

Case Officer: Andrew Thompson

Applicant: Hallam Land Management Limited, G Smith, K Fletche

Proposal: Outline planning application for the residential development of up to 300 dwellings with associated infrastructure and open space (outline) and new access off the A44 (detailed)

Ward: Kidlington West

Councillors: Councillor Conway, Councillor McClean, Councillor Walker

Reason for Referral: Major development

Expiry Date: 29 October 2024

Committee Date: 3 October 2024

This application was subject to a Committee Members Site Visit, which took place on 1 October 2024.

SUMMARY RECOMMENDATION: DELEGATE TO ASSISTANT DIRECTOR TO GRANT PERMISSION SUBJECT TO RESOLVING THE OBJECTION OF NETWORK RAIL AND THE ENVIRONMENT AGENCY AND SUBJECT TO CONDITIONS/AND A S106 LEGAL AGREEMENT

MAIN REPORT

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site is the southern part of the allocation known as PR8 (Land East of the A44). The application area is 13.47 ha. It is located about 3 km to the north of Oxford, 1.7km from Kidlington to the east and 5km south of Woodstock. Access to the A34 at Peartree Interchange is 2 kms to the south.
- 1.2. The location of the site close to Oxford was a key element in the allocation of the site.
- 1.3. The Site is made up of agricultural fields separated by hedgerows. The eastern boundary is bound by the railway line, Littlemarsh playing fields and cricket ground to the south east and the A44 to the south west. The north is bound by further agricultural fields. Beyond the sports pitches is a residential property and Turnpike public house.
- 1.4. There is a petrol station on both the north and southbound A44. The north bound services offer a Budgens convenience store. There is a residential housing estate to the west of the A44, along with a village hall, doctors' surgery, pharmacy, public house, pre-school and take away within the estate.
- 1.5. The site is generally flat with a water course running through the centre which feeds into the Kingsbridge Brook to the south. There are a number of trees on the boundaries and one mature oak to the centre of the eastern part of the site.

2. CONSTRAINTS

- 2.1. The application site is the southern portion of the wider PR8 allocation.
- 2.2. The site is located outside of the conservation areas but the PR8 site does include the grade II Listed Building Begbroke Hill Farmhouse. Also, there are two Listed Buildings located to the south of the site, The Turnpike public house and Rose Cottage.
- 2.3. There are a number of protected species recorded in and around the site.
- 2.4. The site is located within Flood Zone 1. There is however a watercourse which runs along the southern boundary of the site which is classed as a main river for flooding categorisation purposes.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. As set out in the applicant's Planning Statement, the proposed development is for "Residential development of up to 300 dwellings with associated infrastructure and open space (outline) and new access off the A44 (detailed)."
- 3.2. The application is accompanied by a series of parameter plans, which define the extent of the development in respect of which permission is sought. These plans cover the disposition of land uses across the site, the blue and green infrastructure, the access and movement and building heights.
- 3.3. The Environmental Impact Assessment (EIA) work has used these parameter plans to fix the scale of development.
- 3.4. The built development amounts to circa 6.7 hectares of developable land excluding the primary street corridors and will accommodate up to 300 dwellings which equates to a density of 45 dwelling / ha.
- 3.5. The proposed housing mix will be 50% market dwellings for sale and 50% affordable dwellings (80% rented and the remaining 20% split between first homes and shared ownership).
- 3.6. The applicant sets out that the mix of the 300 dwellings across the site will be 15% one bedroomed units, 35% two bedroom units, 35% three bedroom units, and 15% four+ bedroomed units. The applicant sets out that this is broadly In line with the SHMA 2014 mix.
- 3.7. In addition to the built residential development there are significant areas of open space proposed which include:
 - A local park including a Local Equipped Area of Play (LEAP),
 - Community allotment and orchard,
 - A nature pond / wetland,
 - Amenity open space,
 - Significant areas of natural and semi-natural green space which integrate the existing watercourse, mature trees and hedgerows and their respective buffers to form enhanced green corridors and connections to the surrounding landscape context.
- 3.8. The open areas of the site extend in all to some 5.16ha.

- 3.9. The Access and Movement parameter plan demonstrates the location of the vehicular access point and the primary pedestrian/cycle route approximately at the centre of the site's frontage onto the A44. This will be in the form of a signalised junction.
- 3.10. Further secondary pedestrian/cycle accesses are provided at the westernmost and easternmost extents of the site's frontage with the A44, to connect to the cycleway along the A44.
- 3.11. All access routes will converge at the northernmost part of the site, where active travel routes will continue into the wider PR8 site, but vehicular traffic will be prohibited, other than for buses. A further access point into the wider PR8 site will be provided via a secondary street from the site's western boundary.
- 3.12. OCC's Street Design Guide outlines that when more than 150 dwellings are served off a single point of access, an emergency access point is required. In a cumulative scenario, where a connection is achieved to the wider PR8 site and therefore on to the northern PR8 access, this is not necessary.
- 3.13. However, if the proposed development comes forward on its own, an emergency access would be required. As shown on drawing 8190898/6105, this takes the form of a 3.0m footway/cycleway with removable bollards and exits onto the A44 via a vehicle crossover.
- 3.14. In the fullness of time, a pedestrian/cycle link over the railway line will be delivered by the wider PR8 site to provide a high-quality sustainable travel connection to Kidlington, as well as further pedestrian/cycle connections between the site and the A44, which will be demonstrated in greater detail at Reserved Matters stage and once the necessary agreements are in place between the wider PR8 site application and Network Rail to deliver it.
- 3.15. The Transport Assessment sets out the proposed access proposals for the HLM development and for which permission is sought (see drawing 8190898/6105).
- 3.16. The Transport Assessment also includes an upgraded junction design to accommodate traffic from other development in the area which includes a bus lane which can be delivered if OCC wish without altering the form of the junction in the HLM only scenario. This scheme is not sought permission as part of this application.
- 3.17. The building heights on the parameter plan have been derived from an assessment of landscape impact and the nature of the surrounding area. The development along the built up A44 corridor is proposed at up to 4 storeys, development then falls up to 3 storeys and up to 2 storeys as the development progresses eastwards.
- 3.18. *Timescales for Delivery*. The Environmental Statement advises that, in the event that planning permission is granted, it is anticipated development to take place over approximately 6 years but that this may be quicker depending on construction operations and activity.

4. RELEVANT PLANNING HISTORY

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

The application site

- 4.2. 21/00758/SCOP - Scoping Opinion - Up to 300 Residential Units, access from A44 and Open Space/infrastructure – Scoping Response Issued 30/07/2021

Other Parts of the Allocation:

- 4.3. 22/03763/SCOP - Scoping Opinion with respect to the scope and methodology of the Environmental Impact Assessment (EIA) in relation to re-development proposals of approximately 170 hectares (Ha) land at the existing Begbroke Science Park and surrounding land. The findings of the EIA will be reported in an Environmental Statement (ES) which will accompany the planning application. Scoping Response Issued 27/01/2023.
- 4.4. 23/02098/OUT – In summary - Outline application, with all matters reserved, for a multi-phased (severable), comprehensive residential-led mixed use development comprising: Up to 215,000 square metres gross external area of residential floorspace (or c.1,800 homes which depending on the housing mix could result in a higher or lower number of housing units), a local centre, and other development including up to 155,000 net additional square metres (gross external area) of flexible employment uses including research and development, office and workspace and associated uses (Use E(g)), industrial (Use Class B2) and storage (Use Class B8) in connection with the expansion of Begbroke Science Park and associated works. Resolution to Grant at 5 September committee subject to resolving Environment Agency and Network Rail objections with conditions and s106 Agreement to be agreed.
- 4.5. 24/00657/OUT – In Summary - Retention of existing garden centre and associated car parking, in a modified fashion. Outline application, with all matters reserved except for access, with retention of vehicular access from Sandy and creation of proposed new vehicular access from Begbroke Hill. Proposed 10no. two storey dwellings accessed from Sandy Lane. Proposed new day nursery and proposed 120no. units of retirement living accommodation in two to four storey development. Proposed car parking (including a decked solution), proposed landscaping, including public open space, and pedestrian and cycle links. Withdrawn.

Begbroke Science Park

- 4.6. 21/03195/F - Formation of surface car park and service building (including substation, sprinkler tanks and EV charging infrastructure). Granted 02/02/2022.
- 4.7. 21/03150/REM - Reserved Matters application for 18/00803/OUT - the design, layout, external appearance and landscaping (as required by OPP Condition 1). It also includes the information required by conditions 4, 5 and 21 of the OPP. Submitted scheme also accords with the requirements of conditions 6, 7, 8, 9 and 14 of the OPP. Approved 27 January 2022.
- 4.8. 18/00803/OUT - Outline planning permission, with all matters except for access reserved for subsequent approval, for up to 12,500m² of B1a / b / c and ancillary D1 floor space, retention of and improvements to the existing vehicular, public transport, pedestrian and cycle access including internal circulation routes; associated car parking including re-disposition of existing car parking; associated hard and soft landscape works; any necessary demolition (unknown at this stage); and associated drainage, infrastructure and ground re-modelling works. Granted 17th September 2018.

Network Rail - Level Crossing Closures:

- 4.9. 23/00524/SO - EIA Screening Request for Provision of a stepped footbridge at Yarnton Lane Level Crossing
 - Turning circles either side of Yarnton Lane Level Crossing

- Construction of highway from Green Lane (north of Level Crossing) to the A44
- Upgrade of part of Green Lane to provide a suitable vehicle diversion
- Alteration to an existing public footpath and closure of public highway – diversion of public footpath 420/4/10 to go over the footbridges and stopping up via TWAO to be submitted alongside the planning application
- Construction of ramped footbridge spanning east to west to the south of Sandy Lane Level Crossing
- Construction of turning circles to the east and west of Sandy Lane Level Crossing
- Construction of alternate Bridleway to the West of the Railway line, stopping up of permissive access via Tackley Station to Bridleway 379/2/10, removal of Temporary Traffic Regulation Order (TTRO) over Highway at Nethercote Road, Bridleway at Tackley station

No EIA Required - 13/03/2023.

- 4.10. 22/03054/SO - Request for an EIA Screening Opinion in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, in respect of the proposed closure of Yarnton Lane level crossing and Sandy Lane level crossing as part of the Oxford Phase 2 Enhancement Works – No EIA Required - 27/10/2022

5. PRE-APPLICATION DISCUSSIONS

- 5.1. The following pre-application discussions have taken place with regard to this proposal:
- 5.2. The allocation is relatively well known in the community; however, we would encourage you to continue to engage with the other developers and the wider community on the development. All three principal landownerships in the allocation need to be brought together to create a coherent development which seeks to be an exemplar and ensure uplift in design quality.
- 5.3. The development should be forward looking in its construction and environmental standards and a number of suggestions have been made in relation to the layout and parameter plans. It is recognised that the outline planning application will be supported by a range of documents and parameter plans.
- 5.4. It is important however that these support future design quality. Therefore, developer led coordination, development principles and other supporting documents are important. It is noted that community consultation has taken place, and more is planned.
- 5.5. The Council has commenced work on its Development Brief which is planned for consultation on its draft shortly and the applicant should engage with this process. Any variations away from what is shown in the Development Brief will need to be justified. This should also speed up the consideration of the application.

6. RESPONSE TO PUBLICITY

- 6.1. This application has been publicised in accordance with the Council's Statement of Community Involvement by way of site notices displayed near the site on the A44 and by advertisement in the local newspaper. The final date for comments was **10**

January 2024, although comments received after this date and before finalising this report have also been taken into account.

- 6.2. Rt Hon Layla Moran MP - I ask the committee to ensure that the comments made by the residents at 8 Stocks Tree Close, Thames Valley Police, BOBS/ICB and Thames Water are considered carefully. The resident of 8 Stocks Tree Close is rightly concerned that the development area could be prone to flooding. This concerns me as in recent weeks parts of my constituency have flooded in areas that had not flooded before. Thames water has no objection, however, given recent incidents of sewage outflowing across my constituency, I ask that this be looked at again.
- 6.3. I am conscious that the Kidlington & Yarnton areas have had a good deal of development and that residents are feeling the effects of this. Such development must ensure that there are services such as GP surgeries, additional school places and adequate roads in place before occupation. I ask the committee to look very carefully at this application.
- 6.4. 2 further objections have been received from local residents raising the following comments.
- Lack of sufficient infrastructure (i.e. sewage and flooding)
 - Flooding of local fields and Little Marsh Recreation Ground
 - GP surgery in Rutten Lane not open full time. Traffic congestion on Rutten Lane at peak times during rush hour and school drop off and pick up.
 - Hazardous parking on main roads including slip road off A44.
 - The local roads cannot manage as it is without the potential for another 300 cars from each proposed new property.
 - Anti-social behaviour including rubbish dumping and broken local amenities already present.
- 6.5. COUNCILLOR IAN MIDDLETON (As part of the OCC Consultation Response): Three areas of concern.
- Tree loss along the A44 in particular
 - Flooding and drainage (supporting the comments of Yarnton Parish Council/Flood Group)
 - Closure of the layby on the Northbound side of the A44 just outside the boundary of the development shown on the plan.
- 6.6. The comments received can be viewed in full on the Council's website, via the online Planning Register

7. RESPONSE TO CONSULTATION

- 7.1. Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website, via the online Planning Register.

PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

- 7.2. YARNTON PARISH COUNCIL: **object**

1. No information about the cause and precise location of the 25 flood events recorded by Thames Water. How many would have impacted upon the site directly and how many were a combination of foul and surface water flooding or entirely due to being overwhelmed by surface water.

2. Thames Water have declared there to be sufficient capacity to accommodate 300 additional housing units. In previous discussions with Thames Water, they have stated that there was 20% spare capacity in the foul system which is currently been given over for flood relief. 300 units is a 20% increase on the size of the existing village - the entire spare capacity in the combined public sewer system – leaving the village with zero capacity for flood relief.

3. While the site may be entirely within Flood zone F1, it has not been established that the close proximity of the functional floodplain does not influence the water levels in the unnamed channel. What is the potential for water to back up from the floodplain into the local main river channels and reduce their capacity to protect the PR8 development site and the existing village from flash flooding.

4. The assessment talks about conveyance following the land topography with ponding in low points. We could not find reference to where the water in the current conveyance pathways would be stored and mitigated post development.

5. The report is not clear as to where surface and subsoil water displaced by the building footprints will be stored or mitigated. A Micro-drain output is contained in the report which seems to simply allow for direct rainfall from roofs and paved areas.

6. The scheme seems to rely upon the site having been classified entirely within flood zone F1 by simply interrogating the Environment Agency's flood zone mapping. However, it sits on the fringe of the functional floodplain which we believe has an impact upon the existing village and reaches into PR8. Zone F1 map shows the administrative limits of the flood zone and not necessarily its hydrological limits.

7. We remain concerned that the displaced water from the building footprints and raised ground levels will not be fully compensated onsite which will move water west of the A44 into areas that are already at risk. The report does not give assurance that this will not be the case.

8. Dry access is not guaranteed by Zone 1. The existing village is similarly wholly within Zone 1, but some properties have been seen to be affected by exterior flooding impeding pedestrian access on occasions which are becoming more frequent.

9. The scheme contains three SUDS ponds and a wet pond. We assume the wet pond will be fed by groundwater, whereas the SUDS ponds are to be lined to exclude groundwater. The report does not appear to give details about the River Thames floodplain levels (when in flood) in relation to the minimum invert levels AOD for the ponds. The aim should be to prevent them from simply becoming off-line storage www.yarnton-pc.org.uk for water backing up from the Thames floodplain. A phenomenon we suspect already happens on the Hayday Close development.

10. The larger part of the surface water leaving PR9 joins that from PR8 at the confluence adjacent to the highway culvert headwall west of the A44 which is in the village. The flow through the culverts meets at ninety degrees. We imagine that this will have a significant impact upon the hydraulic efficiency at the confluence raising water-levels upstream, both towards PR9, in the village and into the application site.

11. Thames Water are referred to as the adoption body. The report is not clear whether they will become responsible for surface water systems and foul water. They have

generally declined to agree to adopt SUDS. Who will be left with responsibility for maintaining the “Main River” un-named watercourse.

CONSULTEES

- 7.3. OCC HIGHWAYS: No objection subject to contributions and conditions. Should planning permission be granted recommend s106 contributions and planning conditions. This application covers part of the PR8 allocated site. This response follows that for the application by OUD on a much larger portion of the PR8 site, ref 23/02098/OUT. That application was presented to the Planning Committee on 05 September 2024. We understand that Cherwell District Council officers seek to present this application to Planning Committee shortly and have therefore prioritised sending this updated response which is consistent with our response on the OUD application.
- 7.4. CROSSCOUNTRY: Object have been working closely with Network Rail and other passenger and freight operating companies on schemes to close both Sandy Lane and Yarnton crossings, but a lack of funding has so far resulted in both crossings remaining open for use. Given the scale of the planning application, we would urge the developers to work with Network Rail to find an alternative solution to the crossings, be it road bridge or underpass in order that the level crossings can be closed and a safer method of crossing the railway lines at these locations implemented.
- 7.5. NETWORK RAIL: Object. Whilst work and documentation has been discussed with the applicant Network Rail's objection to the above proposals on the basis the proposed development will cause additional risk to safety at Sandy Lane and Yarnton Lane Level Crossings. Network Rail is a statutory undertaker responsible for maintaining and operating the country's railway infrastructure and associated estate. Network Rail owns, operates, maintains and develops the main rail network. This includes the railway tracks, stations, signalling systems, bridges, tunnels, level crossings and viaducts. The preparation of development plan policy is important in relation to the protection and enhancement of Network Rail's infrastructure. The level crossings known as Sandy Lane and Yarnton Lane are both Public Highway Automatic Half Barrier crossings located adjacent to the development site with a PROW that joins Yarnton Lane and Sandy Lane. At present, there is no provision in place to close the crossings however we are looking to obtain consent for this through the submission of a Transport Works Act Order (TWAO) to facilitate the closure of the crossings aligned with our Minimum Viable Product (MVP) bridge. We would also note that the design of the bridge has not yet been finalised.
- 7.6. STRATEGIC HOUSING: support this proposal in principle, subject to a detailed affordable housing mix being agreed, including details of the accessible & adaptable provision and accommodation suitable for wheelchair users. The indicative mix set out above is based on the percentage range in policy PR2 and also reflects current priority needs identified on OCC housing register.
- 7.7. ENVIRONMENT AGENCY: Object for four reasons:

Objection 1 – In the absence of an acceptable flood risk assessment (FRA) we object to this application and recommend that planning permission is refused.

Objection 2 – The proposed development would pose an unacceptable risk of pollution to surface water quality and recommend that planning permission should be refused on this basis and the capacity of Oxford Sewerage Treatment Works

Objection 3 – The application includes culverting the un-named internal ditch/watercourse (classified as main river) that runs in a southerly direction through the middle of the site. In addition to this, the plans show two further external crossings over the ditch at the northwestern boundary of the site. This would have a damaging impact on conservation of the watercourse and of the wildlife using it and its associated riparian corridor. The applicant has not included the details of the intended crossings (nor provided an ecological assessment that addresses the impact of crossings) and we therefore cannot determine the impact of this on the water environment.

Objection 4 - The proposed development, due to its impacts on nature conservation and physical habitats, and as there is an inadequate buffer zone to the watercourse. The submitted planning application and associated documents indicate that a development buffer zone of only 3-metres has been allocated from the watercourse. Development that encroaches on watercourses can have a severe impact on their ecological value. A 3-metre buffer zone is not sufficient to safeguard the conservation of the watercourse and the wildlife using it and its associated riparian corridor.

- 7.8. THAMES WATER: There are public sewers crossing or close to your development. If you're planning significant work near our sewers, it's important that you minimize the risk of damage. We'll need to check that your development doesn't limit repair or maintenance activities or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes.

FOUL WATER sewerage network infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

The application indicates that SURFACE WATER will NOT be discharged to the public network and as such Thames Water has no objection, however approval should be sought from the Lead Local Flood Authority. Should the applicant subsequently seek a connection to discharge surface water into the public network in the future then we would consider this to be a material change to the proposal, which would require an amendment to the application at which point we would need to review our position.

Water Comments

On the basis of information provided, Thames Water would advise that with regard to water network infrastructure capacity, we would not have any objection to the above planning application. Thames Water recommend the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx. 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

- 7.9. NATURAL ENGLAND: Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection. Natural England advises that all environmental impacts and opportunities are fully considered, and relevant local bodies are consulted.
- 7.10. OCC PUBLIC HEALTH: We have now reviewed the amended Health Impact Assessment (HIA) submitted in June 2024. We note the provision of a separate Planning Statement, although this needs to be updated to reflect the latest Census 2021 data which is now widely available. Similarly, within the amended HIA, Census 2021 data should be used for the Accessibility and Active Travel section of Chapter 3. All other Census references appear to be up to date in the latest HIA. The revised HIA now contains a much broader and more granular set of baseline data for the study area which is welcomed. These include ethnic group, deprivation, disability, as well as an identification of population groups likely to be affected by the proposed

development. The health baseline also identifies the presence of an ageing population and worse than average scorings for Year 6 obesity as well as emergency hospital admissions. This is also presented in tabular form in Appendix 1 at the end of the HIA.

- 7.11. LEAD LOCAL FLOOD AUTHORITY: No Objections subject to Conditions.
- 7.12. OCC ARCHAEOLOGY: The site has been subject to a previous archaeological evaluation, which recorded no significant archaeological remains. However, the site lies immediately south of an area of dense Romano British settlement which has been recently recorded via geophysical survey and trial trenching. During the pre-application discussion for this development, we agreed with the archaeological consultant working on behalf of the applicant, that a small number of trial trenches will be excavated along the northern boundary of the site to confirm that no Romano British remains continue into the development area. The archaeological background of the site has been outlined in the submitted Archaeological and Heritage Assessment (EDP 2023). The Phase 2 further trenching has now been carried out, and the approved report submitted with this application (Cotswold Archaeology 2024). These trenches did not record any archaeological features, suggesting that the Romano British settlement to the north does not continue into this application site. No further archaeological constraints are required.
- 7.13. ACTIVE TRAVEL ENGLAND: Recommend Deferral - ATE note revisions have been made to the submission documents which have been explained within a 'Covering Letter to Consultation Responses' and an 'Applicant Response to Active Travel England comments.' ATE thanks the applicant for the time taken to prepare these revisions and direct response to ATE. Overall, it is felt the amendments represent a significant improvement. However, there do remain some areas of concern, therefore a deferral response is maintained. Further context for this decision has been provided below covering the four areas of concern originally identified.
- 7.14. CDC ECOLOGY: The Biodiversity Improvement and Management Plan (BIMP) provides an overview of measures required to safeguard protected species and habitats across the site including precautionary works, ecological supervision (where required), and pre-commencement surveys for water vole and badger (and licencing requirements for these species if surveys indicate an impact is likely). It should be noted that updated surveys may be required with any reserved matters applications if enough time has passed since the surveys were undertaken. Recommendation to conditions is required.
- 7.15. SPORT ENGLAND: No objections to the granting of planning permission for the proposed development subject to level of contributions identified by CDC going towards formal sport.
- 7.16. OCC STRATEGIC PLANNING: We support the proposal for 50% affordable housing and understand that Oxford City Council will be involved in housing nominations, given that this is a site allocated for Oxford's unmet need. We have not provided any comments about affordable extra care housing on this application. The general position can be seen in our response on the OUD application 23/02098/OUT. The County Council is currently relying on other sites to provide for the future affordable extra care housing need in the area. The County Council is currently updating its evidence on need, but that is not complete at this point in time.
- 7.17. OXFORDSHIRE COUNTY COUNCIL'S INNOVATION SERVICE (IHUB): responded on the Oxford University Developments application 23/02098/OUT on the adjoining part of the PR8 allocation noting the requirement for an Innovation Plan. Such a Plan has now been produced. We have not found a suitable or corresponding Innovation Plan amongst the 23/03307/OUT application documents. Given this omission, we

have an objection. It would be good if the applicant is able to work with the adjoining landowner, Oxford University Developments, on a joint approach to innovation. We are willing to work with the applicant and review an Innovation Plan once produced.

- 7.18. OCC EDUCATION: No objection subject to s106 contributions
- 7.19. OCC MINERALS AND WASTE: The proposed outline application consists of the erection of around 300 homes with associated open space and green infrastructure and access from the A44. The proposal adjoins a former sewage treatment works (STW) and therefore the Oxfordshire Minerals and Waste Local Plan Part 1 – Core Strategy (OMWCS) is relevant. This outline application proposes 300 residential housing which would not be compatible with STW or other waste facilities on this site which is under 50m to the east. The applicant should consider including a suitable buffer and landscaping into the proposal to protect the proposed housing from the effects of any future waste use on the former sewage treatment works site.
- 7.20. OCC ADULT DAY CARE: No objection subject to: S106 contributions (however no contribution is detailed).
- 7.21. OCC WASTE AND MANAGEMENT: No objection subject to S106 contributions
- 7.22. OCC LIBRARY SERVICES: No objection subject to: S106 contributions
- 7.23. OCC ARCHAEOLOGICAL ARCHIVES: No objection from the Heritage Service, subject to S106 contributions.
- 7.24. THAMES VALLEY POLICE: Seeks a contribution of £50,976 towards Policing and also raises objection to the detail of the illustrative masterplan and Design and Access Statement, in particular the approach to parking.
- 7.25. BUCKINGHAMSHIRE, OXFORDSHIRE AND BERKSHIRE INTEGRATED CARE BOARD: Seeks contributions of 259,200.00 towards Key Medical Centre.
- 7.26. RECREATION AND LEISURE: Seek contributions towards indoor and outdoor sport, contributions towards community hall facilities and support for delivery of these through community workers and development funds.
- 7.27. ENVIRONMENTAL PROTECTION:

General: Having read the CEMP, the working hours should match those published for on Cherwell District Council's website. Apart from this I am satisfied with the CEMP as presented.

Noise: Having read the Noise chapter of the ES I am satisfied the contents and agree with the recommendations and conclusions.

Contaminated Land: Having read the Contaminated Land Chapter of the ES I am satisfied the contents and agree with the recommendations and conclusions.

Air Quality: Having read the Air Quality chapter of the ES I am satisfied the contents and agree with the recommendations and conclusions.

Odour: No comments

Light: Having read the Light chapter of the ES I am satisfied the contents and agree with the recommendations and conclusions.

7.28. BUILDING REGULATIONS: The proposed development will require Building Regulations applications.

8. RELEVANT PLANNING POLICY AND GUIDANCE

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

8.2. The Cherwell Local Plan 2011-2031 - Part 1 was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The Local Plan 2011-2031 – Part 1 replaced a number of the ‘saved’ policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the development plan. The relevant planning policies of Cherwell District’s statutory Development Plan are set out below:

8.3. CHERWELL LOCAL PLAN 2011 - 2031 (PART1) PARTIAL REVIEW - OXFORD’S UNMET HOUSING NEED

- PR1: Achieving Sustainable Development for Oxford’s Needs
- PR2: Housing Mix, Tenure and Size
- PR3: The Oxford Green Belt
- PR4a: Sustainable Transport
- PR4b: Kidlington Centre
- PR5: Green Infrastructure
- PR8 - Land East of the A44
- PR11 - Infrastructure Delivery
- PR12a - Delivering Sites and Maintaining Housing Supply

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

- PSD1: Presumption in Favour of Sustainable Development
- SLE1: Employment Development
- SLE2: Securing Dynamic Town Centres
- SLE3: Supporting Tourism Growth
- SLE4: Improved Transport and Connections
- BSC1: District Wide Housing Distribution
- BSC2: The Effective and Efficient Use of Land – Brownfield land and Housing Density
- BSC7: Meeting Education Needs
- BSC8: Securing Health and Well-Being
- BSC9: Public Services and Utilities
- BSC10: Open Space, Outdoor Sport and Recreation Provision
- BSC11: Local Standards of Provision - Outdoor Recreation
- BSC12: Indoor Sport, Recreation and Community Facilities
- ESD1: Mitigating and Adapting to Climate Change
- ESD2: Energy Hierarchy and Allowable Solutions
- ESD3: Sustainable Construction
- ESD4: Decentralised Energy Systems
- ESD5: Renewable Energy
- ESD6: Sustainable Flood Risk Management
- ESD7: Sustainable Drainage Systems (SuDS)
- ESD8: Water Resources
- ESD9: Protection of the Oxford Meadows SAC
- ESD10: Protection and Enhancement of Biodiversity and the Natural Environment
- ESD11: Conservation Target Areas
- ESD12: Cotswolds Area of Outstanding Natural Beauty (AONB)

- ESD13: Local Landscape Protection and Enhancement
- ESD14: Oxford Green Belt
- ESD15: The Character of the Built and Historic Environment
- ESD16: The Oxford Canal
- ESD17: Green Infrastructure
- Kidlington 2: Strengthening Kidlington Village Centre
- INF1: Infrastructure

8.5. CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- GB2 – Outdoor Recreation in the Green Belt
- TR1 - Transportation funding
- TR7 - Development attracting traffic on minor roads.
- TR8 - Commercial facilities for the motorist
- TR10 - Heavy Goods vehicles
- TR11 - Oxford Canal
- TR22 - Reservation of land for road schemes in the countryside
- C5 - Protection of ecological value and rural character of specified features of value in the District
- C15 – Prevention of coalescence of settlements
- C18 – Development proposals affecting listed buildings.
- C21 – Proposals for re-use of a listed building
- C23 – Retention of features contributing to character or appearance of a conservation area.
- C28 – Layout, design and external appearance of new development
- C29 – Appearance of development adjacent to the Oxford Canal
- C30 – Design control
- C32 – Provision of facilities for disabled people
- C38 – Satellite dishes in conservation areas and on listed buildings
- C39 – Telecommunication masts and structures
- ENV1 – Development likely to cause detrimental levels of pollution.
- ENV2 – Redevelopment of sites causing serious detriment to local amenity.

OXFORDSHIRE MINERALS AND WASTE LOCAL PLAN PART 1 – CORE STRATEGY (OMWCS)

- Policy W11 concerns Safeguarding waste management sites.

8.6. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- National Model Design Code
- The Levelling Up and Regeneration Act
- The Planning (Listed Buildings and Conservation Areas) Act 1990
- Natural Environment and Rural Communities Act 2006
- Conservation of Habitats and Species Regulations 2017
- Circular 06/2005 (Biodiversity and Geological Conservation)
- Human Rights Act 1998 (“HRA”)
- Equalities Act 2010 (“EA”)

9. APPRAISAL

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

- Principle of development

- The Draft Agreed Development Brief
- The Outline Illustrative Masterplan, the Parameter Plans and Design and Access Statement
- Housing
- Flooding and Drainage
- Sandy Lane and other crossings
- Access and Highways (Other than Railway related infrastructure)
- Heritage impact
- Ecology impact
-

Principle of Development

Policy Context

- 9.2. The original allocation of the site, as set out in the sustainability appraisal of the Partial Review, was to provide new residential development that included:
1. Proximity to Oxford, the existing availability of public transport and the opportunity to maximise the use of sustainable and affordable transport in accessing Oxford's key employment areas and services and facilities.
 2. Opportunity to achieve an overall, proportionate reduction in reliance on the private motor vehicle in accessing Oxford's key employment areas and services and facilities and to achieve further investment in sustainable transport infrastructure.
 3. Deliverability of sustainable transport improvements in comparison to other Areas of Search.
 4. Relationship of existing communities to Oxford.
 5. Existing economic relationship between the Areas of Search and Oxford
 6. Opportunity to provide affordable homes to meet Oxford's identified need close to the source of that need.
- 9.3. It should be noted that the Development Plan is within the first five years of adoption. The NPPF seeks to ensure that Development Plan is given appropriate time to be implemented and further as a large-scale development (Paragraph 74 of the Framework) there is support and recognition that the proposals will have lead in times for infrastructure. Whilst there have not been any completions across the PR Sites there have been a number of resolutions to grant towards the end of 2023 which are progressing towards a decision with the preparation of the associated s106 Agreements.
- 9.4. It is noted that the importance of delivery of large scale is kept under review and updated as part of the Local Plan Review, but it is not for planning application to amend or update the Development Plan.
- 9.5. The proposals are therefore within the allocation and do not propose to encroach into the Green Belt. The proposals (recreation, agriculture and other development to the north of the site (around Rowel Brook) and to the east of the Railway would be appropriate development in the Green Belt.
- 9.6. Whilst the applicant indicates that delivery would be beyond the plan period (2031). This is due to the delays following the legal challenge to the Partial Review and the confirmation of the highway model, in addition to the scale and size of the

development. It is noted that the Local Plan Review (to 2040) is currently in preparation and is planned to continue to progress to adoption with a review of the current allocations however there is no expectation that the allocation would be removed. In accordance with Paragraph 74 (and the associated footnote 39) of the NPPF it is expected that the Local Plan would update and review the policy in light of progress on the allocations and the Partial Review sites, not a planning application, and whilst there is a recognition of delays there is no requirement to consider that the scheme could not or would not meet the original requirements of the Development Plan.

- 9.7. As set out by the Inspector in the PR9 appeal, there was considerable and significant evidence presented at the preparation and examination of the Development Plan which was subject to an unsuccessful challenge and there is no reason to suggest that this could not or should not be relied upon in the determination of this application.
- 9.8. The comments of the County Council Minerals and Waste team are noted. The allocation of PR8 site in 2020 took account of the 2017 Core Strategy. The proposed submission does not encroach or go beyond the allocation. As an allocation of housing which has been through examination and proved to be sound it will be for the Part 2 (Site Allocations Document) which started work in late 2022 to take into account the allocation of PR8 and ensure that the allocation is not impacted. The proposed buffer zones of 50m by Oxfordshire County Council are noted but would not be compatible with the proposed allocation.
- 9.9. The proposals are therefore in accordance with the principle of Policy PR8 of the Partial Review.

The Draft Agreed Development Brief

- 9.10. In accordance with Parts 17 and 18 of the Adopted Policy the Council has prepared a Development Brief which was consulted on for four weeks (22 November to 20 December 2023) with a further consultation in February 2024. Planning Committee approved the draft Development Brief subject to further consultation and amendments on 21 March 2024. That further consultation was delayed by local and general elections, but a further consultation was undertaken between 22 July and 9 August 2024. The Development Brief is still being updated with the further changes arising from the earlier consultation. There is delegated authority to complete and adopt the Development Brief as a guidance document.
- 9.11. Whilst the Development Brief is a material consideration, it should not be considered to be determinative in the consideration of this application.
- 9.12. The Development Brief is guidance, the content of the Development Brief relies on the Adopted Policy and does not take account of the application submission, and the evidence presented by the applicant (e.g. site specific flood risk assessment and transport assessments).
- 9.13. The Development Brief is therefore noted as guidance with further work to complete the final version of the draft. There are variances between the submitted masterplan and the Development Brief and these will be assessed through this appraisal.
- 9.14. In time, the application and the associated design work from the evidence base of the application will take over the Development Brief as this will be more precise and reflective of the site constraints and opportunities.

The Outline Illustrative Masterplan, the Parameter Plans and Design and Access Statement

- 9.15. The application is in outline with all matters Reserved. Other points of access and accesses around the site would be considered as part of the Reserved Matters.
- 9.16. In accordance with the principles of the “Rochdale Envelope” which is an approach employed where the nature of the Proposed Development means that some details of the whole project have not been confirmed (for instance the precise dimensions of structures) at the time when the application is submitted. This application is submitted with various documents and plans, as summarised above, and flexibility is sought to address uncertainty.
- 9.17. The assessment should be based on cautious ‘worst case’ approach which will then feed through into the mitigation measures envisaged. It is important that these should be adequate to deal with the worst case, in order to optimise the effects of the development on the environment.
- 9.18. The level of information required should be sufficient information to enable ‘the main,’ or the ‘likely significant’ effects on the environment to be assessed and the mitigation measures to be described.
- 9.19. In terms of the approach to flexibility it will be for the Authority responsible for issuing the development consent to decide whether it is satisfied, given the nature of the project in question, that it has ‘full knowledge’ of its likely significant effects on the environment. If it considers that an unnecessary degree of flexibility, and hence uncertainty as to the likely significant environmental effects, has been incorporated into the description of the development, then it can require more detail, or refuse consent.
- 9.20. The comments of the Police to the Illustrative Masterplan have been noted and reviewed however much of this is related to detailed layout considerations which are not relevant at this stage. Further detailed designs will need to assess and review these comments.
- 9.21. As stated above the application is supported by appropriate information which sets out the principles of the development and the aims of the outline planning permission.

Housing

- 9.22. Policy PR8 sets out that the provision of 50% of the homes as affordable housing as defined by the National Planning Policy Framework is a key development requirement. The comments of the Council’s Housing Team which are submitted in conjunction with the City Council’s Housing Team are noted.
- 9.23. Policy PR2 sets out five criteria for Housing Mix, Tenure and Size. These are.
- That all housing to be provided as self-contained dwellings (use class C3) only.
 - Provision of 80% of the affordable housing (as defined by the NPPF) as affordable rent/social rented dwellings and 20% as other forms of intermediate affordable homes.
 - Delivery of an appropriate housing mix.
 - Delivery of a mix of sizes of market homes to meet current and future needs and to create socially mixed and inclusive communities.
 - Provision for key workers as part of both the affordable and market housing mix.

- 9.24. The application sets out to deliver up to 300 high-quality bespoke designed new homes including 50% affordable housing. The application, unlike the other part of the allocation proposes to comply with both the requirements of Policy PR2 and PR8 with the provision matching.
- 9.25. As the application sets out to deliver housing in accordance with Policy and as such would be considered to be acceptable.

Flooding and Drainage

- 9.26. The developable part of the scheme would occupy the area is in Flood Zone 1 in respect of fluvial flood risk, and neither Oxfordshire County Council as the Lead Local Flood Authority nor the Cherwell District Council Drainage Team have objected to the proposal. There is no development proposed within areas of the site which would be within Flood Zone 2 or 3. The flood risk assessment and drainage strategy has identified a number of localised areas throughout the site that are at medium to high risk of potential surface water flooding. Yarnton Parish Council and its related group the Yarnton Flood Defence Group have recorded frequent flood events in the village, which have been attributed by the Parish Council to surface water runoff from Spring Hill, groundwater, development and road infrastructure, and limited capacity in existing watercourses. Since the scheme would discharge to on-site watercourses and the flow would then pass through and around Yarnton by means of existing watercourses, the Parish Council is concerned about the implications of the scheme for flooding.
- 9.27. The surface water drainage system within the development area of the site would be managed to a standard that would limit discharge. This would be achieved by cutoff ditches and water storage and flow attenuation measures. These measures are set out in the submission documents. Discharge from the system would not exceed this flow rate even in significantly wetter events, up to a maximum of a 1:100 plus climate change event.
- 9.28. The result would be that, leaving aside relatively commonplace runoff events, the surface water drainage proposals would provide protection for the proposed development against all but the most extreme events and, in doing so, would provide more effective attenuation of the flows from the site into the village. The scheme would not make matters worse elsewhere, thus complying with national policy as set out in NPPF paragraph 173, and it would represent an improvement over the existing situation.
- 9.29. As stated in the PR9 appeal, it would be inappropriate to expect this development on its own, or in conjunction with other developments, to provide a comprehensive solution to surface water management in Yarnton itself. The scheme itself would improve matters, so such an approach would go beyond what is necessary for the development to go ahead. A Grampian condition under which development could not occur until a flood risk strategy for the village had been carried out, would not be fairly and reasonably related to the development. Flood surveying and remediation proposals are matters for the County Council as Lead Local Flood Authority, and such a condition would delay to an unknown date the much needed provision of new homes on this allocated site pending a strategy to which there is no official commitment.
- 9.30. The flood risk assessment was based on modelling as well as on-site investigation; Yarnton Parish Council and some commentators and respondees argue that the modelling may not have taken sufficient account of actual on-site conditions such as the potential for groundwater to interfere with surface water storage facilities.

- 9.31. The Environment Agency relates to specific matters in the proposed detail of the Flood Risk Assessment and easement to the existing main river and culverting of this as part of the mitigation. It is expected that this detail can be overcome, and appropriate detail can be conditioned.
- 9.32. To ensure that surface water management in practice meets the design requirements described above, a condition is attached to this permission requiring the implementation (and subsequent management) of detailed phase by phase surface water management schemes. A separate condition requires the recording of the implementation of the drainage and SUDS works for each phase.
- 9.33. Discussions between the applicant, Environment Agency and Thames Water have occurred. This would avoid discharging into the existing foul sewer network in Yarnton and Begbroke. A condition is attached which links the occupation of the development to the completion of the relevant infrastructure, but the final condition wording will need to be agreed with the Environment Agency and Thames Water in a similar manner to other sites.
- 9.34. In conclusion, subject to appropriate conditions, the scheme would be acceptable as regards flood risk to prospective occupiers, and it would ameliorate rather than worsen conditions elsewhere. It would also be acceptable in terms of foul water drainage. It would accord with NPPF policy on planning and flood risk and would comply with requirements of Local Plan Policy PR8.

Sandy Lane and other crossings

- 9.35. Policy PR8 identifies that in consultation with Oxfordshire County Council and Network Rail, proposals for the closure/un-adoption of Sandy Lane, the closure of the Sandy Lane level crossing to motor vehicles (other than for direct access to existing properties on Sandy Lane), and the use of Sandy Lane as a 'green' pedestrian, cycle and wheelchair route between the development and the built-up area of Kidlington including the incorporation of a bridge or subway should be achieved.
- 9.36. The proposals are also supported in infrastructure requirements for bridges and cycling in Appendix 4 (Part 17 and 17a) of the Local Plan Infrastructure Delivery Plan.
- 9.37. The motion of the Council in July 2023 has been carefully considered and discussed with the applicant, Network Rail and the County Council in active discussions over the course of pre-application and application stages. Meetings with Councillors and Network Rail have also occurred.
- 9.38. The principal element of Network Rail's proposed Oxford Improvement works was to increase the level of freight capacity across the network and therefore reduce carbon emissions through this initiative. The level of increase in freight travel, as a result of Covid and external factors, has not raised as high as previously anticipated.
- 9.39. As a result, the need for further capacity has not been forthcoming in the current Network Rail period (2024-2029). It is expected that further capacity will be needed later in the development delivery but in this period, Network Rail have confirmed they do not intend to pursue changes to Sandy Lane directly. Network Rail therefore suggest that whilst there is likely to be an adverse impact from the development to the Sandy Lane crossing, that it is for others (e.g. the County Council) to close Sandy Lane to vehicular traffic through their powers and for this to be funded by the developer.
- 9.40. Funding for a bridge or closure from Network Rail/DfT has therefore not been made available especially as other parts of the project (e.g. Botley Road) has increased in

cost. This does not mean that future funding periods would not provide funding and further it is noted that since this time there has been a change in Government with the new Government being keen to promote growth in particular unlocking housing projects.

- 9.41. Sandy Lane crossing and the railway line will however be impacted on by the proposed development, however it is anticipated that a level of development could be delivered without an impact on Sandy Lane.
- 9.42. The implementation of mitigation measures and timing has been progressed and discussed and it will be capable to implement some level of development prior to the implementation of mitigation measures (i.e. closure of the crossing to Sandy Lane). Closure of Yarnton Lane will also be later in the development (as it is outside the allocation and has limited movement) and as this route will be more attractive and direct this will lower the level of movement expected across Roundham Lock.
- 9.43. As highlighted in the report and written updates to 5 September committee, there has been detailed discussion and the evidence prepared by Network Rail includes a study of Sandy Lane and Yarnton Lane level crossings in order to understand the traffic flow that would be generated by the PR8 development where no mitigation is provided over either of the level crossings. The report sets out the existing traffic flows for vehicles, pedestrians and cyclists. This is followed by a forecast of traffic flows up until 2033 should the development take place. This was done because traffic studies provide within the application were undertaken with Sandy Lane being closed to vehicles. The Waterman report also provides a count on a year by year basis based on various assumptions. This could be used to understand at what point mitigation should be in place.
- 9.44. It should be noted however that the evidence presented by Network Rail is still subject to testing and discussion and therefore requires continued discussion.
- 9.45. In respect of the station/railway halt, given Network Rail's current position it is considered that funding will not be made available until later phases. Some funds have been requested by the County to explore and support the feasibility and delivery work at a later stage.
- 9.46. At the current time, whilst not 100% safe, there is no case to close Sandy Lane or other crossings on safety grounds as Network Rail have not progressed their Transport and Works Act Order. Considering early works could be delivered with minimal impact to Sandy Lane, there would be no reason not to progress some development on the site. However, the precise mechanisms and timing of mitigation and how this can be phased alongside the development delivery have yet to be agreed.
- 9.47. The County Council have agreed to progress a Traffic Regulation Order in order to progress matters and delivery of mitigation measures (e.g. a pedestrian/cycle bridge), emergency access for properties to the east of the railway and management of other crossings is undertaken. Network Rail have yet to agree this package.
- 9.48. At this time c.2200 movements take place across Sandy Lane crossing; this would increase significantly with development of the allocation if vehicle crossing was maintained. Options for a vehicle bridge have taken place however the required likely scale of the bridge, having regard to the amount of traffic anticipated from the development and other road users would potential adversely affect nature conservation aims resulting in an adverse impact on Rushy Meadows SSSI, green belt aims and potentially also impact on the weight-limited listed canal bridges. Further

the impact would also affect air quality from queuing and be contrary to the aims of policy which seek to reduce the need for travel.

- 9.49. It is the view of officers and the County Council that with the upgrading of A44, A4260 and improved public transport offer that alternative routes to travel by car exist with limited, if any, increase in journey times.
- 9.50. Discussions continue with Network Rail and County Council to ensure that the appropriate mitigation, triggers and timing for the mitigation and closure of the crossing is built into the s106, should any conditions be considered necessary then these too could be added. At this time until the matter is resolved these are not however listed in the Heads of Terms at Appendix 1.

Access and Highways (Other than Railway related infrastructure)

- 9.51. The proposals, as shown on the proposed access and movement parameter plan would utilise the Site would be accessed from the A44. The parameter plans show the potential connections to the wider OUD site along the northern boundary which includes a vehicle link. This would be in accordance with the aims of Policy PR8 and the evidence of the Local Plan.
- 9.52. Access roads and routes within and through the site are reserved for subsequent determination through Reserved Matters. The layout and design of these routes is indicated on Access and Movement Parameter Plans, and relevant considerations have been set out within the Design and Access Statement. Future Reserved Matters applications would need to demonstrate compliance with the Controlling Documents.
- 9.53. Residential car parking will also be a matter of future detail and appropriate and electric vehicle charging will also be required. Where possible, residential on-street parking should be clustered to allow for living streets.
- 9.54. Cycle parking shall be distributed across the Site to encourage the uptake of cycling. Further the Green Routes would add support to infrastructure as wide green corridors that bisect residential and commercial development to link them to larger open spaces. They will be used for delivering high quality non-vehicular routes.
- 9.55. In addition, there would be connections through the site in connecting the site to Kidlington. Off-site highway works to connect the site to Yarnton and Begbroke (for example crossing to the A44) would be for the County Council to deliver and appropriate clauses for s278s will form part of the detailed drafting of the s106, as per the PR9 appeal. It is not necessary for conditions to be added to secure access from the A44 or off-site highway works.
- 9.56. Overall, the proposals present a basis for determination that would integrate and connect to the wider area and create significant opportunities for connections and enhancement to public rights of way and alternative modes of transport within the development proposals. As such the proposals are in accordance with Policy PR8 and provides a suitable basis for detailed submissions.

Heritage Impact

Legislative and policy context

- 9.57. The site contains no heritage assets. To the east of the application site is Oxford Canal Conservation Area and two listed structures (bridges). There are a number of other listed buildings in the area including Tudor Cottage (Woodstock Road), Rose

Cottage (Woodstock Road) and The Grapes Inn. On the opposite side of the A44 there are a number of listed buildings and structures around St Michaels Church, Begbroke.

- 9.58. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that in carrying out its functions as the Local Planning Authority in respect of development in a conservation area: special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
- 9.59. Likewise Section 66 of the same Act states that: In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority...shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Therefore, significant weight must be given to these matters in the assessment of this planning application.
- 9.60. Conservation Areas and Listed Buildings are designated heritage assets, and Paragraph 193 of the NPPF states that: when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Policy ESD15 of the CLP 2031 Part 1 echoes this guidance.

Built Heritage

- 9.61. The built heritage elements of the site and the surrounding area are significant features which contribute to the significance of the area. In respect of the Conservation Area the Conservation Area Appraisal is noted however this was written prior to the allocation of the site in the Partial Review Local Plan. Nonetheless the proposals would have limited impact on the setting and character of the Conservation Area or heritage assets due to the retention of the Green Belt on the eastern side of the railway line.
- 9.62. The impacts on other heritage assets in the area would also be limited due to the intervening distance and the limited impacts on their setting from the development proposals. Further in following the principals of the Development Plan in terms of the extent of built form, the proposals would not depart from the tested evidence of the Local Plan.
- 9.63. As such the proposals would preserve or potentially enhance the setting of the designated heritage assets in the application site, adjacent to the application site and in the vicinity, any harm would be less than substantial and would be outweighed by the benefits of the delivery of housing and the allocation. As such in the consideration of built heritage, the proposals would be in accordance with the requirements of the Development Plan, the aims of the Development Brief, as guidance, and national policy aims and objectives.

Archaeology

- 9.64. The archaeological potential of the site has been considered in a detailed investigations across the site. The site has been subject to a previous archaeological evaluation, which recorded no significant archaeological remains. However, the site lies immediately south of an area of dense Romano British settlement which has been

recently recorded via geophysical survey and trial trenching. During the pre-application discussion for this development, we agreed with the archaeological consultant working on behalf of the applicant, that a small number of trial trenches will be excavated along the northern boundary of the site to confirm that no Romano British remains continue into the development area.

- 9.65. The archaeological background of the site has been outlined in the submitted Archaeological and Heritage Assessment (EDP 2023). The Phase 2 further trenching has now been carried out, and the approved report submitted with this application (Cotswold Archaeology 2024). These trenches did not record any archaeological features, suggesting that the Romano British settlement to the north does not continue into this application site. No further archaeological constraints are required.

Conclusion on Heritage Matters

- 9.66. Overall, the proposals would have less than substantial harm to heritage assets which could be mitigated by appropriate design (in respect of built heritage) and recording and management through the construction process and through appropriate conditions and management of the construction process.
- 9.67. The proposals would therefore be in accordance with the requirements of the Development Plan, legislation and the aims and objectives of National Planning Policy Framework.

Ecology Impact

- 9.68. The Conservation of Habitats and Species Regulations 2017 consolidate the Conservation of Habitats and Species Regulations 2010 with subsequent amendments. Under the Regulations, competent authorities i.e. any Minister, government department, public body, or person holding public office, have a general duty, in the exercise of any of their functions, to have regard to the EC Habitats Directive and Wild Birds Directive.
- 9.69. The NPPF states that Planning policies and decisions should contribute to and enhance the natural and local environment by (amongst others): a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils; and d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.
- 9.70. Policy ESD10 of the Cherwell Local Plan 2011-2031 lists measures to ensure the protection and enhancement of biodiversity and the natural environment, including a requirement for relevant habitat and species surveys and associated reports to accompany planning applications which may affect a site, habitat or species of known ecological value.
- 9.71. Policy ESD11 is concerned with Conservation Target Areas (CTAs) and requires all development proposals within or adjacent CTAs to be accompanied by a biodiversity survey and a report identifying constraints and opportunities for biodiversity enhancement.
- 9.72. These policies are both supported by national policy in the NPPF and also, under Regulation 43 of Conservation of Habitats & Species Regulations 2017, it is a criminal offence to damage or destroy a breeding site or resting place, unless a licence is in place.

- 9.73. Biodiversity net gain is an important requirement. It is now a legislative requirement although this site is exempt from this statutory requirement as it was submitted prior to the 12 February 2024. Nevertheless, Policy ESD10 seeks biodiversity net gain and for some time the Council has been targeting a minimum of a 10% net gain.
- 9.74. Officers are satisfied, on the basis of the advice from the Council's Ecologist and the absence of any objection from Natural England, and subject to conditions, that the welfare of any European Protected Species found to be present at the site and surrounding land will continue and be safeguarded notwithstanding the proposed development and that the Council's statutory obligations in relation to protected species and habitats under the Conservation of Habitats & Species Regulations 2017, have been met and discharged.

S106 Contributions

- 9.75. In terms of on site delivery, road enhancements to the A44 as the principal access the proposals would deliver on site sport and recreation including formal play and allotments.
- 9.76. Contributions are also sought towards school delivery which would also be on the other PR8 site under OUD's proposals and the indoor sport contribution would be to support sports hall delivery and community sport. Surpluses would be managed to deliver other sport in the local area.
- 9.77. Formal sport contributions would be provided to support enhancements in accordance with policy and potential enhancements to off-site works.
- 9.78. County Council contributions towards the mobility hub, public transport and other highway works are also sought. Further contributions towards household waste, library services are also sought.
- 9.79. In light of the withdrawal of funding from Network Rail it is noted that the cost of supplying the bridge and mitigation (i.e. alterations to the crossing, signalling) to Sandy Lane would be in the region of £4-6m, and proportionate contributions would be sought.
- 9.80. There would also be proportionate contributions towards canal infrastructure and the bridge across to PR7b (under reference: 22/01611/OUT)
- 9.81. Off-site highway works and contributions towards s278 works are also sought alongside the canal towpath improvements.
- 9.82. There are also contributions sought towards health centre provision in Kidlington has been set out and requested by the NHS and contributions towards Police have also been sought.
- 9.83. All contributions have been considered against the requirements of the CIL Regulations and the tests at Regulation 122. Regard has also been paid to the conclusions of the Inspector in determining the PR9 appeal who did not support various contributions sought and therefore those are also not pursued in this case.
- 9.84. Environmental Impact Assessment
- 9.85. The application is accompanied by an Environmental Statement (ES). The ES covers Access and Transport, Ecology and Biodiversity Net Gain, Landscape and Visual Impact, Contamination, Heritage, Landscape Strategy, Air Quality, Noise and Vibration, Drainage and Flood Risk, Lighting and Climate Change. The ES identifies

significant impacts of the development on the environment and the locality, and the mitigation considered to make the development acceptable.

- 9.86. The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 Regulation 3 requires that local authorities shall not grant planning permission or subsequent consent pursuant to an application to which this regulation applies unless they have first taken the environmental information into consideration, and that they shall state in their decision that they have done so.
- 9.87. The information contained within the submitted Environmental Statement has been considered as part of assessing the merits of the application and the impacts of the proposed development and the mitigation measures necessary to make the development acceptable. These matters are discussed in more detail below.
- 9.88. Having assessed the Environmental Statement, Officers are satisfied for the reasons set out below that the adverse environmental effects of the development would not be significant subject to the mitigation measures set out in the resolution of technical matters and as secured through the recommended conditions and legal agreement clauses. This report should be considered as the Council's statement for the purposes of regulation 26c of the EIA Regulations 2017 (as amended).

Duty under The Equalities Act 2010

- 9.89. S149 of the Equalities Act 2010 ("EA") sets out what is known as the Public Sector Equality Duty ("PSED"). Under the PSED, the Council, as a public authority, must have due regard to the need to, inter alia, advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and has to foster good relations between persons who share a relevant protected characteristic and persons who do not share it. The protected characteristics to which the PSED refers are: (a) age; (b) disability; (c) gender reassignment; (d) pregnancy and maternity; (e) race; (f) religion or belief; (g) sex; (h) sexual orientation.
- 9.90. Officers have considered the application and resolved that none of the protected characteristics is affected or potentially affected by the application.

10. PLANNING BALANCE AND CONCLUSION

- 10.1. In reaching an informed decision on planning applications there is a need for the Local Planning Authority to undertake a balancing exercise to examine whether the adverse impacts of a development would be outweighed by the benefits such that, notwithstanding the harm, it could be considered sustainable development within the meaning given in the NPPF. In carrying out the balancing exercise it is, therefore, necessary to take into account policies in the development plan as well as those in the NPPF. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined against the provisions of the development plan unless material considerations indicate otherwise. The NPPF supports this position and adds that proposals that accord with an up-to-date development plan should be approved and those which do not should normally be refused unless outweighed by other material considerations.

Positive - Economic

- 10.2. The proposals would create the opportunity for the delivery of housing and affordable housing provision to meet Oxford's Unmet Housing Need on an allocated site. This attracts very significant positive weight given the scale and opportunity presented.

- 10.3. The creation of significant construction and the support to the viability and vitality of future jobs and facilities in terms of the science park and ancillary jobs (within the Local Centre and Hotel, for example) carry significant positive weight.
- 10.4. The benefits of new recreational routes, play provision, sports including improvements to, and new allotments should also be afforded significant positive weight. Other s106 contributions should also be afforded significant positive weight.

Positive benefits – Social

- 10.5. The proposals would provide the opportunity for the provision of affordable housing to meet the need of Oxford's Unmet Housing Need on an allocated site. Other aspects include enhancements to create new facilities and a new Local Centre enhancing the facilities to meet day to day needs. The increase in recreational routes and play would also create a significant benefit not only to future residents of the development but also to the wider community.
- 10.6. The provision of new schools and enhancements to public transport which would be supported by the development are also significant positive factors and the creation of jobs also carry positive weight.

Positive benefits - Environmental

- 10.7. Environmentally the proposals would offer a modern development that would accord with building regulations and include renewable energy however the detail and design of the buildings have not been submitted. The proposals would also secure biodiversity net gain and new habitats, particularly to the east of the railway. This should carry significant positive weight.
- 10.8. Other green space and sustainable drainage networks would also be given moderate weight as they are required to make the development acceptable.

Negative Impacts – Economic

- 10.9. There are no identified material negative economic impacts that are identified, any minor impacts could be mitigated accordingly to minimise impacts.

Negative Impacts – Social

- 10.10. The proposals could have a negative impact on the amenity to neighbouring residents particularly during the construction of development. This would be a limited negative consideration on the social well-being of residents as it is a matter which could be managed through appropriate mitigation and management of the construction process. The impact of the proposals on the use of the cemetery have also been considered.
- 10.11. There would be perceived impacts and changes over the course of the development from the loss of Sandy Lane whilst new habits and practices are formed. The timing and delivery of new facilities and change in nature from the current green space would also be a negative impact. Overall, the impacts on the existing residents of the surrounding should be given moderate weight.

Negative Impacts – Environmental

- 10.12. During the construction of development there would be disturbance and impacts arising from the implementation of the development this would be a moderate negative consideration on the local environment.

10.13. The proposals would also have a negative impact in terms of the use of land, resources, materials and other impacts arising from the development. This impact is considered to be limited as the proposals form part of the planned growth in the District.

Overall Conclusion

10.14. It is clear that the positive elements of the proposals present a clear and significant benefit to the District both in terms of housing and the delivery of knowledge based jobs. There are significant benefits arising from the delivery of affordable housing, new usable green spaces and facilities to support day to day living and reduce the need to travel further. There would be connections and improvements to the surrounding area. There would be limited variation from the Development Brief, but this has been assessed throughout this appraisal and found to be acceptable. The objections, comments and concerns raised have all be carefully considered but in considering the development as a whole it is clear that the delivery of this allocation should be supported in the view of officers subject to the resolution of matters with the Environment Agency and Network Rail. The proposal is considered to be in compliance with the Development Plan, in particular Policy PR8 of the Partial Review, and in considering the Development Plan as a whole and the aims and objectives of the National Planning Policy Framework the proposals are recommended for approval.

11. RECOMMENDATION

DELEGATE TO THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT TO GRANT PERMISSION SUBJECT TO:

- i) RESOLVING THE OBJECTION OF NETWORK RAIL TO THE SATISFACTION OF THE ASSISTANT DIRECTOR**
- ii) RESOLVING THE OBJECTION OF THE ENVIRONMENT AGENCY TO THE SATISFACTION OF THE ASSISTANT DIRECTOR**
- iii) THE CONDITIONS SET OUT BELOW (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY) AND**
- iv) IN ACCORDANCE WITH APPENDIX 1 (HEADS OF TERMS), THE COMPLETION OF A PLANNING OBLIGATION UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990, AS SUBSTITUTED BY THE PLANNING AND COMPENSATION ACT 1991, TO SECURE THE FOLLOWING (AND ANY AMENDMENTS AS DEEMED NECESSARY):**

- a) Provision of 50% affordable housing on site
- b) Payment of financial contributions towards on/off site community, sports and recreation including the delivery of on-site sport at the future Secondary School for the wider benefit of the community.
- c) Payment of contributions towards transport and public transport enhancements and feasibility work towards a new station and sustainable transport (e.g. travel plan monitoring)
- d) Payment of contributions and land towards Secondary School, SEND and Primary Schools.
- e) Payments of contributions to Police and Health infrastructure.
- f) Payments of contributions to Canal Towpath enhancement and a connecting bridge to Allocation PR7b
- g) Payment of contributions towards archaeology storage, library enhancement and waste services

h) Appropriate monitoring fees for the delivery of the s106

FURTHER RECOMMENDATION: IF THE SECTION 106 AGREEMENT/UNDERTAKING IS NOT COMPLETED WITHIN 12 MONTHS OF THIS RESOLUTION AND THE PERMISSION IS NOT ABLE TO BE ISSUED BY THIS DATE AND NO EXTENSION OF TIME HAS BEEN AGREED BETWEEN THE PARTIES, IT IS FURTHER RECOMMENDED THAT THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT IS GIVEN DELEGATED AUTHORITY TO REFUSE THE APPLICATION FOR THE FOLLOWING REASON:

1. In the absence of a satisfactory unilateral undertaking or any other form of Section 106 legal agreement the Local Planning Authority is not satisfied that the proposed development provides for appropriate infrastructure contributions required as a result of the development and necessary to make the impacts of the development acceptable in planning terms, to the detriment of both existing and proposed residents and contrary to Policies PR2, PR4a, PR4b, PR5, PR8 and PR12 of the Cherwell Local Plan Partial Review, Policies BSC7, BSC10, BSC11, BSC12, SLE4 and INF1 Cherwell Local Plan 2015 and the aims and objectives of the National Planning Policy Framework

CONDITIONS

Time Limits

1. The first Reserved Matters Application shall be made to the local planning authority no later than 3 (three) years from the date of this permission.

Reason: In accordance with the requirements of section 91 of the Town and Country Planning Act 1990 (as amended).

2. The development hereby approved shall be Commenced either before the expiration of 3 (three) years from the date of this permission, or before the expiration of 2 (two) years from the date of the last Reserved Matters Application to be approved, whichever is the later.

Reason: To prevent the accumulation of unimplemented planning permissions, in accordance with the requirements of section 91 of the Town and Country Planning Act 1990 (as amended).

3. Details of the layout, scale, appearance, landscaping and access (other than shown on the approved plans) (hereafter referred to as 'the reserved matters') shall be submitted to and approved in writing by the Local Planning Authority before any development takes place and the development shall be carried out as approved.

Reason: In accordance with the requirements of section 91 of the Town and Country Planning Act 1990 (as amended) and the Development Management Procedure Order.

Compliance with Plans

4. 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:

Location plan – 201506_OPN_P001

Parameter plans,

- o Land use – 201506_OPN_P003
- o Maximum Building Heights, – 201506_OPN_P004
- o Access and Movement – 201506_OPN_P005
- o Green & Blue Infrastructure – 201506_OPN_P006

Highways Drawings:

- o Proposed Traffic Signal Junction Access Arrangement - 8190898_6103_K,
- o Proposed Traffic Signal Junction Arrangement, Hallam Only - 8190898_6106_B,
- o SWA 12m rigid and Home Delivery Van - 8190898_6201_A, o SWA 8.2m Fire Tender - 8190898_6202_A,
- o SWA 12m Bus and Home Delivery Van - 8190898_6203_A

The following plans are illustrative only but have formed part of the application submission:

Illustrative Plan – 201506_OPN_P002

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.

Compliance with the Environmental Statement

5. The development shall be carried out in accordance with the mitigation measures summarised in Chapter 19 in the Environmental Statement.

Reason: To ensure that the development takes place in accordance with the schedule of mitigation contained within the Environmental Statement.

Phasing

6. No development shall commence until a Site Wide Phasing Plan which accords with the s106 triggers and Transport Mitigation Strategy has been submitted to and approved in writing by the Local Planning Authority. It shall define a key phase and include the expected sequence of delivery of development within a Development Area, or sub area, or the provision of any other element or to any other applicable trigger point. The development shall be carried out in accordance with the approved Phasing Plan unless there are unforeseen events / obstacles to delivery and alternative timing for provision is agreed in writing by the Local Planning Authority. The Phasing Plan shall, by written agreement with the Local Planning Authority, be updated from time-to-time to reflect increased certainty of delivery of infrastructure. The Site Wide Phasing Plan shall include but not be limited to the sequence of providing the following elements:

- a. A plan showing defined key phases.
- b. Residential development parcels, including approximate housing numbers;
- c. Construction accesses and temporary facilities (e.g. site compounds and sales offices)
- d. Local bus services;

- e. Major distributor roads/routes within the site, including timing of provision and opening of access points into the site and connections to neighbouring developments;
- f. Strategic footpaths and cycleways;
- g. Strategic foul and surface water features and SUDS;
- i. Formal and informal public open space, allotments, community orchard and parks and play facilities;
- j. Strategic electricity, telecommunications and gas networks;
- k. Infrastructure for the provision of fibre optic cables;
- l. Biodiversity net gain;
- m. Environmental mitigation measures;
- n. A mechanism for its review and where necessary amendment.

Reason: To clarify how the site is to be phased to assist with the determination of subsequent reserved matters applications and in order to ensure that infrastructure provision and environmental mitigation are provided in time to cater for the needs and impacts arising out of the development, in accordance with Policy PR8 of the Cherwell Local Plan (Partial Review) and the aims and objectives of ensuring clear development monitoring and delivery in the NPPF.

Development Brief/Coding

7. Prior to the submission of the first of the reserved matters applications for each Phase of the development except for enabling works or strategic engineering works, a Design Code for that Phase shall be submitted to and approved in writing by the Local Planning Authority. The Design Code shall be prepared for each Key Phase in accordance with the principles and parameters established in the Approved Documents submitted with the Outline Planning Application. It shall include both strategic and more detailed elements.

The Design Code shall explain its purpose, structure, and status; indicate who should use the document and how to use it; set out the mandatory and discretionary elements and be clear how these apply.

Where relevant the Design Code shall address the interface with adjoining areas, whether they have already been subjected to design coding or not, and indicate appropriate cross boundary design responses, both within the Application Site and across the Allocated Site, in accordance with the principles of the outline planning permission or Policy PR8 of the Cherwell Local Plan, unless otherwise demonstrated. The detail of the requirements of the Design Code are at Appendix A.

Reason: To ensure high quality design and coordinated development and to facilitate comprehensive development through cumulative phases of development in accordance with Policies PR4a, PR5, PR8 of the Cherwell Local Plan Partial Review, Policies BSC8, BSC9, BSC10, BSC11, BSC12, ESD1, ESD2, ESD3, ESD5, ESD6, ESD7, ESD8, ESD10, ESD13, ESD15, ESD16, ESD17 and SLE4 of the Cherwell Local Plan 2011-2031 and saved Policies C28 and C30 of the Cherwell Local Plan 1996

Site Wide Construction and Environmental Management Plan (CEMP)

8. Prior to the commencement of development, a detailed site wide Construction and Environmental Management Plan (CEMP) shall be submitted to and agreed in writing by the Local Planning Authority. The CEMP shall be based on the principles outlined in the submitted Construction Environmental Management Plan shall include the following:
- i) Implementation of earthworks and details of any piling, noise, vibration and associated mitigation;
 - ii) Implementation air quality and dust suppression management measures through a Dust Management Plan;
 - iii) The protection of the environment and implement best practice guidelines for works within or near water and habitats, including the appointment of a qualified ecologist to advise on site clearance and construction, in particular any works that have the potential to disturb notable ecological features;
 - iv) Measures to minimising energy requirements and emissions from equipment and plant (including minimising the use of diesel or petrol powered generators and instead using mains electricity or battery powered equipment; powering down of equipment / plant during periods of non-utilisation; optimising vehicle utilisation; use of energy efficient lighting)
 - v) Construction management measures to ensure the preservation of heritage assets and to ensure the preservation of on-site designated heritage assets within the site
 - vi) An Emergency Response / Spill Response Plan to be produced by the Principal Contractor(s) for the protection from contamination
 - vii) Measures to minimise greenhouse gas emissions associated with the production of waste including the reuse and recovery of materials where possible, avoid excavation waste, management of water and water resources, the reuse and/or recycling of construction waste on-site in subsequent stages of the development
 - viii) Measures to reduce the impact on nearby residents and associated temporary fencing, lighting and construction compounds and activity through the operational phase of development
 - ix) Details of site management including a method for creation of logging of visitors and contractors on site, the monitoring incidents and complaints), including monitoring and reporting (including site inspections, soiling checks, compliance with Dust Management plan, etc) and, where appropriate, CCTV and tracking of contractor vehicles to ensure appropriate routing of vehicles

The development shall be carried out in accordance with the approved CEMP.

Reason: To manage construction process and to ensure that the impacts to soils, air quality, contamination and ground conditions, ecological habitats, cultural heritage, noise and vibration, heritage assets, transport and waste as well as neighbouring and nearby residents and climate impacts are managed in accordance with the mitigation outlined in the Environmental Statement and in accordance with Policies ESD1, SLE4 of the Cherwell Local Plan Part 1 2011-2031, Policy PR8 of the Cherwell Local Plan Partial Review and the aims and objectives of the NPPF.

Construction Traffic Management Plan (CTMP)

9. Prior to the commencement of development, a Construction Traffic Management Plan (CTMP) shall be submitted to and agreed in writing by the Local Planning Authority. The CTMP shall detail traffic routing, temporary access and haul roads to ensure construction vehicles, materials and logistics

saving measures are managed.

The development shall be carried out in accordance with the approved CTMP.

Reason: To manage construction process and to ensure that the impacts to local transport infrastructure and the strategic highway network is managed in accordance with the mitigation outlined in the Environmental Statement and in accordance with Policies ESD1, SLE4 of the Cherwell Local Plan Part 1 2011-2031, Policy PR8 of the Cherwell Local Plan Partial Review and the aims and objectives of the NPPF.

Site Wide Landscape and Ecology Management Plan (LEMP)

10. Prior to first occupation of the development hereby approved, a Landscape and Ecology Management Plan (LEMP) covering a period of no less than 30 years shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the site shall be managed in accordance with the details of the approved LEMP.

Reason: To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policies PR5 and PR8 of the Cherwell Local Plan Partial Review, Policy ESD10 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance contained within Section 15 of the National Planning Policy Framework

Housing Mix

11. Prior to the submission of the first application for approval of Reserved Matters relating to the first Development Parcel including residential development within each Phase a housing mix strategy shall be submitted to and agreed in writing by the Local Planning Authority. The submitted strategy shall set out in relation to that Phase details of affordable housing and how this contributes to provision across the whole site and to ensure that there is no significant difference between market and affordable housing provision which would compromise the integration of affordable housing within the development.

Reason: To ensure the appropriate development of the housing in accordance with Policies PR2 and PR8 of the Cherwell Local Plan 2011 – 2031 Partial Review and the aims and objectives of the NPPF.

Self-Build Strategy

12. Prior to the submission of the first application for approval of Reserved Matters in each Phase a Strategy to enhance or support the opportunity for the delivery of self/custom build homes shall be submitted to and agreed in writing by the Local Planning Authority.

The development shall be carried out in accordance with the agreed details.

Reason: To ensure the appropriate development of the housing in accordance with Policies PR2 and PR8 of the Cherwell Local Plan 2011 – 2031 Partial Review and the aims and objectives of the NPPF.

Parking Strategy

13. i) Prior to, or concurrently with, the submission of the first Development Area Brief, a Site Wide Car and Cycle Parking Strategy shall be submitted to the local planning authority for approval. No occupation shall commence until such time as the Strategy has been approved in writing by the local planning authority. The Strategy shall:
- a) set car, coach, bus, cycle and motorcycle parking levels for different uses in relation to targets associated with the Site Wide Travel Plan agreed pursuant to the Section 106 Agreement and provide a mechanism for review;
 - b) provide a distribution strategy and hierarchy for all types of parking;
 - c) provide principles for temporary car parking and its phasing;
 - d) set levels for and principles relating to the location and type of electric vehicle charging points.
- ii) Any Reserved Matters Application which includes parking shall be accompanied by a Parking Plan submitted to the local planning authority for its approval which details how the proposed development complies with the Site Wide Car and Cycle Parking Strategy. The Parking Plan shall be implemented before the buildings permitted by approval of the Reserved Matters Application are first occupied and shall thereafter be maintained thereafter.

Reason: In order to provide consistent and sustainable parking management across the Site to help minimise impact on the network and promote sustainable modes of travel, reduced reliance on the private car and opportunities to maximise the use of public transport, walking and cycling in accordance with Policy PR8 of the Cherwell Local Plan 2011 – 2031 Partial Review and the aims and objectives of the NPPF.

Contamination Verification Strategy

14. A verification report that demonstrates the effectiveness of the remediation carried out in accordance with the Environmental Statement Contaminated Land Chapter on the site shall be submitted to and approved in writing by the Local Planning Authority. Any change to the proposed remediation strategy must be submitted to and approved by the Local Planning Authority prior to works commencing.

Reason: To ensure that any aparthotel rooms are not used as permanent residential accommodation or student accommodation, which would give rise to different impacts in accordance with Policy PR8 of the Cherwell Local Plan 2011 – 2031 Partial Review and the aims and objectives of the NPPF.

Unexpected Contamination

15. If during the course of development, contamination not previously identified is

found to be present at the Site, such as putrescible waste, visual or physical evidence of contamination of fuels/oils, backfill or asbestos containing materials, then no further development within the area subject to the contamination (unless otherwise agreed in writing with the local planning authority) shall be carried out until the applicant has submitted, and obtained written approval from the local planning authority for, a remediation strategy detailing how the unsuspected contamination shall be dealt with. The remediation strategy shall be implemented 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 PR8 of the Cherwell Local Plan 2011 – 2031 Partial Review and the aims and objectives of the NPPF.

Ecology/BNG condition(s)

16. Prior to the commencement of works, a detailed Biodiversity Improvement Management Plan (including updated survey work as appropriate). The management plan, should set out and include:
- Survey work in relation to breeding birds, water voles and badgers.
 - the retention and enhancement of the main river running to the south and surrounding landscaping;
 - retention and enhancement of existing ponds and ditches on the Site.
 - creation of new of ponds on the Site,
 - the creation of Sustainable Drainage System wetland; and
 - enhance the extent and connectivity of habitat suitable for protected species including otters and water voles.
 - Mitigation of badgers and other protected species

Reason: To ensure that the development follows the Ecology mitigation identified in the Environmental Statement, submits appropriate information in relation to Biodiversity Management outlined in Policies PR5 and PR8 of the Cherwell Local Plan Partial Review, Policies ESD10, ESD13 and ESD16 of the Cherwell Local Plan 2011-2031 and meets the requirements of the NPPF in mitigating and achieving biodiversity net gain

17. a) Prior to the first Reserved Matters a detailed strategy for the achievement of Biodiversity Net Gain across the whole site shall be submitted to and agreed in writing by the Local Planning Authority.

b) As part of each subsequent Reserved Matters details of Biodiversity Net Gain to be achieved over the Reserved Matters submission and how this contributes to the overall development aims shall be submitted to and approved in writing by the Local Planning Authority.

c) The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development meets the requirements of the NPPF in mitigating and achieving biodiversity net gain and in accordance with Policies

Sustainable Construction Strategy

18. a) Prior to or concurrently with the submission of the first Development Parcel Reserved Matters application, a strategy shall be submitted detailing how the development will progress the aims of net zero carbon to include targets for each element that:
- As a minimum, complies with national and local requirements for low and zero carbon.
 - Create a Development that is resilient to energy price fluctuation and the impacts of climate change.
 - Supports the transition towards Net Zero Carbon.
 - Reduce potable water demand through the efficient use of water to a maximum of 105 litres per person per day
 - Include details for the management of wastewater (e.g. through rainwater harvesting)
 - Manage water run-off through the incorporation of SuDS
 - Minimise the generation of and increase the reuse of waste associated with demolition, excavation and construction
 - Provide systems for efficient waste management during operation
 - Provide for the sustainable use of materials and resources, considering embodied impacts, sourcing, conservation and reuse
 - Promote and enable efficient low-carbon means of transport and prioritise active transportation by providing a minimum appropriate cycle storage within dwellings and providing staff cycle storage and changing facilities within workplaces
 - Ensure the reduction in energy use for heating and cooling
 - Provide for electric charging points on all private properties, communal parking spaces, and on all disabled parking spaces with the provision of passive capability to install future electric vehicle charging points
 - Sustainable buildings that deliver high levels of enhanced economic, social and environmental outcomes including lower operational costs.
- b) As part of the Reserved Matters submissions for each Development Parcel a compliance statement for that Development Parcel shall be submitted demonstrating how the proposal meets or exceeds the requirements of Site wide sustainability standards and a strategy for implementation in relation to that Development Parcel.
- c) The development of each Development Parcel shall be implemented in accordance with the relevant agreed details and timescales for that Development Parcel.

Reason: To ensure that the proposals meet the challenge of the legislation set out in the Climate Act 2008 as set out by the aims and objectives set out in the NPPF, Policies PR5, PR8 and PR11 of the Cherwell Local Plan Partial Review and Policies ESD5, ESD6, ESD7 and ESD8 of the Cherwell Local Plan 2011-2031 and the aims and objectives of the NPPF.

Landscape Reserved Matters

19. Any Reserved Matters Application for landscaping details pursuant to this approval shall, where relevant, include detailed landscape designs and specifications for the associated Reserved Matters Area. The details shall be accompanied by a design statement that demonstrates how the landscaping scheme accords with any emerging or approved details sought as part of the Approved Design Code for a Phase and shall include the following:

Soft Landscaping

- a) Full details of planting plans and written specifications, including details of cultivation to soils before seeding and turfing, proposals for maintenance and management associated with plant and grass establishment for a 5- year establishment and maintenance period, details of the mix, size, distribution, density of all trees/hedges/shrubs to be planted and the proposed planting season. The planting plan shall use botanic names to avoid misinterpretation. The plans should include a full schedule of plants.
- b) 1:500 plans (or at a scale otherwise agreed) with cross-sections of mounding, ponds, ditches and swales and proposed treatment of the edges and perimeters of the site.
- c) The landscape treatment of roads (primary, secondary, tertiary, and green) through the development.
- d) A specification for the establishment of trees, including within hard landscaped areas including details of space standards (target rooting volumes for trees and distances from buildings and/or development parcels.) and tree pit details.
- e) The planting and establishment of structural landscaping to be provided in advance of all or specified parts of the site as appropriate.
- f) Full details of any existing, altered, or proposed watercourses/drainage channels.
- g) Full details of the location of any services and utilities relative to existing and proposed soft landscaping.
- h) Details and specification of proposed earth modelling, mounding, re-grading and/or embankment areas or changes of level across the site to be carried out including soil quantities, topsoil storage to BS 3882: 2015, proposed levels and contours to be formed and sections through construction to show make-up.

Hard Landscaping

- i) Full details, including cross-sections, of all bridges and culverts.
- j) The location and specification of minor artefacts and structures, including furniture, refuse or other storage units, signs, and lighting columns/brackets.
- k) 1:500 plans (or at a scale otherwise agreed) including cross sections, of roads, paths, and cycleways.
- l) Details of all hard-surfacing materials (size, type, and colour)

Any trees or planting which form part of an agreed scheme pursuant to this condition and which should die or require replacement within the first 5 years after completion of the scheme shall be replaced as soon as practicable in the first available planting season.

The landscaping within the Reserved Matters Area shall be implemented in accordance with the approved plans for implementation and for their replacement.

Reason: To ensure an appropriate level of information is contained within the application documentation in accordance with Policies

Surface Water Strategy

20. As part of any application for reserved matters relating to layout, a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, including principles of future management, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall not be implemented other than in accordance with the approved details and shall be implemented before the development is completed. It shall thereafter be managed in accordance with the approved details. The scheme shall also include:

a) a compliance report to demonstrate how the scheme complies with the “Local Standards and Guidance for Surface Water Drainage on Major Development in Oxfordshire”;

b) full drainage calculations for all events up to and including the 1 in 100 years plus 40% climate change;

c) a Flood Exceedance Conveyance Plan;

d) comprehensive infiltration testing across the site to BRE DG 365 (if applicable);

e) detailed design drainage layout drawings of the SuDS proposals including cross-section details;

f) detailed maintenance management plan in accordance with Section 32 of CIRIA C753 including maintenance schedules for each drainage element, and; details of how water quality will be managed during construction and post development in perpetuity;

g) confirmation of any outfall details; and

h) consent for any connections into third party drainage systems.

Reason: To manage on site drainage and sustainable drainage systems across the site in accordance with Policies PR5 and PR8 of the Cherwell Local Plan Partial Review, Policies ESD6, ESD7, ESD8, ESD10, ESD13, ESD15 and ESD16 of the Cherwell Local Plan 2011-2031 and the aims and objectives of the NPPF

Foul Water Strategy

21. The development shall be undertaken in accordance with a Development and Infrastructure Phasing Plan which shall be submitted for approval by the LPA prior to development commencing. As a minimum the Plan should include the anticipated commencement and occupation of development phases and how the necessary upgrade works and their timescales for delivery have been taken into account. Occupation of the development (or part of the development) shall only take place in accordance with the Development and Infrastructure Phasing Plan.”

REASON: Oxford sewage treatment works does not have capacity to accommodate all flows from the development. While acceptable in principle, development needs to be aligned with upgrades to the sewage treatment works to avoid adverse impacts on the environment.

22. The development shall not be occupied until confirmation has been provided to the LPA that all foul water network upgrades required to accommodate the additional flows from the development are operational with that time period anticipated as being within 3 years of the date of this consent".

REASON: The local sewerage network does not have capacity to accommodate all flows from the development. While acceptable in principle, development needs to be aligned with upgrades to the sewerage network to avoid adverse impacts on the environment.

23. The development shall not be occupied until confirmation has been provided to the LPA that all foul sewage treatment upgrades required to accommodate the additional flows from the development are operational with that time period anticipated as being within 3 years of the date of this consent".

REASON: The local sewage treatment works does not have capacity to accommodate all flows from the development. While acceptable in principle, development needs to be aligned with upgrades to the sewerage network to avoid adverse impacts on the environment in accordance with Policies PR8 and PR11 of the Cherwell Local Plan Partial Review and Policies INF1 of the Cherwell Local Plan 2011-2031 and the aims and objectives of the NPPF.

Residential Travel Plan

24. Within three months of first occupation of each Phase a Travel Plan for the residential dwellings of that Phase shall be submitted to and approved by the Local Planning Authority and implemented thereafter. The Travel Plan shall include mechanisms for review and updating dependent on delivery timescales. The development shall be carried out in accordance with the Adopted Travel Plan.

REASON: To promote and implement sustainable transport measures and reduce the reliance on the car and promote cycling, walking and the use of public transport in accordance with Policies PR4a, PR8 and PR11 of the Cherwell Local Plan Partial Review and Policies INF1 and SLE4 of the Cherwell Local Plan 2011-2031 and the aims and objectives of the NPPF

Youth and Play Strategy

25. Prior to or concurrently with the submission of the first of the reserved matters submission, a Strategy for Youth Facilities and Children's Play provision across the development, in accordance with the principles set out in the submitted Environmental Statement and the principles of the Design Code (approved under Condition 7), shall be submitted to the Local Planning Authority for approval. The Youth and Play Strategy shall include sufficient details to demonstrate the implementation of the Sports strategy within the Strategic Design Guide including specifications, location and phasing and include details of management, maintenance and governance. Reserved matters submissions shall take account of and be submitted in accordance with the approved strategy.

Reason: To ensure that the proposals deliver appropriate an amount and variety of sport and recreational opportunities for all ages in accordance with the submitted Environmental Statement, Sports Strategy and Landscape Strategy

and Policies PR5 and PR8 of the Cherwell Local Plan Partial Review and Policy BSC10, BSC11, ESD10, ESD13, ESD15, and ESD17 of the Cherwell Local Plan 2011-2031, 2031, saved policies C28 and C30 of the Cherwell Local Plan 1996 and the aims and objectives of the NPPF.

Formal Play (NEAPS, LEAPS)

26. a) A Reserved Matters submission which includes formal play provision shall be carried out in accordance with the Site Wide Youth and Play Strategy and shall include details of site levels, play features and facilities for an appropriate age of children and youth provision, seating, pathways, planting and landscaping relating to that play facility and a strategy for its implementation and management shall be submitted for the approval of the Local Planning Authority. The play equipment shall be designed in a manner to reflect the location and to ensure that there is individual identity and design to distinguish the play facility from other play facilities in the application site.

b) The development of the play provision shall be carried out in accordance with the relevant agreed details and retained thereafter.

c) Any trees or planting which form part of an agreed scheme pursuant to this condition and which should die or require replacement within the first 5 years after completion of the scheme shall be replaced as soon as practicable in the first available planting season.

Reason: To ensure that the proposals deliver an appropriate amount and variety of recreational opportunities for all ages in accordance with the submitted outline application and in accordance with Policies PR5 and PR8 of the Cherwell Local Plan 2011-2031 (Partial Review), Policies BSC10, BSC11, ESD6, ESD7, ESD15 and ESD17 of the Cherwell Local Plan 2011-2031 and saved policies C28 and C30 of the Cherwell Local Plan 1996 and the aims and objectives of the National Planning Policy Framework.

Informal Play (LAPs, SiPs)

27. a) A Reserved Matters submission which incorporates additional Local Areas of Play (LAPs), Sites for Imaginative Play (SiPs) or other areas of informal play shall be carried out in accordance with the Site Wide Youth and Play Strategy shall include details of site levels, play features, seating, pathways, planting and landscaping relating to that LAP, SiP or other area of informal play and a strategy for their implementation and management shall be submitted for the approval of the Local Planning Authority.

b) The development of each informal play area shall be carried out in accordance with the relevant agreed details and retained thereafter.

c) Any trees or planting which form part of an agreed scheme pursuant to this condition and which should die or require replacement within the first 5 years

after completion of the scheme shall be replaced as soon as practicable in the first available planting season.

Reason: To ensure that the proposals deliver appropriate an amount and variety of recreational opportunities for all ages in accordance with the submitted outline application and in accordance with Policies PR5 and PR8 of the Cherwell Local Plan 2011-2031 (Partial Review), Policies BSC10, BSC11, ESD6, ESD7, ESD15 and ESD17 of the Cherwell Local Plan 2011-2031 and saved policies C28 and C30 of the Cherwell Local Plan 1996 and the aims and objectives of the National Planning Policy Framework.

Community Orchard/Edible Landscape

28. a) As part of the Reserved Matters submission which incorporates new groups of tree planting, shall consider the provision of community orchards and an edible landscape, and should those be proposed the following details relating to any such provision shall be submitted to the Local Planning Authority for approval in writing:

- i) details of site levels and soil preparation,
- ii) planting to promote an edible landscape including fruit trees, shrubs and bushes,
- iii) boundary treatment and hedgerow planting,
- iv) any ancillary features such as seating, bins (including dog bins),
- v) arrangements for implementation and management of the area for the future community.

b) The development of such community orchards shall be carried out in accordance with the agreed details and retained thereafter.

c) Any trees or planting which form part of an agreed scheme pursuant to this condition and which should die or require replacement within the first 5 years after completion of the scheme shall be replaced as soon as practicable in the first available planting season.

Reason: To ensure that the proposals deliver appropriate opportunities for tree planting, healthy lifestyles and wildlife foraging and in accordance with Policies PR5 and PR7a of the Cherwell Local Plan 2011-2031 (Partial Review), Policies BSC10, BSC11, ESD6, ESD7, ESD15 and ESD17 of the Cherwell Local Plan 2011-2031 and saved policies C28 and C30 of the Cherwell Local Plan 1996 and the aims and objectives of the National Planning Policy Framework.

Allotments Strategy

29. The Reserved Matters submissions for any Development Parcel or Landscaping Element which incorporates allotment provision shall, where appropriate, include the following details:

- a) A plan of the allotments, principles of plot layout and design providing for a range of plot sizes designed to allow flexibility to meet the needs of future plot holders; areas for communal storage of, for example, manure and compost;
- b) Confirmation that the site of the proposed allotments is free from contamination and capable of growing fruit and vegetables for human consumption;
- c) Proposed management arrangements for the allotments (including topsoil and soil provision/management) including consultation with relevant bodies;
- d) Access and parking arrangements to allow easy and safe access to the allotments;
- e) Details of the ancillary features (e.g. bins, seats, water butts, greenhouses and sheds);
- f) Boundary treatment, including security arrangements for the allotments;
- g) Water supply, including use of stored rainwater and SuDS for watering crop and drainage arrangements to ensure that the proposed site for the allotments is free draining and does not impact on the wider drainage network (e.g. through silting up of the drainage network).
- ii) The provision of allotments shall be carried out in accordance with the approved details and in accordance with the approved phasing programme.

Reason: To ensure that the detail of allotments are delivered in a manner that delivers an appropriate allotments for future users in accordance with the requirements of Policies PR5 and PR8 of the Cherwell Local Plan 2011- 2031 (Partial Review), Policies ESD13, ESD15 and ESD17 of the Cherwell Local Plan 2011-2031 and saved policies C28 and C30 of the Cherwell Local Plan 1996 aims and objectives of the National Planning Policy Framework.

Footpaths, Cycleways and Green Corridors

30. Prior to or as part of the Reserved Matters submission with regard to the relevant phase the submission shall detail:
- i. Footways and cycleways to promote active travel for recreation and commuting across the site and connections to neighbouring developments.
 - ii. The creation of Green Corridors including landscaping, seating, signage and public art
 - iii. The creation of recreational links and access across the land to the north under development proposals 23/02098/OUT
 - iv. The provision of connections to Littlemarsh Playing Field and/or evidence to demonstrate that this is not feasible.

Reason: To ensure that the detail of footways, cycleways and other routes are delivered in a manner that delivers an appropriate recreational facility for future users in accordance with the requirements of Policies PR5 and PR8 of the Cherwell Local Plan 2011- 2031 (Partial Review), Policies SLE4, ESD13, ESD15, ESD16 and ESD17 of the Cherwell Local Plan 2011-2031 and saved policies C28 and C30 of the Cherwell Local Plan 1996 aims and objectives of the National Planning Policy Framework.

Lighting Strategy

31. Prior to or concurrently with each Reserved Matters details of a site-wide

lighting strategy taking account of the principles in the Framework Lighting Strategy shall be submitted to and agreed in writing by the Local Planning Authority. The details shall include:

- i) Lighting for play
- ii) Lighting for residential areas
- iii) Lighting for public realm and walking and cycling routes.
- iv) Areas of ecological areas where lighting will be prohibited.
- v) A strategy for lighting roads and development parcels.
- vi) A strategy for mitigation to reduce light pollution during construction.

No occupation shall take place on any phase until the detailed lighting strategy has been approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: To minimise light pollution from the construction and operational phase of development and to ensure that the proposals are in accordance Policies PR3, PR5 and PR8 of the Cherwell Local Plan 2011-2031 (Partial Review), Policies BSC10, BSC11, ESD13, ESD15 and ESD17 of the Cherwell Local Plan 2011-2031 and saved policies C28 and C30 of the Cherwell Local Plan 1996 and the aims and objectives of the National Planning Policy Framework.

Tree Management Strategy

32. As part of the Reserved Matters submission, a tree management strategy and associated plans for the following insofar as they relate to that Reserved Matters shall be submitted to and agreed in writing by the Local Planning Authority.

- i) A strategy for the ongoing management, felling and replacement planting of any trees within existing mature trees and hedgerows in accordance with the principles of the outline planning permission.
- ii) A strategy for other standalone and groups of trees and hedgerows within the Reserved Matters submission
- iii) Details of tree protection measures relating to that Reserved Matters submission in accordance with BS5837:2012 (or succeeding and/or replacement legislation) to be maintained throughout construction.
- iv) Details of new landscaping features (e.g. seats, dog bins, and footpaths) within the existing tree belts within the Reserved Matters submission
- v) A strategy for implementation and retention of new and existing trees, hedgerows or tree belts within the Reserved Matters submission

b) The development of each Reserved Matters shall be implemented in accordance with the agreed strategy and timescale and retained thereafter.

Reason: To ensure that the proposals deliver appropriate management and retention of the existing tree cover to the site in accordance with the submitted Environmental Statement and Policies PR5 and PR8 of the Cherwell Local Plan Partial Review and the aims and objectives of the National Planning Policy Framework.

Noise Mitigation Strategy

33. Prior to the development commencing a report shall be submitted to and approved in writing by the local planning authority that shows that all habitable rooms within the dwelling and external areas will achieve the noise levels specified in BS8233:2014 (Guidance on sound insulation and noise reduction

for buildings) for indoor and external noise levels (if required then the methods for rating the noise in BS4142:2014 should be used, such as for noise from industrial sources).

Thereafter, and prior to the first occupation of the dwellings affected by this condition, the dwellings shall be insulated and maintained in accordance with the approved details.

If alternative means of ventilation are required, then an overheating assessment should be carried out in accordance with details submitted to and approved by the Local Planning Authority and the approved details shall then be implemented into the development.

Reason: To ensure that the proposals provide an appropriate mitigation to road and railway noise arising from neighbouring land uses in accordance with Policy PR8 of the Cherwell Local Plan Partial Review and the aims and objectives of the National Planning Policy Framework.

Low Emission Strategy

34. Prior to the submission of the first Reserved Matters a Low Emission Strategy shall be submitted to and agreed in writing to mitigate, improve and enhance, wherever possible, the air quality and sustainable transport options to the surrounding area. The development shall be carried out in accordance with the approved strategy.

Reason: To ensure that the proposals provide an appropriate mitigation to road and railway noise arising from neighbouring land uses in accordance with Policies PR4a, PR4b and PR8 of the Cherwell Local Plan Partial Review and the aims and objectives of the National Planning Policy Framework.

Fibre Optic Installation

35. a) Prior to the commencement of any Reserved Matters, a scheme detailing the provision of open access ducting for fibre optic cable to serve a range of telecommunication services, shall be submitted to and approved in writing by the Local Planning Authority, including site infrastructure plans. The scheme shall ensure:

- i) that a site-wide network is in place and provided as part of infrastructure works;
- ii) that the site-wide network includes the provision of open access ducting for fibre optic cable to the boundary of the site; and
- iii) a strategy for implementation of the works and access and connections to neighbouring Development Parcels.

b) As part of the Reserved Matters submission for layout, a strategy shall be submitted to and agreed in writing by the Local Planning Authority to demonstrate the completion of infrastructure to facilitate the provision of fibre optic cable to each property upon the completion of the infrastructure. The scheme shall be implemented in accordance with the agreed timescales and retained thereafter.

Reason: To provide appropriate and sustainable infrastructure for high speed internet connection in accordance with Policies PR8 of the Cherwell Local Plan 2011- 2031 (Partial Review), Policies BSC9 and ESD15 of the Cherwell Local Plan 2011-2031 and saved policies C28 and C30 of the Cherwell Local Plan 1996 aims and objectives of the National Planning Policy Framework.

Residential Space Standards

36. A Reserved Matters Submission within the redline of the outline application shall be accompanied by a statement outlining that all proposed residential properties are in compliance with national or local space standards, whichever provides a higher level of space.

Reason: To achieve an appropriate standard of housing in accordance with Policy PR2 and PR8 of the Cherwell Local Plan 2011-2031 (Partial Review) and the aims and objectives of the National Planning Policy Framework.

Appendix A - Design Code Requirements

The Design Code shall include, as relevant to each Phase:

- a. The vision for the Phase. This should clearly articulate how the Phase contributes to the realisation of the Vision for the Site as a whole, as articulated in the Design and Access Statement and Design Principles, with emphasis upon the overall framework for movement, land use and landscape. The framework for development should be presented within the context of the Application Site and the wider area.
- b. The Design Code shall include a 'framework masterplan' that establishes the framework for development within that Phase. The 'framework masterplan' is the key plan associated with the Design Code and the content of the plan and its associated key will guide the structure of the Design Code.
- c. A movement hierarchy for the Phase (which is to secure a legible, permeable and connected network), and the principles and extent of the highway that would potentially be offered for adoption (the extent of adoption will be agreed following Reserved Matters approval).
- d. Typical street cross-sections which will include details of tree planting, landscaping, service runs, traffic calming and on street parking.
- e. How the design of the streets and spaces will address the needs of all users and give priority to sustainable travel.
- f. Principles to guide block structure and built form including design principles to address the relationships between land use; height and mass; primary frontages; pedestrian access points; fronts and backs; threshold definition; important buildings/groupings; building materials and design features.
- g. Approach to incorporation of ancillary infrastructure/buildings (such as substations, street name plates, pumping stations, pipes, flues, vents, meter boxes, external letterboxes, required by statutory undertakers as part of building design) and the routing of utilities.
- h. The approach to vehicular parking across the phase including the location and layout of parking for people with disabilities and for each building type, including the approach that will be adopted to access points into, and the ventilation of any undercroft or underground parking or any separate parking structures.
- i. The approach to cycle parking for all uses and for each building type, including guidance on the distribution (resident/visitor parking and location in the development), type of rack, spacing and any secure or non-secure structures associated with the storage of cycles, following the principles of the LTN1/20

j. The approach to the landscape framework including the integration of the existing retained landscape features and new structural planting in the key public open spaces and along the primary and secondary streets, together with guidance on tree/planting specification, and the interface with surface water drainage features, the design of which will also be addressed.

k. The provision of outdoor sports and children's play space provision including the formal playing fields and any Neighbourhood Equipped Area for Play (NEAP), Local Equipped Play Area for Play (LEAP) and Local Area of Play (LAP) with reference to the relevant open space/play space guidance and standards extant at that time.

l. The approach to the treatment of footpaths, cycleways, and bridleways through the site.

m. The conceptual design and approach to key public spaces including the integration of public art (identifying appropriate locations) and guidance on materials, signage, utilities, and any other street furniture.

n. The conceptual design and approach to the lighting strategy and how this will be applied to different areas of the development with different lighting needs, to maximise energy efficiency, minimise light pollution and avoid street clutter.

o. Details of waste and recycling provision for all building types, in accordance with RECAP principles.

p. Measures to demonstrate how the design can maximise resource efficiency and climate change adaptation through external, passive means, such as landscape, orientation, massing, and external building features.

q. Design features to support biodiversity and ecological enhancement aligned with the relevant Phase Ecological Management Plan.

r. Measures to minimise opportunities for crime.

s. Details of the proposed design review procedures and circumstances where design review will be undertaken.

Reserved matters applications for that phase shall be submitted in accordance with 'a Design Guide Statement of Compliance' with the details approved as part of the Design Code for that Phase.

APPENDIX 1- Heads of Terms for Section 106 Agreement/undertaking

Planning obligation			Regulation 122 Assessment
Detail	Amounts (all to be Index linked)	Trigger points	
Affordable Housing	<p>50% Affordable Housing</p> <p>To include 25% First Homes to comply with the Government's policy. This was introduced after the Partial Review was adopted and supersedes it. The tenure split on this site is therefore:</p> <ul style="list-style-type: none"> - 70% social rented - 25% First Homes - 5% shared ownership <p>The precise mix to be agreed.</p>	<p>Suitable trigger points for an RP to be brought on board and then for the delivery of the affordable housing alongside the delivery of market dwellings.</p>	<p>Necessary – Yes – The site is allocated as part of the Partial Review – Policy PR2 and PR8 are the relevant policies.</p> <p>Directly related – Yes – the affordable housing will be provided for the need identified in the Local Plan</p> <p>Fairly and reasonably related in scale and kind – Yes – the contribution is the level of the expected affordable housing.</p>
OCCG	£259,200.00	50% occupation or an alternative agreed trigger	<p>Necessary – The proposed development will lead to an increase in demand and pressure on existing services and facilities in the locality as a direct result of population growth associated with the development. Additional facilities are expected to be provided at Exeter Close in the first instance however there may also be an opportunity for additional facilities on site and in Yarnton.</p> <p>Directly related – Yes. The proposals would be used towards the creation of consultation space.</p>

			<p>Fairly and reasonably related in scale and kind – Yes</p>
<p>Public Art, Public Realm and Cultural Wellbeing</p>	<p>£ 58,800</p> <p>This also could be delivered through a public art strategy</p>	<p>First occupation or an alternative agreed trigger</p>	<p>Necessary – In accordance with the Council's Adopted SPD. Public Realm, Public Art and Cultural Well-being. Public realm and public art can play an important role in enhancing the character of an area, enriching the environment, improving the overall quality of space and therefore peoples' lives. SPD 4.132 The Governments Planning Practice Guidance (GPPG) states public art and sculpture can play an important role in making interesting and exciting places that people enjoy using and for neighbouring communities. The design of these should seek to be interactive and encourage imaginative play and stimulate curiosity about the natural environment. It is also recommended that the design and execution of the artwork embeds participatory activity for local schools and community groups to ensure the work is meaningful and inspires cultural wellbeing.</p> <p>Directly related – The recommendation is to engage a lead artist/artist team to develop a series of bespoke and creative waymarkers or landmark features around the cycleways and footpaths. These could also potentially be rolled out to other routes in the area to create a broader network and</p>

			<p>link in the neighbouring communities. The design of these should seek to be interactive and encourage imaginative play and stimulate curiosity about the natural environment. It is also recommended that the design and execution of the artwork embeds participatory activity for local schools and community groups to ensure the work is meaningful and inspires cultural wellbeing.</p> <p>Fairly and reasonably related in scale and kind – Based on £200 per residential dwelling which includes a 12% for management and maintenance (£) is considered to be proportionate to the scale and location of the development</p>
Outdoor Sports Provision	£605,109.00	<p>Phased across the development.</p> <p>Agreed triggers/phasing may be agreed through the course of the s106 drafting.</p>	<p>Necessary – The proposed development will lead to an increase in demand and pressure on existing services and facilities in the locality as a direct result of population growth associated with the development in accordance with Policy BSC12, INF1 and advice in the Developer Contribution SPD</p> <p>Directly related – An off-site contribution is sought to support the provision of formal outdoor sport facilities in the wider PR8 area and/or enhancements to Little Marsh Playing Fields and other formal outdoor sports facilities in the locality.</p>

			Fairly and reasonably related in scale and kind – Calculations will be based on the Developer Contributions SPD calculation based on the final mix of housing and number of occupants.
Indoor Sports Provision	<p>£241,430.40</p> <p>The development of the secondary school should incorporate the provision of a 4-court sports hall to Sport England specification, made available for out-of-school hours community use. The provision of such a facility would cost (according to County Council figures) £840,000 at a 2Q 2024 base date.</p> <p>Details of the community sport need to be evident in the S106 and a condition is also added. As the development is providing sports hall provision, the contribution requested would be used as part of the delivery process of the development</p>	The amount to be phased across the delivery of the scheme (e.g. the school sports provision).	<p>Necessary – The proposed development will lead to an increase in demand and pressure on existing services and facilities in the locality as a direct result of population growth associated with the development in accordance with Policy BSC12, INF1 and advice in the Developer Contribution SPD. Contributions would be towards improvements at Kidlington & Gosford Leisure Centre and/or a new facility in the vicinity.</p> <p>Directly related – The future occupiers will place additional demand on existing facilities.</p> <p>Fairly and reasonably related in scale and kind – Calculations will be based on the Developer Contributions SPD calculation based on the final mix of housing and number of occupants.</p>
Community Hall	<p>£308,358.00</p> <p>A commuted sum should be associated with the community building towards 15 years maintenance, which should be made available to whoever takes ownership.</p>	Trigger to be agreed	Necessary - Requiring a new community facility on site is in accordance with Policy BSC 12 and Policy PR11 and the Developer Contributions SPD.

	<p>The contribution towards maintenance should be calculated at £298.88 per m².</p> <p>Total commuted sum calculated on 133.20 per m² = £39,810.82</p>		<p>Directly Related – Yes – the proposals will be delivered as part of the Local Centre on the OUD proposals.</p> <p>Fairly and Reasonably related in scale and kind- Yes.</p>
Community Development Worker	<p>£34,791.48</p> <p>As the development is between 250 and 500 dwellings, developers are expected to contribute towards the costs of employing a community development worker for 0.4 FTE for 2 years. Costs calculated at Grade G, point 1 £35,647.00 per annum plus 22% on costs. 0.4 of FTE with on costs = £17,395.74 For 2 years</p>	Trigger to be agreed	<p>Necessary - Community development is a key strategic objective of the Cherwell Local Plan. The Local Plan includes a series of Strategic Objectives and a number of these are to facilitate the building of sustainable communities. SO10 is a strategic objective to provide sufficient accessible good quality services, facilities and infrastructure including green infrastructure, to meet health, education, transport, open space, sport, recreation, cultural, social, and other community needs, reduce social exclusion and poverty and address inequalities in health, maximising well-being. Paragraph B.86 of the Local Plan states that the Council wishes to ensure that new development fully integrates with existing settlements to forge one community, rather than separate communities.</p> <p>Directly Related – The contribution shows how the developer will support the initial formation and growth of the community through investment in community development, which enhances well-being</p>

			<p>and provides social structures through which issues can be addressed.</p> <p>Fairly and Reasonably related in scale and kind- Yes.</p>
Community Development fund	£13,500.00	Trigger to be agreed	<p>Necessary – The NPPF (March 2021) paragraph 69 states that planning should aim to achieve places which promote....” opportunities for meetings between members of the community who might not otherwise come in contact with each other”. Paragraph 17 states that planning should “take account and support local strategies to improve health, social and cultural well-being for all and deliver sufficient community and cultural facilities to meet local needs.</p> <p>Directly Related – The contribution towards community development work which will include initiatives to support groups for residents of the development.</p> <p>Fairly and Reasonably related in scale and kind- Yes.</p>
A public transport services contribution	£131,353	First Occupation or alternative agreed trigger	<p>Necessary – The contribution is necessary to provide sustainable transport options to the site and as part of the overall public transport provision.</p> <p>Directly related –</p>

			<p>The proposal provides for residential which should be reasonably accessible via public transport modes to ensure occupiers have options to use sustainable modes of transport. It is therefore directly related to the development.</p> <p>Fairly and reasonably related in scale and kind – The level is at an established rate and based on number of dwellings.</p>
Sustainable Transport Infrastructure	<p>£56,136 to be index linked from October 2021 using RPIX Index– Bus stops.</p> <p>£100,000 to be index linked from December 2023 using RPIX Index – towards design and study for a future railway station.</p> <p>£525,454 to be index linked from June 2022 using Baxter Index- A44 Highway Works Package – Bladon to Begbroke Hill* (under review)</p> <p>£388,850 to be index linked from June 2022 using Baxter Index towards the Mobility Hub* (under review)</p>	<p>First occupation or alternative agreed trigger</p> <p>At 1,500 homes</p>	<p>Necessary – The contribution is necessary to provide sustainable transport options with the fitting of four bus shelters on the site.</p> <p>Directly related – The proposal provides for residential which should be reasonably accessible via public transport modes to ensure occupiers have options to use sustainable modes of transport. It is therefore directly related to the development.</p> <p>Fairly and reasonably related in scale and kind – The level is at an established rate and based on number of dwellings.</p>
Travel Plan Monitoring contribution towards the cost of monitoring the framework and individual	£1,890 index linked from March 2022 using RPIX Index	At appropriate stages	<p>Necessary – The site will require a framework travel plan. The fee is required to cover OCCs</p>

<p>travel plans over the life of the plans.</p>			<p>costs of monitoring the travel plans over their life.</p> <p>Directly related - The contribution is directly related to the required travel plans that relate to this development. Monitoring of the travel plans is critical to ensure their implementation and effectiveness in promoting sustainable transport options.</p> <p>Fairly and reasonably related in scale and kind – The amount is based on standard charging scales which are in turn calculated based on the Officer time required at cost.</p>
<p>Public Rights of Way</p>	<p>£21,428 index linked from September 2023 using Baxter index plus on site enhancement</p>		<p>Necessary - to allow the Countryside Access Team to plan and deliver improvements with third party landowners in a reasonable time period and under the Rights of Way Management Plan aims. The contribution would be spent on improvements to the public rights of way in the vicinity of the development – in the ‘impact’ area up to 3km from the site, predominantly to the east, south and north of the site. Primarily this is to improve the surfaces of all routes to take account of the likely increase in use by residents of the development as well as new or replacement structures like gates, bridges and seating, sub- surfacing and drainage to enable easier access, improved signing and protection measures such as</p>

			<p>anti-motorcycle barriers. New short links between existing rights of way would also be included.</p> <p>Directly related - Related to rights of way and improvements arising from the development to support public rights of way enhancement.</p> <p>Fairly and reasonably related in scale and kind - Calculated on the basis of the impact arising from the development and the scale of the development</p>
Primary and Nursery Education	<p>£2,358,195 index linked from Index Value 327 of BCIS all in TPI index to deliver on site provision.</p> <p>£187,320 index linked from November 2020 using RPIx index plus on site enhancement towards land costs of acquiring the sites.</p> <p>£385,700 towards Primary School transport</p>	<p>Required timing of delivery of the school(s) is to be confirmed once there is a timescale for the development and will take into account the local context at that time, but typically, new primary schools within developments of this scale are needed by approximately 400-500 occupations.</p>	<p>Necessary – To deliver on site school capacity in accordance with Policy PR8</p> <p>Directly related – Related to the pupils generated by the development.</p> <p>Fairly and reasonably related in scale and kind – Calculated on the basis of pupil yield and cost per pupil.</p>
Secondary Education	<p>£1,886,906 index linked from Index Value 327 of BCIS all in TPI index Secondary School Contribution</p> <p>£194,186 index linked from November 2020 using RPIx index plus on site</p>	<p>The delivery of the Secondary School complex is shown on the submitted parameter plans. Required timing of delivery of the school(s) is to be confirmed once there is a timescale for the development</p>	<p>Necessary – To deliver on site school capacity in accordance with Policy PR8</p> <p>Directly related – Related to the pupils generated by the development.</p>

	enhancement towards land costs of acquiring the sites	and will take into account the local context at that time	Fairly and reasonably related in scale and kind – Calculated on the basis of pupil yield and cost per pupil.
SEN Development	£152,560 index linked from Index Value 327 of BCIS all in TPI index.	It is noted that the application is outline and therefore the above level of contributions would be subject to amendment, should the final unit mix result in an increase in pupil generation. An appropriate trigger will be agreed through the drafting of the s106 Agreement.	Necessary – Approximately half of pupils with Education Needs & Disabilities (SEND) are educated in mainstream schools, in some cases supported by specialist resource bases, and approximately half attend special schools, some of which are run by the local authority and some of which are independent. Based on current pupil data, approximately 0.9% of primary pupils attend special school, 2.1% of secondary pupils and 1.5% of sixth form pupils. These percentages are deducted from the mainstream pupil contributions referred to above and generate the number of pupils expected to require education at a special school. Directly related – Related to the expected pupils generated by the development. Fairly and reasonably related in scale and kind – Calculated on the basis of pupil yield and cost per pupil
Other OCC Transport	Traffic Regulation Order - £3,320 per TRO index linked from March 2022 using RPIX Index	To be agreed	Necessary – The highway improvements are identified through the work on the Transport

			<p>Assessment and the works are identified in the Local Plan.</p> <p>Directly related – Identified in Appendix 4 of the Local Plan</p> <p>Fairly and reasonably related in scale and kind – The scale of the identified contributions are appropriate. Proportionate contributions would need to be identified towards the Travel Hub and Cycleway.</p>														
Open Space Maintenance	<p>Up to:</p> <table border="1" data-bbox="548 702 1041 1220"> <tr><td>LAP - £50,279.76</td></tr> <tr><td>LEAP - £202,989.56</td></tr> <tr><td>Or</td></tr> <tr><td>LEAP/LAP Combined - £228,387.53</td></tr> <tr><td>NEAP - £493,887.47</td></tr> <tr><td> </td></tr> <tr><td>Public Open Space - £16.09/sq. m</td></tr> <tr><td>Hedgerows - £33.83/lin m</td></tr> <tr><td>New Woodland - £44.54/sq. m</td></tr> <tr><td>Mature Trees £356.21/tree</td></tr> <tr><td> </td></tr> <tr><td>Ditch Maintenance £153.05/lin m</td></tr> <tr><td>Swale Maintenance £153.05/lin m</td></tr> <tr><td>Balancing Pond £84.02/sq. m</td></tr> </table> <p>These figures are the latest available to Officers and may be increased to</p>	LAP - £50,279.76	LEAP - £202,989.56	Or	LEAP/LAP Combined - £228,387.53	NEAP - £493,887.47		Public Open Space - £16.09/sq. m	Hedgerows - £33.83/lin m	New Woodland - £44.54/sq. m	Mature Trees £356.21/tree		Ditch Maintenance £153.05/lin m	Swale Maintenance £153.05/lin m	Balancing Pond £84.02/sq. m	On transfer of the landscaping/phased contribution payment	<p>Necessary – Policy BSC 11: Local Standards of Provision- Outdoor Recreation, Table 7: Local Standards of Provision - Outdoor Recreation If Informal open space/landscape typologies/ play areas are to be transferred to CDC for long term management and maintenance, the following commuted sums/rates covering a 15 year period will apply. The typologies are to be measured and multiplied by the rates to gain the totals.</p> <p>Directly related – Committed sums/rates covering a 15 year period on open space and play facilities on site.</p> <p>Fairly and reasonably related in scale and kind –</p>
LAP - £50,279.76																	
LEAP - £202,989.56																	
Or																	
LEAP/LAP Combined - £228,387.53																	
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Swale Maintenance £153.05/lin m																	
Balancing Pond £84.02/sq. m																	

	reflect current rates in consultation and during the drafting of the s106.		Contributions are sought in relation to the scale and amount of open space on site.
Library Services	<p>£22,890 index linked from Index Value 349 of BCIS all in TPI index towards expanding capacity at Kidlington library.</p> <p>£6,831 index linked from December 2022 using RPIX index towards library stock at Kidlington library</p>	On first occupation or alternative agreed trigger	<p>Necessary – This site is served by Kidlington Library, but it is unable to accommodate such expansion. This development will nevertheless place increased pressure on the local library. Instead, to ensure Kidlington Library is able to provide for planned growth north of Oxford this library can be reconfigured with associated refurbishment to expand capacity within the existing footprint. The reconfiguration of the existing layout will be designed to make more efficient use of space by increasing shelving capacity; provide moveable shelving to allow for events and activities and, provide additional study space.</p> <p>Directly related – Kidlington Library is the nearest public library to the application site and is within walking distance of the site.</p> <p>Fairly and reasonably related in scale and kind – Contributions are sought in relation to the library facilities, the adopted standard for publicly available library floor space is 23m² per 1,000 head of population, and a further 19.5% space is required for support areas (staff workroom, etc.), totalling 27.5m² per</p>

			1,000 head of population. The forecast population for this site is 894 people. Based on this, the area of the library required is 24.6M2. Library stock requirement based on 1.5 items per resident at a cost of £9.12 per item.
Waste and Recycling (OCC)	£169,128 index linked from Index Value 327 of BCIS all in TPI index plus contribution towards the provision of bins for each property/dwelling.	On first occupation or an alternative agreed trigger	<p>Necessary: Site capacity is assessed by comparing the number of visitors on site at any one time (as measured by traffic monitoring) to the available space. This analysis shows that all sites are currently 'over capacity' (meaning residents need to queue before they are able to deposit materials) at peak times, and many sites are nearing capacity during off peak times. The proposed development will provide 300 dwellings. If each household makes four trips per annum the development would impact on the already over capacity HWRCs by an additional 1,200 HWRC visits per year. The provision of bins is considered necessary.</p> <p>Directly Related: Will be towards providing waste services arising from the development.</p> <p>Fairly and reasonably related in scale and kind. Calculated on a per dwelling basis total land required for current dwellings.</p>

Canal Towpath and Bridge	<p>Towpath: £24,129 index linked from October 2023 using Baxter Index</p> <p>Bridge to PR7b - £177,395 index linked from November 2023 using Baxter Index</p>	Appropriate timescale to be agreed	<p>Necessary: Policy PR8 sets out that provision for a pedestrian, cycle and wheelchair bridge over the Oxford Canal to enable the site and public bridleways to be connected to the allocated site at Stratfield Farm (PR7b). The development is likely to lead to a significant increase in additional towpath users, but the towpath in this location is not in a suitable condition to accommodate significant increase in users or provide an attractive active travel route.</p> <p>Directly Related: Yes, mitigation is sought as part of policy PR8 to promote movement and linkages. Yes, towpath is one of the key active travel and leisure routes available for the new development.</p> <p>Fairly and reasonably related in scale and kind Yes, based on the estimated cost for the works apportioned between the appropriate development sites.</p>
Railway Bridge	£203,550 plus associated infrastructure cost.	500 dwellings or otherwise agreed.	Necessary:

	Estimated cost of £4-6m. The bridge is to be direct delivered by the applicant of the larger PR8 site unless there is a change in position from Network Rail during the course of delivery of the development. A proportionate cost towards the delivery of mitigation is required.		<p>Ensure that the development provides and delivers all the onsite facilities proposed across the allocation.</p> <p>Directly Related: Facilities identified with the proposed masterplan and layout of both applications.</p> <p>Fairly and reasonably related in scale and kind. Ensures that the proposal delivers all the onsite facilities proposed across the allocation in a fair and equitable manner.</p>
Other on-site Facilities to be provided on site.	Allotments Play facilities.	To be agreed and in accordance with the Phasing and delivery of the on-site works.	<p>Necessary: Ensure that the development provides and delivers all the onsite facilities proposed across the allocation.</p> <p>Directly Related: Facilities identified with the proposed masterplan and layout of both applications.</p> <p>Fairly and reasonably related in scale and kind. Ensures that the proposal delivers all the onsite facilities proposed across the allocation in a fair and equitable manner.</p>
OCC Archaeology	£1,423 index linked from July 2023 using RPIX Index towards enhanced display capability at the Museum	To be agreed	Necessary: To ensure historic evidence is appropriately recorded and stored, as appropriate.

	<p>Resource Centre at Stand lake near Witney.</p> <p>£690 index linked from July 2023 using RPIX Index towards the storage of archaeological archives at the Museum Resource Centre</p>		<p>Directly Related: Yes, this is related to archaeological works and investigations on the site.</p> <p>Fairly and reasonably related in scale and kind. Ensures that the proposal delivers all the onsite facilities proposed across the allocation in a fair and equitable manner.</p>
Thames Valley Police	£50,976 to fund the future purchase of infrastructure to serve the development.	Trigger to be agreed.	<p>Necessary: Although the caselaw and documents referenced relate to Leicester and have been superseded over time. The contribution is in accordance with the Council's Developer Contributions SPD.</p> <p>Directly Related: Yes, this is related to enhancements to the police infrastructure.</p> <p>Fairly and reasonably related in scale and kind. Ensures that policing of the site occurs.</p>
CDC Monitoring Fee	CDC: £5,000	On completion of the S106	The CDC charge is based upon its agreed Fees and Charges Schedule and OCC based on its OCC adopted scale of fees and charges and bond policy.
OCC Monitoring Fee	OCC: To be confirmed and a bond will be required in accordance with OCC bond policy.		