

**OS Parcel 9635 North East Of HM Bullington
Prison
Widnell Lane
Piddington**

17/01962/F

Applicant: Mr H.L Foster

Proposal: Material change of use of land to use as a residential caravan site for 6 gypsy families, each with two caravans, including improvement of access and laying of hardstanding

Ward: Launton And Otmoor

Councillors: Cllr Tim Hallchurch
Cllr Simon Holland
Cllr David Hughes

Reason for Referral: Locally contentious application

Expiry Date: 6 December 2017 **Committee Date:** 15 February 2018

Recommendation: Approval

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site is located approximately 1KM to the west of the village of Piddington, approximately 1.5km to the east of Upper Arncott and approximately 3km from the village of Ambrosden (as the crow flies). The B4011 lies approximately 150m to the west of the site and to the west of the B4011 lies HM Prison Bullington. The site of the proposed development is part of an agricultural field which is currently laid to grass. The site has an existing vehicular access entering from Widnell Lane on the northern boundary of the site. To either side of the existing access, the site is enclosed on the road side frontage by mature native hedgerow to the northern boundary.
- 1.2. The site is not in close proximity to any listed buildings and is not located within a designated conservation area. The site has some ecological potential due to recordings of protected species within the vicinity of the site, including Great Crested Newts, Brown Hairstreak and Black Hairstreak butterflies. Piddington Training Area District Wildlife Site lies approximately 200m to the south east of the site and there is a pond on land neighbouring site, located approximately 30m away from the eastern boundary, which has an average suitability for Great Crested Newts.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1. This application seeks planning permission for the change of use of the land to be used as a gypsy and traveller caravan site comprising 6 pitches, each pitch containing one mobile home and one touring caravan. The proposals include the improvement of the existing site access, which includes the widening of the access to the site to approximately 9m to allow for two way traffic. The proposal also includes construction of a driveway through the site and each pitch can be accessed from the main site driveway. The site access is to be hard surfaced and the

driveways within the site are to be constructed from permeable materials. A play area is proposed in the south western corner of the site.

- 2.2. It is noted in the Design and Access Statement that foul sewerage would be provided for each pitch in the form of individual septic tanks. These systems would receive the waste water and process it discharging clean water into a soak away.

3. RELEVANT PLANNING HISTORY

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

- 17/00145/F - Change of use of land to use as a residential caravan site for 16 gypsy/traveller families, each with two caravans, including improvement of access and laying of hardstanding - REFUSED on 19th May 2017. The site for this previous application included the application site in this current proposal before Members. However, this previous application site was significantly larger than the site in this current application site as it extended to the hedge to the south of the site and the site comprised 1.67 hectare. The site area of the application before Members measures at 0.6 hectare. Furthermore, 6 pitches are proposed in this current application and not 16. This previous application at the site was refused for the following reasons:

- i. *“The proposed development, by reason of its size (comprising 16 pitches), siting in relation to existing services, relationship to existing noise generating uses and potential harm to the natural environment, is not considered to be a suitable or sustainable development when assessed against Policy BSC6 of the Cherwell Local Plan. The harm resulting from the proposed development is significant and is not considered to be outweighed by the identified unmet need for gypsy and traveller pitches within Cherwell. The proposed development is therefore considered to be contrary to Government guidance contained within the NPPF, Policy H of Government guidance in the Planning Policy for Travellers Sites (PPTS) and Policies PSD1, BSC6, ESD10 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1.*
- ii. *The planning application has been supported by inadequate information to demonstrate the impact of the proposed development on protected species has been properly understood and the requirement for mitigation to secure a net gain in biodiversity can be met. The proposed development is therefore considered to be contrary to Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained with the NPPF.*
- iii. *The planning application has been supported by inadequate information to demonstrate the impact of existing noise generating uses operating in the immediate area on the future residents of the site has been properly understood and is, or can be made, acceptable. The proposed development is therefore considered to be contrary to paragraphs 17, 120 and 123 of the NPPF, Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and saved Policy ENV1 of the Cherwell Local Plan 1996.”*

4. PRE-APPLICATION DISCUSSIONS

- 4.1. Prior the submission of the previous planning application at the site and in light of the closure of the Newlands Caravan Site at Bloxham, informal pre-application discussions were held with the applicant (in August and September 2016). The applicant contacted the Local Planning Authority seeking informal advice regarding

the site at Widnell Lane, Piddington. Verbal advice was given to Mr Foster following a meeting held at the site on the 25th August 2016 and following consultation with the Local Highways Authority. Mr Foster was advised verbally that the site was located within 3KM of the village of Arncott, a Category A village, and so would qualify for consideration under Local Plan Policy BSC6, and could be accessed with appropriate visibility splays onto the highway.

5. RESPONSE TO PUBLICITY

5.1. This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments was 12.01.2018, although comments received after this date and before finalising this report have also been taken into account.

5.2. 116 letters of objection have been received during the consultation process from third parties. The comments raised by third parties are summarised as follows:

- Piddington is a Category C village and is not highly sustainable given that there are limited amenities in the village and the bus service is limited;
- The Category A village of Arncott provides limited services and facilities;
- Would be better on a brownfield site;
- Isolated from basic services (e.g. GP surgery and schooling) and reliant on private transport;
- Ambrosden and Arncott have stretched primary schools;
- The site is not suitable for such a development and is contrary to Policy BSC6 of the Cherwell Local Plan Part 1 and Government guidance contained within the PPTS;
- Not much has changed since the previous refusal at the site apart from the scale of the scheme;
- Has consideration been given to other sites in the area?;
- A personal need has not been demonstrated;
- The GTAA has indicated that there is a minimal need for such pitches;
- Reference to ORS data in relation to family growth;
- The applicants would not meet the definition of gypsy and traveller in the PPTS;
- Would cause harm to the rural character and visual appearance of the countryside;
- The development would over-dominate Piddington;
- Light pollution;
- Noise pollution for residents from the MoD site, which can be heard in Piddington;
- Would cause a nuisance and disturbance to the residents of Piddington;
- Odour and nuisance from nearby farm;
- Operation of a generator will be noisy and cause air pollution;
- Impact upon archaeology in the area;
- Highways safety concerns:
 - Increase to traffic on the dangerous country lane with a national speed limit;
 - The local roads do not have pavements or street lighting and therefore this is a danger to proposed residents;
 - The country road the site is accessed from does not have the capability to accommodate these vehicles;
 - The junction on to the B4011 is dangerous;

- No consideration of vehicle parking, turning or storage and collection of waste;
- The extra traffic through Piddington would be dangerous to other road users;
- Would damage the local highway.
- Negative impacts on the enjoyment and tranquillity of Widnell Park and Jubilee Reserve;
- Negative impacts to biodiversity with the loss of field with hardstanding;
- Harm to Great Crested Newts;
- Flooding risk;
- No provision for managing excess surface water;
- Foul drainage concerns – unclear how the septic tanks are to be managed;
- Pollution of water sources;
- Grade 3 agricultural land should be preserved;
- Proximity to MoD site could cause danger;
- Difficult to enforce the number of mobile homes on the site.
- Unavailability of mains water and electricity;
- Overhead pylons and cables would present a risk to health and safety;
- Fire safety concerns;
- The development will not be carried out in accordance with the plans;
- Could cause issues for the nearby prison;
- Would set a precedent for further urbanisation of the rural area;
- It's a business opportunity and the site would not be used by the applicant;
- Anti-social behaviour.

5.3. The comments received can be viewed in full on the Council's website, via the online Planning Register.

6. RESPONSE TO CONSULTATION

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

PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

6.2. PIDDINGTON PARISH COUNCIL: **Objects** to the application and make the following comments:

- The site is not suitable for such a development and is contrary to Policy BSC6 of the Cherwell Local Plan Part 1;
- The site is highly unsustainable and is unsuitable for this development;
- Piddington is a Category C village and is not highly sustainable given that there are limited amenities in the village and the bus service is limited;
- The site is isolated from basic services (e.g. GP surgery and schooling) and is reliant on private transport;
- Not much has changed since the previous refusal at the site apart from the scale of the scheme;
- Drawn comparisons with other applications within the locality for an Asylum Seekers Accommodation Centre and an agricultural workers' dwelling at Cowpastures Farm;
- The GTAA has indicated that there is a minimal need for such pitches;
- It is proposed on an unallocated greenfield site and would be better on a brownfield site;
- Has consideration been given to other sites in the area?;

- A personal need has not been demonstrated;
- More pitches in the locality would dominate the established communities when taking into account the Oaksvew Park site;
- Would cause harm to the rural character and visual appearance of the countryside;
- Noise pollution for residents from the MoD site, which can be heard in Piddington. The Parish Council has been advised by the MoD that training activity has been undertaken almost daily;
- Impact upon archaeology in the area;
- Highways safety concerns:
 - Increase to traffic on the dangerous country lane;
 - The local roads do not have pavements or street lighting and therefore this is a danger to proposed residents;
 - Inadequate visibility;
 - No consideration of vehicle parking, turning or storage and collection of waste;
 - The extra traffic through Piddington would be dangerous to other road users;
 - Would damage the local highway.
- Negative impacts on the enjoyment and amenity of Widnell Park and Jubilee Reserve;
- Negative impacts to biodiversity;
- Harm to protected species, including newts;
- Harm to the biodiversity of Upper Ray Meadows Nature Reserve and Jubilee Reserve;
- Should permission be granted, a number of monitoring conditions should be attached;
- There is a flooding risk;
- No provision for managing excess surface water;
- Foul drainage concerns – unclear how the septic tanks are to be managed;
- Pollution of water sources;
- Grade 3 agricultural land should be preserved;
- Unavailability of mains water and electricity;
- Fire safety concerns;
- Could cause issues for the nearby prison.

6.3. ARNCOTT PARISH COUNCIL: **Objects** to the application and make the following comments:

- Reference to the previous application at the site;
- The site is in an sustainable location;
- The services within the Category A village of Arncott are limited;
- The site is not close to educational services or a GP services;
- The bus services is very limited and the proposed occupants would need to rely on private transport;
- Reference to another traveller site and that cumulatively, this and the proposal, would overwhelm Arncott and have a significant effect on the sustainability of the Arncott and the residents;
- The visual impact should be afforded significant weight/there would be detrimental harm to the character and appearance of the area;
- The harm outweighs any benefits;
- There are more suitable sites for this development.

STATUTORY CONSULTEES

- 6.4. OCC DRAINAGE: **No comments received.**
- 6.5. ENVIRONMENT AGENCY: *“As indicated in our previous responses to planning applications on this site, we maintain that the preferred option is for this development to connect to the mains foul sewer. We advise that the applicant continues to explore whether a mains connection is feasible before alternative proposals for foul drainage is proposed. We maintain our advice that individual septic tanks are not recommended.”*
- 6.6. OCC HIGHWAYS: **No objections** subject to conditions.
- 6.7. THAMES WATER: **No comments received.**

NON-STATUTORY CONSULTEES

- 6.8. OCC ADULT SOCIAL CARE: **No comments received.**
- 6.9. CDC ARBORICULTURE: **No comments received.**
- 6.10. BBO WILDLIFE TRUST: **No comments received.**
- 6.11. CDC ECOLOGY: After the submission of additional information, **no objections** subject to conditions.
- 6.12. CDC ENVIRONMENTAL PROTECTION: **Objects** to the development. Given the close proximity of the site to the MoD site, there is potential for noise impact and therefore recommend a noise report is produced prior to the determination of the application.
- 6.13. GYPSY & TRAVELLER SERVICES: **No comments received.**
- 6.14. HMP BULLINGDON: **Object** to the application:
- The additional traffic using this area will pose a greater risk of accidents;
 - Such a use is not appropriate near a prison.
- 6.15. CDC HOUSING STANDARDS: **No comments received.**
- 6.16. CDC LICENSING: **No objections.**
- 6.17. MoD DEFENCE INFRASTRUCTURE ORGANISATION: **Major concerns** with the planning application:
- A MoD training facility is within close proximity of the site and the activities undertaken within this facility will have noise and vibration impacts on this type of soft skin dwelling. Activities take place almost daily including weekends for Regular, Reserve and Cadet Forces. The nature of the training is varied and could include training explosives and blank ammunition noise and vibration. The frequency and type of noise could be over a significant period if the training requirement dictated as the requirement to deploy troops increased;
 - A major concern for the MoD is the applicant states there is access to water and electrical supply. The water supply is sourced from MoD infrastructure which is maintained under contract by KELDAR water, any encroachment will be denied. Secondly the electrical supply has not been defined which may also encroach MoD assets, any unauthorised illegal access will be denied;

- There is a significantly large estate area to the North of the application site known as 'A' Site, it is currently in a deep/dark storage stage and assets are redundant. It is unknown at this time what the plan is for future development but the MoD point out the possibility of future military development and the unknown type of training activity that could be on the site;
- No safeguarding objections to the proposal.

6.18. CDC PLANNING POLICY: **No comments received.**

6.19. THAMES VALLEY POLICE DESIGN ADVISER: **No comments received.**

6.20. CDC WASTE AND RECYCLING: **No comments received.**

7. RELEVANT PLANNING POLICY AND GUIDANCE

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

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

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

- PSD1: Presumption in Favour of Sustainable Development
- SLE4: Improved Transport and Connections
- BSC6: Travelling Communities
- ESD1: Mitigating and Adapting to Climate Change
- ESD6: Sustainable Flood Risk Management
- ESD7: Sustainable Drainage Systems
- ESD8: Water Resources
- ESD10: Protection and Enhancement of Biodiversity and the Natural Environment
- ESD13: Local Landscape Protection and Enhancement
- ESD15: The Character of the Built and Historic Environment
- VILLAGES 1: Village Categorisation

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C8: Sporadic Development in the Open Countryside
- C28: Layout, design and external appearance of new development
- ENV1: Development likely to cause detrimental levels of pollution
- ENV12: Contaminated land

7.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Planning Policy for Traveller Sites (August 2015) (PPTS). This document sets out the Government's planning policy specifically for traveller sites and should be read in conjunction with the NPPF

- Designing Gypsy & Traveller Sites (2008) (although this document was withdrawn by the Government on 1st September 2015, it remains a useful starting point for considering the design and layout of proposed travellers sites)
- Gypsies and Travellers: Planning Provisions – Briefing Paper January 2016. Provides useful background information and summarises changes to the updated PPTS. It should be noted however that as this is only a Briefing Paper; it carries very limited weight and should not be relied upon as a substitute for specific advice
- CDC Annual Monitoring Report 2017 (AMR) (December 2017)
- Cherwell, West Oxfordshire and South Northamptonshire Gypsy and Traveller Needs Assessment (2012/2013) (GTAA)
- Cherwell, Oxford City, South Oxfordshire and Vale of White Horse Gypsy, Traveller and Travelling Showpeople Accommodation Assessment (2017) (GTAA 2017)
- The European Convention on Human Rights (ECHR) Articles 8 and Article 14 of Protocol 1
- Housing Act (2004)
- The Equality Act (2010)
- Cherwell District Council Statement of Community Involvement (July 2016)
- Noise Policy Statement for England (NPSE) (2010)

8. APPRAISAL

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

- Principle of the Development;
- Gypsy and Traveller Pitch Provision and 5 Year Supply Position;
- Visual Impact and Effect on Landscape Character;
- Residential Amenity and Noise;
- Access and Highways Safety;
- Flood Risk, Drainage and Pollution;
- Ecological Impact;
- Other Matters.

Principle of the Development

8.2. Paragraph 14 of the National Planning Policy Framework (NPPF) states that a presumption in favour of sustainable development should be seen as a golden thread running through decision taking. There are three dimensions to sustainable development, as defined in the NPPF, which require the planning system to perform economic, social and environmental roles. These roles should be sought jointly and simultaneously through the planning system.

8.3. Planning law requires planning applications to be determined in accordance with the development plan unless material considerations indicated otherwise. The Council's development plan consists of the Policies in the Cherwell Local Plan Part 1 (July 2015) and the saved Policies of the Cherwell Local Plan (1996).

8.4. Policy PSD1 contained within the Cherwell Local Plan Part 1 echoes the NPPF's requirements for 'sustainable development' and that planning applications that accord with the policies in the Local Plan (or other part of the statutory Development Plan) will be approved without delay unless material considerations indicate otherwise.

- 8.5. The national planning policy context for the provision of sites for the travelling community is found in the guidance issued in August 2015 'Planning Policy for Traveller Sites' (PPTS) (revises the original 2012 guidance) which should be read in conjunction with the NPPF.
- 8.6. Policy H of the Government PPTS states that LPAs should consider the following matters when considering proposals for gypsies and travellers:
- a) the existing level of local provision and need for sites;
 - b) the availability (or lack) of alternative accommodation for the applicants;
 - c) other personal circumstances of the applicant;
 - d) that the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites;
 - e) that they should determine applications for sites from any travellers and not just those with local connections.
- 8.7. Policy H goes on to advise that LPAs should strictly limit new traveller site development in the open countryside that is away from existing settlements or outside areas allocated in the development plan. When considering applications LPAs should attach weight to the following matters:
- a) effective use of previously developed (brownfield), untidy or derelict land;
 - b) sites being well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness;
 - c) promoting opportunities for healthy lifestyles, such as ensuring adequate landscaping and play areas for children;
 - d) not enclosing sites with excessive hard landscaping, high walls or fences that the impression may be given that the site and its occupants are deliberately isolated from the rest of the community.
- 8.8. Policy BSC 6 of the Cherwell Local Plan Part 1 states that to meet the identified need for new travellers pitches in the District during the plan period, and in order to provide and maintain a five year supply of deliverable traveller sites, allocations will be made in Local Plan Part 2 and through planning permissions that will be granted for suitable traveller sites. Policy BSC6 also goes on to state that: *"In identifying suitable sites with reasonable accessibility to services and facilities the following sequential approach will be applied:*
- 1) *Within 3km road distance of the built-up limits of Banbury, Bicester or a Category A village.*
 - 2) *Within 3km road distance of a Category B village and within reasonable walking distance of a regular bus service to Banbury or Bicester or to a Category A village.*

Other locations will only be considered in exceptional circumstances.

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

- a) *Access to GP and other health services;*
- b) *Access to schools;*
- c) *Avoiding areas at risk of flooding;*
- d) *Access to the highway network;*
- e) *The potential for noise and other disturbance;*
- f) *The potential for harm to the historic and natural environment;*
- g) *The ability to provide a satisfactory living environment;*
- h) *The need to make efficient and effective use of land;*

- i) *Deliverability, including whether utilities can be provided;*
- j) *The existing level of local provision;*
- k) *The availability of alternatives to applicants.”*

- 8.9. The site of the proposal is located within 3km from Arccott by road, a village which is identified under Policy Villages 1 of the Cherwell Local Plan as a Category A village, which allows for minor residential development, infill and conversion. Category A villages are considered the most sustainable settlements in the District's rural areas and have physical characteristics and a range of services within them to enable them to accommodate some limited extra housing growth. The site of the proposal is located approximately 2.5km by road from Arccott and therefore the site meets the first criteria as set out in Policy BSC6 relating to the sequential test for the siting of sites. However, this does not mean the proposal is *de facto* acceptable in principle as Policy BSC6 also requires the assessment of the suitability of sites with reasonable accessibility to services and facilities by considering the additional criteria as set out above.
- 8.10. Whilst Arccott has a shop, village hall, chapel, sports field and 2 pubs, Arccott is not considered to be the most sustainable of the Category A villages as it does not have as many services and facilities as a number of the other Category A settlements. Having said that, the village does have a regular bus service between Bicester and Oxford which also stops on the B4011 just 150m from the application site. The site is also located approximately 3.5km from Ambrosden, a Category A village, by Road. Ambrosden has a wider range of services than Arccott, offering a primary school, shop, public house and part time surgery. That said the nearest village is Piddington which is a Category C village and so one of the least sustainable villages in the District in terms of access to services, public transport and facilities.
- 8.11. Criterion (a) of Policy BSC 6 considers access to GP and other health services; the nearest GP surgery to the site would be the part time surgery at Ambrosden, located 3.5KM away. In order to access this service from the proposed site residents could use public transport. However, due to the restricted hours that this surgery operates (open on Mondays and Wednesday) and the limitations of the bus service it may be difficult for residents to rely on public transport and it is likely they will rely on the private car or travel further afield to access a full time service. Officers consider that the accessibility to GP and other health services would weigh against the proposal in assessing it against the sustainability and suitability criteria.
- 8.12. Criterion (b) considers access to schools; the nearest primary school is located at Ambrosden which is approximately 3.5KM away from this site, which is likely to be travelled by the private car as opposed to alternative modes of transport. Officers consider that whilst the site has access to education which would weigh in favour of the proposal, the weight to be attributed to this when assessed against the sustainability and suitability criteria is reduced given the distances involved.
- 8.13. Overall, it is considered by officers that the location of the site is not the most sustainable location for a new gypsy and traveller site and, whilst it does meet the sequential test for siting in relation to a Category A village, accessibility to services and facilities is limited with a reliance on the private car.
- 8.14. In the previous application which included this site, 16 pitches were proposed and it was considered that a traveller site of this scale should be located in a more sustainable location to ensure it meets the requirements of Government guidance in the NPPF and the PPTS. In this previous case, due to the size of the site and its open countryside location with access to only limited services, it was considered that the site was not in a sustainable location and this was considered to weigh against

the proposal when considered in light of the sustainability criteria set out in the NPPF and Policy H of the PPTS.

- 8.15. However, in this current application before Members, the scale of the site has been reduced and the site proposed would comprise 6 pitches, which is not considered to be an unusual scale for gypsy and traveller sites within the Cherwell District. Whilst the location of the site is not the most sustainable location for a new gypsy and traveller site as alluded to above, the scale of the traveller and gypsy site would be relatively modest in this instance and officers consider that the weight against the proposal in light of the sustainability criteria set out in the NPPF and Policy H of the PPTS would be significantly less than in the previously refused application at the site.
- 8.16. The additional criteria set out in Local Plan Policy BSC 6 to be considered in assessing the suitability of sites will be set out in the topics and chapters below. In assessing the overall principal of the proposed development, the unmet need for gypsy and traveller pitches within Cherwell and the lack of a 5 year supply of gypsies and travellers must also be weighed against the sustainability and suitability of the site; this is considered further below.

Gypsy and Traveller Pitch Provision and 5 Year Supply Position

- 8.17. The Local Planning Authority is required to make an assessment of the needs for gypsy and traveller sites within the district and identify and update annually a 5 year supply of specific deliverable sites. Paragraph 27 of the PPTS states that if a local planning authority cannot demonstrate an up-to-date 5 year supply of deliverable sites this should be a significant material consideration in any subsequent planning decision when considering applications for the grant of temporary planning permission.
- 8.18. Policy BSC6 of the Local Plan states that the council will provide 19 (net) additional pitches to meet the needs of Gypsy and Travellers from 2012 to 2031. The most recent Annual Monitoring Report (AMR) 2017 (December 2017) displays two different assessments of the Council's five year supply position for gypsies and travellers.
- 8.19. The first assessment is based on figures within the development plan. This outlines that at 31st March 2017 the total number of authorised pitches in Cherwell for Gypsies and Travellers was 57 and the requirement for pitches within the period 2017-2031 is a need for 31 pitches (as a number of pitches had been lost). It states that the District currently has a 1.1 year land supply for gypsies and travellers for the period 2017-2022 (18 pitch shortfall) and a 0.9 year land supply for the period of 2018-2023 (19 pitch shortfall).
- 8.20. This 5 year land supply figures take into account the loss of the pitches at Smiths, Bloxham in 2016/17 and the 11 new pitches that have been approved at Corner Cottage and The Stable Block in Mollington (ref: 16/01740/F and 16/01760/F). Thus, based on this first assessment within the AMR 2017 and requirement of the Local Plan Part 1, the Council can still not demonstrate a 5 year supply of sites.
- 8.21. However, since the 2015 Local Plan was adopted the Planning Policy for Traveller Sites (August 2015) has been published. This included a change to the definition of "gypsies and travellers" for planning related purposes so that it now excludes those who have permanently ceased from travelling. The definition of Gypsies and Travellers reads as follows: "*Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependant's education or health needs or old age have ceased to travel temporarily,*

but excluding members of an organised group of travelling show people or circus people travelling together as such". It goes on to state: "In determining whether persons are "gypsies and travellers" for the purposes of this planning policy, consideration should be given to the following issues amongst other relevant matters:

- a) whether they previously led a nomadic habit of life*
- b) the reasons for ceasing their nomadic habit of life*
- c) whether there is an intention of living a nomadic habit of life in the future, and if so, how soon and in what circumstances."*

- 8.22. In light of this and in order to provide an evidence base for the preparation of Local Plan Part 2, the Council has recently commissioned a new Gypsy, Traveller and Travelling Showpeople Accommodation Assessment (GTAA 2017) with a number of neighbouring authorities which was published in June 2017. This takes into account the new definition of gypsies and travellers. The second assessment into the Council's five year supply position within the AMR 2017 utilises the evidence within GTAA 2017 to assess the five year supply position.
- 8.23. The new GTAA 2017 identified a need for 7 additional pitches that meet the new planning definition over the next 15 years (2017-2031/2). It also identified a need for up to 20 additional pitches for 'unknown' households in the district over the same period. 'Unknown' households are households that may meet the new definition of gypsy and traveller but interviews during the research were either refused or not possible.
- 8.24. As noted above, the second assessment into the Council's five year supply position within the AMR 2017 uses this data within the GTAA 2017 to calculate five year supply. However, the second assessment within the AMR 2017 states that the requirement for pitches within the period 2017-2022 and 2018-2033 is a need for 15 pitches, rather than 7 identified. This is because the second assessment within the AMR includes the potential need for 8 pitches arising from the Newlands Caravan Site. However, even when including the pitches at the Newlands Caravan Site, the second assessment states that the District currently has a 5.0 year land supply for gypsies and travellers for the period 2017-2022 and a 4.0 year land supply for the period of 2018-2023 (1 pitch shortfall). If the potential need for 8 pitches arising from Newlands Caravan Site were not included in the overall assessment, the Council would be able to demonstrate an even healthier supply for gypsies and travellers within 2017-2022.
- 8.25. This therefore casts some doubt over the figures in the development plan as these figures were based on the previous definition of gypsies and travellers which included residents which had permanently ceased travelling. However, whilst the figures in the GTAA 2017 are a material consideration, they need to be treated with caution as they have not been subject to the rigour of public examination. The examination would provide the appropriate forum for the various stakeholder interests associated with the issue and methodology involved in the collection of evidence to be fully considered. It is also the case that there are a high number of unknown households (i.e. those who may meet the new definition). The GTAA 2017 advises that that for 'unknown' travellers *'it would not be appropriate when producing a robust assessment of need to make any firm assumptions about whether or not they meet the planning definition...'* based on interviews that have taken place.
- 8.26. Furthermore in considering this matter the primacy of the development plan needs to be taken into account, alongside the significant shortfall in pitches against the adopted figures and inability of the Council to demonstrate a 5 year supply for pitches.

- 8.27. Overall, officers consider that there are weaknesses in both the figures in the development plan and the figures in the GTAA 2017. Furthermore, the AMR 2017 does not specify which assessment should be given greater weight. However, officers consider that the most robust position on which to base the assessment of the planning application at the current time is the figures contained within the development plan, given they have been subject to the rigour of examination and the statutory requirement to take the development plan as the starting point.
- 8.28. In relation to a recent appeal for a new travellers site in the South Northamptonshire District (PINS ref: APP/Z2830/W/17/3172943), a Traveller Accommodation Needs Survey was published in 2017 ('TANS'), which takes into account the new definition of gypsies and travellers, and the need identified within the TANS conflicted with the provisions of the development plan. Unlike the GTAA 2017, the TANS had not been subject to independent scrutiny. Given this, the Inspector took a similar approach to that taken by officers in this current application, in that the Inspector considered that greater weight should be given to the provisions of the development plan in terms of the recent and present needs of gypsies and travellers.
- 8.29. Whilst the GTAA 2017 is a material consideration as it is part of the evidence base for the Local Plan Part 2, Officers consider that this does not outweigh the development plan. The Council does not have any allocation for additional sites and there is a lack of alternative provision. Thus, it is considered that there is a need for additional sites in the area to meet a general need and a lack of alternative site. These matters, alongside the Council's inability to demonstrate a 5 year land supply on the figures in BSC6, carry significant weight in determining the application.
- 8.30. In relation to this planning application, it is proposed to be used as a settled base for members of the travelling community. However, the supporting statement submitted with the application does not name any potential occupants and give reference to personal need, nor does it provide any further details to demonstrate the potential occupants meet the new definition of gypsies and travellers as outlined above (in PPTS 2015). Officers have also asked the applicant's agent whether there is any knowledge of potential residents of the site and whether there is a personal need, but the applicant's agent has noted that they cannot provide such details in this instance.
- 8.31. Thus, insufficient information is available on the named occupants of the site to assess personal need or circumstances. Therefore the application is currently considered on a general need, and a personal need argument cannot be given weight in this proposal.
- 8.32. In order to ensure that the site was only occupied by households meeting the revised definition of gypsy/traveller status a suitably worded condition could be imposed on any planning permission given, in line with Government guidance. Officers are therefore satisfied that the application is for a site that would be used by gypsies/travellers.
- 8.33. The European Convention of Human Rights is still in force to date, despite the referendum in 2016 where the United Kingdom opted to leave the European Union. Under Article 8 there is a positive obligation to facilitate the gypsy way of life (paragraph 96 of Chapman v UK (2001)) as gypsies and travellers are identified as a specialist group. The statement submitted with the application identifies that the proposal is for a residential caravan site for gypsies and travellers and the proposed development therefore provides new accommodation for the gypsy and traveller community with the Cherwell District. Therefore the contribution that the site makes to facilitating the gypsy and traveller way of life weighs in favour of the proposal.

Visual Impact and Effect on Landscape Character

- 8.34. One of the core planning principles in the NPPF is for planning decisions to take account of the different roles and characters of different areas and recognising the intrinsic character and beauty of the open countryside. ESD13 of the Cherwell Local Plan Part 1 notes that development will be expected to respect and enhance local landscape character, securing appropriate mitigation where damage to the local landscape character cannot be avoided. Policy ESD13 also states that: *“Proposals will not be permitted if they would:*
- *Cause undue visual intrusion into the open countryside;*
 - *Cause undue harm to important natural landscape features and topography;*
 - *Be inconsistent with local character;*
 - *Impact on areas judged to have a high level of tranquillity;*
 - *Harm the setting of settlements, buildings, structures or other landmark features; or*
 - *Harm the historic value of the landscape.”*
- 8.35. Policy ESD15 of the Cherwell Local Plan Part 1 states that: *“New development will be expected to complement and enhance the character of its context through sensitive siting, layout and high quality design. All new development will be required to meet high design standards.”*
- 8.36. Saved Policy C28 of the Cherwell Local Plan 1996 reflects Government guidance in relation to the design of new development by seeking to ensure that such development is in harmony with the general character of its surroundings and is sympathetic to the environmental context of the site and its surroundings. Saved Policy C8 of the Cherwell Local Plan 1996 seeks to protect the character of the open countryside from sporadic development.
- 8.37. Policy C of the Government PPTS advises that when assessing the suitability of sites in rural and semi-rural settings, local planning authorities (LPAs) should ensure that the scale of such sites does not dominate the nearest settled community. In this instance Piddington, with a population of approximately 370, is the nearest settled community being some 1km to the east of the site
- 8.38. The proposed development includes the provision of 6 pitches and associated infrastructure. Each pitch would have space for mobile home and a touring caravan with an area of hard standing.
- 8.39. The application site itself occupies a relatively flat site and given the topography and vegetation in the wider area the visual impacts of the development would be localised. The site currently contributes positively to the rural character and appearance of the locality and the intrinsic character and beauty of the open countryside through being an undeveloped agricultural field.
- 8.40. There is a relatively mature hedgerow to the north of the site at a height of approximately 2.5 metres, and officers are of the opinion that only partial views of the proposed development would be gained from Widnell Lane to the north, but the proposed development would be more noticeable in the winter months. The clearest views of the proposed development from Widnell Lane would be achieved through the access into the site. There are limited views of the site from the wider surroundings. The site cannot be clearly seen from the B4011 due to a high mature hedgerow which bounds the field boundary adjacent to this road.

- 8.41. Undoubtedly the proposal, with the addition of mobile homes, hardstanding and domestic paraphernalia, would be alien within this landscape. These elements and the widening of the access into the site would have an urbanising effect on this agricultural field within the open countryside.
- 8.42. PPTS Policy H notes that Local Planning Authorities (LPAs) should attach weight to sites being well planned or soft landscaped in such a way to positively enhance the environment and increase its openness. Landscaping is proposed around the pitches so as to provide a softer setting for the pitches and this is welcomed by officers, but the pitches would still be visible from Widnell Lane and such urban development is alien within this context, and would therefore cause some harm to the rural character and appearance of the landscape.
- 8.43. Regarding whether the proposal would dominate the nearest settled community, the site is located approximately 1km from Piddington and is therefore not visible from the village and furthermore, would not be a prominent feature within the surrounding landscape due to existing hedgerows and proposed planting which would offer screening to the site. Officers therefore consider that, due to the siting of the proposal and because only 6 pitches are proposed, the proposed development is of a scale that would not dominate the nearest settled community.
- 8.44. Overall the development will result in some harm to the landscape character of the area and the visual amenities of the locality. Whilst this harm would be relatively localised the proposed development would conflict with Policies ESD13 and ESD15 of the Cherwell Local Plan Part 1, saved Policies C8 and C28 of the Cherwell Local Plan 1996 and Government guidance contained within the NPPF.
- 8.45. Should permission be granted, it is considered necessary to request a landscaping plan and lighting plan as conditions.

Residential Amenity and Noise

- 8.46. Paragraph 17 of the NPPF notes that planning should always seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
- 8.47. Paragraph 120 of the NPPF states that: *“To prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or Proposed Development to adverse effects from pollution, should be taken into account”.*
- 8.48. Saved Policy ENV1 of the Cherwell Local Plan 1996 states that development which is likely to cause materially detrimental levels of noise, vibration, smell, smoke and others types of environmental pollution will not normally be permitted.
- 8.49. Policy ESD15 of the adopted Cherwell Local Plan Part 1 states that: *“Development should consider the amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation and indoor and outdoor space.”*
- 8.50. The site is located approximately 170 metres from an agricultural dwelling to the south east of the site. The separation distance between the proposal and the dwelling is considered sufficient to ensure that the proposed use of the site as a residential caravan site would not adversely affect the occupiers of the nearby dwelling.

- 8.51. The site is also located approximately 180 metres from an agricultural building which houses cattle. This nearby agricultural use has the potential to create unwanted odour which could affect the proposed residential caravan site. However, the agricultural use is already established and, taking account of the prevailing wind direction (south-westerly), it is considered to be a suitable distance away not to cause odour that would adversely affect the residential amenity of any future occupants.
- 8.52. With regard to the layout of the proposal, the proposed pitches would measure a minimum of 21m by 18m, which is considered by officers to be of a sufficient size to allow for the siting of a mobile home and touring van and would allow for privacy and amenity space for each pitch. The proposed layout is not considered to be overcrowded.
- 8.53. The site is located approximately 200 metres from a Ministry of Defence (MoD) training area known as Piddington Training Area (to the South East of the site). This training area is used by the MoD for a variety of exercises using small arms ammunition (blank), training explosives and the use of pyrotechnics including illumination types and noise simulation.
- 8.54. The applicant's agent has noted that the applicant's Noise Consultant liaised with the MoD to arrange to monitor the noise of a military exercise given one of the reasons for refusal in the previous application at the site. The applicant's agent has noted that no such exercise has been carried out on the nearby training area this year, and this demonstrates that noise from this source is highly unlikely to affect residents of the proposed gypsy site. Due to this claimed inactivity on the site, the applicant's agent has stated that noise from the MoD training facility cannot be measured. The applicant's agent also argues that, in any event, any military activity is going to be sporadic at worst.
- 8.55. Furthermore, the applicant's agent has also referred to an appeal decision in 2016 in Northamptonshire relating to a proposed caravan site next to a clay pigeon shooting facility, which operated two days a week, where the Inspector concluded that the noise from the shooting club would not be unduly harmful to the amenities of the future occupiers. The applicant's agent concludes that the military training area in this case is not even used on a monthly basis and that the LPA cannot justify a reason for refusal based on noise.
- 8.56. However, the MoD has raised concerns with the application in relation to noise and has stated that there may be noise and vibration 'affect' on this type of soft skinned dwelling from a military training area in the immediate vicinity. In relation to the applicant's suggestion that training activity resulting in this effect has not taken place this year, the MoD states that this is incorrect and that the facility is used on an almost daily basis including weekends for Regular, Reserve and Cadet Force. The MoD has advised that it is reducing its Estate and thus there is a strong likelihood that training on the site will intensify with resultant increase in noise and vibration.
- 8.57. The MoD has gone on to note that the opportunity was given during the previous refused application to measure the effect of this type of activity on the proposed development, but the noise testing representative was not available when the MoD forecast exercise training and then the applicant disengaged with the MoD as the application was refused.
- 8.58. The MoD has stated that it will not be possible to put on a demonstration of noise training, but the majority of noise could be equated to fireworks. However, the MoD

go on to state that the frequency and type could be over a significant period if the training requirement dictated as the requirement to deploy troops increased.

- 8.59. The Council's Environmental Protection Officer has recommended that a noise survey is carried out to provide further evidence to demonstrate the potential impact on the proposed residential use. The Environmental Protection Officer is of the opinion that without this information the application has not adequately demonstrated that the proposal would not be adversely affected by the activities taking place at the nearby MOD training facility.
- 8.60. Whilst I understand the concerns of the Council's Environmental Protection Officer, if the level of activity on the training centre is highly sporadic as stated by the applicant's agent and the MoD do not provide demonstrations it is very difficult to assess noise levels on the site. However, even if what the applicant's agent has noted about the current low level of activity at the training facility is correct, there is nothing to prevent the intensification of the use of this site. As noted by the MoD above, the frequency and type could be over a significant period if the training requirement dictated as the requirement to deploy troops increased. Thus, officers do not consider it highly relevant to draw comparisons with a restricted clay pigeon use. Furthermore, as noted above, the MoD has stated that the applicant's agent is incorrect in relation to the level of activity on the training site, and that the facility is used on an almost daily basis. In addition, the MoD has stated that this level of activity is likely to increase in the future given that they are reducing their Estate, therefore the noise from the training facility will be more likely.
- 8.61. Given the MoD has stated that the majority of noise could be equated to fireworks, officers are concerned that such an activity would be clearly audible from 200 metres away on the application site.
- 8.62. Thus, it appears very difficult to accurately measure noise levels on the site. For example, even if a noise assessment is conducted on the site over the course of 2 weeks, this would not be an accurate reflection of the noise levels because of the varying nature and frequencies of the activities conducted on the training facility, and the fact that such noise from the site could increase if the use of the training facility is intensified.
- 8.63. Given the above, officers consider that the level of noise experienced by the proposed occupiers cannot be accurately measured. Thus, it is very difficult to assess the level of harm that this causes the proposed occupiers of the site. However, given that the site is approximately 200 metres away from the MoD site, the noted activities on the training site and that the MoD has stated that the majority of noise could be equated to fireworks, Officers consider that the activities would be audible from the site and would cause harm to the proposed occupants, particularly due to the nature of the residential caravans which offer little noise attenuation due to their light weight construction. This has the potential to negatively impact upon the health and wellbeing of residents of the proposed development.
- 8.64. As it has not been adequately demonstrated that the proposal would not be adversely affected by the activities taking place at the nearby MOD training facility, mainly because the level of harm upon the future occupiers due to noise is very difficult to quantify in this case, officers consider that this weighs against the proposal. The proposal would also conflict with criteria (e) of Policy BSC6 of the Cherwell Local Plan Part 1.
- 8.65. The site is located 350m to the west of the community park which is used by the residents of Piddington Village. The distance between the proposed site and the existing community park is considered adequate to ensure that no adverse impact is

caused to the users of the community park from noise and disturbance generated by the proposed use. Furthermore, given the distance of the site from Piddington, it is considered that such a use would not cause undue harm to any residential properties within this village in terms of noise and disturbance.

Access and Highways Safety

- 8.66. Policy ESD15 of the Cherwell Local Plan Part 1 states that: *“New development proposals should be designed to deliver high quality safe, attractive, durable and healthy places to live and work. Development of all scales should be designed to improve the quality and appearance of an area and the way it functions.”*
- 8.67. Oxfordshire County Council Highways Authority (LHA) has raised no objections to the proposal. The LHA has stated that the development will not result in a significant impact on the surrounding road network.
- 8.68. The LHA is satisfied with the suggested visibility splays of 2.4m x 100m in an easterly direction and 2.4 x 59m in a westerly direction given the results of the 85th percentile wet weather speed surveys. The LHA is also of the opinion that the bell-mouth of the access, with a radii of 8m, is acceptable.
- 8.69. The LHA also notes that Waste Collection Authorities tend to collect refuse from sites of this nature and they have therefore recommended that a planning condition be attached that states that the applicant must submit a vehicle tracking drawing showing that a refuse vehicle of not less than 11.6m in length can enter, turn in, and exit the development safely in forward gear prior to the commencement of development. However, such a condition may not be enforceable or its objectives achievable and therefore officers consider that it is not reasonable to attach such a condition. Even if a refuse vehicle cannot access the site, Officers do not consider that it would be justifiable to recommend the refusal of the application on such a ground.
- 8.70. Whilst concerns have been raised from third parties in relation to the turning and manoeuvring of vehicles on site, Officers are satisfied that the amount of space on each pitch would allow for safe manoeuvring and turning of vehicles.
- 8.71. Given the above assessment, Officers consider that the proposal would not cause adverse harm to the safe and efficient operation of the highway network.

Flood Risk, Drainage and Pollution

- 8.72. The site is identified as being within Flood Zone 1, which is land which has a less than 1 in 1,000 annual probability of river flooding. Policy ESD6 of the Cherwell Local Plan Part 1 and the NPPF state that a Flood Risk Assessment (FRA) is required for proposals of 1 hectare or more in in Flood Zone 1. The site does not exceed 1 hectare therefore an FRA is not required.
- 8.73. Policy ESD7 of the Cherwell Local Plan Part 1 requires the use of Sustainable Drainage Systems (SuDS) to manage surface water drainage systems. This is all with the aim to manage and reduce flood risk in the Cherwell District.
- 8.74. The application proposes the use of septic tanks draining to a soakaway, to deal with the foul water at the site. A separate septic tank is proposed for use on each of the 6 plots. The applicant’s agent has noted that the septic tanks would be 3800 litre tanks, each capable of accommodating waste generated by a population of 12 persons.

- 8.75. The Environment Agency (EA) has said that their preferred option would be for this development to connect to the mains foul sewer given the potential risk of pollution into the watercourse with the use of septic tanks. Septic tanks require regular maintenance and emptying by road tanker to ensure they do not discharge poor quality foul effluent into the environment.
- 8.76. However, the main drainage system is currently located approximately 250 meters to the north-west of the site at the junction of the B4011 and Palmer Avenue. The ability to connect into the main drainage system would be a complicated and costly exercise.
- 8.77. The above noted by the EA, it has not objected to the application. The EA has stated that the proposed septic tanks associated with this development will require an Environmental Permit under the Environmental Permitting Regulations 2010, from the EA, unless an exemption applies. Whilst this is not ideal, Paragraph 122 of the NPPF states that LPAs should not control processes themselves where they are subject to approval under pollution control regimes. Paragraph 122 notes that LPAs should assume that these regimes will operate effectively.
- 8.78. That said, officers requested further details of septic tanks proposed to be used and the how often the waste would be treated. The applicant's agent noted that the regularity of emptying will depend on how much waste is in them, but usually it will be no more than about once per year. The applicant's agent has also stated that the submitted porosity test demonstrates that soakaways will be sufficient for disposal of water from septic tanks.
- 8.79. The northern part of the application site is identified on Oxfordshire County Council's flood risk tool kit as having a high to medium risk of flooding from surface water. The application has not been supported by a flood risk assessment or drainage strategy for the site. Porosity tests were carried out at the site and the results demonstrated a mean percolation value of 99 which, according to guidelines, is just inside the acceptable value for soakaway construction. The outer acceptable limit is 100. Due to the border line results it is advised by the drainage company who carried out the percolation tests, against installing a soakaway and using an alternative drainage solution.
- 8.80. It is acknowledged that the applicant worked with the Oxfordshire County Council (OCC) Drainage Department to draft an appropriate drainage solution. However, within this application, there are no proposals for the management of surface water at the site. The LHA, through advice from the OCC Drainage Department, has noted that some soakage testing results were provided which appear to indicate marginal rates of soakage and suggest that a SuDs drainage system based on part (or full) infiltrations to ground may be viable. Thus, the use of permeable paving could form part of the surface water drainage for the site. However, the LHA has noted that the soakage test results do not appear to be in accordance with the BRE 365 standard; in particular there is no indication of the half-drain time.
- 8.81. The LHA has therefore requested a detailed drainage scheme prior to the commencement of the development proposed. The LHA has stated that any discharge of surface water off-site must be at the greenfield run off rate and as there are some areas of surface water flood risk shown at the northern boundary of the site, the plot development must not impinge on these areas.
- 8.82. Thus, whilst officers have concerns about how the drainage of surface water will be adequately managed at the site given the issues with surface water flooding in the area, OCC Highways, through the advice of OCC Drainage, has not objected to the

application subject to the submission of a drainage strategy therefore OCC are of the opinion that this matter can be sufficiently managed.

Ecological Impact

- 8.83. Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity, and providing net gains in biodiversity where possible, contributing to the Government's aim to halt the overall decline in biodiversity.
- 8.84. Paragraph 118 of the NPPF seeks to "...conserve and enhance biodiversity by applying, amongst others, the following principles:
- *If significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or as a last resort, compensated for, then planning permission should be refused*
 - *Development proposals where the primary objective is to conserve or enhance biodiversity should be permitted*
 - *Opportunities to incorporate biodiversity in and around developments should be encouraged"*
- 8.85. Policy ESD10 seeks to protect and enhance biodiversity and the natural environment, by achieving a net gain in biodiversity, through supporting developments which incorporate features to encourage biodiversity.
- 8.86. The site is an open agricultural field currently comprising rough grass land which has the potential for some ecological value. Great Crested Newts (GCN) have been recorded in the vicinity of the site and Brown and Black Hairstreak butterflies have also been recorded. As the proposed development will replace the existing grass land with permeable hard standing, the proposed works are likely to result in a loss to biodiversity.
- 8.87. A Biodiversity Impact Assessment (BIA) has been undertaken which considers the grassland field (~1.20ha in size) and not just the site itself. The Council's Ecologist has stated that this has been undertaken appropriately.
- 8.88. The BIA report notes that the majority of the botanical interest lies within the southern part of the field, which is proposed to be retained or enhanced. Based on the proposals which involve appropriate long-term management of the wider semi-improved grassland field, the proposals are expected to result in a biodiversity net gain of 0.25 units as a result of the development. This is dependent on the proposed light mowing of the grassland and removal of arisings twice a year at an appropriate time of year, rather than being horse-grazed which would be counter-productive to achieving species-rich semi-improved grassland in good condition. However, the BIA does not state the exact location of the 0.86ha of semi improved grassland to be retained.
- 8.89. The Council's Ecologist has stated that a long term-term Landscape and Ecological Management Plan (LEMP) will therefore be required to secure this and to achieve a net gain in biodiversity. This should include monitoring of the grassland and those responsible for management of the grassland, as well as details of creation and the sensitive management of boundary hedgerows and scrub. Should permission be granted, a LEMP could be conditioned with the aim to secure a biodiversity net gain. The Ecologist has stated that the landscaping details of this should comprise of native species of shrubs and trees only, in light of the location of the site in a rural area.

- 8.90. That said, the Council's Ecologist has noted that, if a net gain is not possible, a biodiversity offsetting scheme is recommended to ensure the proposals do not lead to a net loss. However, as the Council's Ecologist has stated that the submitted BIA has been undertaken appropriately therefore officers see no reason why net gains cannot be achieved.
- 8.91. A Great Crested Newt Survey Report was submitted with the application, and this was revised given questions from the Council's Ecologist regarding the methodology of the survey and because the impact assessment was based on the site area for the previous application (17/00145/F). This revised report provided clarification that the torchlight method to survey the ponds was also used along with bottle trapping and egg searching. As a result of this the Council's Ecologist has stated that the surveys were undertaken in line with standard guidelines. The results indicate that a small population of great crested newts are present. The Council's Ecologist has noted that due to the potential impacts on great crested newts, including habitat loss and potential harm during clearance of the site and during construction works, a great crested newt mitigation strategy is required. Should permission be granted, this could be conditioned. The Ecologist has also noted that the strategy should include ecological supervision of ground clearance works by an ecologist.
- 8.92. Given the above, it is considered that the proposal can be developed without causing adverse harm to protected species.

Other Matters

- 8.93. A number of comments have been raised regarding whether the site is serviced by facilities including fresh water, mains drainage, and electricity. The planning statement submitted with the application confirms that there are mains water and electricity services already connected to the site. That said, the MoD has raised concerns that the water supply is sourced from MoD infrastructure which is maintained under contract by KELDAR water and has stated that any encroachment will be denied. Furthermore, the MoD has noted that the electrical supply has not been defined and that this may also encroach on MoD assets. Officers raised these points with the applicant's agent and have requested further information and clarification. The applicant's agent has continued to state that the application site is connected to mains water and that the applicants do not need to connect to the supplies of the MoD. The applicant's agent has also noted that the applicants will apply to the relevant electricity board to connect to mains electricity. Whilst it appears that the situation is still unclear on these matters and this is far from ideal, these matters are not material planning considerations in this case.
- 8.94. A number of the third party comments have highlighted that the land to which the application relates is grade 3 and 4 agricultural land. Grade 3 is good to moderate agricultural land and grade 4 is poor quality agricultural land. Concerns have been raised that the proposed development would lead to the loss of good quality agricultural land. However, the area of land is not an excessively large area of agricultural land and is not of the highest quality. Therefore, the change of use of this piece of land would not result in the loss of a significant amount of high quality agricultural land and Officers consider that this is acceptable.
- 8.95. The site is on land that is potentially contaminated and this is a sensitive development being residential. The Council's Environmental Protection Officer has requested phased contaminated land conditions should permission be granted. However, the amount of ground work is relatively limited for development involving mobile homes, therefore a condition stating that if contamination is found during development, works should be stopped until a remediation strategy for dealing with

contamination is approved by the LPA, is considered be more reasonable by Officers.

- 8.96. Third parties have noted that the schools in the local area are at full capacity. However, for the previous application at the site proposing 16 pitches, OCC advised that they would not be seeking contributions in relation to education due to the small scale of the proposal which would not be considered to have a material impact upon numbers of pupils attending schools in the local area. Given the above and that the number of pitches has been reduced to 6 pitches in this current application, it is considered that the proposal would not have an adverse impact on the schooling within the area.
- 8.97. Given the relatively close proximity of the site to the MoD training facility, third parties have noted that this could potentially cause a danger to the proposed residents. However, such concerns have not been raised by the MoD themselves.
- 8.98. Whilst third parties have commented on the archaeological potential of the site, the site is not recorded as being within a site of archaeological interest. Thus, the proposal is unlikely to have an invasive impact upon any known archaeological sites or features.
- 8.99. Third parties have raised concerns about the siting of such a use close to a prison and that this could have an impact on security and order in the vicinity of the prison. However, officers consider that such residents are unlikely to have significant impact upon the security and order in the area of the prison.
- 8.100. Third parties have raised concerns that the proposal would have negative impacts on the enjoyment of Widnell Park. The third parties have stated that additional traffic will deter people to go to this park. However, it is unclear to Officers how such a use of the site, which is over 300 metres away from Widnell Park, would adversely impact upon the enjoyment and amenity of the Widnell Park. Furthermore, Officers consider that the additional traffic on the roads as a result of this proposed development would be relatively minimal.
- 8.101. Officers consider that suitable waste and recycling provision can be secured through a suitably worded condition should planning permission be granted.
- 8.102. Third parties have raised concerns that the proposal would set a precedent for further development of the land surrounding the site, and could result in housing in the open countryside. However, each case is assessed on its own planning merits. Furthermore, it is worth noting that the policy considerations in relation to housing and traveller sites are significantly different.
- 8.103. Piddington Parish Council has drawn comparisons with other applications within the locality for an Asylum Seekers Accommodation Centre and an agricultural workers' dwelling at Cowpastures Farm. Officers believe it is important to stress that the policy considerations for a traveller site and these other applications are significantly different.
- 8.104. There is currently a gypsy and traveller site to the south of Arcott, known as Oakview Park. This site has been referred to in some third party comments as a site which is currently providing pitches nearby. This site has a complex planning history and benefited from a temporary permission for the site for 19 residential gypsy and traveller pitches, which expired in 2012. A further application to retain the use of this site for 19 gypsy and traveller pitches was refused on the 18th August 2016 and there has been no appeal lodged. Therefore, this site is currently unauthorised and cannot contribute to the number of gypsy and traveller pitches

currently available. Furthermore, this site is located outside of the Cherwell District and is not considered within the calculation for current gypsy and traveller provision within Cherwell. Some third parties also noted that the combination of Oaksview Park and the proposed site could over-dominate nearby villages. Given the scale of the proposed development, the distance of the site from any villages and the population of the nearest villages, officers consider that nearby villages would not be over-dominated.

8.105. A number of concerns have been raised by third parties which are not material planning considerations in this case. These include:

- Overhead pylons and cables would present a risk to health and safety;
- Fire safety concerns;
- The development will not be followed out in accordance with the plans;
- It's a business opportunity;
- Anti-social behaviour.

9. PLANNING BALANCE AND CONCLUSION

9.1. The proposal seeks permission for the change of use of existing agricultural land to a residential travellers caravan site comprising 6.No pitches. The site is located within 3KM of the category A village of Arncott and approximately 3.5KM from the village of Ambrsoden and benefits from suitable access to the local and wider highway network, and so can be considered under Policy BSC6 of the Local Plan.

9.2. In assessing the sustainability and suitability of the site the criteria set out within Local Plan Policy BSC6 is relevant in determining the most suitable locations for gypsy and traveller sites.

9.3. Criterion (a) considers access to GP and other health services, the nearest GP surgery to the site would be the part time surgery at Ambrosden, located 3.5KM away. In order to access this service from the proposed site residents could use public transport, however, due to the restricted hours that this surgery operates and the infrequent nature of the bus service it may be difficult for residents to rely on public transport and it is likely they would rely on the private car or travel further afield to access a full time service. It is considered by officers that the limited accessibility to regular GP and other health services would weigh against the proposal in assessing it against the sustainability and suitability criteria.

9.4. Criterion (b) considers access to schools; the nearest primary school is located at Ambrosden which is approximately 3.5KM away, a distance which is likely to be travelled by the private car as opposed to alternative modes of transport. It is considered by officers that the site in terms of sustainability has poor access to education which would weigh against the proposal when assessed against the sustainability and suitability criteria.

9.5. Criterion (c) seeks to avoid areas at risk of flooding, in assessing the application it has come to light that part of the site has a medium to high risk of surface water flooding, which could be further exacerbated by relatively slow percolation rates demonstrated by porosity tests carried out at the site. Thus, the proposal does not seek to avoid areas at risk of flooding. That said, whilst officers have concerns about how the drainage of surface water will be adequately managed at the site given the issues with surface water flooding in the area, OCC Highways, through the advice of OCC Drainage, has not objected to the application subject to the submission of a drainage strategy prior to the commencement of the development. Thus, OCC considers this matter can be sufficiently managed and officers see no reason to

disagree with this assessment. As it is considered that the flood risk can be mitigated, the fact that the site is in an area at risk of flooding is not judged to weigh against the proposal.

- 9.6. Criterion (d) considers the suitability of the site in relation to access to the existing highway network; in this respect the proposal is considered to be appropriately located without undue harm caused to highway safety.
- 9.7. Criterion (e) considers the potential for noise and disturbance on the future residents of the site. The proposal is located approximately 200 metres from an MoD training facility which is used for a variety of exercises using small arms ammunition (blank), training explosives and pyrotechnics including illumination types and noise simulation. Given that the MoD has stated that the majority of noise could be equated to fireworks, Officers are concerned that such an activity would be clearly audible from 200 metres away on the application site. Whilst officers consider that it is very difficult to accurately measure the noise that will be experienced by the proposed occupiers, as the application has not been supported by sufficient information to demonstrate that the amenity of future occupants of the site would not be adversely affected by the activities taking place at the nearby MoD site, the potential impact from noise weighs against the proposal. This has the potential to negatively impact upon the health and wellbeing of residents of the proposed development.
- 9.8. Criterion (f) seeks to ensure harm to the historic and natural environment is limited. In this, the Council's Ecologist is of the opinion that the application has been supported by adequate information to demonstrate that harm will not be caused to the natural environment and protected species.
- 9.9. Criterion (g) seeks to ensure that proposals provide for a satisfactory living environment and the application has not demonstrated whether this criterion can be met as there is uncertainty as to the impact the nearby MoD training facility will have on future occupants. This weighs against the proposal.
- 9.10. Criterion (h) seeks to ensure that efficient and effective use of land is made. In this case the current agricultural land is rated moderate to good, which will be lost by the proposed development. However, it is considered that the amount of agricultural land lost and the quality of the land would not be a significant loss.
- 9.11. Criterion (i) considers the likely deliverability of the proposal, including whether utilities can be provided on the site. The applicant's agent maintains that mains water is available on the site. The applicant's agent has noted that the applicant will need apply to the relevant electricity board to connect to mains electricity. The site is not connected to mains drainage and currently the proposal seeks the use of 6 septic tanks. The EA has advised that a connection to mains drainage should be provided if possible. However, in this case mains drainage is 250 metres away across a railway line, so connection could be problematic and costly.
- 9.12. However, the EA has not objected to the application. Furthermore, the proposed septic tanks associated with this development will require an Environmental Permit under the Environmental Permitting Regulations 2010, from the Environment Agency, unless an exemption applies. Whilst this is not ideal, Paragraph 122 of the NPPF states that LPAs should not control processes themselves where they are subject to approval under pollution control regimes. Paragraph 122 goes on to note that LPAs should assume that these regimes will operate effectively.
- 9.13. Criterion (j) looks at the existing level of local provision for gypsy and travellers across the Cherwell District. Despite the second assessment of the AMR 2017,

which uses data from the GTAA 2017, stating that the Council can just demonstrate a five year supply of gypsy and traveller sites in the District, the GTAA 2017 has not been subject to the rigour of public examination and it is noted that there are a high number of unknown households (i.e. those who may meet the new definition).

- 9.14. Whilst the GTAA 2017 is a material consideration as it forms part of the evidence base for the Local Plan Part 2, Officers consider that the most robust position to base the assessment of the planning application on at the current time is the figures contained within the development plan, given they have been subject to the rigour of examination and because of the statutory requirement to take the development plan as the starting point. The first assessment within the AMR 2017 is based on figures within the development plan and this identifies that there is a significant unmet need for gypsy and traveller pitches across the Cherwell District. This first assessment advises that there is currently a 1.1 year supply of pitches for the period 2017-2022. Thus, Officers hold the view that the current level of need across Cherwell District weighs heavily in favour of the proposed development which would provide additional pitches to meet the unmet need. Officers consider that significant weight should be given to current unmet need of gypsy and traveller sites within the District.
- 9.15. If Members are to give greater weight to this figure within the second assessment in the AMR, which is based on data within the GTAA, it is important to note that the second assessment displays that the Local Planning Authority can only just demonstrate a five year supply of pitches for the period 2017-2022 and this will fall to a 4.0 year land supply for the period of 2018-2023 (1 pitch shortfall). The Local Planning Authority has a duty to maintain its five year supply of gypsy and traveller pitches in the district and the approval of the application would ensure that the Local Planning Authority can maintain its five year supply.
- 9.16. Criterion (k) considers the availability of alternative sites for the applicant. In this case no alternative sites have been considered and the application is not supported by any information about individuals that are interested in occupying the site if it is approved. However, there is an identified need for pitches which this application goes some way towards addressing and weight must be attached to this.
- 9.17. In conclusion, the site is located within 3KM of a Category A village, however, Arncott is not one of the most sustainable Category A villages within the district and offers limited services for the future residents of the site. Other services are provided in the village of Ambrosden but are located 3.5KM away from the site. The nearest settlement, Piddington, is a category C village which is one of the least sustainable settlements in the District.
- 9.18. The site comprises 6 pitches, which is significantly less than the 16 proposed in the refused application at the site in 2017. Such a scale is not considered to be unusual for gypsy and traveller sites in the Cherwell District. In the previous proposal at the site, 16 pitches was considered to be a large number, and given the poor sustainability of the site it was concluded that the site would not be a sustainable form of development. In this current application, Officers accept that the site is not located in a highly sustainable location, having regard to guidance contained in the PPTS which states that new sites in the countryside should be strictly limited. However, in comparison to the previous refused scheme at the site, the scale of the traveller and gypsy site would be relatively modest and Officers consider that the weight against the proposal in light of the sustainability criteria set out in the NPPF and Policy H of the PPTS would be significantly less. Furthermore, inadequate information in relation to noise impacts from an existing use has been supplied.

9.19. However, Officers consider that there is clearly an unmet need for gypsy and traveller pitches in Cherwell which must be weighed against the suitability of the site in sustainability terms for a gypsy and traveller site.

9.20. Whilst it is very clear to Officers that the site is not an ideal one for such a proposal, especially given its siting within close proximity to the MoD testing facility, Officers consider that in this case this harm is outweighed by the immediate need for new gypsy and traveller pitches in the District. Thus, it is concluded that, given the circumstances, planning permission should be granted and the application is therefore recommended for approval.

10. **RECOMMENDATION**

That permission is **granted**, subject to the following conditions:

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

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

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

- Application form submitted with the application;
- Cover Letter from Philip Brown submitted with the application;
- Site Layout Plan at a scale of 1:500 on A4 paper submitted with the application;
- Site Plan at a scale of 1:2500 on A4 paper received from the applicant's agent by e-mail on 11th October 2017;
- Alpha Septic Tank Plan specification details submitted with the application; and
- E-mail from the applicant's agent on 16th November 2017 specifying the size of the Septic Tanks.

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

3. The site shall not be occupied by any persons other than gypsies and travellers as defined in Annex 1 of 'Planning policy for traveller sites' August 2015.

Reason: This consent is only granted in view of the very special circumstances, which are sufficient to justify overriding normal planning policy considerations which would normally lead to a refusal of planning consent and in accordance with Policies ESD13 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy ENV1 and C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

4. No more than 12 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (of which no more than 6 shall be static caravans or mobile homes), shall be stationed on the site at any one time and these shall be sited within the pitches as displayed on the drawing titled 'Site Layout Plan' at 1:500 Scale on A4 paper submitted with the application.

Reason: This consent is only granted in view of the very special circumstances, which are sufficient to justify overriding normal planning policy considerations which would normally lead to a refusal of planning consent and to limit the visual impact of development in accordance with Policies ESD13 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

5. Prior to the commencement of the development hereby approved and notwithstanding the details shown on the approved plans, full details of the 6 septic tanks to serve the development, including siting, operation and appearance, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details and shall be retained as such thereafter.

Reason: To safeguard against pollution and in the interests of the visual amenities of the area, to comply with Policies ESD8, ESD13 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 and ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

6. Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed and shall be retained as such thereafter. The scheme shall also include:

- Discharge Rates
- Discharge Volumes
- Maintenance and management of SUDS features
- Sizing of features – attenuation volume
- Infiltration in accordance with BRE365
- Detailed drainage layout
- SUDS
- Network drainage calculations
- Phasing
- No private drainage into the public highway
- No private drainage into the adoptable highway drainage system

Reason: To ensure satisfactory drainage of the site in the interests of public health, to avoid flooding of adjacent land and property, in the interests of road safety and to comply with Policy ESD6 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

7. Prior to the commencement of the development hereby approved, full specification details (including construction, layout, surfacing and drainage) of the access and the parking and manoeuvring areas shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the development, the access and the parking and manoeuvring areas shall be provided on the site in accordance with the approved details and shall be retained unobstructed except for the parking and manoeuvring of vehicles at all times thereafter.

Reason: In the interests of highway safety, to ensure a satisfactory standard of construction and layout for the development and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

8. Prior to the commencement of the development hereby approved, a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme for landscaping the site shall include:-
 - a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas,
 - b) details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation,
 - c) details of the hard surface areas, including pavements, pedestrian areas, reduced-dig areas, crossing points and steps,
 - d) details of the location of waste bin storage

Thereafter, the development shall be carried out in strict accordance with the approved landscaping scheme and shall be retained as such thereafter.

Reason: In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

9. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with BS 4428:1989 Code of Practice for general landscape operations (excluding hard surfaces), or the most up to date and current British Standard, in the first planting and seeding seasons following the occupation of the building(s) or on the completion of the development, whichever is the sooner. Any trees, herbaceous planting and shrubs which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the current/next planting season with others of similar size and species.

Reason: In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

10. Prior to the commencement of the development hereby approved, a lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved schedule and shall be retained as such thereafter.

Reason: In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

11. Prior to the commencement of the development hereby approved, a Landscape

and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the LEMP shall be carried out in accordance with the approved details and shall be retained as such thereafter.

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.

12. Prior to the commencement of the development hereby approved, including any works of site clearance, a mitigation strategy for great crested newts, which shall include timing of works, the location and design of alternative ponds/habitats together with the timing of their provision, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the mitigation works shall be carried out in accordance with the approved details and shall be retained as such thereafter.

Reason: To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with saved Policy ENV12 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

14. No commercial activities shall take place on the land, including the external storage of materials, and no vehicle over 3.5 tonnes shall be stationed, parked or stored on this site without the grant of further specific planning permission from the Local Planning Authority.

Reason: In order to safeguard the amenities of the area and in the interest of highway safety in accordance with Policies ESD13 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and the NPPF.

15. Notwithstanding the provisions of Class A, Part 2, Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), no gates, fences, walls or other means of enclosure shall be erected on the site without the grant of further specific planning permission from the Local Planning Authority.

Reason: In order to safeguard the amenities of the area and in the interest of highway safety in accordance with Policies ESD13 and ESD15 of the Cherwell Local Plan Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and the

PLANNING NOTES

1. The proposed septic tanks associated with this development will require an Environmental Permit under the Environmental Permitting Regulations 2010, from the Environment Agency, unless an exemption applies. The applicant is advised to contact the Environment Agency on 08708 506 506 for further advice and to discuss the issues likely to be raised. You should be aware that the permit may not be granted. Additional advice can be found on the gov.uk website at: <https://www.gov.uk/permits-you-need-for-septic-tanks>
2. In relation to condition 11, all species used in the planting proposals associated with the development shall be native species of UK provenance.
3. All site clearance (including vegetation removal) shall be timed so as to avoid the bird nesting/breeding season from 1st March to 31st August inclusive, unless, in the case of a tree that is required to be removed for health and safety reasons, the Local Planning Authority has confirmed in writing that such works can proceed.
4. If archaeological finds do occur during development, the applicant is requested to notify the County Archaeologist in order that he may make a site visit or otherwise advise as necessary. Please contact: County Archaeologist, Historic and Natural Environment Team, Infrastructure Planning, Speedwell House, Speedwell Street, Oxford, OX1 1NE (Telephone 01865 328944).
5. Planning permission only means that in planning terms a proposal is acceptable to the Local Planning Authority. Just because you have obtained planning permission, this does not mean you always have the right to carry out the development. Planning permission gives no additional rights to carry out the work, where that work is on someone else's land, or the work will affect someone else's rights in respect of the land. For example there may be a leaseholder or tenant, or someone who has a right of way over the land, or another owner. Their rights are still valid and you are therefore advised that you should seek legal advice before carrying out the planning permission where any other person's rights are involved.