

# Land North West of Hill Cottage, Lower Heyford Road, Caulcott

13/01802/F

**Ward:** The Astons and Heyfords

**District Councillor:** Cllr Kerford-Byrnes  
Cllr Macnamara

**Case Officer:** Paul Ihringer

**Recommendation:** Approval

**Applicant:** Mr D. Smith

**Application Description:** Change of use of land to provide 5 Romani Gypsy pitches and associated works including the construction of 5 day rooms, provision of 5 septic tanks and the laying of hardstanding.

**Committee Referral:** Member Request

## 1. Site Description and Proposed Development

- 1.1 The application site, which is known locally as the Pits (a former quarry), is located to the rear of a lay by accessed via the Lower Heyford Road (B4030) and just outside and to the north-west of the small settlement of Caulcott. The site occupies an area of 0.52 hectares and other than the road/lay-by is surrounded by two large fields and a dwelling to the immediate east.
- 1.2 The plot of land, which as a result of its former use, is at a lower level than the surrounding land is mainly laid to grass and bounded by trees and hedging. Currently there are a couple of small buildings constructed out of corrugated metal and timber on site. These structures, which are in relatively poor condition, are surrounded by a variety of building materials, a trailer and skip. There is an existing access point in the south east corner of the plot. The site is more than 300 metres from the boundary with the Rousham Conservation Area.
- 1.3 Planning permission is being sought for 5 Romani Gypsy pitches. Officers have no reason to question the agent's written confirmation that the proposed future occupiers of the site comply with the definition of Gypsies and Travellers set out in Annex 1 of the Planning Policy for Traveller Sites (PPTS). Each pitch will comprise a mobile home (12.2m x 6.1m), a day room (6m x 5m), space for a touring caravan, an area of hard standing and a septic tank. A small part of the site has been allocated as a children's play area. The site will be served by a new wider entrance just to the west of the existing access point.
- 1.4 The majority of the planning history relates to the temporary provision of caravans (between 1 and 3 no.) on the site during a period from the late 1950s to the mid 1970s. The final application (CHS.481/76X refers), prior to the submission of this current application, for the temporary retention of two caravans was resisted at the end of 1976. The only other application on this site was for winter quarters for a circus and caretaker's caravan which was refused in 1965 (NE.571/64 refers).

## 2. Application Publicity

- 2.1 The application has been advertised by way of neighbour letter and site notice. The final date for comment was the 10<sup>th</sup> January 2013.

64 letters have been received. The following issues were raised

### Material planning comments:

- Highway safety – number of accidents on this stretch of road (rat run)
- Heyford Park development will only make traffic situation worse
- Development will increase traffic flow
- Vision splays inadequate
- Does not comply with Caulcott category 3 status
- Site beyond the built limits of the settlement
- Application for other housing in Caulcott refused on sustainability grounds
- Impact on wildlife
- Better more sustainable locations – contrary to Government guidance
  - Caulcott does not have many facilities
- Drainage problems (former stone quarry) – contrary to Government guidance
- Sewage problems
- Landscape impact
- Loss of trees
- Affect setting of conservation area
- Application involves permanent structures so should be considered in accordance with normal housing policy
- Light pollution at night
- Noise pollution
- Should look at brown field sites first (e.g. RAF Upper Heyford)
- Site not large enough to accommodate proposal
- Nearest school and doctor significant distance away
- Heyford Park development will only make traffic situation worse
- Would set a precedent
- Over development of the site
- Poor design for this location
- If approval granted control should be exercised
- Encroachment on to agricultural land
- Need should be met by thorough district site analysis
- Will stretch local services
- GP practices stretched
- Reliant on legal rights for travellers
- Gypsies would integrate better in larger settlements
- Cherwell already met their requirement for gypsy pitches
- Impact on endangered birds
- Educational facilities referred to in support of the application are in Buckinghamshire not Oxfordshire (not in an area covered by GTAA)

### Non material comments:

- Loss of value of house
- Planning permission has been refused for a single dwelling on this site

(not the case – see paragraph 1.4)  
Could result into expansion into lay by  
Application should not be assessed under delegated powers  
Will encroach on Green Belt land (not correct)  
Residents too intimidated to object

### **3. Consultations**

#### **3.1 Lower Heyford Parish Council: Objects of the following grounds:**

##### **1. Location**

If the site is considered within the settlement, it would be contrary to policy as Caulcott falls in the lowest category where new development is not generally permitted. If, as it may appear, it is outside the “village envelope”, then it constitutes sporadic development in the open countryside, again contrary to policy. Previous development of a single dwelling there has not been permitted. It would also contribute to narrowing the “green gap” between Caulcott and Lower Heyford and Caulcott and Upper Heyford.

##### **2. Highways**

The application creates an additional highway access in a dangerous location, with poor sight lines on to the B4030, where previous applications have been objected to by OCC Highways on safety grounds. A 40mph limit has been imposed within the last few years because of this danger. Two accidents there on 10th January has emphasised this and 15 other accidents have been recorded between Lower Heyford and Middleton Stoney since 2006. The layby adjacent to the proposed access is well used, particularly by lorries and a further access point would increase the danger of an already hazardous exit onto the B4030.

##### **3. Flooding**

The site is unsuitable for habitation due to flooding, evidenced by photographs during the recent wet spell. The site is currently under at least 12" of water which can only drain onto adjacent agricultural land. There is no mains sewage disposal in the area. The village of Caulcott already has a problem with sewage leaking into the water system in South Street and Greenway, a problem which Oxfordshire County Council and Thames Water are both aware but unable at present to resolve. Any additional pressure on an already overloaded sewage system is not feasible.

##### **4. Sustainability**

**Education:** the application quotes Dr Radcliffe’s School in Steeple Aston as being in reasonable proximity. The current catchment school for Caulcott is, in fact, Fritwell, although the new Heyford Park Free School is closer and may now be OCC’s preferred option for Secondary education.

**-Health:** contrary to the Good Practice Guide, the site does not have “easy access to GP and other health services”, the nearest being six miles away in Bicester. It is on the periphery of all of the defined local practice areas.

**Shops:** the nearest local shops are in Lower Heyford, Upper Heyford and Steeple Aston.

### **5. Proven Need**

Cherwell has an up-to-date (Jan 2013, with a baseline of Mar 2012) Gypsy and Traveller Accommodation Needs Assessment which shows a need for 5 pitches to be delivered by 2017.

As 8 pitches are currently being provided at Chesterton, the 5 year need is met.

In addition to the above points, Lower Heyford Parish Council would point out that amongst correspondence listed by the applicant are letters from schools in Buckinghamshire, indicating that the application has been made on behalf of Travellers not residing in Oxfordshire, therefore Cherwell District Council is under no obligation to provide a further traveller site.

At the recent Parish Council meeting, many members of the public made their views on this planning application abundantly clear and this objection reflects their unanimous opposition to the proposal.

### **3.2 Upper Heyford Parish Council:** Object and comments as follows:

“Upper Heyford Parish Council discussed this application at its regular meeting on 23rd January 2014. Councillors have also had sight of the submissions to your Department by Lower Heyford Parish Council and by the Pegasus Group representing the Dorchester Group.

“Upper Heyford Parish Council would wish to associate itself strongly with the arguments advanced to support the objection to this application by Lower Heyford Parish Council and by the Pegasus Group and this e-mail should, therefore, be taken to represent an **OBJECTION** to the application by Upper Heyford Parish Council.”

### **3.3 Middleton Stoney Parish Council:** Objects and comments as follows

“We have read the notes from Rustons Planning acting on behalf of the applicant in conjunction with the Policy BSC 6 – Travelling Communities contained within the draft Cherwell Local Plan 2006-31 (CLP).

Our observations are as follows:

- Nowhere in the CLP is it suggested that the small village of Caulcott should have its residential footprint increased and thus the location of the proposed site is out of step with policy in this regard.
- Within developments either in progress (or proposed within CLP) there is provision for affordable housing and the need for authorised sites for travelling communities should be considered alongside these. Our view is that the travelling community would

have better access to urban facilities and integration would be better fostered if sites were considered as a part of or alongside the affordable housing provisions.

- Within the policy statement BSC 6 within CLP we note that “*Cherwell district will provide for additional pitches to meet the needs of Gypsies and Travellers as identified in the Gypsy and Traveller Housing Needs Study (due to report by Autumn 2012). An additional 24 plots will be provided for Travelling Showpeople by 31 March 2031. To meet these requirements, and in order to provide and maintain a five year supply of deliverable sites, allocations will be made in the Local Neighbourhoods Document and planning permissions will be granted for suitable sites*”. As far as we can tell the Local Neighbourhoods Document has not yet been produced and probably will not be published until after the public examination of the CLP and so the current application is premature.

“Turning to the criteria for identifying suitable sites we would observe the following:

- The proposed site is not within 3km road distance of the built up limits of a category A Village.
- The proposed site is on the edge of the 3km road distance of a Category B Village (in this case Middleton Stoney). It should be recognised however that Middleton Stoney does not have a school or a shop and virtually no employment opportunities. Thus its amenity value to the proposed site is minimal.
- The proposed site is within 3km road distance of a Category C village (Lower Heyford) but here again Lower Heyford does not offer any amenity value to the site and furthermore is noted within CLP as only a ‘satellite’ village.
- We accept that there is a railway station situated at Lower Heyford and a bus stop (with bus services to Bicester) within walking distance of the proposed site but, as far as the bus service is concerned, it is heavily subsidised and could be withdrawn very readily.
- Access to GP facilities is at Bicester some 6 miles from the site but given the limited timetable of the bus service, access is best achieved by car.
- There is access to schools but again realistically only by car (the nearest school would be a 25 minute walk).
- Shopping facilities within easy access are very limited. Realistically, other than for minimum or occasional shopping, facilities offering any extensive variety are in Bicester.
- For the majority of journeys car transport will inevitably be the preferred option and the access to the site is to be directly on to the B4030 which is a very busy road and subject only to the ‘National Speed Limit’ of 60mph.
- We question whether, given the number of brownfield sites within the district, the use of a greenfield site for this purpose does constitute ‘efficient and best use of land’.

## Summary

“Our overall view is that the site proposed is inappropriate, is situated too close to the immediate neighbours and most importantly, that it will not meet all of the criteria outlined within the CLP and where the criteria is met it is only marginally. Rustons Planning makes a case based upon the particular needs of the travelling community but whilst the uniqueness of the lifestyle of the potential occupants of the proposed site is recognised, we do not see why this particular type of residential development should be allowed on a greenfield site in a relatively remote rural location, when an application for a more conventional development (say five small houses) would almost certainly be refused.”

### **3.4 Steeple Aston Parish Council:** Comments as follows:

“One reason for our interest is that Dr. Radcliffe's school is quoted as being in reasonable proximity to the site. We do not consider 3 miles to be ‘reasonable proximity’ as no transport is likely to be provided. Caulcott is outside the catchment area of Dr. Radcliffe’s school.

“There are a number of factors which argue against granting this application - a sustainability issue, distance from necessary facilities, greenfield development and lack of services.

“The proposed site is on greenfield land isolated from Caulcott by the B4030. The proposed access is at the east end of a lay-by, with poor sight lines onto the B4030.

“The village of Caulcott has no commercial facilities, other than an Estate Agent, and no community facilities. The nearest shop is in Steeple Aston, other than a small shop and café at the Heyford canal boat yard. Bicester is the nearest commercial destination, five and a half miles distant.

“Previous development applications have been refused for this site. The present application would, if allowed, put very much more pressure on services and impact the surrounding area much more negatively than the previous refused application.

“We understood that CDC has fulfilled, or has identified its present statutory quota for traveller pitches.

“Steeple Aston PC would not support the present application.”

### **Cherwell District Council Consultees**

#### **3.5 Planning Policy Officer:** Comments as follows:

##### **Main Policy Observations**

“There remains a need to provide additional pitches to meet needs to 2027. However, the district has more than a five year supply of deliverable sites.

Whether these sites are available to the applicant is not known and any personal circumstances should be considered in that context.

“A sequential site search has not been demonstrated to show whether sites are available near the towns or Category A villages as expected by the Submission Local Plan. This should be explored with the applicant. Should a satisfactory search be demonstrated, the proposed location would be acceptable in general terms having regard to emerging policy BSC 6 and the site’s proximity to Middleton Stoney (and former RAF Upper Heyford). Without demonstration of a site search as envisaged by policy BSC6, and particularly in the presence of a five year land supply, there is concern that sites near category B villages would be considered before more sustainable locations. There should also be detailed consideration of the relationship of the proposed development to the village of Caulcott having regard to national policy about sites respecting the scale of, and not dominating the nearest settled community. It is estimated that the village has approximately 30-40 residential properties.”

**Policy Recommendation**

“Further liaison with the applicant regarding a site search and detailed consideration of the relationship of the site to Caulcott village.”

**3.6 Ecology Officer:** Comments as follows:

“The land proposed for development is not covered by any ecological designations, nor do we have records of any protected species nearby which could be affected. I notice from the photos that some leylandii trees have been planted within the hedgerow. Since these trees are non-native and will be at odds with the local rural landscape when bigger, I would advise that a planning condition to ensure their removal and that any new planting within the hedgerows consists only of native species should be considered.

“The few scattered trees on site have some potential to support nesting birds and therefore I would also advise an informative.”

**3.7 Arboricultural Officer:** No objections subject to condition

**3.8 Environmental Protection Officer:** Comments as follows:

My records indicate potentially contaminative land uses nearby and it is a sensitive development. As such, unless additional information is submitted at the application stage, I recommend applying the full contaminated land conditions.

**3.9 Landscape Officer:** Comments as follows:

Landscape Visual Impact

“The site is visually contained by existing overgrown, ivy clad hedgerow and small trees on all boundaries. Because of the ground level of the site is lower than the adjacent lay-by: within the site I judge this to be approximately 1 m lower near the southern boundary reducing to approximately 2 m at the northern boundary, and the road user-receptors (Lower Heyford Road) are lower than the lay-by’s surface level the sites visual containment/screening is very good. This means that the proposals are not going to present any harmful

visual effects for moving and stationary vehicle user-receptors. There are no walker-receptors on adjacent public rights of way near to the site that are going to be subject to any visual effects. There is a residential-receptor east of the site, approximately 38 m away from the site boundary which appears to be well-screened from the site by a densely clipped conifer hedge at ground level, but it was unclear as to whether any upper story windows allow the occupier to view the site. The northern boundary hedgerow is either planted on a low bund or on top of a minor embankment as the ground level reduces in the western area. This boundary hedgerow has some gaps in places but there are no visual-receptors close enough to experience any harmful visual effects: the residential area of Upper Heyford is approximately 865 m away from the site boundary. There will be no visual effects for residents in Caulcott because of intervening topography and vegetation.”

- “The site boundary hedgerow must be protected during the course of the works/installations, in accordance with BS 5837. A qualified arboriculturalist is to determine the root protection areas of the hedgerows which must then be protected with robust and secure fencing prior to and during site works.
- “The existing access is appropriate but there is a concern that the trailer/crane will require the entrance to be widened with the removal of hedgerow/tree material which will result in a greater visual impact on road user-receptors. If this is going to occur then replacement hedgerow planting will be necessary.
- “Because of the level difference across the site I am concerned about any potential cut and fill operations to provide level surfaces for the mobile homes and touring caravans. These operations will detrimentally affect the hedgerow root protection zones, resulting in the death of boundary vegetation and subsequent loss of visual screening and mitigation.
- “All boundary hedgerows are to be retained under a condition and maintained to maximum mature height of the existing and proposed plant species to ensure mobile homes, touring caravans and vehicles are adequately screened. Siding up of the hedges will be allowed from the site interior for the purpose of reducing hedgerow outgrowths onto mobile home, touring caravan areas, etc.
- “Landscape condition will be required to ensure the landscape scheme is appropriate and implemented in the next planting season after completion/installation of the development. Gapping up of the hedgerow is necessary to reinforce its ability to screen the development from the especially on the northern boundary.
- “A landscape maintenance condition is required to ensure that the boundary hedgerow is maintained appropriately for the benefit of screening and site amenity.”



### 3.10 Highways Liaison Officer: Comments as follows:

#### **Access**

The application proposes no change to vehicular access, which is taken from a layby on the Lower Heyford Road (B4030). Plans indicate that the existing rubble track access is to be resurfaced in tarmac and widened. These highway access works should include improving/ resurfacing the poor surface/ potholes between the B4030 and the site access, and will require separate consent from OCC for works on the public highway. Please contact OCC Road Agreements Team (RoadAgreements@oxfordshire.gov.uk, 01865 815700). **(Condition, Informative)**

The B4030 is subject to a speed limit of 40mph in the vicinity. The vision splays for the site access must meet the necessary standard of 2.4m x 120m for a 40mph road. A longer visibility splay will be required (>120m) if majority speeds of traffic exceed 40mph. A vision splay plan must be submitted for consideration and approval to ensure that the highway vegetation and tree foliage to the west will not obstruct the view from drivers leaving the site of other traffic approaching. **(Condition)**

#### **Parking**

The application proposes to provide 5 car parking spaces and 5 LGV parking spaces. All new hard-standing spaces must be constructed from a permeable material or must be able to discharge to a SUDS feature within the site.

#### **Drainage**

Surface water is proposed to discharge to soakaway. A SUDS drainage scheme will be required for consideration and approval, and the application must not result in any additional surface water discharge to the highway or neighbouring properties. **(Drainage condition)**

#### **Unsustainable location**

As with any other form of housing, poorly located sites, with no easy access to major roads or public transport services, will have a detrimental effect on the ability of residents to:

- Seek or retain employment
- Attend school, further education or training
- Obtain access to health services and shopping facilities.

Circular 01/2006 Planning for Gypsy and Traveller Caravan Sites provides advice on site location and selection. It identifies factors which are important for the sustainability of a site, for instance:

- Means of access, availability of transport modes and distances from services
- Promotion of integrated co-existence between the site and local community
- Easy access to General Practitioner and other health services
- Near to a bus route, shops and schools
- Ground conditions and levels of land
- Not locating sites in areas of high flooding risk

This site is not located close to services, schools, health centres, shops etc. There are no footways linking the site to the nearest settlement or to public transport services. The site is not considered to be a sustainable location, and the absence of any footways or crossing facilities on the B4030 might increase highway safety risk for pedestrians and other road users, particularly vulnerable road users.

**(Sustainability concern).**

**3.11 Drainage Officer:** Following the submission of a flood risk assessment and correspondence between the applicant's consultant and the Drainage Officer, it was concluded that there was no objection to the scheme subject to condition.

**3.12 Oxfordshire & Buckinghamshire Gypsy and Traveller Services:** Comments as follows:

"Having looked at the above application and the actual land for the 5 Gypsy pitches I write to inform you that my service does not have any negative points to raise. It seems to us that this is an ideal piece of land for a site."

### **Other Consultees**

**3.13 Environment Agency:** Comments as follows:

"This site is under 1 hectare and is entirely in Flood Zone 1. As such under the National Planning Policy Framework this application does not require a Flood Risk Assessment (FRA).

"However, attached to your email was some photographs demonstrating that this site appears to suffer from significant surface water flooding. We would advise you to ask the applicant to submit an FRA to the LPA that clearly demonstrates that surface water can be safely managed on site.

"We do not have the resources to review sites of this small scale but we would suggest you contact Oxfordshires SUDS Approval Body who should be able to provide further advice."

**3.14 CPRE:** Object on the grounds that: it is contrary to policy, the site is prone to flooding; and highway safety concerns.

## **4. Relevant National and Local Policy and Guidance**

### **4.1 Development Plan Policy**

Adopted Cherwell Local Plan (Saved Policies)

C2: Development affecting protected species

C4: Creation of new habitats

C7: Landscape conservation

C8: Sporadic development in the open countryside

C9: Scale of development compatible with a rural location

C28: Layout, design and external appearance of new development

C30: Design of new residential development

ENV1: Development likely to cause detrimental levels of pollution

ENV12: Contaminated land

### **4.2 Other Material Policy and Guidance**

National Planning Policy Framework (NPPF)

Planning Policy for Traveller Sites (PPTS)

Planning Practice Guidance (PPG)

Designing Gypsy and Traveller Sites Good Practice Guide

Cherwell, West Oxfordshire and South Northamptonshire Gypsy and Traveller Housing Needs Assessment 2012/13 (GTAA)

Cherwell Annual Monitoring Report 2013 (AMR)

Submission Cherwell Local Plan (January 2014)

The Proposed Submission Local Plan was published for public consultation in August 2012. A further consultation on Proposed Changes to the draft plan was undertaken from March to May 2013. On 7 October 2013, the Draft Submission Plan was approved by the Council's Executive. The Plan was endorsed at Full Council on 21 October 2013 as the Submission Local Plan.

The Plan has now been formally 'Submitted' to the Secretary of State for Communities and Local Government for Examination, and therefore carries more weight than has been previously attributed that can be attached to the Plan will increase. However, it will not form part of the statutory Development Plan until the Examination process is complete and the Plan is formally adopted by the Council (anticipated mid 2014). The following Policy are considered to be relevant and not replicated in saved CLP policy:

#### **Policy BSC6 Travelling Communities**

This policy reads as follows:

Cherwell district will provide for 15 additional pitches to meet the needs of Gypsies and Travellers from 2012 to 2027. It will also provide an additional 24 plots for Travelling Showpeople from 2012 to 2031.

To meet these requirements, and in order to provide and maintain a five year supply of deliverable sites, allocations will be made in the Local Neighbourhoods Document and planning permissions will be granted for suitable sites.

Locations outside of the Cotswolds Area of Outstanding Natural Beauty and the Green Belt will be considered. In identifying suitable sites with reasonable accessibility to services and facilities the following sequential approach will be applied:

1. within 3km road distance of the built-up limits of Banbury, Bicester or a Category A village
2. within 3km road distance of a Category B village
3. within 3km road distance of a Category C village and within reasonable walking distance of a regular bus service to Banbury or Bicester or to a Category A or Category B village.

Other locations will only be considered in exceptional circumstances.

The following criteria will also be considered in assessing the suitability of sites:

- a) access to GP and other health services
- b) access to schools
- c) avoiding areas at risk of flooding
- d) access to the highway network
- e) the potential for noise and other disturbance
- f) the potential for harm to the historic and natural environment
- g) the ability to provide a satisfactory living environment
- h) the need to make efficient and effective use of land
- i) deliverability, including whether utilities can be provided.

## **5. Appraisal**

### **Policy background**

5.1 Policy H24 of the adopted Cherwell Local Plan (CLP) was not saved following a review of Council policy by the Secretary of State in 2007. Although the Submission Cherwell Local Plan (January 2014) (SCLP) is now with the Inspectorate, only limited weight can be attributed to this document as it has not gone through the examination process. Policy BSC6 (set out in full above) of the SCLP has however been drafted so that it should comply with Government guidance contained within both the National Planning Policy Framework (NPPF) and the supporting document Planning Policy for Traveller Sites (PPTS).

5.2 Paragraph 11 of the PPTS sets out the criteria by which the policies relating to traveller sites should accord. Paragraph 11 of the PPTS reads as follows:

“Local planning authorities should ensure that traveller sites are sustainable economically, socially and environmentally. Local planning authorities should, therefore, ensure that their policies:

- a) promote peaceful and integrated co-existence between the site and the local community
- b) promote, in collaboration with commissioners of health services, access to appropriate health services
- c) ensure that children can attend school on a regular basis
- d) provide a settled base that reduces the need for long-distance travelling and possible environmental damage caused by unauthorised encampment
- e) provide for proper consideration of the effect of local environmental quality (such as noise and air quality) on the health and well-being of any travellers that may locate there or on others as a result of new development
- f) avoid placing undue pressure on local infrastructure and services
- g) do not locate sites in areas at high risk of flooding, including functional floodplains, given the particular vulnerability of caravans
- h) reflect the extent to which traditional lifestyles (whereby some travellers live and work from the same location thereby omitting many travel to work journeys) can contribute to sustainability.”

5.3 This guidance reiterates the requirement for development to be sustainable and to comply with the three dimensions of sustainability (economic, social and environmental) set out in paragraph 7 of the NPPF. Indeed paragraph 7 of the PPTS makes it clear that LPA policies relating to traveller sites have to accord with relevant policies in the NPPF.

5.4 The PPTS goes on to identify (paragraph 22) the issues that local planning authorities should consider when assessing planning applications for traveller sites:

- the existing level of local provision and need for sites
- the availability (or lack) of alternative accommodation for the applicants
- other personal circumstances of the applicant
- that the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites
- that they should determine applications for sites from any travellers and not just those with local connections

5.5 The accommodation needs of gypsies and other travellers are calculated in the same way that the Council does for other forms of housing and is a requirement of The Housing Act 2004. The studies of need and supply required are known as Gypsy and Traveller Accommodation Assessments (GTAA's). Although it is the Council's intention to allocate sites through the Local Neighbourhood Development Plan, given the status of the SCLP, it is likely that it will be some considerable time before such a strategy is formally adopted.

### **Five Year Supply of Pitches**

- 5.6 The Annual Monitoring Report 2013 (AMR) states that the Council has an 8.2 years supply of Gypsy and Traveller pitches for the period 2013-18 (7.5 years for the period 2014-19). These figures were, however, challenged at a recent hearing involving a gypsy site just outside Mollington (Council ref: 12/01368/F and Inspectorate ref: APP/C3105/A/13/2196896). Although the hearing took place in October 2013, the appeal decision post dates the AMR. When assessing the current five year provision of gypsy pitches the inspector concluded (paragraphs 27-29) that:

*National policy recognises that there is a need to increase the number of traveller sites in appropriate locations with planning permission, to address under provision and maintain an appropriate level of supply. The GTAA indicates that there is currently a supply of 70 authorised pitches. However, the Council accepted that the Station Caravan Park in Banbury is not wholly restricted to occupancy by gypsies and travellers and 16 of the pitches at Bloxham, counted into the 70 authorised pitches, have yet to be built. In addition within the count of 70 some of the pitches are temporary. The shortfall of 15 pitches over the fifteen years (2012/13 to 2026/27) is over and above the identified current provision. The GTAA also sets out that the shortfall should be viewed as a minimum requirement.*

*The intention of the Council is to identify additional pitches through the LNDPD. However as already identified, work on this document is in the early stages with no firm timetable for adoption. Slippage is a real concern and even if the identified document was to be produced in a reasonable timeframe, the actual date for the physical provision of the required pitches would be someway into the future. Other than 2 pitches recently permitted at Launton, the assessed level of need for sites has yet to be translated into actual provision.*

*Therefore, it is reasonable to conclude that the proposed pitches would make a positive contribution to achieving the minimum requirement in the shortfall of pitches both over the next five and fifteen year periods.*

- 5.7 Whilst the Mollington appeal decision (5 additional pitches) improves provision within the District, there is still a shortfall in available pitches in the light of the inspector's assessment of the current supply. Even though there is a commitment to have an additional 16 pitches on the Smith's Caravan Park just outside Bloxham, they will not be operational in the foreseeable future. The inspector also puts a question mark over the Station Caravan Park in Banbury, where occupancy is not wholly restricted to gypsies, and the site just to the south of Yarnton, which only has a temporary consent.
- 5.8 Although it would obviously be preferable to allocate sites as part of the Neighbourhood Development Plan as this document will not be adopted for some considerable time, the inspector has reasoned that it would not be premature to consider applications outside this process.

- 5.9 Irrespective of the question marks over some of the figures set out in the AMR, the Cherwell, West Oxfordshire and South Northamptonshire Gypsy and Traveller Housing Needs Assessment 2012/13 (GTAA) states that the number of pitches (even if the figures are treated at face value) *'should be viewed as a minimum requirement based on the data received from the Gypsy and Traveller community and regularly reviewed.'*
- 5.10 Whilst weight should be given in the balancing exercise to improving the current supply of pitches, it is important to note that unlike the provision of housing, an under provision of traveller sites is only 'a significant material consideration' when considering applications for *temporary* planning permission. As the proposed development incorporates permanent dayrooms, a condition requiring the removal of these structures would fail the reasonableness set out in the NPPF and PPG i.e. it would be unreasonable, if approving the application, to make it temporary based on the current proposal.

### **Sustainability**

- 5.11 The NPPF's prime function in respect of the decision making process is a *presumption in favour of sustainable development* (paragraph 14). Against this *presumption*, the SCLP Policy BSC6 promotes a sequential approach which seeks to focus new gypsy development on sites which are within close proximity (3km) of Banbury, Bicester or one of the larger Category A villages. Priority will then fall to sites within 3km of a category B village and finally sites within 3km of Category C settlements that also have public transport within walking distance. The appeal site does not comply with the first criterion, although it is only just outside 3km built limits of Steeple Aston. It does however, albeit it narrowly, accord with the second criterion as it is just within 3km of Middleton Stoney.
- 5.12 The Planning Policy Officer therefore asked the agent to provide evidence of a sequential test demonstrating why sites which have a better relationship to the largest settlements had been discounted. In response the applicant's agent referenced a Court of Appeal case where the judge commended the inspector's approach in dealing with the question of alternative sites. The inspector commented as follows:

*"In seeking to determine the availability of alternative sites for residential gypsy use, there is no requirement in planning policy, or case law, for an applicant to prove that no other sites are available or that particular needs could not be met from another site. Indeed such a level of proof would be practically impossible...The lack of evidence of a search and the clear availability of alternative sites in more suitable locations elsewhere, can undoubtedly weigh against the applicant where there are policy or other objections to a proposed development...But there is no absolute requirement for an applicant to prove he has explored and exhausted all possible alternative options before planning permission can be granted; or for a local authority to identify an alternative site before being able to refuse planning permission for another and adequately justify their decision at appeal. These are just material considerations to be weighed in the overall balance."*

- 5.13 From this judgement it is reasonable to conclude that whilst a sequential test can not be required, the absence of one could weigh against the proposal if it is found to be deficient in respect of other material considerations.
- 5.14 Whilst the sustainability credentials of the development, when considered against Policy BSC6, have to be brought into question, a notable caveat to this assessment is alluded to in the Policy Officer's response when he makes reference to the RAF Upper Heyford, which is approximately 2.5km from the application site. This settlement which is going to grow substantially over the coming years (work has begun on a scheme for 1,075 houses that includes some retail units) has not been classified in the SCLP and it will undoubtedly have all the attributes to be considered a Category A settlement.
- 5.15 The other criteria, set out in a list of bullet points, identified in Policy BSC6 which should be considered to assess the suitability of a site are considered elsewhere in this report.

#### **Impact on Caulcott**

- 5.16 When weighing up the merits of a site in a location such as that proposed, paragraph 12 of the PPTS sounds the following note of caution:
- “When assessing the suitability of sites in rural or semi-rural settings, local planning authorities should ensure that the scale of such sites does not dominate the nearest settled community. “
- 5.17 The applicant's agent argues that this paragraph was added in the light of the problems experienced with the Dale Farm site in Essex which were brought to the public's attention in 2011 following a protracted eviction process.
- 5.18 Whilst cases such as Dale Farm may have informed this guidance, Officers are nonetheless concerned that the five pitches could have an adverse impact on Caulcott, which as the Policy Officer notes is a very small settlement. However, in mitigation the site is well contained with no realistic prospect of being extended.

#### **Proximity to services**

- 5.19 Following on from the domination point, it is questionable, how much interaction there would be between the existing residents of Caulcott and the gypsy families. The only public facility of note in Caulcott is the Horse and Groom PH. The applicant therefore acknowledges that they will have to go to Bicester to access health services. The closest schools are in Steeple Aston (primary school), on the former RAF Upper Heyford site (primary/secondary school) and in Kirtlington (primary school).
- 5.20 Whilst access to primary schools will inevitably have to be via car, it argued that Bicester can be accessed by bus. The closest bus stop (unmarked) is however located approximately 650m away at the junction of the B4030 and the Port Way (road linking Kirtlington and RAF Upper Heyford). In the absence of a footpath, it is therefore questionable whether anyone would make a regular journey on foot to this bus stop, particularly in the hours of darkness, given the speed traffic travels along this stretch of the B4030. Although the applicant's agent indicated that his client was willing to consider funding a footpath (via a S106) it is likely that the cost will prove prohibitively expensive.



- 5.21 This absence of easily accessible public transport counts against the proposal, although as an Inspector commenting on a site in Devon (Inspectorate reference APP/D0840/A/12/2186070) observed:

*Unlike the superseded ODPM Circular 01/2006: Planning for Gypsy and Traveller Caravan Sites, PPTS does not urge realism about the availability of alternatives to the car in accessing local services, but it does expect consistency with policies in the Framework, including the presumption in favour of sustainable development while recognising that opportunities to maximize sustainable transport solutions will vary from urban to rural areas.*

- 5.22 There also has to be realism in respect of the availability of new sites surrounding Category A settlements, as the Council's current five year housing land supply position has inflated the value of such land. There will therefore be fewer sites available within easy walking access to services and facilities.

#### **Landscape Impact**

- 5.23 As the site is already well screened and at a lower level than the surrounding ground, it is understandable as to why the Landscape Officer has concluded that the proposal would have a relatively limited impact on the immediate landscape. He also notes the absence of any footpath receptors. The Landscape Officer does however recognise that the existing planting would benefit from strengthening. Whilst it is inevitable that some landscape harm would still result, it is not going to be as significant as many other potential sites.
- 5.24 The Council's Arboriculturalist raises no objections to the scheme but will require a method statement to ensure that the roots of the trees are adequately protected during the construction phase.

#### **Highway Safety**

- 5.25 Notwithstanding the concerns of a number of objectors, the Highways Officer is satisfied that an appropriate vision splay can be achieved, even allowing for the fact that not all motorists observe the 40mph speed limit. She recommends the imposition of an appropriate condition. No concerns were expressed in respect of the proposed parking provision.

#### **Flooding**

- 5.26 At the turn of the year, during a period of sustained rainfall, a number of the local residents noticed that the site was flooded and provided photographic evidence to support their observations. Officers consulted the Environment Agency (EA) who advised that although the site was in a flood zone 1 (lowest flood risk category), it was appropriate to require the applicant to submit a flood risk assessment (FRA) and that it should be assessed by OCC's Drainage Officer rather than the EA. Following discussions with the applicant's expert, the Drainage Officer concluded that a satisfactory solution could be found and that he was not therefore going to object to the scheme, subject to condition.

#### **Layout and Design**

- 5.27 Although somewhat dictated to by the site boundaries, the proposed layout accords with the guidance set out in the DCLG document *Designing Gypsy and Traveller Sites*. For instance, the development conforms to the density and spacing of caravan advice in respect of required distances between caravans and trailers and the design of the proposed day rooms largely mirrors the examples illustrated in Annex B. As the Landscape Officer observes there is also acceptable separation between the site and the closest neighbouring residents at Hill Cottage to the east. The development is therefore considered to accord with Policies C28 and C30 of the CLP.
- 5.28 It is noteworthy that the Oxfordshire & Buckinghamshire Gypsy and Travellers Service concluded that in their experience the former quarry *is an ideal piece of land for a site*.

### **Ecology**

- 5.29 The Council's Ecologist did not raise any objections subject to an informative advising the applicant of the requirement to protect nesting birds during the summer months. She did however comment on some inappropriate planting (Leylandii trees) on the northern boundary which should be replaced by native species as part of an agreed landscaping scheme.

### **Other Issues**

- 5.30 A number of residents refer to Caulcott's category 3 status in the CLP as a reason why this application should be resisted. However, even if it were considered to be within the built limits of Caulcott (not the case in opinion of officers), as is made clear above, the principle of gypsy sites is assessed against different policy.
- 5.31 It was also queried as to whether the Council should require financial contributions in the form of a S106. However, as a housing development of a comparable size (5 units), would not be obliged to make a contribution, it would be unreasonable to require the applicant to do so in this case.
- 5.32 Some of the objectors suggest that the development would unduly affect the Rousham Conservation Area. However, as the conservation area boundary is more than 300m from the site, it would be difficult to sustain such an objection at appeal (Rousham Park can not be viewed from the site).

### **Personal Circumstances**

- 5.33 Although the detail has to remain confidential, the applicant's family and two of the other families (related to the applicant) that would occupy the site have children with autism. It is argued that the proposed site would provide a supportive environment within which the families can care for their children and would represent *a safer alternative than the current accommodation used by some of the families*. This would appear to be corroborated by the experts providing evidence on the families' behalf. They recognise the benefits of having strong networks of friends and family to support each other, not only from a practical point of view e.g. providing respite for each other, but also Romani communities prefer to look towards each other for support in accordance with their beliefs and traditions.
- 5.34 Given these circumstances, it is asserted that the children's Article 8 Human Rights have to be taken into consideration when determining this application. In

a recent case, *Collins v SSCLG*, the Court of Appeal endorsed the guidance in *Stevens v SSCLG* when it came to taking into account the best interests of children. Two barristers, Hugh Richards and Jenny Wigley provided their own brief summation of this particular case in their written notes for a recent legal planning seminar in Birmingham:

*“The best interests of gypsy children affected by a refusal to grant planning permission for a caravan site in the green belt were not determinative of the planning issues, but the art 8 rights of the children required that no other consideration should be regarded as more important or given greater weight and those best interests should be kept at the forefront of the decision-maker’s mind.”*

- 5.35 Whilst it is acknowledged that the children are not currently residing on the site, this does not in any way diminish their human rights. As was concluded in the Court of Appeal ruling (*Rafferty*) in 2009 holding a position whereby people who had moved on to a site prior to the grant of planning permission had more rights than those had followed the proper procedure, would simply encourage the illegal occupation of sites. Lord Justice Scott Baker observed the following at paragraph 28:

*“In my judgment it is important to start with the relevant words in Article 8(1) “respect for his private and family life, his home and his correspondence.” There seems to me to be an element of artificiality in the present case in dissociating the physical home, namely the caravans, from private and family life, all of which require respect and are to a large extent inseparable. “Home” includes not only the bricks and mortar of a fixed property but also a mobile home. What is being disrespected is the appellants’ right to live in a home (in this case a mobile home) on land which they own. It is, as Mr Watkinson put it in argument, as much a lack of respect not to allow them to move onto the site that they own as to make them move off it. The effect in either instance is to deny them a stable base. Their home is their caravan and that is where they carry on their private life. That is the right that is being infringed by not allowing them to put it on their land.”*

- 5.36 It should also be noted that although not all of the families have local connections, the final bullet point of paragraph 22 of the PPTS makes it clear that local authorities *should determine applications for sites from any travellers and not just those with local connections.*
- 5.37 Whilst the personal circumstances of the travellers should not override all other planning considerations they should, as the barristers observe, in cases such as these be at *the forefront of the decision-makers mind.*

### **The Balancing Act**

- 5.38 Although the Policy Team still maintains that the Council has an adequate supply of gypsy sites, the Mollington Appeal decision highlights that there are issues with some of the sites referred to in the AMR. Furthermore, the GTAA recognises that the Council’s targets should only be viewed as a minimum requirement.
- 5.39 Even if it is accepted that there is a need that cannot be met by current supply, the proposal does not meet the first criterion of the sequential test set out in

Policy BSC6, although Members will have to bare in mind the status of the RAF Upper Heyford development. Whilst it is quite probable that there will be more sustainable locations within the District (outside the Oxford Green Belt and the Cotswold AONB) in respect of their relationship to larger settlements (not necessarily Category A settlements); the application site is not without merit most notably because its impact on the landscape will be negligible compared to many other sites. It also benefits from direct access to a good road network and, although there maybe safety concerns, is in relatively close proximity to a bus stop.

5.40 Although the applicant's agent has forwarded a number of appeal decisions, highlighting equally if not more remote locations that have been deemed acceptable, it is important to be mindful that there will be other examples where the inspector has taken the contrary view in respect of sustainability and that the circumstances identified in those cases, as with every case, are unique.

5.41 Without the personal circumstances, this would be a very finely balanced decision in respect of whether the proposed scheme complied with the requirements of paragraph 7 of the NPPF. However, when the rights of the children are taken into consideration, Officers conclude that the balance tips the way of the applicant.

#### **Consultation with applicant**

5.42 Good communications were maintained during the application process to ensure that the queries that arose throughout the process, e.g. the need for a FRA, were successfully addressed.

## **6. Recommendation**

**Approval**, subject to the following conditions:

- 1 That 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 Flood Risk Assessment produced by GLNK Ltd and dated 9 April 2014 and the following approved plans: Site Location Plan; 1391/02; and 1391/03.

Reason - For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority, and in accordance with Government guidance contained within the National Planning Policy Framework.

- 3 Prior to the commencement of the development hereby approved, a schedule of materials and finishes for the external walls and roof(s) of the

day rooms hereby approved shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved schedule.

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy BE1 of the South East Plan 2009, Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 4 Prior to the commencement of the development hereby approved, full details of the means of access between the land and the highway, including, position, layout, construction, drainage and vision splays shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the means of access shall be constructed and retained in accordance with the approved details.

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

- 5 That before the development is first occupied, the parking and manoeuvring areas shall be provided in accordance with the plan hereby approved and shall be constructed, laid out, surfaced, drained and completed in accordance with specification details to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development, and shall be retained unobstructed except for the parking and manoeuvring of 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.

- 6 Prior to the commencement of the development hereby permitted, a detailed scheme for the surface water and foul sewage drainage of the development shall be submitted to, and approved in writing by, the Local Planning Authority. The approved surface water drainage scheme shall be carried out prior to commencement of any building works on the site and the approved foul sewage drainage scheme shall be implemented prior to the first occupation of any building to which the scheme relates. All drainage works shall be laid out and constructed in accordance with the Water Authorities Association's current edition "Sewers for Adoption".

Reason - To ensure satisfactory drainage of the site in the interests of public health, to avoid flooding of adjacent land and property and to comply with Government guidance contained within the National Planning Policy Framework and Policy ENV1 of the adopted Cherwell Local Plan.

- 7 Prior to the commencement of the development hereby approved, an Arboricultural Method Statement (AMS), undertaken in accordance with BS:5837:2012 and all subsequent amendments and revisions shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, all works on site shall be carried out in accordance with the approved AMS.

Reason - To ensure the continued health of retained trees/hedges and to ensure that they are not adversely affected by the construction works, in the interests of the visual amenity of the area, to ensure the integration of the development into the existing landscape and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 8 Prior to the commencement of the development hereby approved, full details of a scheme of supervision for the arboricultural protection measures, to include the requirements set out in a) to e) below, and which is appropriate for the scale and duration of the development works, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the arboricultural protection measures shall be carried out in accordance with the approved details.

a) Written confirmation of the contact details of the project arboriculturalist employed to undertake the supervisory role of relevant arboricultural issues.

b) The relevant persons/contractors to be briefed by the project arboriculturalist on all on-site tree related matters

c) The timing and methodology of scheduled site monitoring visits to be undertaken by the project arboriculturalist.

d) The procedures for notifying and communicating with the Local Planning Authority when dealing with unforeseen variations to the agreed tree works and arboricultural incidents

Reason - To ensure the continued health of retained trees/hedges and to ensure that they are not adversely affected by the construction works, in the interests of the visual amenity of the area, to ensure the integration of the development into the existing landscape and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 9 Prior to the commencement of the development hereby approved, a 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 pavements, pedestrian areas, reduced-dig areas, crossing points and steps.

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 C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 10 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 C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 11 That full details of the enclosures along all boundaries of the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development, and such means of enclosure shall be erected prior to the first occupation of the dwelling.

Reason - To ensure the satisfactory appearance of the completed development, to safeguard the privacy of the occupants of the existing and proposed dwellings and to comply with Policies C28 and C30 of the adopted Cherwell Local Plan.

- 12 A potential risk from contamination has been identified by information submitted with this application. Prior to the commencement of the development hereby permitted, a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals shall be documented as a report undertaken by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place unless the Local Planning Authority has given its written approval that it is satisfied that the risk from contamination has been adequately characterised as required by this condition.

Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy ENV12 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 13 If contamination is found by undertaking the work carried out under condition 12, prior to the commencement of the development hereby permitted, a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use shall be prepared by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval of the scheme of remediation and/or monitoring required by this condition.

Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy ENV12 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 14 If remedial works have been identified in condition 13, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 13. A verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy ENV12 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 15 If, during development, contamination not previously identified is found to be present at the site, no further development shall be carried out until full details of a remediation strategy detailing how the unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. Thereafter the remediation strategy shall be carried out in accordance with the approved details.

Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy ENV12 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

#### **Planning Notes**



- 1 Plans indicate that the existing rubble track access is to be resurfaced in tarmac and widened. These highway access works should include improving/ resurfacing the poor surface/ potholes between the B4030 and the site access, and will require separate consent from OCC for works on the public highway. Please contact OCC Road Agreements Team (RoadAgreements@oxfordshire.gov.uk, 01865 815700)
- 2 All wild birds and their nests receive protection under the Wildlife and Countryside Act 1981 (as amended) which makes it illegal to intentionally take, damage or destroy the nest of any wild bird while it is use or being built. Therefore in order to avoid contravention of this legislation any site works likely to affect potential bird nesting habitat should be timed to avoid the main bird nesting season which runs from March to August. If this is not possible, a check should be carried out prior to any clearance works to ensure there are no active nests present.
- 3 For the avoidance of doubt and for the purposes of this application a pitch will constitute the elements as shown on the Proposed Site Layout (approved plan 1391/02).

#### **Statement of Engagement**

In accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No 2) Order 2012 and paragraphs 186 and 187 of the National Planning Policy Framework (March 2012), this decision has been taken by the Council having worked with the applicant/agent in a positive and proactive way as set out in the application report.