



SUPPLEMENTARY INFORMATION

Planning Committee

6 June 2024

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If you need any further information about the meeting please contact Matt Swinford / Martyn Surfleet, Democratic and Elections democracy@cherwell-dc.gov.uk, 01295 221534

Planning Committee 6 June 2024 – Public Speakers

Agenda Item	Application Number	Application Address	Ward Member	Speaker – Objector	Speaker – Support
8	23/01233/OUT	OS Parcel 4347 East Of Pipal Cottage, Oxford Road, Kidlington	Councillor Ian Middleton	Dr Katherine Kaye, on behalf of Wolvercote Neighbourhood Forum.	Rob Linnell, agent, Savills Fergus Thomas, applicant, Bellway Homes
9	23/01144/OUT	Land South of Bloxham Road, Bloxham Road, Milcombe		Councillor Myra Peters, on behalf of Milcombe Parish Council	Arron Twamley, agent, Arc Planning Associates
10	23/03071/OUT	Land West of Church Ley Field Adjacent to Blackthorn Road, Ambrosden		Dawn Seaward, Chair, Ambrosden Parish Council	Stuart Field, applicant, L&Q Estates
11	22/01682/F	Land North of Manor Farm, Noke	Councillor Alisa Russell	Michael Heaney, local resident Michael Tyce on behalf of CPRE Joanna Matthews on behalf of Noke Parish Council Susannah Peace, local resident,	Mr Jonathan Thompson, applicant, Oxford New Energy
12	22/03873/F	Land North and Adjacent to Mill Lane, Stratton Audley		Christobel Smith, local resident Lucy Broome or David Jenks, Godington Parish Meeting	Robin Johnson, applicant, RWE Renewables

				Ian Brent Smith, on behalf of Stratton Audley Parish Council	
13	24/00070/F	Gosford Hill School, Oxford Road, Kidlington, OX5 2NT	Councillor Ian Middleton	Francois Smit on behalf of Parkwood Leisure	Nigel Sellars, Headteacher, Gosford Hill School
14	24/00246/F	242 Broughton Road, Banbury, OX16 9QL			
15	24/00600/CDC	Cherwell District Council, Lock29, Castle Quay, Banbury, OX16 5UN			

**CHERWELL DISTRICT COUNCIL
PLANNING COMMITTEE**

6 June 2024

Revised Agenda Running Order (Agreed with Chairman):

Agenda Item	Application Number	Application Address	Proposed Development
11	22/01682/F	Land North of Manor Farm, Noke	Development of a ground mounted solar farm incorporating the installation of solar PV panels, associated infrastructure and access, as well as landscape planting and designated ecological enhancement areas.
12	22/03873/F	Land North and Adjacent to Mill Lane, Stratton Audley	Installation and operation of a renewable energy generating station comprising ground-mounted photovoltaic solar arrays and battery-based electricity storage containers together with a switchgear container, inverter/transformer units, Site access, internal access tracks, security measures, access gates, other ancillary infrastructure and landscaping and biodiversity enhancements.
8	23/01233/OUT	OS Parcel 4347 East Of Pipal Cottage, Oxford Road, Kidlington	Outline application for the demolition of existing buildings and the erection of up to 800 dwellings; a two form entry primary school; a local centre; and associated infrastructure
9	23/01144/OUT	Land South of Bloxham Road, Bloxham Road, Milcombe	Outline planning application for up to 90 homes together with associated infrastructure and open space, landscaping, including provision of land for new village hall and retail space
10	23/03071/OUT	Land West of Church Ley Field Adjacent to	Outline application for erection of up to 55 new dwellings, including affordable homes; formation of new

		Blackthorn Road, Ambrosden	pedestrian access; formation of new vehicular access from Blackthorn Road; landscaping; and associated works
13	24/00070/F	Gosford Hill School, Oxford Road, Kidlington, OX5 2NT	Construction of a new replacement school with associated landscaping, car parking, and the re-instatement of access from Bicester Road, and the demolition of existing buildings
14	24/00246/F	242 Broughton Road, Banbury, OX16 9QL	Erection of a single storey rear extension
15	24/00600/CDC	Cherwell District Council, Lock29, Castle Quay, Banbury, OX16 5UN	New/enlarged shop front windows
16	Appeals Progress Report		

**CHERWELL DISTRICT COUNCIL
PLANNING COMMITTEE**

6 June 2024

WRITTEN UPDATES

**Agenda Item 7
Pre-Committee Site Visits**

None

**Agenda Item 8
23/01233/OUT - PR6a**

Summary of Additional Representations Received

OCC Transport request that a requirement to introduce Controlled Parking Zones within the site are included within the Section 106 requirements.

One additional third party representation received from the Summertown and St. Margarets Neighbourhood Forum, expressing strong concern over the removal of the hedgerow on the A4165, Banbury Road, summary of comments:

- Trees are essential for people, wild life and life.
- CDC Local Plan clearly urge the care and preservation of its precious existing English countryside characterised by hedgerows and trees.
- Policy ESD10 clearly aims to protect and increase the number of trees.
- Policy ESD 13 has particular relevance to the application in question. It aims to secure the character and appearance of the landscape in urban fringe locations and development will be expected to respect and enhance local landscape character.
- Policy ESD 14 furthermore, clearly supports the purpose and retention of The Oxford Green belt, which is heralded by the significant tree-lined avenue of the A4165, Banbury Road which forms the western edge of the site. We are sure that you will not be misled by biodiversity net gain claims by developers who attempt to persuade you that the destruction of the mature natural habitat will be replaced in fifteen years time by some planting here and there somewhere on the site.
- The hedgerow forming the west boundary of the site is the long-term home of nature's creatures and a green lung for human health. It and the hedgerow on the opposite side of the road make a significant contribution to the local character and to the every day enjoyable experience of those travelling the route in and out of the city. It cannot be substituted by new planting in time to avoid negative impact on people, wild life and life. The residents of the new housing will benefit from the screening of the road. Its retention will not significantly harm the development but will continue to provide a home for the natural world, help to reduce air pollution and offer a pleasant experience for those living on the site and those coming and going into Oxford

- Every effort must be made to protect and enhance the natural environment for future generations and to save the planet. Once gone the hedgerow will be lost forever. Please do not let this happen. We urge you to request the applicant to amend the application to reflect his understanding of the widespread concerns for the natural world and its contribution to human health and well-being and to ensure that the hedgerow is retained.

Agenda item 9

23/01144/OUT – Land South of Bloxham Road, Bloxham Road, Milcombe

No Updates

Agenda Item 10

23/03071/OUT - Land West of Church Ley Field adjacent to Blackthorn Road, Ambrosden

Summary of Additional Representation Received:

The applicant has submitted a substantial response to the LVA Review commissioned by the Council and undertaken by Huskisson Brown Associates (HBA). This was authored by Ben Connolley, Director and Landscape Architect at The Environmental Dimension Partnership Ltd (EDP), which is a Registered Practice of the Landscape Institute and Corporate Member of the Institute of Environmental Management and Assessment (IEMA). Mr Connolley did not author the original LVA by EDP.

The response addresses each of the bullet-pointed recommendations set out by HBA (paragraph 5.36, p.27 of the LVA Review), notably expanding on the effects on the site context that would arise from the proposed development and providing tabulated baseline character effects and magnitude of change from a number of receptors at year 1 and year 15 post-completion. The response reaches the same conclusions as the LVA, in that the proposed development would give rise to some adverse landscape effects but that these would be extremely localised and would not impact any specific views valued highly by the general public or essential to the appreciation of the area. The location, distribution and indicative control of parameters would be sympathetic to the local landscape, retaining existing structural landscape features such as hedgerows and tree groups, and the proposals appear spatially appropriate in scale and form given current development patterns and the existing character of the settlement.

The applicant has also submitted an Agricultural Land Classification (ALC) report (also by EDP): this was submitted in support of the previous, refused, application and the subsequent appeal and was omitted from the submission package for the current application inadvertently. The ALC survey was undertaken by Kernon Countryside Consultants in January 2022 and the land was graded in accordance with ALC guidelines and criteria provided by the Ministry of Agriculture, Fisheries and Food (1988). The survey encompassed both the application site and the adjacent field to the east, which will be set aside for biodiversity enhancements. The EDP report details the methodology employed and explains any deviations from best practice guidance. It identifies 33% of the overall site as Grade 3a agricultural land and 64% as Grade 3b, with 3% along the northern boundary classified as non-agricultural. The Grade 3a land lies along the southern and eastern boundaries.

Officer Response:

Whilst it is regrettable that the response to the LVA Review does not explicitly address if/why the current proposals differ from the previous refused application in landscape and visual terms, nor the alterations to the future baseline or cumulative effects given the recent permission (22/01976/OUT) granted on the opposite side of Blackthorn Road, the response nevertheless represents a fourth professional opinion regarding the landscape and visual impacts of the proposed development. The findings of all four landscape experts are consistent and regard the proposed development as being acceptable in landscape terms.

The ALC report evidences that approximately two thirds of the application site does not fall within the definition of the 'best and most versatile' land. In light of this, the moderate negative weight afforded to the development of 'best and most versatile' land in the planning balance is removed.

Amended Recommendation:

No change.

Agenda Item 11
22/01682/F - Land North of Manor Farm, Noke

Summary of Additional Representation Received:

Councillor Gemma Coton: Requests that the planning committee make a site visit for the application before a decision is made.

Noke Parish Meeting:

Request conditions relating to the following matters:

- Time limit on the usage as a solar farm
- Decommissioning requirements
- No precedent is created to allow further development on this land
- A time limit on construction
- Noise and disruption from construction should be monitored
- Full removal of the temporary access road within 6 months
- Any damage to the highway is repaired
- The Public Right of Way should remain open at all times during construction
- Nature screening of the development
- Independent monitoring of Biodiversity Net Gain

A request has been made for the permissive footpath to the east to be improved.

A request has also been made for a financial contribution of £20,00 (previously offered by the landowner) to be used by the Noke and Oddington Parish Councils to be spent on community benefits.

OCC Highways:

In response to a discussion relating to requested planning conditions, the Local Highway Officer has confirmed:

- They are happy for the submitted Construction Traffic Management Plan in conjunction with the Transport Technical Note. The development can be conditioned to carry out the works in accordance with these documents.
- The construction access should be temporary only and will not be required beyond the construction phase.
- The required S278 works can be secured via a planning condition

Beckley and Stowood Parish Council:

We have not been informed that it was going to the Cherwell Planning Committee and have not been invited to speak. Please see my e-mail of 21st July 22 and our response attached, which are on your web page of this application. We object strongly to this application surrounding a footpath, near Otmoor, part of which is in this parish and would welcome the opportunity to speak at the planning committee.

Comments from the applicant:

We have reviewed the committee report and have some comments.

3.1 - incorrectly states that there will be battery storage on the site. Please can this error be amended.

5.1 - please could this be amended to make clear that a small area of the development is within the CTA.

Section 7 - summaries consultee comments received including the CDC Landscape Officer comments, but does not mention the Huskinson Brown report (it does later in the report). It is requested that the list of consultee comments makes this clearer and mention the HBA review as 'comments' with no lean on either being an objection or no objection. You have also stated to us that the CDC Landscape Officer comments could not be relied upon due to the Landscape Officers specialism being in landscape architecture and planting rather than landscape and visual assessment matters as is required in this application. Please can this be added to reflect this given that this was the reason for outsourcing the work to HBA.

9.69 line 4 – line uses the word “indications”. We raise concern with this as it could imply that there is some evidence in support of the BBOWT’s argument regarding birds and solar panels when it has been agreed with CDC Ecology that there is an absence of evidence. Suggest the following: replace “indications” with “hypotheses”.

9.71 - The panels will not be bounded by anti-reflective film, their whole surface is anti-reflective. Panels will also have pale borders forming grids in order to differentiate panels which has been proven to significantly reduce the attraction of aquatic insects, as set out in the submitted BSG Ecology 'Response to Consultee Responses' letter.

Please can reference be made to the submitted Summary Letter in the planning balance section which references additional pertinent appeal decisions in order that members have the opportunity to understand relevant appeals that should be considered in their decision making.

Full List of Conditions:

Time Limit

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

Compliance with Plans

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:

- Drawing number P19-2636_22 Rev B – [Site Location Plan]
- Drawing number P19-2636_003_1 Rev M – [Development Framework Plan]
- Drawing number GN-NK-PLA-04 Rev 00 – [Inverter Station Elevations and Plan]
- Drawing number GN-NK-PLA-06 Rev 00 – [40' Spares Container Elevations and Plan]
- Drawing number GN-NK-PLA-11 Rev 00 – [20ft Welfare Container Elevations and Plan]
- Drawing number GN-NK-07 Rev 00 – [Private Substation Elevations and Plan]
- Drawing number GN-NK-PLA-08 Rev 00 – [DNO Substation Elevations and Plan]
- Drawing number GN-NK-PLA-03 Rev 00 – [PV Module Elevation and Cross Section]
- Drawing number GN-NK-PLA-09 Rev 01 – [CCTV Detail]
- Drawing number GN-NK-PLA-10 Rev 00 – [Fence Detail]
- Drawing number P19-2636_14H – [Detailed Soft Landscape Proposals – Sheet 1 of 7]
- Drawing number P19-2636_15H – [Detailed Soft Landscape Proposals – Sheet 2 of 7]
- Drawing number P19-2636_16H – [Detailed Soft Landscape Proposals – Sheet 3 of 7]
- Drawing number P19-2636_17H – [Detailed Soft Landscape Proposals – Sheet 4 of 7]
- Drawing number P19-2636_18H – [Detailed Soft Landscape Proposals – Sheet 5 of 7]
- Drawing number P19-2636_19H – [Detailed Soft Landscape Proposals – Sheet 6 of 7]
- Drawing number P19-2636_20H – [Detailed Soft Landscape Proposals – Sheet 7 of 7]
- Drawing number P20-2636-21A – [Illustrative Landscape Sections A-C]
- Drawing number J14174-NUK-ZZ-ZZ-DR-D-3003 Rev V01 – [Floodplain Compensatory Storage]
- Drawing number P19-2636_004-1 – [Connection Power Line Constraints Map]
- Planning, Design and Access Statement (reference: P19-2636) prepared by Pegasus Planning Group dated May 2022.
- Inverter Noise Specification (reference: SC 4000 UP/SC 4200 UP/SC 4600 UP) prepared by SMA Solar Technology
- Geophysical (Gradiometer) Survey (reference: NGR 454500 214000) prepared by Pegasus Planning Group and Green Nation dated July 2021.
- Construction Traffic Management Plan (reference: P19-2636/TR/01) dated October 2021.
- Transport Technical Note (reference P19-2636 TR02) prepared by Pegasus Planning Group dated October 2022.
- Archaeological Evaluation (reference: CA Project: MK0700) prepared by Cotswold Archaeology November 2022.
- Farm Diversification statement prepared by Manor Farm dated November 2022.
- Network Availability Assessment (reference: 22-669-5002-7.1) prepared by Decerna dated February 2023.
- Pre-development Arboricultural Report and Method Statement (Revision 3) prepared by Wharnccliffe Trees and Woodland Consultancy dated 04 February 2023.
- Ecological Appraisal (reference P20-745 Manor Farm) prepared by BSG Ecology dated 16/02/2023.
- Flood Risk Assessment (reference: J-14174 edition 06) prepared by Nijhuis Saur Industries dated May 2023.

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.

Temporary Permission

3. The permission shall expire no later than 40 years from the date when electricity is first exported from any part of the array to the electricity grid network ('First Export Date'). Written confirmation of the First Export Date shall be provided to the Local Planning Authority no later than one calendar month after the event.

Reason: In order to safeguard the amenities of the area and protect the rural character of the landscape and to comply with Policies ESD 13 and ESD15 of the Cherwell Local Plan 2011-2031 and saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

4. Not later than 24 months before the end of this permission, a decommissioning and site restoration scheme shall be submitted to and approved by the Local Planning Authority, such scheme to include the management and timing of any works and traffic management plan to address likely traffic impact issues during the decommissioning period. The approved scheme shall be fully implemented within 12 months of the expiry of this permission.

Reason: To ensure the environment is protected during decommission in accordance with saved Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Landscaping Scheme

5. The development shall be carried out in strict accordance with the approved landscaping scheme comprising of:

- Drawing number P19-2636_14H – [Detailed Soft Landscape Proposals – Sheet 1 of 7]
- Drawing number P19-2636_15H – [Detailed Soft Landscape Proposals – Sheet 2 of 7]
- Drawing number P19-2636_16H – [Detailed Soft Landscape Proposals – Sheet 3 of 7]
- Drawing number P19-2636_17H – [Detailed Soft Landscape Proposals – Sheet 4 of 7]
- Drawing number P19-2636_18H – [Detailed Soft Landscape Proposals – Sheet 5 of 7]
- Drawing number P19-2636_19H – [Detailed Soft Landscape Proposals – Sheet 6 of 7]
- Drawing number P19-2636_20H – [Detailed Soft Landscape Proposals – Sheet 7 of 7]
- Drawing number P20-2636-21A – [Illustrative Landscape Sections A-C]

The scheme shall be fully implemented prior to the first operation of the development 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 ESD10, ESD13 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

Landscaping Implementation

6. 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 Policies ESD10, ESD13 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

Landscape Maintenance

7. Prior to the clearance of the site a schedule of landscape maintenance for a minimum period of 5 years, to include the timing of the implementation of the schedule and procedures for the replacement of failed planting shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the landscape maintenance shall be carried out in accordance with the approved schedule.

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

Highways

8. No development shall commence unless and until full details of the temporary means of access between the land and the highway (construction phase) and the permanent means of access between the land and the highway (post-construction phase), including, position, layout, construction, drainage and vision splays have been submitted to and approved in writing by the Local Planning Authority. The temporary means of access shall be constructed prior to commencement of development in strict accordance with the approved details and shall be retained and maintained as for the period of the construction of the development (Agreed vision splays shall be kept clear of obstructions higher than 0.6m at all times). Within 6 months of the completion of construction of the development, the temporary access shall be replaced with the permanent access which shall be constructed in accordance with the approved details and shall be retained and maintained for the life of the development.

Reason: In the interest of highway safety and to comply with Policies SLE4 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

9. Prior to commencement of the development hereby approved, full details of any proposed temporary signage related to the construction of the development shall be submitted to and approved in writing. The approved signage shall be installed in accordance with the approved details prior to first use of the construction access and remain in situ for the duration of the construction phase.

Reason: In the interest of highway safety and to comply with Policies SLE4 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

10. The development shall be carried out in accordance with the Construction Traffic Management Plan (reference: P19-2636/TR/01) dated October 2021 and the Transport Technical Note (reference: P19-2636 TR02) dated October 2022.

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

11. Prior to commencement of the development hereby approved, full details of any proposed internal access tracks/roads shall be submitted to and approved in writing. The development shall be carried out in accordance with the approved details and retained and maintained thereafter.

Reason: To ensure that the materials are appropriate to the appearance of the locality and to ensure the satisfactory appearance of the completed development in accordance 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.

Drainage

12. The approved drainage system shall be implemented in accordance with the approved Detailed Design prior to the use of the building commencing:

- Flood Risk Assessment (reference: J-14174) dated May 2023.
- Drawing number 3002 Rev P06 – [Conceptual Surface Water Drainage Scheme]
- All relevant Hydraulic calculations produced via Microdrainage (File SWALE FOR AREAS 1) dated 19/10/2022
- All relevant Hydraulic calculations produced via Microdrainage (File SWALE FOR AREAS 2) dated 19/10/2022

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal in order to comply with Policy ESD7 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

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

- a. As built plans in both .pdf and .shp file format;
- b. Photographs to document each key stage of the drainage system when installed on site;
- c. Photographs to document installation of the drainage structures on site;
- d. The name and contact details of any appointed management company information.

Reason: To protect the development from the increased risk of flooding and in order to comply with Policy ESD7 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

Archaeology

14. Prior to any demolition and the commencement of the development a professional archaeological organisation acceptable to the Local Planning Authority shall prepare an Archaeological Written Scheme of Investigation, relating to the application site area, which shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the recording of archaeological matters within the site in accordance with the National Planning Policy Framework.

15. Following the approval of the Written Scheme of Investigation referred to in condition 18, and prior to any demolition on the site and the commencement of the development (other than in accordance with the agreed Written Scheme of Investigation), a staged programme of archaeological evaluation and mitigation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation. The programme of work shall include all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to the Local Planning Authority within two years of the completion of the archaeological fieldwork.

Reasons: To safeguard the identification, recording, analysis and archiving of heritage assets before they are lost and to advance understanding of the heritage assets in their wider context through publication and dissemination of the evidence in accordance with the National Planning Policy Framework.

Ecology and trees

16. No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP: Biodiversity shall include as a minimum:

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

The approved CEMP: Biodiversity shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

17. Prior to, and within two months of, the commencement of the development, the site shall be thoroughly checked by an ecologist (member of the IEEM or similar related professional body) to ensure that no protected species, which could be harmed by the development, have moved on to the site since the previous surveys were carried out. Should any protected species be found during this check, full details of mitigation measures to prevent their harm 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 mitigation scheme.

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.

18. Prior to first occupation of the development hereby approved, a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the LEMP shall be carried out in accordance with the approved details.

Reason: To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

19. Prior to the commencement of the development hereby approved, including any demolition and any works of site clearance, a mitigation strategy for birds, which shall include details of the location and design of alternative nest sites to be provided, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the commencement of the development, the alternative nesting sites shall be provided in accordance with the approved document.

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.

20. Where an offence under Regulation 43 of the Habitats and Species Regulations 2017 ((or any regulation revoking or re-enacting or amending that regulation) is likely to occur in respect of the development hereby approved, no works of site clearance, demolition or construction shall take place which are likely to impact on Great Crested Newts until a licence to affect such species has been granted in accordance with the aforementioned Regulations and a copy thereof has been submitted to 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.

21. No external lighting shall be installed within the site area unless agreed in writing with 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.

22. During the first planting season (mid-November to end of March) following the removal of the tree for which consent has been granted and to comply with section 206(1) of the Town and Country Planning Act 1990, the tree shall be replaced in accordance with [full details of a replacement tree] [siting/species/girth]. Thereafter and if, within a period of five years from being planted the replacement tree dies, is removed or becomes seriously damaged or diseased, it shall be replaced in the current/next planting season in accordance with the approved details and the wording of this condition.

Reason: In the interests of the visual amenities of the area and to comply with good arboricultural practice and Government guidance contained within the National Planning Policy Framework.

Officer Response:

The conditions have been updated taking account of the latest correspondence with the Local Highway Authority.

The applicant has made some comments regarding the committee report. It is acknowledged there is no battery storage on site and this was an error. The other issues raised are set out in full above, however, they do not alter the overall recommendation.

The representation received from Noke Parish Meeting sets out requests for conditions and obligation from the development. Where requests meet the tests for conditions, these are included for example time limits on the lifetime of the development and decommissioning.

The application will be subject to a Section 278 legal agreement with Oxfordshire County Council. As part of this, the Local Highway Authority will need to approve the details and timing of any highway works.

Any request for a financial contribution must be fully justified and required to mitigate the impacts of the development. In this case, it is not considered that the request would meet the tests to enable a contribution to be sought.

Amended Recommendation:

Grant permission subject to the conditions set out in this written update (and any amendments to those conditions deemed necessary).

Agenda Item 12

22/03873/F - Land North and Adjacent to Mill Lane, Stratton Audley

Summary of Additional Representation Received:

Godington Parish Meeting:

It has come to the attention of Lucy & I (you may remember we are the co-chairs of Godington Parish Meeting) that notice has been sent out regarding the planning application

for the proposed solar farm at Padbury Book. However, Godington Parish meeting has NOT received any such notification.

The complete lack of consultation with Godington Parish Meeting (and I believe Stratton Audley Parish Council) over the proposed meeting date is a huge oversight and should surely mean that discussion of this application should be put back to a later date. Indeed we are not sure you will have complied with your own consultation protocol which we presume would mean any decisions taken at that meeting would be null.

In addition, it seems that there are flaws in some of the supporting documents which would again mean that any decision taken would be compromised at the very least.

- We understand that the review of landscape and visual appraisal report (LVA) undertaken in February raises considerable concerns which have not yet been addressed. Ian Brent Smith has appraised you of his thoughts in an earlier email.
- The noise impact assessment report does not report on the impact of the newly built house in Godington which sits right beside the proposed site. Surely decisions cannot be made if the report is effectively out of date.
- Investigation by another local resident into the detail of the Amet soil sample report suggests that there are discrepancies in the report relating to some of the samples taken. These concerns have been raised in more detail with Councillor Nigel Simpson.

Third Party Comments:

Addition third party representations have been received raising the following points:

- The land classification report has not been independently reviewed and the Council has not carried out its own soil testing. The applicant's submitted report is inaccurate, and the application should be refused for this reason.
- A concern has been raised that some third party comments are the result of identity theft
- Support the request made by the Parish Council's to defer the application to a later date.
- There is new documentation that people need time to consider.
- The applicant had promised to contact this resident to discuss noise issues, but they have not received any communication. Therefore, they maintain an objection due to noise impacts.
- Comments have been raised regarding the submitted LVIA. Several points raised by the independent landscape review have not been addressed.

We are aware of a letter that has been circulated to all members of the planning committee. In summary, the letter raises the following points:

- The landscape is of high value
- The development is in close proximity to residential dwellings and rural businesses
- Adjacent to an ancient woodland
- The adjacent business is a popular wedding venue and will be severely impacted.
- The area has already been impacted by East West rail works
- There is an adjacent stud business and this will be impacted by the proposal and battery storage.
- Concerns relating to fire risk
- Noise concerns
- The land is in productive agricultural use.

Officer Response:

The purpose of the independent landscape review was to appraise the methodology and conclusions of the submitted LVIA. Whilst the review has raised some questions and concerns, these have been considered and weighed in the planning balance as set out in the officer report.

With regards to the submitted noise assessment, it is acknowledged that a new dwelling has been constructed close to the proposed site. The officer report considers this issue; there are other residential properties close to the site (in similar circumstances) that have been considered, therefore it is unlikely a different conclusion would be reached. The Council's Environmental Protection Officers are satisfied with the submitted details and advised that appropriate mitigation measures will prevent any significant harm.

The officer report considers the concerns raised regarding the submitted land classification report and sets out conclusions regarding this matter. The comments made, do not raise new points that have not already been considered.

Where third parties have notified us that they did not make comments, these have been removed from the file and disregarded.

Amended Recommendation:

No change.

Agenda item 13

24/00070/F – Gosford Hill School, Oxford Road, Kidlington, OX5 2NT

No Updates

Agenda item 14

24/00246/F – 242 Broughton Road, Banbury, OX16 9QL

No Updates

Agenda item 15

24/00600/CDC - Cherwell District Council Lock29 Castle Quay Banbury OX16 5UN

No Updates

Agenda item 16

Appeals Progress Report

No Updates