

**Case Officer:** Sophie Browne

**Applicant:** Renewable Connections Developments Limited

**Proposal:** Construction, operation, and decommissioning of a Battery Energy Storage System (BESS) facility and associated infrastructure

**Ward:** Kidlington West

**Councillors:** Councillor Conway, Councillor McLean, Councillor Walker

**Reason for Referral:** Major development

**Expiry Date:** 27 March 2025

**Committee Date:** 20 March 2025

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**SUMMARY RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS**

**MAIN REPORT**

**1. APPLICATION SITE AND LOCALITY**

- 1.1. The application site comprises approximately 1.52ha of largely flat land to the southeast of Yarnton. The main site area, of around 1.29ha, is roughly triangular in shape and forms the easternmost part of the site, with the remaining site area following the highway north west from the main site access on the A44, around the corner and down Cassington Road in a southerly direction to the existing electricity distribution site to which it would connect. The main site is bounded to the southwest by the A44 and to the east by the railway line, with the northern boundary bisecting the larger piece of land that it is part of. Green Lane runs along the northwestern boundary of this larger plot and the site is crossed from east to west by existing overhead power lines. It is a greenfield site, although it has been in relatively recent use as a temporary highways compound. It is visually well-contained with mature hedgerows to the southwestern and northwestern boundaries of the larger plot and bushes and trees alongside the railway line. The southwestern planting was thinned during the recent highway works along this boundary, but replacement planting has taken place on the strip of land between the southwestern site boundary and the A44. The A44 rises to the southeast of the site to pass over the railway, affording elevated views down into the site when approaching from the southeast.
- 1.2. Opposite the site, across the A44, is the Oxford Industrial Park. Adjacent to the east, across the railway line, is a haulage and construction company yard, with a solar farm beyond. Across the railway line to the northeast lies open countryside. Across Green Lane to the north and northwest of the site is scattered development, including Little Marsh Sports Field and associated structures, two dwellinghouses near the level crossing, and the Turnpike public house (formerly The Grapes Inn) adjacent to the northwest junction of the A44 with Green Lane. To the west of the site, across the A44 and Cassington Road, lies a residential area.

**2. CONSTRAINTS**

- 2.1. The application site is adjacent, across Green Lane, to The Turnpike public house which is a Grade II listed building. Another Grade II listed building, 'Rose Cottage and attached cottage' is also located to the northwest of the site, approximately 140m from the site. The site is in an area of archaeological interest and potential, approximately 150m northwest of an area of possible prehistoric and Roman settlement identified during the development of the nearby solar farm. A Public Right of Way (PROW) runs parallel to Green Lane along the northwestern boundary of the larger plot that the site lies within. There are a number of records of protected and notable species in the vicinity of the site, a pond is mapped in the southeastern corner of the site, and the site is within 2km of two SSSIs (Pixey and Yarnnton Meads, approximately 1400m distant, and Rushy Meadows, approximately 1,745m distant). The site is adjacent to but outside the Oxford Green Belt, the boundary of which is the railway line. The site was removed from the Green Belt in the 2020 Partial Review of the Local Plan and designated as 'safeguarded land' under Policy PR3(a). It is in Flood Zone 1.

### **3. DESCRIPTION OF PROPOSED DEVELOPMENT**

- 3.1. The proposal is for the installation of a battery energy storage system (BESS) with associated infrastructure including access tracks, auxiliary transformer, power conversion systems (PCS), substations, water tank, storage container, and security fencing with CCTV. The battery cabinets would be arranged in rows of around 16.7m long by 3.5m wide in an L shape along the eastern site boundary and then extending west on the northern side of the stand-off zone for the existing overhead lines across the site. A PCS would be located at the end of each pair of rows with the water tank and storage container in the southeastern site corner and auxiliary transformer and substations adjacent to these near the southwestern site boundary. These elements would be contained within a perimeter fence containing an area of approximately 5,320sqm.
- 3.2. From the existing site access, the proposed crushed aggregate access track would split in two to provide two points of access to the main compound and a separate point of access to the District Network Operator's (DNO) substation. The tallest structure would be the DNO substation, standing 4m high, with the remaining proposed structures all measuring between 2.9m and 3.5m high. The perimeter fence would stand approximately 2m high with the CCTV poles at 3.1m. All of the proposed structures would have a functional, utilitarian appearance and be raised at least 0.6m from ground level to allow for surface water flows, apart from the fence and gates which would be steel mesh all the way to ground level.
- 3.3. The perimeter fence would be located approximately 3m from the site boundary adjacent to the railway line and around 8.6m from the southwestern site boundary at the nearest point. The existing vegetation to the site boundaries would be retained and additional trees and bushes/scrub planted along the northern and northwestern site boundaries.

### **4. RELEVANT PLANNING HISTORY**

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

24/02852/SO 'Screening Opinion request for proposed 52mw battery energy storage system (bess) facility'. Screening Opinion not requesting EIA 6.12.024.

### **5. PRE-APPLICATION DISCUSSIONS**

- 5.1. The following pre-application discussions have taken place with regard to this proposal:

- 5.2. 22/00950/PREAPP 'Proposed battery energy storage system'. Response sent 13.5.2022.
- 5.3. 22/02562/PREAPP 'Construction and operation of Battery and Energy Storage System and Associated Infrastructure'. Response sent 25.10.2022.
- 5.4. The first request for pre-application advice sited the proposed development at the northern end of the larger field within which the application site lies, with the second re-locating it to the same site as the current proposal, albeit with a different internal layout. Both pre-application responses noted that the site is safeguarded land under Policy PR3(a) of the Cherwell Local Plan Partial Review and that there is therefore an in-principle objection to the proposed development. The second pre-application advice request was accompanied by an Alternative Site Assessment, and it was advised that, in the event of a forthcoming application, this should be repeated with Green Belt sites included and an explanation as to why no other sites within the District are suitable for development. No other concerns or objections to the proposal were raised that could not be adequately mitigated through the use of conditions.

## 6. RESPONSE TO PUBLICITY

- 6.1. This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments was **5 December 2024**, although comments received after this date and before finalising this report have also been taken into account.
- 6.2. No comments have been raised by third parties.

## 7. RESPONSE TO CONSULTATION

- 7.1. Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website, via the online Planning Register.
- 7.2. YARNTON PARISH COUNCIL: **No objection** but concerns raised regarding: impact on flood risk to surrounding area, particularly in conjunction with other works permitted at nearby sites; feasibility of on-site infiltration to cope with heavy rain and lack of off-site exceedance flow route provision; noise impacts especially of cooling fans; explosion and fire risk, including potential for toxic fumes or debris impacting residential areas.
- 7.3. OCC COUNTY COUNCILLOR MIDDLETON: **No objection** subject to clarification of: flood risk impacts given the nature of the proposal (storage of large amounts of electricity) and reassurance that sufficient mitigation has been provided; fire risk associated with the facility given the proximity to a residential area; mitigation for visual impacts of additional security fencing etc; description of works, in particular the mention of 'decommissioning'.
- 7.4. OCC LOCAL HIGHWAY AUTHORITY (LHA): **No objection** subject to condition and entry into a S278 agreement to secure mitigation and improvement works.
- 7.5. OCC LEAD LOCAL FLOOD AUTHORITY (LLFA): **Objection**, alternative drainage strategy requested in case infiltration techniques fail.
- 7.6. OCC ARCHAEOLOGIST: **No objection** subject to conditions.

- 7.7. OCC FIRE AND RESCUE SERVICE: **No objection** subject to condition.
- 7.8. CDC BUILDING CONTROL: No comments received at the time of writing.
- 7.9. CAMPAIGN TO PROTECT RURAL ENGLAND (CPRE): No comments received at the time of writing.
- 7.10. CDC ECOLOGY: **No objection** subject to conditions, acceptance onto District Licensing Scheme, and pending the results of the reptile surveys.
- 7.11. NATURESPACE: **Holding objection** pending confirmation of acceptance onto District Licensing Scheme.
- 7.12. CDC ENVIRONMENTAL HEALTH: **No objection** subject to conditions.
- 7.13. NATURAL ENGLAND: No comments received at the time of writing.
- 7.14. SOUTHERN GAS NETWORK: No comments received at the time of writing.
- 7.15. THAMES VALLEY POLICE: **Additional information requested** regarding specifications of fencing, CCTV, and alarm systems, and monitoring arrangements for CCTV and alarm systems.
- 7.16. THAMES WATER: No comments received at the time of writing.
- 7.17. PROPERTY AND ASSETS MANAGER: No comments received at the time of writing.
- 7.18. CDC CONSERVATION: **No objection** subject to conditions.
- 7.19. CDC ARBORICULTURAL OFFICER: **No objection** subject to conditions.
- 7.20. CDC LANDSCAPE OFFICER: **No objection** subject to conditions.
- 7.21. CDC CLIMATE ACTION TEAM: **Support** the proposal.
- 7.22. CDC PLANNING POLICY: **Objection** to this proposal as it is contrary to Policy PR3a of the adopted Cherwell Local Plan Partial Review, and NPPF advice regarding safeguarded land, unless there is clear evidence demonstrating that the renewable and low carbon energy generation benefits associated with the proposal outweigh the NPPF para 149 (d) advice.

## **8. RELEVANT PLANNING POLICY AND GUIDANCE**

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

### CHERWELL LOCAL PLAN PARTIAL REVIEW (CLP 2020)

- PR3(a) – The Oxford Green Belt – Safeguarded Land

### CHERWELL LOCAL PLAN 2011-2031 PART 1 (CLP 2015)

- PSD1 – Presumption in Favour of Sustainable Development
- SLE 4 – Improved Transport and Connections
- ESD1 – Mitigating and Adapting to Climate Change
- ESD5 – Renewable Energy
- ESD 6 – Sustainable Flood Risk Management
- ESD 7 – Sustainable Drainage Systems (SuDS)
- ESD10 – Protection and Enhancement of Biodiversity and the Natural Environment
- ESD13 – Local Landscape Protection and Enhancement
- ESD15 - The Character of the Built and Historic Environment

### CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28 – Layout, design, and external appearance of new development
- ENV1 – Environmental pollution
- ENV12 – Contaminated land

#### 8.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- The Planning (Listed Buildings and Conservation Areas) Act 1990
- EU Habitats Directive
- Conservation of Habitats and Species Regulations 2017

## **9. APPRAISAL**

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

- Principle of development
- Design and impact on the character of the area.
- Heritage impact
- Residential amenity
- Ecology impact
- Flood risk and drainage.
- Highway impacts
- Other matters

#### Principle of Development

##### *Policy Context*

- 9.2. Paragraph 11 of the NPPF states that a presumption of sustainable development should be seen as approving development proposals that accord with an up-to-date development plan without delay. Paragraph 8 states that, to achieve sustainable development, economic, social, and environmental gains are interdependent and need to be pursued in mutually supportive ways. CLP 2015 Policy PSD1 reflects this and commits the Council to a proactive approach to securing development that improves the economic, social and environmental conditions in the area.
- 9.3. CLP 2015 Policy ESD1 sets out the measures that will be taken within the District to mitigate the impact of development on climate change. This includes the distribution of growth to the most sustainable locations, designing development to reduce carbon emissions and use resources more efficiently, and promoting the use of renewable or low carbon energy.
- 9.4. CLP 2015 Policy ESD5 states that “*The Council supports renewable and low carbon energy provision wherever any adverse impacts can be addressed satisfactorily*” and

goes on set out specific impacts for particular consideration that are of local significance to Cherwell. Of these the following are of relevance to the current proposal: landscape and biodiversity; visual impacts on local landscapes; the historic environment including the setting of designated heritage assets; highways and access issues; residential amenity.

- 9.5. CLP 2020 Policy PR3 relates to revisions to the Oxford Green Belt boundary in Cherwell District. PR3(a) states that “7.8 hectares of land east of the A44 and north-west of the railway line (to the south of the strategic development site allocated under policy PR8 as shown on inset Policies Map PR8)” is removed from the Green Belt and safeguarded beyond the Plan period. The Policies map shows that this piece of land includes the application site. The supporting text to Policy PR3 states, at paragraph 5.39, that the land is safeguarded beyond the Plan period as “...in this location the railway line to the east of Yarnton forms a consistent and strong Green Belt boundary down to the A44. PR3(a) is safeguarded for future consideration as it will make little contribution to Green Belt purposes following the development of land east of the A44. The land is not required to meet Oxford's development needs within this Plan period.”
- 9.6. Policy PR3(a) is consistent with paragraph 149 of the NPPF, which states that “when defining Green Belt boundaries, plans should: ...

*c) where necessary, identify areas of safeguarded land between the urban area and the Green Belt, in order to meet longer-term development needs stretching well beyond the plan period;*

*d) make clear that the safeguarded land is not allocated for development at the present time. Planning permission for the permanent development of safeguarded land should only be granted following an update to a plan which proposes the development.”*

#### *Assessment*

- 9.7. The application site is located adjacent to a main road on the edge of the village of Yarnton. Notwithstanding the limited activity that would be associated with the development during the operational phase, it is considered to be in a sustainable location.
- 9.8. The proposal is for the provision of a battery energy storage system (BESS) that would connect to the National Grid at the existing Cassington Road electricity distribution site and the applicant has confirmed that a connection licence has been granted. The development would provide a balancing facility to support the local and national transition to low carbon/renewable energy generation, by storing surplus electricity in times of low demand to provide electricity when demand is higher and/or renewable generation is difficult (e.g. overcast, windless winter days when neither solar nor wind generation is optimised).
- 9.9. The Government's Overarching National Policy Statement for Energy (EN-1), as amended November 2023, recognises the importance of such balancing services and the current challenges to their provision at scale. This would contribute to achieving local and national climate change ambitions, as set out within the Climate Change Act 2008 (2050 Target Amendment) Order 2019 and the Government's Net Zero Strategy: Build Back Greener (2021), by reducing the need for the use of existing fossil fuel power stations during times of renewable energy shortage. It would also contribute to national energy security, in accordance with the aims set out within The British Energy Security Strategy in April 2022. At a local level, it is noted that “supporting environmental sustainability” is identified as a priority of the Council's 2024-2025 Business Plan, including an objective to “work towards our commitment to be carbon

*net zero by 2030*'. The Council's Climate Action Plan (November 2024-April 2026) identifies areas over which the Council can exert most influence in supporting progress on climate action and identifies a strong influence through planning decisions. It includes "*decarbonising the district's energy*" as one of the Cherwell District Goals. The proposed development would contribute to the achievement of these corporate priorities. Given this, the proposed development is considered to accord with the aims of CLP 2015 Policies PSD1, ESD1, and ESD5.

- 9.10. The Council's Climate Action Team has reviewed the submission and confirm that there is a need for more BESS facilities in the District to support future energy demand and the transition to reliable renewable energy generation and transmission. The proposed development would contribute to this provision and, subject to the satisfactory resolution of any outstanding flood risk/drainage issues and confirmation that the facility has permission to connect to the grid, the Climate Action Team are therefore supportive of the proposal. It is noted that, since receipt of these comments, the applicant has provided confirmation of their connection agreement and the potential drainage concerns have been addressed (see section 'Flood Risk and Drainage' below).
- 9.11. An Alternative Site Assessment (ASA) was undertaken in support of the application, which provides a high-level comparison of the potential adverse impacts of the proposed site with other potential sites and contributes to the assessment of the proposal against the criteria of Policy ESD5. The ASA defined the area of search as within a 2km radius from the connection point at the Cassington Road distribution site (a location close to the connection point improves energy transfer efficiency and reduces economic and environmental impacts associated with increased cabling), with a minimum site area of 1.3ha as the smallest amount of land that would accommodate the proposed development. Sites were sourced from the brownfield land register, the Cherwell Housing and Employment Land Availability Assessment 2018 (HELAA), and greenfield sites that were classified as Grade 4 (or lower) agricultural land, as this is the grading of the application site. Other considerations include the necessity to locate the development away from heavily industrial areas, as these are energy-intensive and so compete for grid capacity, and the sensitivity of residential areas owing to the noise transmitted by a BESS. Factors such as topography, flood risk, access, and landscape and ecological designations (National Landscapes, National Parks, SSSIs etc) were also taken into account. Land within the Green Belt was included, following the LPA's pre-application advice that a case for very special circumstances could potentially be made for this type of development.
- 9.12. In reviewing the HELAA (2018) sites (which are assessed by the HELAA for housing and employment use), the ASA noted that Site 083, which includes the application site, was assessed as "*unsuitable for development as the site is close to the railway line and is poorly related with the rest of Yarnton and to other available land. Development would be isolated and poorly situated.*"
- 9.13. The ASA found that there were no suitable brownfield or HELAA sites within the defined search area. Only one other site was identified outside the Green Belt and within the search area that was Grade 4 land or lower, however this is part of a larger area that has an extant planning permission for 370 dwellinghouses and associated works. Large areas of the lower-grade agricultural land are identified as being within Flood Zones 2 or 3, which is not ideal for this type of development. Two potential alternative sites were identified within Flood Zone 1; however, both are to the south of Yarnton and within the Green Belt.
- 9.14. Of the two potential alternative sites identified, one is bisected by a public right of way that would effectively reduce the developable area below the requisite 1.3ha. The other site is in close proximity to a Grade I listed church and a Grade II\* Historic Park

and Garden, in light of which the siting of a BESS would likely give rise to unacceptable harm to the settings of these heritage assets. On this basis, it is considered that the ASA adequately demonstrates that the application site is the most suitable for the proposed development.

- 9.15. The application site forms part of the larger parcel of land that is safeguarded for future development by CLP 2020 Policy PR3(a). Whilst it is acknowledged that the 2018 HELAA assesses it as unsuitable for housing development, the Planning Policy department notes that this does not preclude its allocation for another type of development at a future date. The proposed development is not permanent development that would entirely preclude the comprehensive development of the larger site in the long term, but it is acknowledged that the 40-year lifetime of the proposed development would nevertheless potentially prove problematic in relation to its future allocation and development. Given this, the proposal would conflict with CLP 2020 Policy PR3(a).

### *Conclusion*

- 9.16. The proposed development is in a sustainable geographic location on a main road on the edge of Yarnton. It would contribute to the reduction of carbon emissions and the transition to renewable energy provision by providing a balancing facility to feed stored energy generated from renewable sources back into the grid at times of high demand and/or low production. It therefore accords with the requirements of CLP 2015 Policies PSD1 and ESD1 and supports the overall aims of Policy ESD5, subject to the satisfactory assessment of specific impacts listed within the policy which is undertaken in the following sections of this report.
- 9.17. The application site is located on land that is safeguarded for future allocation and development and the proposed development could prejudice the comprehensive future development of the wider parcel of safeguarded land, given which the proposal is contrary to the requirements of CLP 2020 Policy PR(a). This conflict is afforded significant weight in the planning balance.
- 9.18. In weighing the benefits of the principle of the proposal against the harm arising from the conflict with Policy PR3(a) a review of the Appeals context for both safeguarded land and BESS facilities was undertaken. Of the 47 Appeals against refusal of development on safeguarded land (going back to 1999), 26 have been allowed. It is noted that these 47 Appeals almost exclusively related to housing development, however this review establishes that conflict with a policy that safeguards the application site for future development can be outweighed by other material considerations: in the 26 Appeals that were allowed, the LPA could not demonstrate a five year housing land supply and so the 'tilted balance' was applied, allowing the benefits of the proposed housing developments to outweigh the conflict with the principle of developing the safeguarded land prior to allocation in a Local Plan.
- 9.19. In light of the above, it is important to establish the weight that should be afforded to the 'in-principle' benefits of the proposed development in order to assess whether these can be considered to outweigh the significant negative weight consistently attributed by Inspectors to conflict with the safeguarded land policy. There have been a total of 14 planning appeals relating to battery energy storage systems or BESS facilities (some in association with solar farms), of which only one has been dismissed. That single upheld refusal was on the grounds that the sub-standard layout of the proposed development increased its fire risk, and such a fire had the potential to contaminate an aquifer. In all other cases, Inspectors (or the Secretary of State in some instances) attributed significant weight to the contributions that the proposed developments would make to the national imperative for secure, low carbon energy, considering that this outweighed a variety of identified harms. It is also of note that



Inspectors in more recent appeals have afforded additional significant weight to the offer of a grid connection and the absence of alternative sites (e.g. APP/V4630/W/24/3347424, 14th February 2025; APP/C4615/W/24/3345744, 4th February 2025). Given this, significant weight is afforded to the contribution that the proposed development would make to the local and national transition to renewable energy, to the need for national energy security, to the secure offer of a grid connection, and to the absence of suitable alternative sites.

- 9.20. On balance, it is considered that although the identified conflict with Policy PR3(a) is afforded significant weight, this would be outweighed by the significant benefits that would arise from the development as set out above, and the principle of the development can therefore be supported.

#### Design and impact on the landscape and the character of the area.

##### *Policy Context*

- 9.21. CLP 2015 Policy ESD10 seeks to protect and enhance biodiversity and the natural environment and encourages the protection of trees.
- 9.22. CLP 2015 Policy ESD13 seeks to protect and enhance the character and appearance of the landscape, including avoiding harm to important natural landscape features and topography, to the setting of settlements, buildings, structure or other landmark features, or to the historic value of the landscape, preventing impacts on areas with high levels of tranquillity, avoiding undue visual intrusion into the open countryside, and ensuring that development is consistent with local character.
- 9.23. CLP 2015 Policy ESD15 recognises that “*Successful design is founded upon an understanding and respect for an area’s unique built, natural and cultural context*” and expects development proposals to complement and enhance the character of the area through sensitive siting, layout, and high quality design.
- 9.24. CLP 1996 Policy C28 exercises control over all new development to ensure that standard of layout, design and external appearance are sympathetic to the character of the area.

##### *Assessment*

- 9.25. The application site is viewed primarily in the context of the adjacent A44 with industrial development to the immediate east and south and the railway line providing the eastern site boundary. Established mature boundary vegetation physically and visually separates the site from the more rural context of Green Lane and the countryside and scattered development to the north. Given this context, the functional appearance of the site would read as a continuation of the existing industrial development along both sides of the A44 on the southeastern approach to Yarnton, even in the elevated views of the site provided as the road rises over the railway line. The retention and enhancement of the existing boundary planting, along with proposed new planting to the norther and northwestern site boundaries, would further reinforce the separation between the industrial development on the southeastern fringe of the settlement and the more pastoral, residential character further northwest along the A44.
- 9.26. The site is visually well-contained with no long or middle distance views. The most prominent public views are from the PROW that runs parallel to Green Lane, which are already negatively characterised by the edge of settlement setting. The proposed development would sit low in the landscape and would generate very limited activity and low levels of noise during the operational phase. The Landscape Officer concurs

with the conclusion of the submitted Landscape and Visual Impact Assessment that the development would result in a negligible effect on the Local Landscape Character and moderate/minor adverse effect at a site specific level. The proposed landscape strategy includes the retention of the existing mature boundary vegetation with the removal of a small number of trees to the southeastern site corner. Additional planting to reinforce the southwestern boundary is proposed and it is noted that the replacement planting undertaken between this boundary and the A44 following recent highway works will provide additional screening as it matures, limiting the visual impact of the development from the public highway. A new row of tree and scrub/hedgerow planting is proposed along the northern and northwestern site boundaries, which would provide screening between the application site and the PROW as well as reducing intervisibility between the site and the nearby listed building. It is noted that the existing mature oak tree (T4) must be retained and protected as part of the landscaping scheme as it provides a crucial visual barrier between the site and the listed building. The Landscape Officer notes that an encroachment into the root protection area of the oak is proposed but concurs with the findings of the submitted Arboricultural Impact Assessment that this will be tolerated by the tree and is therefore acceptable. Subject to a condition to secure further details of the proposed hard and soft landscaping, the Landscape Officer confirms that the proposed development would provide sufficient screening and amenity to the site.

9.27. The proposals would result in the loss of one individual tree category B tree and the partial loss of a group of category C trees, which would be mitigated by the addition of ten new semi-mature trees in the proposed northern and north western boundary planting, and the Arboricultural Officer confirms that this is acceptable as is the proposed pruning to retained trees. The Arboricultural Officer also confirms that the report provides a suitable tree protection plan and solution to the potential for damage to retained trees through the installation of underground utilities. Subject to conditions to secure a detailed arboricultural method statement and confirm adequate arboricultural supervision at key stages, along with a details of the proposed tree planting, the proposed development is considered not to result in unacceptable adverse impacts to trees.

9.28. The Thames Valley Police (TVP) Designing Out Crime Officer has provided comments noting that facilities such as this contain large amounts of valuable material and precious metals that can make them a target for theft. Additional information has therefore been requested in relation to the proposed CCTV and fencing, including the specification of the fencing, whether the CCTV would be monitored and whether intruder detection systems would be included. The attraction of the facility as a potential target for crime is acknowledged and the applicant notes that, as both the developer and operator, it is in their own interests to ensure that the site is secure and adequate criminal deterrence measures are incorporated. Although TVP has requested the additional details prior to any grant of permission, no objections have been raised in relation to the proposed site layout in relation to crime prevention design and it is therefore considered that the requisite additional details can be secured by condition.

### *Conclusion*

9.29. The proposed development would not appear incongruous given the context of the application site and landscape impacts would be mitigated by the proposed planting scheme. The reinforcement of existing boundary vegetation and creation of a new native hedgerow would help to visually contain the development and strengthen the existing separation between the industrial and residential character areas at this edge of the settlement. Given this, the proposals are considered to accord with the relevant

considerations of CLP 2015 Policies ESD10, ESD13 and ESD15, CLP 1996 Policy C28, and guidance within Sections 12 and 15 of the NPPF.

## Heritage Impact

### *Legislative and policy context*

- 9.30. The site affects the setting of a Grade II listed building, The Turnpike/The Grapes Inn. The site is also within an identified area of archaeological interest and potential.
- 9.31. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) 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.
- 9.32. Listed Buildings are designated heritage assets, and Paragraph 212 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 2015 echoes this guidance, requiring that development proposals conserve, sustain and enhance both designated and non-designated heritage assets, including buildings, features and archaeology, and that sufficient information is provided to assess potential impacts upon these.

### *Assessment*

- 9.33. The County Archaeologist initially advised that, although the submitted Cultural Heritage Assessment details the full archaeological background and potential of the site, it is possible that some truncation of the archaeological remains may have occurred during the recent use of the site as a construction compound and this can only be established via a programme of trenching as part of a staged programme of archaeological investigation. A Written Scheme of Investigation (WSI) was subsequently submitted, detailing such a programme of works, which the County Archaeologist has confirmed is acceptable and adherence to which can be secured by condition. As such, it is considered that the proposals would not result in unacceptable adverse impacts on belowground heritage assets, in accordance with CLP 2015 Policy ESD15 and guidance within the NPPF.
- 9.34. The Conservation Officer concurs with the conclusions of the submitted Cultural Heritage Assessment that the proposed development would result in less than substantial harm to the setting of the nearby listed building The Grapes/Turnpike Inn. At paragraph 1.6 of the Non-Technical Summary of that document, it is recommended that consideration is given to planting along the north-western site boundary to reduce intervisibility between the application site and the listed building. The proposed landscape strategy includes tree and scrub planting along the northern and north-western site boundaries; however, the Conservation Officer recommends that the planting along the north-western site boundary should ideally be such that intervisibility between the sites is eliminated at all times of year (including when trees are not in leaf). In order to provide appropriate mitigation and reduce the impact to the setting of the listed building as far as possible, therefore, it is considered both

necessary and reasonable to impose a condition to secure a more detailed planting scheme along the north-western site boundary. Subject to this, it is considered that the proposal would accord with relevant requirements of CLP 2015 Policy ESD15 and guidance within the NPPF.

### Residential amenity

#### *Policy Context*

- 9.35. Amongst other matters, CLP 2015 Policy ESD15 requires that new development should “*consider the amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation, and indoor and outdoor space*” and that it should limit the impact of light pollution on local amenity.
- 9.36. CLP 1996 Policy ENV1 seeks to prevent development that would result in materially detrimental levels of environmental pollution, including noise, vibration, smell, smoke, and fumes.

#### *Assessment*

- 9.37. The nearest dwellinghouses to the main site area are located approximately 50m to the west across the A44, in light of which the impacts of the development on residential amenity during the operational phase are likely to be limited with the primary impacts relating to disruption during the construction phase. The Council’s Environmental Health Officer (EHO) confirms that the Construction Traffic Management Plan (CTMP) is sufficient to protect nearby residential amenity during construction works. Whilst the concerns of the Parish Council in relation to potential noise impacts from cooling fans to nearby dwellinghouses is noted, the EHO confirms that the mitigation proposed within the submitted noise report is sufficient to protect residential amenity from unacceptable noise impacts. Adherence to these documents can be secured by condition. If any external lighting is proposed at the site, the EHO requests a condition requiring details to be submitted to and agreed by the LPA prior to installation, in order to prevent unacceptable impacts to nearby residential amenity, and this is considered reasonable.

#### *Conclusion*

- 9.38. Given the above, the proposed development is considered to accord with the relevant amenity requirements of CLP 2015 Policy ESD15, CLP 1996 Policy ENV1, and guidance within Section 12 of the NPPF.

### Ecology Impact

#### *Legislative and policy context*

- 9.39. The Conservation of Habitats and Species Regulations 2017 consolidate the Conservation of Habitats and Species Regulations 2010 with subsequent amendments. The Regulations transpose European Council Directive 92/43/EEC, on the conservation of natural habitats and of wild fauna and flora (EC Habitats Directive), into national law. They also transpose elements of the EU Wild Birds Directive in England and Wales. The Regulations provide for the designation and protection of 'European sites', the protection of 'European protected species', and the adaptation of planning and other controls for the protection of European Sites.
- 9.40. 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.

- 9.41. The Regulations require competent authorities to consider or review planning permission, applied for, or granted, affecting a European site, and, subject to certain exceptions, restrict or revoke permission where the integrity of the site would be adversely affected. Equivalent consideration and review provisions are made with respects to highways and roads, electricity, pipe-lines, transport and works, and environmental controls (including discharge consents under water pollution legislation).
- 9.42. Section 15 of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment. Paragraph 193 sets out the principles by which Local Planning Authorities should determine planning applications: of particular relevance to the current proposal is the guidance that *“if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused”*.
- 9.43. Policy ESD10 of the Cherwell Local Plan 2015 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.
- 9.44. This policy is 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.

#### *Assessment*

- 9.45. Natural England's Standing Advice states that an LPA only needs to ask an applicant to carry out a survey if it is likely that protected species are:
- present on or near the proposed site, such as protected bats at a proposed barn conversion affected by the development.

It also states that LPA's can also ask for:

- a scoping survey to be carried out (often called an 'extended phase 1 survey'), which is useful for assessing whether a species-specific survey is needed, in cases where it is not clear which species is present, if at all
  - an extra survey to be done, as a condition of the planning permission for outline plans or multi-phased developments, to make sure protected species are not affected at each stage (this is known as a 'condition survey')
- 9.46. The Standing Advice sets out habitats that may have the potential for protected species, and in this regard the site is a parcel of undeveloped land containing a variety of habitats including unmanaged grassland, scrub, hedgerows, and a pond that is wet for some of the year that may support protected and priority species including nesting birds, butterflies and other invertebrates, reptiles, and great crested newts.
- 9.47. The initial submission package included an Ecological Impact Assessment (EclA) that identified the habitats outlined above. The Ecologist requested clarification regarding the methodologies and conclusions reached, following the provision of which she concurred with the updated EclA's conclusions that the site is suitable to support

badgers, bats, dormice, great crested newts, reptiles, and nesting birds and that the recommendations detailed within the EclA are acceptable and sufficient to mitigate for impacts of the development on the majority of these species and their habitats. The provision of a Construction Ecological Management Plan for Biodiversity and a Landscape and Ecological Management Plan, as recommended by the EclA, can be secured by condition. The applicant is in the process of securing a District Level Licence through NatureSpace to mitigate for impacts on great crested newts and this is anticipated to be in place prior to the application coming before Planning Committee.

- 9.48. The EclA identifies good foraging opportunities for reptiles and optimal habitat along the vegetated railway embankment adjacent to the site. Although the site is considered to provide highly suitable habitats for reptiles, no records of reptiles have been made within 1km of the site and it is noted that, until recently, the site was more intensively managed during its use as a temporary highways compound. Nevertheless, the Ecologist recommends a precautionary approach and that the recommended reptile surveys are undertaken prior to the determination of the application in order to establish the presence or otherwise of reptiles on site and, if present, in what numbers in order to establish the size of off-site habitat creation that would be needed for translocation. Translocation of any reptile population present is considered an acceptable and credible mitigation approach; however, the Ecologist considers that the size of any population should be established prior to determination for the reasons outlined above. As the reptile survey season does not begin until April, it has been agreed that these surveys will be undertaken in April and May and the results sent to the Ecologist as they are completed, followed by a full technical appendix (including a discussion of the survey results and any mitigation that may be required) in May 2025 when all surveys have been completed. This approach has been agreed with the Ecologist who is content for the application to be recommended for approval to the Planning Committee subject to confirmation that the reptile survey results and proposed mitigation strategy, based on these, are acceptable.
- 9.49. In addition to the above, the proposed development is subject to mandatory biodiversity net gain (BNG) requirements and the Ecologist is satisfied that the submitted details demonstrate that this can be achieved.
- 9.50. On this basis, Officers are satisfied 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.

#### Flood risk and drainage.

##### *Policy Context*

- 9.51. CLP 2015 Policy ESD6 seeks to manage and reduce flood risk within the District, advocating a sequential approach to development and specifying when a site specific flood risk assessment should be required.
- 9.52. CLP 2015 Policy ESD7 requires the incorporation of sustainable urban drainage systems (SuDS) for the management of surface water run-off in all development.

##### *Assessment*

- 9.53. The application is supported by a site-specific Flood Risk Assessment (FRA). Although it is in Flood Zone 1, which is the lowest risk of flooding, it is noted that both

Yarnton Parish Council and Cllr Middleton have expressed concerns that the proposed drainage strategy will not be adequate to cope with surface water flows, particularly in the context of recent development and permissions in the vicinity, including the outline permission recently granted at Committee for 300 houses at the Old Piggery and land north of Woodstock Road (23/03307/OUT) and the industrial site to the east. The concern of the Parish Council appears to be that the cumulative effect of these developments, with the current proposal, would result in increased groundwater and surface water levels in the vicinity of The Turnpike public house, Rose Cottage (adjacent to The Turnpike) and Little Marsh playing field. Cllr Middleton's concerns are understood to relate to the risks arising from the combination of large amounts of stored electricity with the potential for surface water flooding within the site.

- 9.54. The applicant has confirmed that elements of the proposed development that are not water compatible will be raised a minimum of 0.6m from ground level – and more were considered necessary as informed by the FRA – in order to ensure that they are unaffected by any potential flooding issues. The FRA includes consideration of the wider site context, including recent developments and permissions and the potential impacts of their surface water drainage strategies on the flood risk and drainage context of the site, and the proposed surface water drainage strategy is based on this analysis. The site is separated from the industrial site by the railway embankment, and it is understood that there is a drainage ditch between the site and the embankment with a culvert to convey flows from this under the A44.
- 9.55. The LLFA requested the provision of additional details, following the receipt of which it has requested the provision of an alternative drainage strategy in case infiltration techniques fail owing to ground water levels, to ensure that there would be no increase in flood risk to existing infrastructure or neighbouring properties.
- 9.56. It is acknowledged that the LLFA is taking a cautious approach given the local concerns regarding potential surface water flood risk, however the site is in Flood Zone 1, which is at the lowest risk of flooding, and the EA's surface water flood maps show that the site is at low risk of surface water flooding (0.1% to 1% chance each year) rising to a mixture of low and medium risk (0.1%-15 and 1%-3% chance each year) between 2040 and 2060, accounting for climate change. As detailed above, the scheme has been designed to raise vulnerable elements above the modelled water depths in the event that surface water flooding occurs, and the calculations provided in the FRA demonstrate that infiltration represents a viable drainage strategy. The LLFA does not dispute this. Given this, the presence of a drainage ditch and culvert alongside the eastern site boundary, and the local topography (which topographical mapping indicates has the lowest land levels within the site itself and the land to the north that forms part of the wider field), it is considered that the provision of a precautionary alternative drainage strategy that would not result in increased off-site flood risk is feasible.
- 9.57. The PPG states, in relation to the use of planning conditions, that they can be used to "*enable development to proceed where it would otherwise have been necessary to refuse planning permission, by mitigating the adverse effects*" (Paragraph: 001 Reference ID: 21a-001-20140306). It also clarifies that pre-commencement conditions can be used "*where there is a clear justification, which is likely to mean that the requirements of the condition (including the timing of compliance) are so fundamental to the development permitted that it would otherwise be necessary to refuse the whole permission.*" (Paragraph: 007 Reference ID: 21a-007-20180615). It is recognised, given the local knowledge provided by the Parish Council and Cllr Middleton in relation to local surface water drainage issues, that it would be prudent to secure the details of an alternative drainage strategy to account for the 'worst-case scenario' of infiltration techniques failing. Given the information provided in the FRA,

however, and that the LLFA does not dispute its findings, it is considered that this can be secured by use of a pre-commencement condition, to which the applicant has agreed.

#### *Conclusion*

- 9.58. On the basis of the above, it is considered that any potential drainage and flood risk impacts can be adequately mitigated, and the proposed development is therefore considered to accord with the relevant requirements of CLP 2015 Policies ESD6 and ESD7 and guidance within Section 14 of the NPPF.

#### Highway impacts

##### *Policy Context*

- 9.59. CLP 2015 Policy SLE4 relates to improved transport and connections within the District and, *inter alia*, states that “*development which is not suitable for the roads that serve the development, and which have a severe traffic impact will not be supported*”.
- 9.60. CLP 2015 Policy ESD15 seeks to deliver safe and healthy places to live and work in. Amongst other things, it requires new development to integrate with existing streets and patterns of routes and spaces and requires that the principles set out in The Manual for Streets should be followed.
- 9.61. Section 9 of the NPPF promotes sustainable transport. Paragraph 109 requires transport issues including the potential impacts of development on transport networks and the environmental impacts of traffic to be considered from the earliest stages of development proposals. Paragraph 116 states that “*development should only be prevented or refused on highways grounds if there would be an unacceptable impacts on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe*”.

##### *Assessment*

- 9.62. The proposed development would retain and utilise the existing site access onto the A44, which would be widened to accommodate the entry and exit of large construction vehicles, and access to which would require the use of a track road within the highway boundary that would need to be improved to accommodate heavy goods vehicles. The LHA notes that a S.278 legal agreement will be required in relation to improvement works to the existing accesses, which the applicant is advised that they must liaise with the LHA Highway Agreements department to secure.
- 9.63. In light of the above and following receipt of additional information in the form of a Stage 1 Road Safety Audit, the LHA confirms that it has no objection to the proposal, subject to a condition to secure full details of the access construction and layout.

#### *Conclusion*

- 9.64. Given the above, the proposed development is considered to accord with the relevant requirements of CLP 2015 Policies SLE4 and ESD15 and guidance within Section 9 of the NPPF.

#### Other matters

- 9.65. Owing to the useful working lifetime of the proposed battery units, the proposed development would be decommissioned after forty years of use. All materials would



be removed from the site and recycled where practicable, and the land restored to its existing state.

- 9.66. Concerns have been raised relating to potential fire risk associated with this type of development, particularly given the proximity of residential development to the site. OCC Fire and Rescue Service has confirmed that it has no objection to the proposals subject to confirmation that adequate information will be available at the site entrance for the Fire and Rescue Service to understand the on and off site provision for containment of an incident (including procedures, monitoring, and equipment such as suppression systems) and that the access routes will be designed to take the weight of a fire appliance. These details can be secured by condition. OCC Fire and Rescue Service notes that *“It is preferable that access can be provided from two different directions onto the site to avoid having to drive through any vapour/gas cloud taking into account the wind direction”* however the provision of access points from two different directions is not practicable at this site and it is noted that this is an expressed preference rather than a requirement. The access track does split in two shortly beyond the site entrance, however, providing some choice in the directionality of approach in the event of a fire. It is also noted that the proposed battery units would be lithium iron phosphate which are understood to be less prone to combustion or thermal runaway than lithium ion batteries, which comprised the previous generation of battery energy storage systems. In addition to this, the Planning, Design and Access Statement details the provision of continuous control and monitoring systems within the battery containers to ensure early warning of any abnormalities, along with temperature, pressure, vapour and smoke detection devices and automated fire suppression systems fitting within each container.
- 9.67. The application is supported by a Phase 1 geo-environmental assessment report that concludes that the development would not result in any adverse impacts arising from land contamination. The Environmental Health Officer has confirmed that the report is satisfactory and that no further assessment or remediation is required in this regard.

## **10. PLANNING BALANCE AND CONCLUSION**

- 10.1. The proposed development would contribute to national energy security and to achieving local and national goals in terms of climate change and the transition to renewable energy. These benefits are afforded significant weight in the planning balance, as are the secure offer of a grid connection to support the deliverability of the scheme and the clear demonstration of a lack of suitable alternative sites.
- 10.2. The application site is visually well-contained and read in the context of the adjacent A44 and railway line and nearby existing industrial development. In this context, and with additional boundary planting, the proposed development would not appear out of place in the landscape, and this is afforded moderate positive weight. The majority of the existing trees and other on-site habitat would be retained, with additional planting and habitat creation mitigating for unavoidable losses, and at the end of the lifetime of the facility the land could be returned to its current state. These benefits are also afforded moderate positive weight.
- 10.3. The proposal would not result in unacceptable impacts on road safety or the highway network, is geographically well-placed for transport access, and may result in some minor improvements to the local highways in the form of access improvements associated with the works. This is given limited positive weight.
- 10.4. The proposed development would neither materially improve nor worsen flood risk and drainage issues within the site and surrounding area, nor would it result in a material change to nearby residential amenity, and these impacts are afforded neutral weight.

- 10.5. The application site is located close to a Grade II listed building with some intervisibility between the sites and the proposal would result in less than substantial harm to the setting of the designated heritage asset. This would be mitigated by additional boundary planting but nevertheless is afforded limited negative weight. Similarly, the scheme may result in adverse impacts to archaeological assets and, whilst this would be mitigated by a programme of archaeological supervision and recording, this impact is also afforded limited negative weight.
- 10.6. The proposal would result in the long-term temporary development of part of a larger parcel of land that has been safeguarded for future allocation and development. The scheme could therefore prejudice the comprehensive development of the wider parcel as a whole and this is afforded significant negative weight in the planning balance.
- 10.7. Overall, the proposed development is considered to result in significant social, economic, and environmental benefits arising from contributions to affordable, low carbon energy and energy security, moderate ecological benefits, and limited highways benefits. These benefits are considered to outweigh the adverse impacts on the allocation and development of the wider parcel of safeguarded land and the limited adverse impacts on identified heritage assets. On this basis, the application is recommended for approval.

## **RECOMMENDATION**

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

- (a) NO OBJECTIONS FROM THE COUNCIL'S ECOLOGIST FOLLOWING RECEIPT OF FINAL ECOLOGY REPORT AND**  
**(b) THE CONDITIONS SET OUT BELOW (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY)**

### CONDITIONS

#### **Time Limit**

1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.

Reason - To comply with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

#### **Compliance with Plans**

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the form and following approved plans: RCN 1016 SP 01 rev 4, RCN 1016 DZ 01 rev 5, RCN 1016 220 rev 1, RCN 1016 221 rev 1, RCN 1016 226 rev 1, RCN 1016 230 rev 0, RCN 1016 222 rev 1, RCN 1016 232 rev 0, RCN 1016 250 rev 1, RCN 1016 255 rev 1, RCN 1016 231 rev 0, RCN 1016 PLE 02 rev 10, 8127 ASP4 LSP rev E, 1676 TCP 001 rev A, 1676 TPP 003 rev B, 1676 AIP 002 rev B, and unnumbered drawing 'Hydrant tank 228m3 effective capacity'.

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

### **Temporary Permission**

3. The permission shall expire no later than 40 years from its first operational use. Written confirmation of the date of the first operational use shall be provided to the Local Planning Authority no later than one calendar month after the event.

Reason - In order to safeguard the amenities of the area and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

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

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

5. No development shall commence (including demolition, ground works, vegetation clearance) unless and until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP: Biodiversity shall include as a minimum:

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

The approved CEMP: Biodiversity shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

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

6. No development shall commence until the existing tree(s) to be retained as shown on approved drawing number 1676 TPP 003 rev B have been protected in accordance with the Arboricultural Impact Assessment by Seed (reference 1676-AIA-V1-C, dated 7<sup>th</sup> October 2024). The barriers shall be erected before

any equipment, machinery or materials are brought onto the site for the purposes of development and shall be maintained until the development is completed. Nothing shall be stored or placed within the areas protected by the barriers.

Reason - To ensure the continued health of retained trees/hedges and to ensure that they are not adversely affected by the construction works, in the interests of the visual amenity of the area, to ensure the integration of the development into the existing landscape and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and government guidance contained within the National Planning Policy Framework.

7. No development shall commence until a surface water management strategy has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be fully informed by the hydrological and hydroecological context of the site and the design of any infiltration devices shall be informed by the results of winter groundwater monitoring. The works shall be undertaken in accordance with the approved strategy and no hard-standing areas shall be constructed until the works have been carried out in accordance with the surface water strategy so approved.

Reason - To prevent environmental and amenity problems arising from flooding and to comply with government guidance contained within the National Planning Policy Framework.

8. Prior to any demolition on the site and the commencement of the development (other than in accordance with the agreed and submitted Written Scheme of Investigation [Land East of Woodstock Road, Yarnton, AOC Project No: 80204]), a staged programme of archaeological evaluation and mitigation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation. The programme of work shall include all processing, research, and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to the Local Planning Authority within two years of the completion of the archaeological fieldwork.

Reason – To safeguard the identification, recording, analysis and archiving of heritage assets before they are lost and to advance understanding of the heritage assets in their wider context through publication and dissemination of the evidence in accordance with the NPPF (2024).

9. No development shall commence above slab level until a scheme for landscaping the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:
  - details of the proposed tree and shrub planting including their species, number, sizes, and positions, together with grass seeded/turfed areas and written specifications (including cultivation and other operations associated with plant and grass establishment i.e. depth of topsoil, mulch, etc.),
  - details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation,

- details of the hard landscaping including hard surface areas, pavements, pedestrian areas, and steps.

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

All planting, seeding, or turfing included in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building(s) [or on the completion of the development, whichever is the sooner,] and shall be maintained for a period of 5 years from the completion of the development. Any trees and/or shrubs which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. The approved hard landscaping and boundary treatments shall be completed prior to the first occupation of the development and shall be retained as such thereafter.

Reason - To ensure that a satisfactory landscape scheme is provided in the interest of visual amenity of the area and to comply with Policies ESD13 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and government guidance contained within the National Planning Policy Framework.

10. No development shall commence above slab level, nor any excavations or belowground work be undertaken, until a detailed Arboricultural Method Statement has first been submitted to and approved in writing by the Local Planning Authority. The Arboricultural Method Statement shall accord with the provisions of BS5837:2012 and shall include details of arboricultural supervision for key stages of development, including installation of utilities within the root protection areas of retained trees.

Reason - To ensure the continued health of retained trees/hedges and to ensure that they are not adversely affected by the construction works, in the interests of the visual amenity of the area, to ensure the integration of the development into the existing landscape and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and government guidance contained within the National Planning Policy Framework.

11. Prior to their installation, full details of the site security arrangements, including proposed security fencing, gates, CCTV and alarm systems, and monitoring arrangements, shall be submitted to and approved in writing by the Local Planning Authority and shall be retained as such for the lifetime of the development.

Reason – In the interests of security and the reduction of crime and the fear of crime, in accordance with Government guidance contained within the National Planning Policy Framework.

12. The development hereby permitted shall be carried out strictly in accordance with the Construction Traffic Management Plan by Motion, dated August 2024, unless otherwise first agreed in writing by the Local Planning Authority.

Reason - In the interests of highway safety and to mitigate the impact of construction vehicles on the surrounding highway network, road infrastructure

and local residents, particularly at morning and afternoon peak traffic times, and in accordance with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, Policy ENV1 of the Cherwell Local Plan 1996 and government guidance contained within the National Planning Policy Framework.

13. The development hereby permitted shall be carried out strictly in accordance with the Noise Assessment (reference 784-B048909) by Tetra Tech, dated October 2024, including installation of the mitigation measures contained within Section 6 prior to the first use of the development, unless otherwise first agreed in writing by the Local Planning Authority.

Reason - To ensure the creation of a satisfactory environment free from intrusive levels of noise in accordance with saved Policy ENV1 of the Cherwell Local Plan 1996 and government guidance contained within the National Planning Policy Framework.

14. The development hereby permitted shall be carried out in accordance with the recommendations set out in Section 3 of the Ecological Impact Assessment by Clarkson & Woods Ecological Consultants, dated February 2025, unless otherwise agreed in writing by the local planning authority.

Reason - To protect habitats and/or species of importance to nature conservation from significant harm in accordance with government guidance contained within the National Planning Policy Framework.

15. Prior to first occupation of the development hereby approved a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the local planning authority. The development shall not be carried out other than in full accordance with the approved LEMP including any/all timescales set out therein.

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

16. Prior to the first use of the development hereby approved details of all external lighting including the design, position, orientation, and any screening of the lighting shall be submitted to and approved in writing by the Local Planning Authority. The lighting shall be installed in accordance with the approved scheme prior to the first use of the development hereby approved and shall be operated and maintained as such at all times thereafter.

Reason - In the interests of visual amenity and highway safety and to protect the amenities of nearby residents and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policies C28 and ENV1 of the Cherwell Local Plan 1996 and government guidance contained within the National Planning Policy Framework.

17. No part of the development shall be brought into use unless and until full details of the means of access between the land and the highway, including layout, construction, drainage, and vision splays have been submitted to and approved in writing by the Local Planning Authority. The means of access shall be constructed in strict accordance with the approved details and shall be retained and maintained as such thereafter.

Reason - In the interests of highway safety and to comply with Policy ESD15 of

the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

INFORMATIVES

1. An obligation to enter into a S278 Agreement will be required to secure mitigation/ improvement works. Identification of areas required to be dedicated as public highway and agreement of all relevant landowners will be necessary in order to enter into the S278 agreements.

CASE OFFICER: Sophie Browne