scheme – the overall scale of the building would not change.
- 9.17. The previous consent was subject to a condition in relation to additional landscaping, to better screen and soften the appearance of the proposed new development. The Council's Landscape Officer again raises no objections to the proposals subject to the approval of an appropriate detailed landscaping and planting scheme; including not only the proposed new landscape belt to the northern boundary but also appropriate native hedgerows to the southern and western boundaries, sympathetic to the agricultural/rural context. It is considered that the required details and planting specifications could be secured through an appropriately worded condition attached to any such permission.

Conclusion

- 9.18. It is considered that, subject to the implementation of an appropriate landscaping scheme, the proposed building would not have any further significant impacts above those previously assessed and considered acceptable with the granting of permission 18/01724/F. Overall it is considered that the proposed building would not be visually intrusive within the landscape or incongruous when seen either from the public realm from the adjacent highway. The siting and agricultural style of the proposed building ensures that it is visually appropriate to its rural setting in accordance with the aforementioned Development Plan policies and Government Guidance and therefore considered acceptable in this regard.

Highway safety:

Policy context

- 9.19. National and local policy looks to promote sustainable transport options whilst ensuring that new development proposals do not cause harm to the safety of the highway network.
- 9.20. The NPPF (Para. 108) advises of the need to have due regard for whether new development includes:
- appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
 - safe and suitable access to the site can be achieved for all users; and

- any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

9.21. Policy SLE4 of the CLP 2031 echoes the aims of the NPPF in supporting sustainable transport opportunities in new development.

Assessment

9.22. The LHA raises no objections on highway safety grounds, subject to conditions in relation to access, parking and manoeuvring within the site, and the surfacing and drainage of such and further the protection of visibility splays at the point of the access onto the adopted highway, in line with their previous recommendation of application 18/01724/F; and officers see no reason not to agree with this opinion.

9.23. The proposed amendments to the previously approved scheme would not introduce any further significant impacts on the local road network or highway safety above those previously assessed and considered acceptable.

9.24. The site is served by an existing access, which would not be affected by the proposals, with access to the proposed development being taken off the existing private access road serving Lessor Grange; allowing sufficient space for vehicles to leave the main adopted highway before entering the proposed site. Visibility at the access onto the adopted highway is considered to be good and the maintenance of vision splays could again be secured through an appropriate condition attached to any such permission.

Conclusion

9.25. It is considered that the proposed development would not result in any significant impact on the safety and convenience of other highway users and is therefore acceptable in terms of highway safety.

Residential amenity:

Policy context

9.26. Policy ESD15 of the CLP 2031 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.

Assessment

9.27. The site is situated ~1km (0.6miles) west of the village of Milcombe and Rye Hill Golf Club lies ~280m to north-east of the site. Again, the proposals would have no greater impact on residential amenity than the previously approved scheme. Manure would be stored within a proposed new storage area bounded by concrete panel walls, and periodically emptied for spreading on land within the farm, a common practice on rural farmsteads. Officers remain of the opinion that, given the distance from residential properties, the proposals would not result in any significant odour issues, above those often experienced in such rural locations, to the extent that would warrant a reason to refuse planning permission on these grounds alone.

Conclusion

9.28. Given the rural context of the site and that it is not located in close proximity to any residential properties it is considered that there would be no significant harm resulting from the proposals on residential amenity and in officer's opinion the application is therefore considered acceptable in this respect.

Ecology and Biodiversity:

Policy context

9.29. NPPF – Conserving and enhancing the natural environment requires that planning decisions should look to protect and enhance valued landscapes, recognising the

intrinsic character and beauty of the countryside and further minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures; contributing to the Government's commitment to halt the overall decline in biodiversity (Para 170); these aims are echoed in Policy ESD10 of the CLP 2031.

- 9.30. Section 40 of the Natural Environment and Rural Communities Act 2006 (as amended) places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity. A key purpose of this duty is to embed consideration of biodiversity as an integral part of policy and decision making. Paragraph 99 of Circular 06/2005: Biodiversity and Geological Conservation states that: *'It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision'*.

Assessment

- 9.31. The proposals would not have any greater impact on ecology and biodiversity at the site above that previously assessed and considered acceptable under the permitted scheme 18/01724/F. There have been no significant changes to the context of the site since the assessment and approval of the previous consent.
- 9.32. The site is not within an ecologically sensitive location and there are no significant features of ecological value that would be directly affected by the proposals and no records of protected species identified within the immediate vicinity of the site.
- 9.33. Whilst no formal comments have been received from the Council's Ecologist (CE) during the current application it was previously noted that no objections were raised in respect potential impacts on ecology and biodiversity at the site, subject to conditions in relation to ensuring that no inappropriate lighting is installed and that a net gain in biodiversity is achieved.
- 9.34. The CE previously noted the presence of a pond around 100m away; however, it is separated by a road and should amphibians be present they are unlikely to be using this part of this site in any significant way as there is more suitable habitat adjacent. Further that there are two parcels of significant woodland adjacent to the field, one at least is likely to be Priority /Section 41 habitat and that these are likely to support bats at least in foraging. The CE advised that there should be minimal lighting on site with no overspill into adjacent vegetation, to avoid impacts on the use of the surrounding vegetation by bats and other nocturnal wildlife. It is again considered that whilst no lighting is indicated on the submitted plans, that this could be managed by way of an appropriate condition attached to any such permission, to ensure the protection of any protected species, should such be present.
- 9.35. There are records of badgers in relatively close proximity. However, the proposals here set the buildings some distance from the hedgerow, with a proposed landscaping buffer on intervening land, so should the hedgerows be used for commuting they are less likely to be affected. The applicant should be aware that if there are setts present within this hedgerow there are legal restrictions on how close to a sett works can take place before a licence is required to avoid disturbance; and this could be conveyed through an appropriate informative attached to any such permission.

Conclusion

- 9.36. As with the previously approved scheme, the proposals would include significant further natural planting within the proposed boundary landscaping, and the use of appropriate native species of plants that would encourage wildlife and biodiversity could be secured through any proposed landscaping scheme and planting schedule; to ensure that that the proposed development would provide a net gain in

biodiversity, in accordance with the provisions of Policy ESD10 of the CLP 2031 and Government guidance within the NPPF, regarding the importance of conserving and enhancing the natural environment.

10. PLANNING BALANCE AND CONCLUSION

- 10.1. 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 overarching objectives, to sustainable development (economic, social and environmental) are not undertaken in isolation, but are sought jointly and simultaneously.
- 10.2. The principle of the development of an agricultural building in this location has previously been assessed and considered acceptable with the granting of permission 18/01724/F. Officers consider that the amended design now proposed would not introduce any further significant impacts or considerations, that would result in the proposals now not being seen in the same favourable light; given that the context of the site and development plan policy context has not significantly changed since the previous approval.
- 10.3. The proposal would not adversely affect residential amenity or local highway safety and, further subject to approval of further details being secured in relation ecology and biodiversity, the proposals would not be to the detriment of such matters, Having regard to the scale and form of the proposals, they are considered to be sympathetic to the rural context and, subject to conditions regarding landscaping, the proposals would not significantly adversely affect the character of the site or its setting within the wider landscape.
- 10.4. The proposals would provide social and economic benefits by supporting both the existing agricultural operations at the farm its future expansion through the proposed embryo transfer breeding enterprise. The proposals are not considered to be of any significant detriment to the environment and would potentially provide additional opportunities for biodiversity at the site.
- 10.5. Given the above assessment in the light of current guiding national and local policy context, it is considered that the proposals represent an appropriate form of development at the site, which would be broadly consistent district's Development Plan policies, which look to support agricultural enterprise and promote new forms of sustainable development. The application is therefore recommended for approval as set out below.

11. RECOMMENDATION – DELEGATE TO THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT TO GRANT PERMISSION, SUBJECT TO THE CONDITIONS SET OUT BELOW

- 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.

- 2 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: Supporting Statement dated December and drawings numbered KCC2395/02A, KCC2395/06A and KCC2395/10 01/20cb.

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.

- 3 Prior to the first use of the development hereby approved, full specification details (including construction, layout, surface finish and drainage) of the turning and manoeuvring area which shall be provided within the curtilage of the site so that motor vehicles may enter, turn around and leave in a forward direction, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first use of the development, the turning and manoeuvring area shall be constructed in accordance with the approved details and shall be retained for the manoeuvring of motor vehicles at all times thereafter.

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

- 4 Other than the approved access shown on approved plan KCC2395/02A no other means of access whatsoever shall be formed or used between the land and the adopted highway.

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

- 5 The vision splays at the access onto the adopted highway shall not be obstructed by any object, structure, planting or other material of a height exceeding 1m measured from the carriageway level.

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

- 6 Notwithstanding the details submitted, prior to the first use of the development hereby approved, a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme for landscaping the site shall include:-

- (a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas,
- (b) 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,
- (c) details of the hard surface areas, including construction and drainage.

The development shall be carried out in strict accordance with the approved landscaping scheme and the hard landscape elements of the approved scheme shall be carried out prior to the first use of the development hereby approved and shall be retained as such thereafter.

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 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

- 7 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 occupation

of the building(s) 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 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

- 8 Prior to the first use of the development hereby approved, a method statement for enhancing biodiversity on site through the inclusion of integrated features for bats or birds, a planting and management scheme shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the biodiversity enhancement measures shall be carried out and retained in accordance with the approved details.

Reason: To conserve and enhance biodiversity and prevent the spread of non-native species in accordance with Government guidance contained within the National Planning Policy Framework.

- 9 Prior to the commencement of the development hereby approved above slab level, a Lighting Strategy including a plan of estimated lux spill shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the lighting shall be installed and retained in accordance with the approved details, unless otherwise agreed in writing by the Local planning Authority.

Reason: To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework

- 10 The development hereby permitted shall be used only for the purpose of agriculture, as defined in Section 336 (l) of the Town and Country Planning Act, 1990.

Reason: To ensure that the development is used for agricultural purposes only, in accordance with Government guidance contained within the National Planning Policy Framework.

INFORMATIVE NOTES TO APPLICANT

- 1 **Ecology** - 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.

- 2 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.

- 3 **Environmental Protection** - It is known that in some areas of the northern part of Cherwell District elevated concentrations of naturally occurring arsenic, chromium and nickel and in Souldern, Somerton, Upper Heyford, Lower Heyford and Kirtlington elevated levels of naturally occurring arsenic exist above soil guideline values produced by DEFRA. While these elements are not considered a risk to residents occupying the completed development, there exists a potential risk to residents using the garden for home grown produce or where regular contact with the soil occurs due to ingestion and dermal contact. A risk may also occur to building site workers during construction, due to dermal contact and inhalation of potentially contaminated soil and dust. The applicant is therefore requested to ensure contact with the soil is minimised, especially where young children are present and not to grow home grown produce until such a potential risk has been shown to be negligible. In addition, to ensure that all site workers are informed of this potential risk and that appropriate health and safety requirements are used to protect the site workers. For further information please contact the Council's Environmental Protection Officer.

CASE OFFICER: Bob Neville

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