

CHERWELL DISTRICT COUNCIL
PLANNING COMMITTEE

15 January 2026

WRITTEN UPDATES

Agenda Item 8 – 25/01346/OUT - Part OS Parcel 0006 North Of The Moors Kidlington

Officer Update

Additional representations from third parties and the CPRE Oxfordshire objecting to the application has been received since the committee report was published. No new material matters were raised in addition to points in Section 6.3 and 7.43 of the Report.

Formal comments from CDC's Flood Risk Officer received on 15 December 2025 were not included in the Report. The comments raised no objection to the scheme from a flooding point of view.

The final list of conditions and planning obligations has also been updated following discussions with the applicant and consultees – See **Appendix 1 and 2** of this written update

Conclusion

As already mentioned, some representations have been received after the report was published, a consultation response which was not included in the report has also been accounted for and discussions have also taken place with the applicant.

Furthermore, the conditions and heads of terms for the s.106 and planning obligations were the subject of a discussion with the applicant together with consultee input. Some of the conditions have been omitted, split and amended in instances where the same elements were covered by other conditions or where specific details needed to be secured via separate conditions.

Lastly, the heads of terms related to the planning obligations have been updated to include figures and prices dates which were missing. None of the above elements and amendments have had a material impact on the considerations undertaken within the committee report and the recommendation.

Revised Recommendation

In light of the changes to the conditions and updated table of S106 heads of terms, the recommendation is slightly changed to reflect this:

**DELEGATE TO THE ASSISTANT DIRECTOR FOR PLANNING TO GRANT PERMISSION,
SUBJECT TO**

- i. **THE CONDITIONS SET OUT IN APPENDIX 1 OF THIS WRITTEN UPDATE (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY) AND**

ii. **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 MATTERS DETAILED AT APPENDIX 2 OF THIS WRITTEN UPDATE (AND ANY AMENDMENTS AS DEEMED NECESSARY)**

FURTHER RECOMMENDATION: IF THE SECTION 106 AGREEMENT/UNDERTAKING IS NOT COMPLETED WITHIN 6 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 (AND ANY AMENDMENTS AS DEEMED NECESSARY):

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 and provisions 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 contrary to Policies BSC3, BSC10, BSC11, BSC12, SLE4 and INF1 Cherwell Local Plan 2015 and the aims and objectives of the National Planning Policy Framework.

Agenda item 9 – 25/02114/F - 7 Lock Crescent, Kidlington, OX5 1HD

No updates

Agenda Item 10 (OS Parcel 2636 NW Of Baynards House Ardley Green Farm Street To Horwell Farm Baynards Green, 21/03268/OUT – Albion West

Officer Update

For avoidance of doubt, the Baynards Green Junction Improvement - SLR Drawing 216285/A/14 Rev B is and should be referenced in Condition 24

Attached at **Appendix 3** of this report is the draft head of terms for the CDC (not OCC) parts of the S106 legal agreement related to ecology mitigation, along with a CIL compliance confirmation.

Additional Consultation Responses

OCC HIGHWAYS: have made the following comments, following a review of the committee report:

- *Para 3.9 - It has since been agreed by all parties that the cycle link to Bicester is necessary to make the development acceptable, as without it there would not be any safe access for cyclists or pedestrians. This is being secured in the S106 agreements and the alternative bus contribution suggested here is not being secured. OCC has agreed that a cycle route is deliverable, albeit part of it will be narrower than set out*

in the guidance document LTN 1/20, which is considered acceptable in this case due to existing constraints.

- *Para 9.190 Planning obligations requested:* The 'NOTE' under the list of contributions is no longer valid, as it relates to an earlier version of this list, and states that Highway Works 1 and 2, and PRoW contributions could be split proportionately, which is not now the case.
- *Para 9.95:* Please note that the Baynards Green roundabout improvements General Arrangement went through a further revision, with agreement from National Highways and OCC, and the approved version is Rev B, which is the version that would be taken forward for detailed design and S278 approval.
- *Recommendation:* The following contributions are being secured and should be listed in the recommendation: financial contributions towards bus stop infrastructure and monitoring of the travel plans. Additionally an operational routing agreement is required.
- *Condition 5:* Please note that the reason attached to the condition refers to 20% occupancy of last mile delivery services having been assessed. In fact it has not been demonstrated that the transport assessment included any last mile delivery services. The '(above 20% occupancy)' should therefore be deleted from the reason under the condition
- *Condition 27:* The words 'as a minimum' should be deleted, as this could be taken to suggest that the OCC Parking Standards are for a minimum level of car parking provision, which is not the case.
- *Condition 32:* The condition for a Construction Traffic Management Plan is recommended by the Local Highway Authority as well as being a requirement of National Highways. The wording should be applicable to the local as well as the strategic highway network, i.e. it should say 'approved in writing by the Local Planning authority in consultation with the Local Highway Authority and the Highway Authority for the A43.
- *CIL Compliance* - OCC's CIL Compliance Statement is available on public access

STOKE LYNE PARISH COUNCIL Further letters have been received on behalf of Stoke Lyne Parish Council and Tusmore Park Estate. The letters are published in full on public access, but the key objections can be summarised as being:

1. Absence of 'exceptional circumstances'

Officer response:

Firstly, what constitutes "exceptional circumstances" is a matter of planning judgment and Officers remain of the opinion that "exceptional circumstances" have been demonstrated and that the benefits of the scheme outweigh the harm.

Second, the emerging local plan is not being examined against the 2024 NPPF, which, as the committee report notes, contains strong support for logistics development. Therefore, there is nothing inconsistent with considering that, applying the 2024 NPPF policy framework, there can be "exceptional circumstances" in the absence of a draft allocation in the emerging plan.

Third, I note that reference has been made to the Council's economic officer's comments advising that he was "*unaware of any local 'need' for such large-scale logistics units*" and *was aware of a need for "smaller flexible units that have been developed in accordance with the Local Plan"* and that it is "*unclear for example how the jobs created would address the needs of the local population.*" Reference has also been made to the economic officer commenting that "*The density of the jobs in relation to developed greenfield land would also be expected to be lower than for other employment uses (e.g. offices and manufacturing). Whilst it is accepted that there are technical, office and managerial roles in modern logistics operations, the majority of posts would be expected to be in lower skilled roles, and it would need to be established how many of those roles could be filled locally.*"

Those comments, it should be noted, were made on the 6 October 2022, just over 3 years ago. However, since then, further employment information has been submitted by Albion and Tritax, and a review of the applicants' respective employment information was carried out by Lambeth Smith Hampton (LSH) (on behalf of the LPA). The Council has also published an Economic Needs Assessment update (dated May 2025) and Employment Topic Paper (July 2023).

The objection letters, I observe, do not quote paragraph 325, p74 of the LSH report in full, only part of it, where it states that, given the very large catchments, it is not possible to conclude that this need is specifically required within Cherwell district.

The remainder of the paragraph advises that Albion's evidence relating to demand for XXL units was "compelling" and, combined with their (LSH) own evidence, they agree that there is a high demand for XXL units in this area. This demand for XXL units reinforces the need for the requirements of paragraphs 85, 86 and 87 of the NPPF (2024) to be met.

The objection letters also references paragraph 287, p69 of the LSH report, where it says that "*the job estimates are likely to be more towards the lower end of [the] estimate*". Officers' views are that this paragraph needs to be read in context i.e. with the subsequent paragraph in this chapter, paragraph 288, p69. This paragraph agrees the same number of operational jobs that Quod have forecast (set out below for reference) which is a very significant amount of jobs. Even at the lower end, the figures are very high and represent a pronounced material consideration in the determination of this scheme.

- Eastern Development – 1,050 – 1,420 FTE jobs
- Western Development – 1,790 – 2,420 FTE jobs
- Total – 2,840 – 3,840 FTE jobs

Lambeth Smith Hampton did identify a shortfall of allocated/permited B2/B8 land of 120ha which, minus the 97.5ha of proposed allocations in the emerging local plan (if adopted) would leave a shortfall of 22.5ha. However, the 97ha of employment land in the emerging local plan has not yet been independently tested and it will be some

time before the Council knows whether the Local Plan Inspectors are happy with the site allocations the Council has put forward.

Moreover, as noted in the committee reports, the advice I have received from the policy officer is that all the applications, individually, and collectively, would make a positive contribution toward the overall employment need for the district which is currently identified as being between 274ha – 359ha to the year 2042.

In short, these are not competing applications. There is a need and demand for B2/B8 uses in the district (and beyond) and as set out in the committee reports, there are 'exceptional circumstances' for these developments, not least the proposals complying with the relevant paragraphs of the NPPF.

2. Landscape – The landscape impacts of the scheme represent a clear reason for refusing the application.

Officer response:

The committee reports do not dispute that there will be harm to the landscape. However, the point made by officers is that the impacts are outweighed by the benefits.

3. Weight afforded to appeal decision relating to 18/00672/OUT – Members are being misdirected on the weight afforded to it.

Officer response:

It is misconceived to contend that reference to an appeal decision for a substantially smaller development, on a different site, should represent an unequivocal refusal of the Albion and Tritax proposals.

Each planning application must be judged on its own merits, and the Albion and Tritax proposals are of a very different scale and located on different sites to 18/00672/OUT, with a different set of circumstances and are being tested against a different NPPF which is positive towards logistics developments and guides development of this type towards motorways and sustainable locations.

Table 4, page 22 of the Planning Statement for 18/00672/OUT forecasted between 102 – 192 jobs being provided during operation. By contrast, Tritax is anticipating 2,430 permanent jobs and Albion is expecting to create 3,000 jobs across the east and west parcels. These operational jobs are in addition to the substantial amount of construction jobs. Lambeth Smith Hampton, acting on behalf of the Council, also concluded that these proposals will deliver a significant amount of jobs; and their conclusions are much more recent (2025) than the comments of the Council's economic growth officer from 2022.

4. Compliance with emerging policy and particularly policy LEC3 is still not considered in detail, with each criterion considered, in particular the reports do not address whether the proposals meet local business and community needs, nor do they address the policy's

explicit presumption against open countryside locations absent strict criteria. Additional weight should be given to the emerging policies than officers have given in the committee reports. Moreover, the reliance on 'outstanding objections' to the emerging policies to give the emerging policies little weight ignores the fact that the officers' own explanation of those objections makes clear that the objections relate to other matters.

Officer response:

Emerging Policy LEC 3: New Employment Development on Unallocated sites is a criteria-based policy which provides guidance for employment proposals which are not on allocated sites. This policy provides flexibility over and above the allocated sites to help provide a resilient and flexible economy in line with the NPPF, so that needs not anticipated within the Plan can be accommodated.

Regarding some of the objections to the emerging policy LEC3, I note that some consider this emerging policy does not go far enough in meeting future employment need and that the policy should be broadened out to reference large scale B8 uses and locational requirements.

Notwithstanding that officers are of the view that limited weight should be attached to the emerging policies, a further assessment against the applicable criteria is set out below.

Other proposals within Small (Category B and C) Villages and the open countryside will only be considered favourably if the following additional criteria are met:

Officer Response: These sites are within the open countryside

vii. The development is to meet local business and community needs,

Officer Response: The Albion proposals, being XXL units, are proposed to meet National and Regional needs, so there is conflict with this part of emerging policy LEC3, albeit there will be the creation of a substantial number of jobs which may well help meet some local business and community needs.

The Tritax proposals will help meet the district needs and therefore, potentially, local business and community needs. Most people's daily lives benefit from logistics developments.

viii. The development does not have an unacceptable impact on local roads, and

Officer Response: OCC Highways and National Highways, subject to the agreed planning obligations and conditions, have concluded that the proposed developments will not have an unacceptable impact on the local roads. No conflict.

ix. It can be demonstrated that the proposal will benefit the local economy and will not undermine the delivery of the strategic employment allocations.

Officer Response: Current evidence suggests that there is an employment need of between 274ha– 359ha to the year 2042. As noted above, these proposals will not undermine the strategic delivery of suggested strategic allocations in the draft local plan. No conflict.

5. Prematurity – suggesting the following reason for refusal:

“The proposed development is considered premature in advance of the adoption of Cherwell Local Plan Review 2020-2042 which was submitted for examination, in July 2025. The proposed development would prejudice the proper planning of the area by reason of its scale and location contrary to paras. 50 and 51 of the NPPF (2024)”

Officer response: Officers do not consider that prematurity should be considered as a reason for refusal. Officers remain of the view that these planning applications should continue to be considered in the light of current policies and not emerging local plan policies.

Paragraphs 49 to 51 of the NPPF (2024) relate to prematurity of applications being determined. I note that paragraph 49 of the NPPF states that Local planning authorities **may** (my emphasis) give weight to relevant policies in emerging plans according to the following criteria:

a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);

b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given);

and

c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)²³.

As set out in the committee reports, officers give only limited weight to the emerging local plan policies, given that there are objections to the policies and they have not yet been through the rigour of examination in public and remain unresolved.

The degree of consistency of the relevant policies in the emerging local plan to the Framework is still to be independently assessed. Moreover, the Framework, as noted in the committee report, is positive regarding logistics developments in sustainable locations next to motorways.

Paragraph 50 of the NPPF states:

However, in the context of the Framework – and in particular the presumption in favour of sustainable development – arguments that an application is premature are unlikely to justify a refusal of planning permission other than in the limited circumstances where both:

a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by

predetermining decisions about the scale, location or phasing of new development that are central to an emerging plan; and

b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.

There are two parts to this policy that would need to be engaged for a local planning authority to be in a position to refuse an application on prematurity grounds.

In this instance, part b) would be in play because, yes, the emerging local plan, having been submitted for examination, is at a relatively advanced stage whilst not formally forming part of the development plan for the area.

However, part a) would not be triggered because the proposed developments, individually, or collectively, would not be so significant that, if granted, they would undermine the plan-making process. They are not allocated sites and would not be competing with the proposed allocated sites in the emerging local plan which will still be required to help meet identified future need. Therefore, the spatial strategy of the emerging local plan would not be materially affected by these developments.

Paragraph 51 of the NPPF states: *Refusal of planning permission on grounds of prematurity will seldom be justified where a draft plan has yet to be submitted for examination; or – in the case of a neighbourhood plan – before the end of the local planning authority publicity period on the draft plan. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how granting permission for the development concerned would prejudice the outcome of the plan-making process.*

The burden would be on the Local Planning Authority to demonstrate prejudice to the outcome of the plan-making process and officers are of the opinion that these developments would not materially upset/prejudice the spatial strategy

23 During the transitional period for emerging plans, consistency should be tested against the version of the Framework as applicable, as set out in Annex 1.

6. Ecology – Albion

Inadequate and out-of-date Surveys as highlighted by MKA including for Brown hairstreak butterfly, Barn Owl, roosting bats, and breeding birds.

Officer response: In a meeting with Tyler Grange, the Council's ecologist agreed surveys for Brown hairstreak wouldn't be needed due to presence confirmed in field above. On this basis, the applicants have assumed presence and provided compensation, including a high proportion (40%) of blackthorn in the hedgerow provisions. The ES Addendum uses data on larval host plant distribution and quantum to assess likely magnitude of impact, and compensation commitments are provided. Bat surveys and breeding bird surveys were updated in 2024 and the Council's ecologist considers them to be in line with best practice guidance and therefore adequate.

No discussion of the point that Skylarks in particular have been shown in much higher numbers at the neighbouring Tritax site, suggesting a significant undercount in the older surveys here.

Officer response: Surveys were updated in 2024 and are still valid.

Moreover, on Skylarks the OR on 21/03268/OUT says at para. 9.124 says that “the applicants are no longer proposing to use the 20ha site near Piddington.” This was proposed as both a mitigation site for farmland assemblage and a receptor to address the net loss of biodiversity within the development footprint. The updated information therefore discloses a significant reduction in the proposed mitigation for Skylark; but despite this the overall planning balance at para. 10.14 refers to compensation via “off-site wildlife .. provision”. It is not clear what this is referring to now.

Officer response: Surveys were updated in 2024. They are still providing the offsite mitigation (it's not being removed, as suggested here) but they've decided to do it somewhere other than the Piddington site – the s106 agreement will ensure that the mitigation for skylark (and other breeding birds) is secured off-site and provides a suitable amount of mitigation in a suitable location. They haven't confirmed where this will be – but they have provided a draft strategy to demonstrate an understanding of what needs to be delivered. They will also be required to survey the off-site land to ensure suitability, as secured by the s106. While we would ideally know where the off-site location is now – as this is outline permission, we have agreed that this site can be identified later as long as it's secured with a legal agreement. They have baseline data, so they know what the requirements are for mitigation/compensation.

No justification given for departure from guidance that surveys should be undertaken before granting permission.

Officer response: Surveys have been undertaken and have been updated in line with CIEEM advice on the age of survey data. Updated walkover surveys will be conditioned as required to ensure data remains valid with REM apps.

7. Ecology objection - Tritax

With regard to ecology, the present mitigation strategy does not adequately address material biodiversity considerations, meaning that the mitigation measures proposed may not be effective. The District Council should not proceed on the basis of current information but must require further assessment or information in a number of respects. In particular, the attached expert report finds (among other things) that:

- **Outdated and inadequate reptile surveys:** The reptile surveys were undertaken over 10 years ago, outside of the optimal survey window. Moreover, only four survey visits were completed, despite best practice guidelines recommending a seven-visit survey effort. As such, the survey results cannot be relied upon by the District Council.
- **Incorrect assessment of bat data:** The assessment describes the bat assemblage at the site as of local importance. This undervalues the assemblage, whether the site is taken to be in southern England (where the assemblage would be of *county* importance) or central England (where it would be of *national* importance). In addition, it appears that the site is a

significant commuting route for a rare, Annex II Species (barbastelle bats). This has not been appropriately recognised and nor does the proposed mitigation explicitly consider barbastelle. Appropriate evaluation likely requires further investigation of the significance of the habitats to be lost and further survey effort to properly understand the baseline that exists and the impacts of the proposed development.

- **Incorrect assessment of breeding bird data:** The assessment describes the site as of local importance. However, the presence of lapwing, grey partridge and skylark makes the site one of county importance, meaning that the assessment should be revised and proposed mitigation requirements reconsidered.
- **Inadequate Farmland Bird Mitigation Strategy:** There is a requirement for the farmland bird management strategy to include the baseline conditions of both the site area and off-site mitigation areas as emphasized by key consultees (including the CDC ecologist and the local Wildlife Trust). The absence of an identified mitigation site precludes the assessment of the baseline value of that site to farmland birds and is also contrary to Natural England standing advice. CDC simply cannot assess whether offsite mitigation will be possible or effective without understanding the baseline conditions of the mitigation land. On current information, CDC therefore cannot understand the actual effects on farmland birds because baseline information is not available. Furthermore, the existing FBMS overstates the value of post-development habitats on the site.
- **Inadequate BNG proposals:** The lack of detail provided regarding plans for the creation and management of off-site habitats, as well as baseline soil conditions, means that the feasibility and adequacy of the off-site proposals cannot be assessed. In particular, the creation of “good condition other neutral grassland on former arable land is unlikely to be feasible” unless soil samples reveal lower-than-expected nutrient levels.

Council's Ecology Officer response:

Summary

Objections relating to biodiversity net gain and farmland birds focus on the absence of baseline data for off-site mitigation land. While these off-site baselines may be established at this stage, the Section 106 agreement will secure delivery of the proposed measures, which has been considered sufficient for an outline application. Draft plans are in place for both farmland birds and biodiversity net gain to ensure these matters have been appropriately addressed in principle.

For both bats and birds, objections also question the value assigned to the site, suggesting it is of more than local importance for these species. However, the most recent surveys do assess the site as of more than local value. The value for bats was assessed as District-level importance for Barbastelle and Local-level for the overall assemblage, while the value for breeding birds was assessed as District-level importance.

Habitat loss will be addressed through a minimum requirement of 10% BNG, with off-site measures including the creation of species-rich grassland and woodland planting. These habitats, along with associated management and monitoring obligations, will be secured via Section 106 to ensure delivery and long-term

success. Lighting impacts will be managed through a condition requiring a detailed lighting strategy that maintains dark corridors along key commuting routes. The reptile issue is not considered significant given the site's low suitability for this species group.

Reptile Surveys

The objection relates to the age and adequacy of reptile surveys. As noted in the MKA Ecology letter, and concluded by Caroline in her earlier responses, the site is clearly sub-optimal for reptiles, with only a very low likelihood of a relict population persisting along hedgerow edges. Numerous updated walkover and species-specific surveys have confirmed the current condition of the site. Updated reptile surveys would not provide meaningful new information. We are satisfied that reptiles can be addressed through a Construction Environmental Management Plan (CEMP), which will include precautionary measures.

Bats

The applicant has completed full bat surveys, most recently in 2025. I note the objector's view that the assemblage is of more than local value and has been undervalued. However, the latest surveys do classify the site as having District-level importance for Barbastelles, with the overall bat assemblage across the site considered to be of Local importance. Professional judgment is inevitably involved in assigning geographic value and interpreting the conservation significance of commuting routes. CIEEM's EcIA Guidelines emphasise transparent evaluation, proportionality, and the use of professional judgment where evidence allows. The survey methods follow current guidance, and I have no issue with EDP's conclusions on the site's value for bats.

The main concerns remain the same, focusing on the southern woodland edge, which is used by Barbastelle (an Annex II species). Mitigation and design measures prioritise retaining and buffering the southern woodland and delivering strict dark corridors along all key commuting features for bats.

Farmland birds

Similarly, objections state that the value of the site for birds has been judged as only local importance and undervalues the site. However, the most recent ecology surveys concluded: "Given the findings in relation to skylark, the breeding bird assemblage is now judged to be of District-level ecological importance" – which values the site appropriately. The assemblage on site is sensitive, with red□list and Section 41 species such as skylark, grey partridge, and lapwing.

As the applicant has chosen to deliver farmland bird mitigation off-site, baseline data for that land will be required to approve the Farmland Bird Mitigation Strategy (FBMS), consistent with Natural England's advice. This will be secured via S106, requiring a full and detailed FBMS that incorporates off-site baseline data before any works that could affect birds commence. An outline FBMS is already in place, and baseline surveys for the off-site location are underway.

The outline FBMS does address species other than skylark:

'Creating species-rich grassland will provide invertebrate-rich feeding areas for lapwing and grey partridge as well as seeds for yellowhammer and linnet. Retaining selected areas uncut through the breeding season and management measures required to achieve net gain aims, will allow flowering forbs and seed-bearing plants to provide food year-round'

However, I would agree that the final plan should be more robust in considering these species and ensure they are fully addressed. As we have baseline surveys for the development site, no additional surveys are required. We know what needs to be mitigated and compensated for, and all relevant birds will be expected to be included in the FBMS.

Biodiversity Net Gain

On-site: Initial on-site planting proposals were overly ambitious, but the applicant has agreed to a more realistic approach which will be finalised when the final layout is considered at REM stage. This has already been discussed and agreed.

Off-site: I have considered the objection regarding the feasibility of off-site habitats. The concern relates to the proposal for "other neutral grassland" in good condition on former arable land, where soil nutrient status is often a limiting factor. A S106 legal agreement will require the applicant to achieve the proposed 10%, which will ensure that, should any habitat failure occur, this is addressed. If soil incompatibility prevents delivery of the proposed habitats, remedial measures will need to be implemented to ensure compliance. The applicant will be required to monitor habitat establishment in line with the approved Habitat Management and Monitoring Plan (HMMP).

8. Anglian Water – Anglian Water have told the Council that its infrastructure does not have capacity and that no upgrades are currently planned. Given the lead in time for such infrastructure there is no prospect of such infrastructure being delivered within the five years provided for by the conditions.

Officer response: The original Grampian condition, suggested by Anglian Water, was refined by Albion Water to toughen up the condition and introduce more "checks and balances" and precision into the process, making it likely that there is a realistic project of the necessary infrastructure being in place before the time limit for the permission runs out.

The same wording has been used in the Tritax Grampian condition, who have also agreed to it. For completeness, Albion Land have made the following comments, which puts the practicalities of the amended Grampian condition into context:

1. Recognising the importance of ensuring that any development did not have unacceptable impacts on water quality or cause pollution (which would make it unacceptable), we have proposed a Grampian style condition which introduces more "checks and balances" beyond that suggested by the statutory undertakers – thereby ensuring that both the LPA and AW can be absolutely certain that any capacity improvements are (i) identified and (ii)

delivered when and where needed – thereby avoiding harmful impacts. You have included this amended condition at Condition 37 (west) / Condition 38 (east).

2. In proposing this condition, we accept that (i) capacity improvements are necessary to accept the foul flows from the development, and (ii) Albion Land (+Tritax if consented) will need to contribute towards (or even potentially cover the cost in full) their delivery – the latter forming part of the “strategy and programme for delivery” also secured by the condition. It is also the case and relevant that, whilst AW may not have funding in place for reinforcements at this time this could change – their longer term infrastructure funding approvals are regularly updated (via annual monitoring and update mechanisms)
3. It is right for CDC to consider whether an otherwise unacceptable development could be made acceptable through the use of a planning condition before refusing planning permission – and this is the judgement we understand officers (and Anglian Water) have exercised.
4. Further, the PPG is clear that Grampian conditions are appropriate unless there is no prospect at all of the action in question being performed within the time limit imposed by the condition – in this case there is very clear and reasonable prospect, Albion Land are a responsible developer, they are committed to delivery of the scheme and have a clear track record in this regard. As you know, there is also a legal mechanism in place with Tritax for securing funding to shared infrastructure, which would be exercised if planning permission for their scheme is also granted.
5. Having been back through the consultee responses, I would also add that there is nothing which would indicate that there is no prospect of the condition being satisfied within the timescales, and nor am I aware of any permissions in the area lapsing as a direct consequence of not being able to address similarly worded conditions / requirements.
6. Tritax have also submitted the following response:
“The test for a Grampian-style / negative condition is whether there is some, as opposed to no prospect of the condition being discharged within the lifetime of the permission. There is nothing in the Anglian Water comments or in the evidence which suggests there is no prospect at all of the proposed condition being discharged, and Tritax continue to engage with Anglian on potential options should planning permission be granted. Nor is there any evidence of planning permissions with similar conditions having lapsed due to the inability to discharge such a condition across the rest of the District/elsewhere. The request for such a condition seems to be the generic position now adopted by Anglian Water to planning applications – and if permission were to be refused on the basis there is no prospect of a solution being found within the lifetime of the permission, that would set a precedent which would risk blighting all development proposals across the District.”

Additional Representation

WARD COUNCILLOR: Cllr Nigel Simpson has provided the following comments as he is unable to attend the meeting and in absence of being able to speak, wishes members to read the following comments, which relate to all four of the applications at J10 of the M40 (ref: (21/03268/OUT, 21/03266/F, 21/03267/OUT, 22/01340/OUT)

- Speaking on behalf of the local residents whose lives will be significantly impacted by this enormous proposal I would urge the committee to reject all 4 of these totally inappropriate planning applications.
- There are simple questions to answer –
 - Has this site been allocated within the current adopted Cherwell local plan?
 - Has this site been allocated within the emerging Cherwell local plan?The answer to both questions is no. On that basis why are we even considering this proposal.
- Local plans are an agreed blueprint on how councils see the future growth within their communities and these plans are years in the making and are heavily scrutinised at every stage of the process to ensure they are right. They are not something that is just thrown together.
- That reason alone should be reason enough to reject this application.
- It was a shame that only a handful of members were able to attend the site visit on Tuesday as I personally found it very worthwhile. A big thank you to local residents for placing a cherry picker at the same height as the proposed warehouses which really highlighted the sheer scale of these buildings.
- You need to remember that this is an area of open countryside nowhere near anything remotely similar and nowhere near any major settlement that will need to provide the workforce.
- To summarise, massive developments of this nature, and believe me this is MASSIVE, should be considered as part of the local plan process – and not via speculative applications.

THIRD PARTY RESPONSES: Further neighbour objection letters have been received for all three outline applications for the following grounds:

- Cumulative Environmental Harm
- Traffic, Congestion and Highway Impacts
- Impact on Residents' Health and Wellbeing
- Lack of Need for Additional Warehousing
- Low level of unemployment in the area and J11 warehouses are empty
- The proposals even with their amendments, would result in unacceptable harm to the environment, highway safety, congestion levels, and the health and wellbeing of local residents. The amendments do not resolve these fundamental issues and appear to be cosmetic rather than substantive. For these reasons, the applications should be refused.

Officer response: these concerns reflect comments already received and are addressed in the committee reports. Regarding low level of unemployment in the area and the comment that the J11 warehouses 'are empty', I can advise that there is an identified need and demand for these employment uses in the right locations, in line with paragraph 8a of the NPPF which wants to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity.

Additionally, a letter has been submitted on behalf of a coalition of Parish Councils (24 Parish Councils), objecting on the following grounds:

- Traffic Modelling and Cumulative Impact – the following applications should all be refused
 - Warehousing developments at Baynard's Green
 - The Oxfordshire Strategic Rail Freight Interchange (OxSRFI)
 - Puy du Fou UK leisure destination
 - Housing at Hawkwell (NW Bicester) for over 3000 dwellings
 - Dorchester Living Housing Development at Heyford Park for 9000 dwellings
- Fragmented Traffic Modelling
- Contradictory Assumptions
- Risk of Severe Cumulative Congestion
- Absence of Up-to-Date Traffic Counts and Speed Survey Data (NPPF 31 & 32)
- Request that a single cumulative transport assessment using a completely revised BTM as the source data, testing 2031 and 2042 scenarios with all of these major schemes included, in addition to that created by both the Great Wolf Development in Chesterton and Bicester Village, in line with NPPF para 111 and Cherwell Local Plan transport evidence requirement
- ANPR monitoring at key junctions and village entry points
- Financial penalties for violations, escalating for repeat offenders. Such penalties should then be used to fund further traffic improvements in each of the impacted villages
- Clear signage and driver instructions to keep all through-traffic on designated strategic routes (A43/M40 corridors)
- Quarterly compliance reports by OCC to affected villages, detailing ANPR results, effectiveness against Key Performance Indicators agreed with respective villages and details of all breaches (if any)
- Requirement for OCC to propose and implement additional mitigation measures that are acceptable to the impacted communities (e.g., physical restrictions, increased enforcement) if ANPR monitoring does not achieve compliance
- Secure event traffic management plans for Puy du Fou, including binding modeshare targets and park-and-ride provision.
- Tie housing permission to model shift performance, with remedial measures if targets are not met before any further homes are permitted to be built in that development.
- The coalition further requests full unrestricted access to all current traffic counts and speed survey data across the district.

Officer response: I do not think it would be reasonable to not determine the Albion and Tritax applications until a full cumulative assessment of all the development proposals in the area (including those which could not yet be considered sufficiently foreseeable and which have not published reliable predictions of traffic impact) has taken place.

OCC Highways response: There is a workstream in early development at OCC looking at cumulative impact – the Place Planning team are leading on that, but I have no information on timescales.

The letter also asks for 'recent' traffic counts. The Baynards Green applications' TAs did include traffic counts but of course some of them are a few years old now due to the age of the applications. I am not sure it is reasonable to hold up the applications further to require further traffic counts, which probably would not change the conclusions.

Conclusion

Whilst a number of additional consultation and third-party representations have been submitted, it does not alter the recommendation to approve. Officer responses to the concerns raised are within the detail of the committee report with additional responses included within this update in response to specific concerns raised.

OCC Highways have made some comments on the suggested conditions, and these will be assessed and included/amended where necessary.

Revised Recommendation

DELEGATE TO THE ASSISTANT DIRECTOR FOR PLANNING TO GRANT PERMISSION, SUBJECT TO

- i. THE CONDITIONS SET OUT IN THE COMMITTEE REPORT (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY, INCLUDING THE COMMENTS RAISED WITHIN THIS WRITTEN UPDATE) AND
- ii. 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 MATTERS DETAILED WITHIN THE COMMITTEE REPORT (AND ANY AMENDMENTS AS DEEMED NECESSARY INCLUDING THE COMMENTS RAISED WITHIN THIS WRITTEN UPDATE)

FURTHER RECOMMENDATION: IF THE SECTION 106 AGREEMENT/UNDERTAKING IS NOT COMPLETED WITHIN 6 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 (AND ANY AMENDMENTS AS DEEMED NECESSARY):

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 and provisions 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 contrary to Policies BSC3, BSC10, BSC11, BSC12, SLE4 and INF1 Cherwell Local Plan 2015 and the aims and objectives of the National Planning Policy Framework.

Agenda Item 11 - O.S. Parcel 0006 South East Of Baynards House Adjoining A43 Baynards Green - 21/03266/F - Albion West (Access and Site Clearance)

Officer Update

Location of Development - Please be advised that the location description on the committee report for this full application for Albion does not align with the location description on the planning register. For the avoidance of doubt, the location description on 'DEF/Public Access' is the correct one, which is:

'OS Parcel 2636 NW of Baynards House' and on the report it is 'OS Parcel 0006 South East of Baynards House'.

Attached at Appendix three of this report is the draft head of terms for the CDC (not OCC) parts of the S106 legal agreement related to ecology mitigation, along with a CIL compliance confirmation.

Additional Consultation Responses

OCC HIGHWAYS: have made the following comments, following a review of the committee report:

Recommendation: Please note that OCC has not requested a contribution towards public rights of way on site. It is expected that the developer will improve the public footpath within the Albion west site as part of the development (including its new route within the site), and a condition for this is shown in the report for that application.

Condition 13 - The condition for a Construction Traffic Management Plan is recommended by the Local Highway Authority as well as being a requirement of National Highways. The wording should be applicable to the local as well as the strategic highway network, i.e. it should say 'approved in writing by the Local Planning authority in consultation with the Local Highway Authority and the Highway Authority for the A43

CIL Compliance - OCC's CIL Compliance Statement is available on public access

STOKE LYNE PARISH COUNCIL Further letters have been received on behalf of Stoke Lyne Parish Council and Tusmore Park Estate. The letters are published in full on public access, but the key objections are summarised in Agenda Item 10 above, along with the Officer Response.

Additional Representation

WARD COUNCILLOR: Cllr Nigel Simpson has provided the following comments as he is unable to attend the meeting and in absence of being able to speak, wishes members to read the following comments, which relate to all four of the applications at J10 of the M40 (ref: (21/03268/OUT, 21/03266/F, 21/03267/OUT, 22/01340/OUT). The comments are stated in Agenda Item 10 above

THIRD PARTY RESPONSES: Further neighbour objection letters have been received for all three outline applications. The key points are summarised in Agenda Item 10 above, along with the Officer Response.

Conclusion

Whilst a number of additional consultation and third-party representations have been submitted, it does not alter the recommendation to approve. Officer responses to the concerns raised are within the detail of the committee report with additional responses included within this update in response to specific concerns raised.

OCC Highways have made some comments on the suggested conditions, and these will be assessed and included/amended where necessary.

Revised Recommendation

**DELEGATE TO THE ASSISTANT DIRECTOR FOR PLANNING TO GRANT PERMISSION,
SUBJECT TO**

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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 and provisions 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 contrary to Policies BSC3, BSC10, BSC11, BSC12, SLE4 and INF1 Cherwell Local Plan 2015 and the aims and objectives of the National Planning Policy Framework.

Agenda item 12 - OS Parcel 0006 South East Of Baynards House Adjoining A43 Baynards Green - 21/03267/OUT (Albion East)

Officer Update

Corrections – 20005-TP-009 Revision C is to be the approved building heights parameter plan (rather than Revision B).

For avoidance of doubt, the Baynards Green Junction Improvement - SLR Drawing 216285/A/14 Rev B is and should be referenced in Condition 24

Further, the Eastern Site Access (conditions 25 and 26) approved drawing is DTA Drawing 17213-35 Rev D (rather than 17213-35-GA Rev D).

Attached at Appendix three of this report is the draft head of terms for the CDC (not OCC) parts of the S106 legal agreement related to ecology mitigation, along with a CIL compliance confirmation.

Additional Consultation Responses

OCC HIGHWAYS: have made the following comments, following a review of the committee report:

- *Paragraph 3.5*: The roundabout for Albion East is no longer proposed – it is now proposed to be a signalised junction on the B4100, and this is considered acceptable.
- *Paragraph 3.9* Cycle route to Bicester – please see comment above re Albion West – the same comment applies here.
- *Paragraphs 7.24 and 9.94*: Please note that the Baynards Green roundabout improvements General Arrangement went through a further revision, with agreement from National Highways and OCC, and the approved version is Rev B, which is the version that would be taken forward for detailed design and S278 approval.
- *Paragraph 9.185*: Travel Plan monitoring contribution – the two figures should be the same at £3,265 indexed March 2024.
- *Paragraph 9.185*: The access arrangements are incorrectly described (the ones in the report are the access arrangements for Albion west). The access arrangements for this site should read: Site access via signalised junction onto the B4100 to the E of Baynards Green roundabout, together with bus stop laybys with bus shelters, flagpoles and timetable cases and ducting, and a signalised Toucan crossing of the B4100, both to the east of the access as shown indicatively on drawing 17213-35-GA P0.
- *Paragraph 9.185*: As for Albion west, the 'NOTE' under the obligations no longer applies.
- *Recommendation*: As for Albion west, contributions towards bus stop infrastructure and travel plan monitoring, and the requirement for a routing agreement, should be added to the list.

- *Condition 5:* (last mile delivery) – same comment as for Albion west – the words ‘(above 20% occupancy)’ should be removed from the reason.
- *Condition 26:* In my opinion this is not necessary and duplicates Con 25.
- *Condition 33:* – CTMP – same comment as for the other applications above.
- *CIL Compliance* - OCC’s CIL Compliance Statement is available on public access

STOKE LYNE PARISH COUNCIL Further letters have been received on behalf of Stoke Lyne Parish Council and Tusmore Park Estate. The letters are published in full on public access, but the key objections are summarised in Agenda Item 10 above, along with the Officer Response.

Additional Representation

WARD COUNCILLOR: Cllr Nigel Simpson has provided the following comments as he is unable to attend the meeting and in absence of being able to speak, wishes members to read the following comments, which relate to all four of the applications at J10 of the M40 (ref: (21/03268/OUT, 21/03266/F, 21/03267/OUT, 22/01340/OUT). The comments are stated in Agenda Item 10 above

THIRD PARTY RESPONSES: Further neighbour objection letters have been received for all three outline applications. The key points are summarised in Agenda Item 10 above, along with the Officer Response.

Conclusion

Whilst a number of additional consultation and third-party representations have been submitted, it does not alter the recommendation to approve. Officer responses to the concerns raised are within the detail of the committee report with additional responses included within this update in response to specific concerns raised.

OCC Highways have made some comments on the suggested conditions, and these will be assessed and included/amended where necessary.

Revised Recommendation

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FURTHER RECOMMENDATION: IF THE SECTION 106 AGREEMENT/UNDERTAKING IS NOT COMPLETED WITHIN 6 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 (AND ANY AMENDMENTS AS DEEMED NECESSARY):

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 and provisions 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 contrary to Policies BSC3, BSC10, BSC11, BSC12, SLE4 and INF1 Cherwell Local Plan 2015 and the aims and objectives of the National Planning Policy Framework.

Agenda item 13 - 22/01340/OUT – Os Parcel 6124 East Of Baynards Green Farm Street To Horwell Farm Baynards Green – Tritax Symmetry

Officer Update

Attached at Appendix three of this report is the draft head of terms for the CDC (not OCC) parts of the S106 legal agreement related to ecology mitigation, along with a CIL compliance confirmation.

Applicant/Agent

The planning agent has written to provide the following comments:
Having reviewed the committee report, I just wanted to confirm the heights of the proposed buildings and bunds (as set out on the Parameter Plan ref. 14-019-SGP-XX-XX-DR-A-131003 Rev P14 (with the bund heights varied by proposed Condition 25 in the report to committee):

Buildings

- Zone A1 – up to 140.350 m AOD
- Zone A2 – up to 137.350 m AOD
- Zone B – up to 134.415 m AOD

Bunds

- Zone A - Minimum top of bund height (bund to the east) 120.2 m AOD
- Zone B - Minimum top of bund height (bund to the east) 120. m AOD

Landscaping Widths on Eastern Boundary

- Zone A - 45.1m – 111.3 m (as annotated on the parameters plan)
- Zone B – 201.9 m at its widest point (as annotated on the parameters plan)

Additionally, please note the proposed floorspace figures on the parameter plan are in GEA not GIA as set out in your report to committee, confirmed again below:

- Zone A – 255,000 sqm GEA (excluding energy centre)
- Zone B - 45,000 sqm GEA
- Total 300,000 sqm GEA (excluding energy centre)

The parameters plan establishes the 'developable areas' within the site and the maximum building heights. The parameters plan provides a level of flexibility for the detailed design at a later date, which will need to be approved by the Council through subsequent reserved matters applications.

Additional Consultation Responses

OCC HIGHWAYS: have made the following comments, following a review of the committee report:

- *Paragraph 3.15:* In this paragraph the cycle route not be presented as 'one option Tritax are exploring, as advocated by OCC'. It should be noted that the cycle route has now been agreed as necessary and would be secured in the S106 agreement.
- *Paragraph 3.16:* Please note that the 8-year period of funding is intended to be sufficient to pump-prime the service until it is commercially viable. This means that if the occupiers sufficiently encourage the use of the bus service by their employees through the travel plans, there is a good chance the bus service would not cease after 8 years but would continue to operate commercially without subsidy. Of course this cannot be guaranteed, and OCC or a subsequent mayoral authority is unlikely to be able to fund its continuation if this does not happen.
- *Paragraph 3.20:* Please note that two new bus stop laybys (not just one) would be required on the B4100, as buses will pass this site in both directions.
- *Paragraph 9.215:* OCC are now seeking £22,704 index linked for bus infrastructure (real time information displays) including a commuted sum for maintenance, as these would be required at the stops on both sides of the road. (These would also be required for Albion east and whichever development came forwards first would need to provide both). Note that the bus shelters and flagpoles would need to be directly provided by the developers as part of the S278 works.
- *Paragraph 9.215:* Under the obligations, the site access works should be included, which are: Site access via 4-arm roundabout onto the B4100 together with bus stop laybys with bus shelters, flagpoles and timetable cases and ducting, and a signalised Toucan crossing of the B4100, both to the west of the access roundabout. Footway and cycleway linking the northern and southern site accesses to the bus stops and toucan crossing, to the cycleway to Bicester and along the northern side of the B4100 to link to the Baynards Green

Roundabout improvements, as shown indicatively on drawing 216285_PD12 Rev A

- *Recommendation* – as above, the contributions towards bus stop infrastructure and travel plan monitoring should be list
- *CIL Compliance* - OCC's CIL Compliance Statement is available on public access

OCC HIGHWAYS have also provided the following comments, in response to the applicant/agent comment above

- Paragraph 4 under Traffic and Transport refers to the TA Addendums and Topic papers not removing '*the fundamental problem The acceptability of the development continues to rely on assumptions, sensitivity testing and future actions rather than secured and deliverable mitigation. This level of uncertainty is inappropriate for a development of this scale and intensity.*'
- All TA's are just predictions of the likely traffic impact which inevitably rely on assumptions (they don't say which assumptions they don't agree with). I don't know what the 'future actions' are that are being referred to, and there would be 'secured and deliverable mitigation'. This sounds more like a potential objection to Puy du Fou, which is proposing a 'monitor and manage' arrangement, whereby some mitigation might be delivered in future, dependent on further monitoring, but it doesn't fit with what's being agreed for Tritax.
- Regarding the Baynards Green scheme, they are correct that it is intended to mitigate Albion Land as well, and that it will be dependent on legal arrangements that have not been fully finalised. They go on to say that 'this represents an unacceptable degree of risk', but the Decision would be subject to the legal agreement, to which Albion must be party. Also the S106 would require the scheme to be delivered prior to first occupation. So the risk would be mitigated by the legal agreement.
- Paragraph 8 says that the modelling and testing of the B4100 corridor 'does not amount to a firm mitigation strategy'. They seem to be confusing the testing that is done to predict an impact and determine whether mitigation is necessary, with mitigation itself. Following testing, mitigation is not always necessary, particularly when considering the high bar for what is a 'severe' impact under NPPF, which we know to be extremely high as a result of recent appeal decisions. In this case, we are managing to secure a contribution towards signalisation of the junction of Charlotte Ave and B4100.
- Paragraph 9 seems to contradict itself. On the one hand it says '*The applicant's case repeatedly relies on cumulative modelling undertaken jointly with other promoters and on shared mitigation infrastructure*' (true, the cumulative impact of Albion and Tritax sites has been assessed and the Baynards Green roundabout improvement scheme would mitigate both), but then on the other hand it says 'the

cumulative impacts of these developments, taken together, have not been demonstrated to be acceptable...’.

Officer comments: both Tritax and Albion have agreed to deliver the Baynard Green mitigation measures, even if one of the schemes were refused

- Paragraph 10 suggests that the delivery of the cycle route to Bicester is uncertain. We agree that the development would be unacceptable without it, and we have agreed that there is sufficient information to demonstrate that a cycle route of an adequate standard is deliverable. The S106 drafts require it to be delivered prior to first occupation of any of the Baynards Green sites.
- The final paragraph headed S106, asks for a contribution towards a ‘strategic relief road around Bucknell’. This has not been raised previously to my knowledge and I am not clear where it would be located. There is no information on which to base a CIL Reg 122 compliant contribution.

STOKE LYNE PARISH COUNCIL Further letters have been received on behalf of Stoke Lyne Parish Council and Tusmore Park Estate. The letters are published in full on public access, but the key objections are summarised in Agenda Item 10 above, along with the Officer Response.

BUCKNELL PARISH COUNCIL: objects on the following grounds.

- Traffic & Transport
- Ecology
- Landscape
- Power Supply
- Conflict with emerging Local Plan
- S106

Officer Response: The points raised are dealt with in the committee report, and the Ecology officer’s comments in this Written Update.

Additional Representation

WARD COUNCILLOR: Cllr Nigel Simpson has provided the following comments as he is unable to attend the meeting and in absence of being able to speak, wishes members to read the following comments, which relate to all four of the applications at J10 of the M40 (ref: (21/03268/OUT, 21/03266/F, 21/03267/OUT, 22/01340/OUT). The comments are stated in Agenda Item 10 above

THIRD PARTY RESPONSES: Further neighbour objection letters have been received for all three outline applications. The key points are summarised in Agenda Item 10 above, along with the Officer Response.

Conclusion

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OCC Highways have made some comments on the suggested conditions, and these will be assessed and included/amended where necessary.

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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 and provisions 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 contrary to Policies BSC3, BSC10, BSC11, BSC12, SLE4 and INF1 Cherwell Local Plan 2015 and the aims and objectives of the National Planning Policy Framework.

Agenda item 14 – Appeals Progress Report

No updates

Appendices to Agenda Item 8 Update

Appendix 1 – S106 Obligations Heads of Terms

Planning obligation			Regulation 122 Assessment
Detail	Amounts, where applicable (all to be Index linked)	Trigger points	
Affordable Housing	50% Affordable Housing Based on an overall mix of 60% social rent and 40% shared ownership Submission of a site wide affordable housing scheme for approval by the District council.	Suitable trigger points for the delivery of affordable housing alongside the delivery of market dwellings to be agreed.	Necessary: The site is subject to the NPPF's 'Golden Rules' affordable housing provisions under paragraph 157 of the NPPF. Directly related: The affordable housing will be provided for the need identified in the Local Plan and NPPF. Fairly and reasonably related in scale and kind: The contribution is the level of the expected affordable housing.
BOBICB	£308,104.00 (Price base September 2025)	Trigger to be agreed.	Necessary: The proposed development of 340 dwellings will increase the population by an estimated 816. This will impact on primary health care infrastructure where there is insufficient capacity to accommodate the additional patients. The requested financial contribution will support the creation of additional clinical capacity at The Key Medical Practice or an identified primary care estates project in the local area to serve the development. Directly related: The proposals would be used towards the creation of

			<p>consultation space.</p> <p>Fairly and reasonably related in scale and kind: Yes</p>
Thames Valley Police	£65, 689.00 (Price base TBC)	Trigger to be agreed.	<p>Necessary: Towards provision of additional Policing Infrastructure required to mitigate development impacts.</p> <p>Directly related:</p> <p>Development will increase population and necessitate policing infrastructure to ensure safety with development and wider community.</p> <p>Fairly and reasonably related in scale and kind: Yes</p>
Public Art, Public Realm and Cultural Wellbeing	<p>£85, 680.00 (SPD Price base – Q2 2017).</p> <p>This also could be delivered through a public art strategy as part of the approval</p>	First occupation or an alternative agreed trigger.	<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 people's lives. SPD 4.132 The Government's Planning Practice Guidance (PPG) states public art and sculpture can play an important role in making interesting and exciting places that people enjoy using and for neighboring communities.</p> <p>Directly related: The recommendation is to engage a lead artist/artist team to develop a series of bespoke and creative way markers or landmark features around the site or within a specific area. The design of these should seek to be interactive and encourage imaginative play and stimulate curiosity about the natural and historic environment. It is also recommended that the design and execution of the artwork embed participatory activity for local schools and community groups to ensure the work is meaningful and</p>

			<p>inspires cultural wellbeing.</p> <p>Fairly and reasonably related in scale and kind: Based on £250 for market and £200 for affordable dwellings which includes a 12% for management and maintenance (£) is deemed proportionate to the scale and location of the development.</p>
Outdoor Sports Provision	<p>£955,305.00</p> <p>Capital cost - £550,710.00 (Q3 2025)</p> <p>Lifecycle costs - £404,595.00 (Q2 2023)</p> <p>This is only payable in full if the country park is proposed at reserved matters, as opposed to the cricket pitches which would negate the need for this contribution.</p>	<p>An appropriate trigger will be agreed through the drafting of the s106 Agreement.</p>	<p>Necessary: The proposed development will lead to an increase in demand and pressure on existing outdoor sport 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 go towards the provision of new and/or improved facilities in the locality.</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 based on the scale of housing proposed.</p>

Indoor Sports Provision	£361, 941.00 (Price base – Q3 2025).	An appropriate trigger will be agreed through the drafting of the s106 Agreement.	<p>Necessary: The proposed development will lead to an increase in demand and pressure on existing indoor sport 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 go towards the provision of new or improved facilities in the locality.</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 based on the scale of housing proposed.</p>
Community Hall	£374, 682.72 (SPD Price base – Q2 2017).	An appropriate trigger will be agreed through the drafting of the s106 Agreement.	<p>Necessary: Required in accordance with Policy BSC 12 and the Developer Contributions SPD. Contribution will go towards improvements to community hall facilities in the locality.</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 Development Worker	£37,449.61 (SPD Price base – Q2 2017).	An appropriate trigger will be agreed through the drafting of the s106 Agreement.	<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 and provides social structures through which issues can be addressed.</p> <p>Fairly and Reasonably related in scale and kind: Yes</p>
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Community Development fund	£15, 300.00 (SPD Price base – Q2 2017).	An appropriate trigger will be agreed through the drafting of the s106 Agreement.	<p>Necessary: The NPPF (December 2024) at Paragraph 98 states that planning should “take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community”.</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	<p>£463, 760.00 (RPIX Price base October 2024) – to improve public transport services near the site.</p> <p>£29, 728.00 (Baxter Price Base October 2024) – to improve Bus stop infrastructure near the site.</p>	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: 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	£437, 181.11 (Baxter Price Base June 2022) – towards the costs of the A44 Mobility Hub.	First occupation or alternative agreed trigger.	<p>Necessary: The contribution is necessary to provide mobility hub which will mitigate traffic related impacts caused by the development.</p> <p>Directly related: The proposal provides causes an increase to traffic in the locality which needs to be mitigated for. Therefore, the contribution is directly related to the development.</p>

			Fairly and reasonably related in scale and kind: The level is at an established rate and based on number of dwellings.
Bicester Road highway improvement scheme	£349,140.00 (Baxter Price base July 2023).	First occupation or alternative agreed trigger.	<p>Necessary: The contribution is necessary to improve highway infrastructure to mitigate road traffic impacts caused by the development.</p> <p>Directly related: The proposal provides causes an increase to traffic in the locality which needs to be mitigated for. Therefore, the contribution is 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 travel plans over the life of the plans	£2,035.00 (RPIX Price base April 2025)	An appropriate trigger will be agreed through the drafting of the s106 Agreement.	<p>Necessary: The site will require a framework travel plan. The fee is required to cover OCCs 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>
Public Rights of Way	£120,000.00 (Price base Baxter/BCIS Q1 2025)	An appropriate trigger will be agreed through the drafting of the s106 Agreement.	Necessary: There is expected to be an increase in numbers of residents and visitors using the rights of way network around the site, simply due to the size of the development in a rural edge environment, effectively shifting the urban edge of Kidlington outwards. Even with the POS and green infrastructure provision onsite these users will create more use pressures on the rights of way network. It is considered necessary to extend mitigation measures outside of the site to provide better connectivity and usability for more people.

			<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	£720, 534.00 (BCIS TPI = 390 Price base)	An appropriate trigger will be agreed through the drafting of s106 Agreement.	<p>Necessary: To deliver on Primary and Nursery education provision serving the development.</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	£3, 270, 780.00 (BCIS TPI = 390 Price base)	An appropriate trigger will be agreed through the drafting of the s106 Agreement.	<p>Necessary: To deliver on Secondary education provision serving the development. Related to the pupils generated by the development</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>
SEN Development	£306, 899.00 (BCIS TPI = 390 Price base)	An appropriate trigger will be agreed through the drafting of the s106 Agreement.	<p>Necessary: To deliver Special school education capacity serving the development.</p> <p>Directly related: Related to the expected 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>

Open and Recreational Space Maintenance	<p>Public Open Space; £20.98 per sqm</p> <p>Hedgerow; £44.11 per sqm</p> <p>Woodland; £59.75 per sqm</p> <p>Mature Trees; £464.5 per tree</p> <p>Balancing Pond; £109.56 per sqm</p> <p>Swale; £199.58 linear metre</p> <p>Ditch; 199.58 per linear metre</p> <p>Allotments; £11.87 per sqm</p> <p>All figures above are based on 24/25 prices (verification of exact price base date TBC)</p> <p>Play Area Signage; £1244.02 per sign (23/24 price base of exact date TBC)</p> <p>LAP; £50, 279.76 (Q3 2024)</p> <p>LEAP; £202, 989.56 (Q3 2024)</p> <p>NEAP; £493, 887.47 (Q3 2024)</p> <p>Cricket Pitches; £404,595.00 (Price base TBC).</p> <p>Community Orchard; TBC</p> <p>These figures are the latest available to Officers and may be</p>	<p>On transfer of the landscaping/phased contribution payment or payment to ESCROW accounts to provide security in the event that transfer is to a Management Company</p>	<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: Commuted 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: Contributions are sought in relation to the scale and amount of open space on site.</p>
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	increased to reflect current rates in consultation and during the drafting of the s106.		
Library Services	<p>£25, 579.00 (BCIS TPI 390 Price base) – towards expansion of library capacity at Kidlington Library.</p> <p>£12, 416.00 (RPIX Price base January 2025) – towards library stock at Kidlington Library.</p>	On first occupation or alternative agreed trigger	<p>Necessary: To improve the capacity and stock of Kidlington Library which will serve the development.</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 scale of the development.</p>
Waste and Recycling (OCC)	£35, 190.00 (BCIS TPI 390 Price base)	On first occupation or an alternative agreed trigger	<p>Necessary: Expansion and efficiency of Household Waste Recycling Centers (HWRC) to serve the development.</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>
Bin Provision	£106 per dwelling (Price base Q2 2017)	Pre-commencement of development.	<p>Necessary: New dwellings require bins for waste disposal, and this is required within the Developer Contribution SPD.</p> <p>Directly Related: Will be towards providing waste disposal bins arising from the development.</p> <p>Fairly and reasonably related in scale and kind: Calculated on a per dwelling based on the Developer Contribution SPD.</p>

Other on-site Facilities to be provided on site	<p>Allotments and/or Community Orchard.</p> <p>Either one of the two or a combination of both subject to the appropriate sizes would be acceptable and contribute towards food production objectives, healthy lifestyles, enhance biodiversity and community strengthening initiatives.</p>	<p>To be agreed and in accordance with the Phasing and delivery of the on-site works.</p>	<p>Necessary: Ensure that the development provides and delivers all the onsite facilities required across the site in accordance with Policy BSC 11 of the Local Plan.</p> <p>Directly Related: A development of this size and scale requires provision of such facilities to support food production and healthy lifestyles.</p> <p>Fairly and reasonably related in scale and kind: Ensures that the proposal delivers all the onsite facilities proposed across the site in a fair and equitable manner.</p>
BNG	<p>Submission of habitat monitoring and maintenance plan/reports and monitoring fee over the course of the 30-year maintenance period.</p> <p>Monitoring fee of £550.00 per report (Price base TBC)</p> <p>The above figure is the latest available to Officers and may be increased to reflect current rates in consultation and during the drafting of s106.</p>		<p>Necessary: Site is subject to the mandatory legislative BNG requirements under the Environmental Act 2021.</p> <p>Directly Related: Development will create BNG-related landscape and ecological features which will require to be monitored over the 30-year maintenance period to ensure that they achieve the intended uplift in BNG.</p> <p>Fairly and reasonably related in scale and kind: The monitoring fee is based upon the CDC agreed Fees and Charges Schedule.</p>

OCC Archaeology	<p>£2,333.00 (RPIX Price base October 2023) – towards enhanced display capability at the Museum Resource Centre at Standlake near Witney.</p> <p>£1,376.00 (RPIX Price base October 2023) – towards the storage of archaeological archives at the Museum Resource Centre.</p>	To be agreed	<p>Necessary: To ensure historic evidence is appropriately recorded and stored, as appropriate.</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:</p> <p>Contributions are sought in relation to the scale of the development.</p>
CDC Monitoring Fee OCC Monitoring Fee	<p>CDC: A bespoke monitoring fee will be required based on the scale of development.</p> <p>OCC: To be confirmed and a bond will be required in accordance with OCC bond policy.</p>	On completion of the S106	The CDC charge is based upon its agreed Fees and Charges Schedule and OCC based on its adopted OCC scale of fees and charges and bond policy.

Appendices to Agenda Item 8 Update

Appendix 2 – List of conditions

1. The first Reserved Matters Application shall be made to the Local Planning Authority no later than 2 (two) 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. Application(s) for approval of all the Reserved Matters shall be made to the local planning authority before the expiration of 5 (five) years from the date of this permission.

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

3. The development hereby approved shall be commenced not later than two years from the approval of the first reserved matters application and for all subsequent phases, two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last reserved matters to be approved for that phase.

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).

4. No development shall commence until Details of the layout, scale, appearance, access (other than the approved accesses on plan **xx**) and landscaping (hereafter referred to as 'the reserved matters') shall be submitted to and approved in writing by the Local Planning Authority. Reason: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 6 of the Town and Country Planning (Development Management Procedure (England)) Order 2015 (as amended).

5. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out in accordance with the following plans and documents:

Location Plan - 1360-002 P1

Land Use and Access Parameter Plan - 1360-010 P8

Building Heights Parameter Plan - 1360-011 P6

Tree, Hedgerow and Vegetation Parameter Plan - 1360-012 P4

Proposed Site Access General Arrangement and Visibility Splays

Proposed Site Access Raised Table Roundabout

6. Prior to the commencement of development or as part of the first Reserved Matters submission a phasing plan shall be submitted to and agreed in writing by the Local Planning Authority. The Phasing plan shall identify the development phases and sub-phases and include the sequence and anticipated delivery timescales for the development.

The Phasing Plan shall include housing, green infrastructure, open space and recreational facilities, roads, cycleways and footpaths, including construction access, play facilities, allotments/new orchard and new landscaping of the development proposed to take place within each phase.

The phasing plan shall ensure that the northern planting along the Long Way is included in the first green infrastructure phase.

The development shall be carried out in accordance with the approved phasing plan or updated version as shall be subsequently approved in writing by the Local Planning Authority. Reason: To ensure that the development is delivered in an appropriate manner and to ensure that on-site facilities are delivered in an appropriate manner and at a time to deliver facilities and infrastructure to the benefit of future residential occupiers. The proposals would be in accordance with Policies SLE4, BSC3-4, BSC10-12, ESD10, ESD13, ESD15 and ESD17 of the Cherwell Local Plan 2011-2031 Part 1 (and the aims and objectives of the National Planning Policy Framework.

7. Prior to submission of Reserved Matters, a Design Code for development shall be submitted to and approved in writing by the Local Planning Authority. The Design Code shall include illustrations, sections and block testing to demonstrate the development principles. The Design Code shall include development principles and guidelines in accordance with the illustrative design principles outlined on pages 54, 57, 66, 67, 70, 96-100, 105-106 and 120-134 of the Design and Access Statement, dated 19 August 2025 and the plans approved under Condition 5 shall cover the following matters:
 - a) Landscape, open space, recreation and play areas, public realm, SUDs and levels strategy and principles
 - b) Proposed landscape framework, including existing landscape features to be retained and new planting
 - b) Street types and design principles including services, drainage, tree planting for various road and street types
 - c) Building typologies
 - d) Block principles (including density and development and parcel division / size)
 - e) Built form and massing including scale and height
 - f) Car and cycle parking strategy
 - g) Secure by Design principles
 - h) Boundary treatments, street furniture and material palette for buildings and surfaces for each Phase
 - i) Means of enclosure and boundary treatments in relation to all existing adjoining properties
 - j) Sustainable construction
 - k) Waste disposal and utilities
 - l) Framed key views to St. Mary's Church Spire

Each reserved matters application shall demonstrate in an accompanying Design and Access Statement how it accords with the approved Design Code.

Reason: To ensure that the design of the development accords with the NPPF, National Design Code and Polices **xx** of the Cherwell Local Plan (2015).

8. Prior to or as part of the first reserved matters application, details of existing and proposed site levels identified at 0.250m intervals shall be submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall be constructed strictly in accordance with the approved levels.

Reason: to ensure that the resultant site levels are appropriate and do not exacerbate landscape harm in accordance with Policy ESD13 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance within the National Planning Policy Framework.

9. As part of the Reserved Matters submission for any residential phase details of all finished floor levels in relation to existing and proposed site levels in that phase and to the adjacent buildings shall be submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall be constructed strictly in accordance with the approved levels.

Reason: To secure an acceptable standard of development that safeguards the visual amenities of the area and the living conditions of existing and future occupiers and to ensure compliance with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance within the National Planning Policy Framework.

10. Prior to the submission of the first application for approval of Reserved Matters relating to a residential phase, a housing mix strategy shall be submitted to and agreed in writing by the Local Planning Authority. The submitted strategy shall set out the housing mix across the site in relation to each phase identified in the Phasing Plan approved under Condition 6. The strategy shall include:

i) The number and mix of affordable housing

ii) The number and mix (by bedrooms) of market dwellings across the site

An updated housing mix strategy shall be provided for each phase or sub phase incorporating residential development and submitted with the reserved matters application. The development shall be carried out in accordance with the approved strategy as updated and approved in writing by the Local Planning Authority.

Reason: To achieve a balance of housing and to ensure that the affordable housing proposals appear tenure blind to market housing, in accordance with Policy BSC3-4 of

the Cherwell Local Plan (2015) and the aims and objectives of the National Planning Policy Framework.

11. The development hereby approved shall not be occupied until a residential welcome pack promoting sustainable forms of access to the development has been submitted to and approved in writing by the Local Planning Authority. The pack shall be provided to each resident at the point of the first occupation of the dwelling.

Reason: To reduce vehicle movements and promote sustainable access.

12. Prior to first occupation a Full Residential Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include measures, monitoring and targets to promote sustainable travel.

The development shall be implemented in accordance with the approved Travel Plan details.

Reason: To encourage sustainable travel choices and reduce reliance on the private car.

13. Prior to the occupation of the 171th dwelling an updated Full Residential Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include measures, monitoring and targets to promote sustainable travel.

The development shall be implemented in accordance with the approved Travel Plan details.

Reason: To encourage sustainable travel choices and reduce reliance on the private car.

14. The A4260 crossings and the local walking and cycling improvements identified in the submitted updated drawing pack Appendix C shall be implemented in full prior to the first occupation of any dwelling unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure safe and convenient pedestrian and cycle access between the site and local facilities

NB: Condition will be deleted if Off-site works are covered in s.106 agreement,

15. No dwelling within the relevant phase as approved by Condition 6 shall be occupied until the vehicular and pedestrian accesses serving that relevant phase of the development have been completed in full accordance with the approved drawings..
Reason: To ensure safe and suitable access to the site for all users.

16. No development shall commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority in

consultation with the Local Highway Authority. The approved CTMP shall be implemented for the duration of construction. This should identify;

- The CTMP must be appropriately titled, including the site and planning permission number.
- Routing of construction traffic and delivery vehicles is required to be shown and signed appropriately to the necessary standards/requirements. This includes means of access to the site.
- Details of and approval of any road closures needed during construction.
- Details of and approval of any traffic management needed during construction.
- Details of wheel cleaning/wash facilities to prevent mud/debris, in vehicle tyres/wheels, from migrating onto adjacent highway.
- Details of appropriate signing, to accord with the necessary standards/requirements, for pedestrians during construction works, including any footpath diversions.
- The erection and maintenance of security hoarding / scaffolding if required.
- A regime to inspect and maintain all signing, barriers etc.
- Contact details of the Project Manager and Site Supervisor responsible for onsite works to be provided.
- The use of appropriately trained qualified and certificated banksmen for guiding vehicles/unloading etc.
- No unnecessary parking of site related vehicles (worker transport etc) in the vicinity, details of where these will be parked and occupiers transported to/from site to be submitted for consideration and approval. Areas to be shown on a plan not less than 1:500.
- Layout plan of the site that shows structures, roads, site storage, compound, pedestrian routes etc.
- A before-work commencement highway condition survey and agreement with a representative of the Highways Depot, contact 0845 310 1111. Final correspondence is required to be submitted.
- Local residents to be kept informed of significant deliveries and liaised with through the project. Contact details for the person to whom issues should be raised in the first instance need to be provided and a record kept of these and subsequent resolutions.
- Any temporary access arrangements to be agreed with and approved by Highways Depot.
- Details of times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours.

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.

17. No development shall commence above slab level in each phase unless and until a scheme for electric vehicle infrastructure to serve each dwelling has been submitted and approved in writing by the Local Planning Authority. The approved electrical

vehicle charging infrastructure shall be provided in accordance with the approved details prior to the first occupation of the dwelling it serves.

Reason - To maximise opportunities for sustainable transport in accordance with Government guidance contained within the National Planning Policy Framework

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

Reason: To safeguard the recording of archaeological matters within the site in accordance with the NPPF (2024).

19. Following the approval of the Written Scheme of Investigation referred to in condition 18, and prior to any demolition on the site and the commencement of the development (other than in accordance with the agreed Written Scheme of Investigation), a programme of archaeological 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).

20. Prior to the submission of the first reserved matters application, detailed design information for the proposed surface water drainage system shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority.

The submitted details shall include:

- BRE365-compliant infiltration testing and seasonal groundwater monitoring undertaken at the exact locations and depths of each proposed infiltration feature, confirming infiltration rates and clearance to the prevailing groundwater level;
- Updated drainage calculations and layout drawings based on the verified infiltration data; and
- Confirmation that any discharge to the public sewer remains restricted to the agreed rate of 6.5 l/s, as confirmed by Thames Water.

The development shall thereafter be carried out in accordance with the approved details prior to occupation.

Reason: To ensure that the proposed drainage strategy is supported by site-specific infiltration testing and groundwater monitoring in accordance with BRE365, and to prevent the increased risk of flooding both on and off-site, in accordance with Policy ESD7 of the Cherwell Local Plan 2011–2031 and the National Planning Policy Framework.

21. No development shall be occupied until confirmation has been provided that either:

- all water network upgrades required to accommodate the additional demand to serve the development have been completed; or
- a development and infrastructure phasing plan has been agreed with Thames Water to allow development to be occupied.

Where a development and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan.

Reason: The development may lead to no / low water pressure and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional demand anticipated from the new development.

22. The Reserved Matters submission which includes the Neighbourhood Equipped Area of Play (NEAP), and Local Equipped Areas of Play (LEAPs) and Local Area of Play (LAP) play areas related to the development 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.

The development of the play areas shall be carried out in accordance with the approved details and retained thereafter.

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 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.

23. In the event that Option 1 related to the cricket pitches is proposed, as part of the Reserved Matters for the relevant phase as defined and approved in Condition 6 , details of the related pavilion building and associated infrastructure for such sports facilities shall be submitted to and agreed in writing by the Local Planning Authority. The details shall include:

- i. A building with changing rooms and facilities to Sport England standards.
- ii. Social space with bar and facilities for the community and cricket teams

- iii. Car parking, including disabled parking provision, minibus parking and electric vehicle charging points with ability to adapt spaces to accommodate further minibus parking.
- iv. Cycle parking provision including provision for e-scooter and e-bike charging
- v. Storage for sports and training equipment
- vi. Measures to reduce energy, heating and water consumption and adapt to the requirements as a minimum of the equivalent of BREEAM Very Good and mitigate for climate change.

The development of the pavilion building and parking shall be carried out in accordance with the approved details and to an agreed timescale and retained thereafter

Reason: To ensure that the proposals deliver an appropriate standard of cricket infrastructure to support recreational opportunities for all ages in accordance with the requirements of 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 aims and objectives of the National Planning Policy Framework.

NB: Condition will be deleted if above details are covered in s.106 agreement,

24. In the event that Option 1 related to the cricket pitches proposed, the pitches shall not be laid out unless and until:

- a) a detailed assessment of ground conditions of the land proposed for the cricket pitches has been undertaken (including drainage and topography) to identify constraints which could affect playing field quality; and
- b) based on the results of the assessment to be carried out pursuant to (a) above of this condition, a detailed remediation scheme to ensure that the playing fields will be provided to an acceptable quality (including appropriate drainage where necessary) and which sets out an implementation strategy for the works and approach to public access has been submitted to and approved in writing by the Local Planning Authority
- c) Detailed submissions with regard to the layout, lighting (including light spillage details), permanent sports equipment and practice areas have been submitted to and approved in writing by the Local Planning Authority.

The development of the cricket pitches shall be carried out in accordance with the approved scheme and retained thereafter.

Reason: To ensure that the proposals deliver an appropriate standard of pitches to facilitate recreational opportunities for all ages in accordance with the submitted outline details and in accordance with the requirements of 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.

NB: Condition will be deleted if above details are covered in s,106 agreement,

25. In the event that Option 2 related to the country park is proposed, as part of the reserved matters for the relevant phase as defined and approved in Condition 6 scheme for the park shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development in that phase. The scheme shall include the provision of a network of routes and their proposed surface treatment, a planting schedule, programme for implementation and areas of interest for people to dwell, including picnic areas.

The country park shall be implemented in accordance with the approved scheme and shall thereafter be retained as such for the lifetime of the development.

Reason: In the interests of biodiversity enhancement and visual amenity in accordance with Policies ESD10, ESD13 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance in the National Planning Policy Framework.

NB: Condition will be deleted if above details are covered in s,106 agreement,

26. As part of the Reserved Matters submission in any phase of development a scheme of hard and soft landscaping works in that phase will be submitted for the approval of the Local Planning Authority. The details in relation to the submission will include but not be limited to the following:

- Identification of existing trees, shrubs and other vegetation to be retained
- Wildlife habitat creation of potential benefit to protected species. The extent, location and design of such habitat shall be shown clearly and fully described.
- The creation of a visually attractive and stimulating environment for the occupiers of the future development, and other users of the site.
- Details of street furniture including bins, seating, dog bins, and boundary treatment.
- The replacement of trees proposed to be lost in site clearance works.
- .
- Ground preparation measures to be adopted.
- Full botanical details, numbers, locations, planting specifications and densities/seeding rates of all plant material included within the landscape scheme.
- Existing and proposed levels.
- Programme for delivery of the approved scheme

The approved scheme shall be implemented in accordance with the relevant approved programme for delivery forming part thereof and shall be managed for at least 5 years from the completion of the relevant scheme, in accordance with the approved management details. Any trees or planting which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the current/next planting season with others of similar size and species, unless the Local Planning Authority gives written consent for any variation.

Reason: To ensure that the agreed landscaping scheme is maintained over a reasonable period that will permit its establishment in the interests of visual amenity and protect wildlife in accordance with Policies ESD10, 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.

27. Prior to commencement of development within a phase a Landscape and Ecology Management Plan (LEMP) for that phase 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 Policy ESD10 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance contained within Section 15 of the National Planning Policy Framework.

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

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

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

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

29. Prior to the commencement of development in each phase, an arboricultural method statement (AMS), which includes tree protection measures shall be submitted to and approved in writing by the Local Planning Authority.. The AMS and tree protection

measures shall include such details as are appropriate to the circumstances for the protection of retained trees during development and shall be in accordance with the current BS. 5837: "Trees in Relation to Design, Demolition and Construction – Recommendations" unless otherwise agreed in writing by the Local Planning Authority. The tree protection measures shall be installed prior to any equipment, machinery or materials being brought onto the relevant part of the site and shall be retained during the construction period and the development shall be undertaken in accordance with any other recommendations set out in the AMS. Nothing shall be stored or placed within the areas protected by the barriers.

Reason: To protect the existing trees and hedgerows on site in the interests of the visual amenities of the area and encouraging wildlife and biodiversity in accordance with Policies ESD10 and ESD13 of the Cherwell Local Plan Part 1 2011-2031 Part 1 and Government guidance within the National Planning Policy Framework.

30. Prior to the commencement of the development, a Construction Environment Management Plan (CEMP), which shall include details of the measures to be taken to ensure construction works do not adversely affect residential or other sensitive properties on, adjacent to or surrounding the site together with details of the consultation and communication to be carried out with the occupiers of those properties shall be submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure the development do not adversely impact the amenities of existing residents in the locality in accordance with Saved Policies ENV1 and ENV1 of the Cherwell Local Plan (1996) and Government guidance in the National Planning Policy Framework.

31. No part of the development hereby permitted shall take place until a desk study and site walk over to identify all potential contaminative uses on site, and to inform the conceptual site model has been carried out by a competent person and in accordance with DEFRA and the Environment Agency's "Land Contamination Risk Management (LCRM)" and has been submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval that it is satisfied that no potential risk from contamination has been identified.

Reason: To ensure that any ground and water contamination is adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with saved Policy ENV12 of the Cherwell Local Plan 1996 and Government guidance within the National Planning Policy Framework.

32. If a potential risk from contamination is identified as a result of the work carried out under condition (31), prior to the commencement of the development hereby permitted, a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation

strategy proposals shall be documented as a report undertaken by a competent person and in accordance with DEFRA and the Environment Agency's "Land Contamination Risk Management (LCRM)" and submitted to and approved in writing by the Local Planning Authority. No development shall take place unless the Local Planning Authority has given its written approval that it is satisfied that the risk from contamination has been adequately characterised as required by this condition.

Reason: To ensure that any ground and water contamination is adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with saved Policy ENV12 of the Cherwell Local Plan 1996 and Government guidance within the National Planning Policy Framework.

33. If contamination is found by undertaking the work carried out under condition (32), prior to the commencement of the development hereby permitted, a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use shall be prepared by a competent person and in accordance with DEFRA and the Environment Agency's "Land Contamination Risk Management (LCRM)" and submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval of the scheme of remediation and/or monitoring required by this condition.

Reason: To ensure that any ground and water contamination is adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with saved Policy ENV12 of the Cherwell Local Plan 1996 and Government guidance within the National Planning Policy Framework.

34. If remedial works have been identified in condition (33), the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition (33). A verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that any ground and water contamination is adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with saved Policy ENV12 of the Cherwell Local Plan 1996 and Government guidance within the National Planning Policy Framework.

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

Reason: To ensure that any ground and water contamination is adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with saved Policy ENV12 of the Cherwell Local Plan 1996 and Government guidance within the National Planning Policy Framework.

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36. Prior to commencement of development in each phase, a Biodiversity Enhancement scheme and management plan for species-specific biodiversity enhancements (such as bird and bat boxes etc.) related to that phase as detailed in the Ecology response note, ref; AE0035 by Aurochs Ecology, dated August 2025, shall be submitted to and approved in writing by the Local Planning Authority.

Thereafter, the biodiversity enhancement scheme and management plan shall be carried out and retained 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.

37. No occupation shall take place on any phase of the development until a detailed lighting strategy for that phase has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details. The details to be submitted shall include:

- i. Lighting for play and recreation
- ii. Lighting for public realm and walking and cycling routes
- iii. Landscape and ecological areas where lighting will be prohibited.
- iv. A strategy for roads and development parcels.

Reason: To minimise light pollution from the construction and operational phase of development and to ensure that the proposals are in accordance with 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

38. Each new dwelling shall be provided with the necessary infrastructure to facilitate the provision of fibre optic cabling prior to its first occupation.

Reason: To provide appropriate and sustainable infrastructure for high speed internet connection in accordance with the aims and objectives of the National Planning Policy Framework.

39. No development hereby permitted shall take place unless and until a certificate from the Delivery Partner (as set out in the District Licence WML-OR150, or a 'Further

'Licence'), confirming that all necessary measures regarding great crested newt compensation have been appropriately dealt with, has been submitted to and approved by the planning authority and the authority has provided authorisation for the development to proceed under the district newt licence. The delivery partner certificate must be submitted to this planning authority for approval prior to the commencement of the development hereby approved. Reason: In order to adequately compensate for negative impacts to great crested newts, and in line with section 15 of the National Planning Policy Framework, Circular 06/2005 and the Natural Environment and Rural Communities Act 2006.

Reason: In order to ensure that adverse impacts on great crested newts are adequately mitigated and to ensure that site works are delivered in full compliance with the Organisational Licence (WML OR150, or a 'Further Licence'), section 15 of the National Planning Policy Framework, Circular 06/2005 and the Natural Environment and Rural Communities Act 2006

40. No development hereby permitted shall take place except in accordance with the terms and conditions of the Council's Organisational Licence (WML-OR150, or a 'Further Licence') and with the proposals detailed on plan "Land North of The Moors: Impact plan for great crested newt District Licensing (Version 1)", dated 1st September 2025. Reason: In order to ensure that adverse impacts on great crested newts are adequately mitigated and to ensure that site works are delivered in full compliance with the Organisational Licence (WML OR150, or a 'Further Licence'), section 15 of the National Planning Policy Framework, Circular 06/2005 and the Natural Environment and Rural Communities Act 2006.
41. As part of any submission for reserved matters, full details of a renewable energy and sustainable construction strategy for that phase in accordance with the principles outlined in the approved Sustainability Statement by Savills Earth and policies ESD1-5 of the Cherwell Local Plan (2015), shall be submitted and approved in writing by the Local Planning Authority.

The development shall thereafter be carried out in accordance with the approved details prior to the first occupation of any building the renewable energy serves.

Reason: To encourage the use of renewable and low carbon energy and incorporation of sustainable construction in accordance with Policy ESD1-5 of the Cherwell Local Plan 2011-2031 Part 1

Appendices to Agenda Items 10, 11, 12 and 13

Appendix 3 – S106 Obligations Heads of Terms (CDC related)

Planning obligation		Regulation 122 Assessment	
Detail	Amounts, where applicable (all to be Index linked)	Trigger points	
BNG Units, Habitat Management & Monitoring Plan	Units of off-site habitat measures, to be acquired in the first instance within the District Council's administrative area but if not reasonably practicable then some other recognised habitat bank(s) outside the District Council's administrative area in accordance with the Metric are acceptable, which are required in order for the Development to achieve the level of biodiversity net gain as described in the Biodiversity Enhancement Scheme and calculated in accordance with the Metric	Submission of habitat monitoring and maintenance plan/reports and monitoring fee over the course of the 30-year maintenance period. Monitoring fee of £350.00 per report	Necessary: To mitigate the impacts of the development and help deliver at least 10% BNG on and off site. Directly Related: Development will create BNG-related landscape and ecological features which will require monitoring over the 30-year maintenance period to ensure that they achieve the intended uplift in BNG. Fairly and reasonably related in scale and kind: The monitoring fee is based upon the CDC agreed Fees and Charges Schedule.

<p>Farmland Bird Mitigation Strategy</p>	<p>means a scheme for the provision of skylark plots which is to include full details of the programme for implementation, ongoing management and monitoring, and maintenance for the Mitigation period (or such other scheme as may be approved between the District Council and the Owner in writing)</p>	<p>detailed scheme to be submitted to the District Council prior to Commencement of Development</p>	<p>Necessary: To mitigate the impacts of the development.</p> <p>Directly Related: The proposed developments will impact on the existing farmland birds and compensation is needed</p> <p>Fairly and reasonably related in scale and kind: The monitoring fee is based upon the CDC agreed Fees and Charges Schedule</p>
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