



Appeal Decision

Hearing held on 3 June 2026

Site visit made on 3 June 2026

by C Butcher BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 July 2026

Appeal Ref: 6005839

Land at Watlington Road, Lewknor

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Gavin Gallagher (Rainier Developments) against the decision of South Oxfordshire District Council.
 - The application Ref is P25/S1430/O.
 - The development proposed is an outline planning application for erection of up to 25 homes, associated open space, play area and other infrastructure with all matters reserved save for that of access into the site.
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Decision

1. The appeal is allowed and planning permission is granted for an outline planning application for erection of up to 25 homes, associated open space, play area and other infrastructure with all matters reserved save for that of access into the site at Land at Watlington Road, Lewknor, in accordance with the terms of the application, Ref P25/S1430/O, subject to the conditions in the attached schedule.

Applications for costs

2. It is noted that both of the main parties have made costs applications. These claims will be the subject of separate decisions.

Preliminary Matters

3. The appeal relates to an application for outline planning permission with appearance, landscaping, layout and scale identified as reserved matters. As such, where the proposed site plans show any information relating to these reserved matters, I have treated this as illustrative for the purposes of making my decision.

Main Issues

4. Having regard to the evidence before me, and the discussion that took place during the hearing, I find that the main issues in this case are: (i) whether the proposed development would be in a suitable location, taking account of the Council's spatial strategy and access to services and facilities; and (ii) the effect of the proposed development on Key View 2, as identified within the Lewknor Parish Neighbourhood Plan (December 2023).

Reasons

Location

5. The appeal site is located on the edge of the settlement of Lewknor. Appendix 7 of the South Oxfordshire Local Plan 2011 – 2035 (the LP) sets out the settlement hierarchy for the area. It identifies Lewknor as a ‘smaller village’. LP Policy H8 states that the Council will support development within the smaller villages in accordance with Policy H16, or where sites come forward through a Neighbourhood Plan. Policy H16 limits new development in such areas to infill sites which would fill a small gap in an otherwise built-up frontage.
6. Furthermore, Policy SS1 of the Lewknor Parish Neighbourhood Plan, December 2023 (the NP) notes that proposals for development outside of the designated settlement boundary of Lewknor will only be supported if they accord with policies of the LP in respect of development in the countryside.
7. I note that it is common ground between the main parties that the appeal site is outside of the settlement boundary, and therefore that the proposal would conflict with the spatial strategy for the area. I am in agreement with this position.
8. Lewknor itself is a small settlement with few services and facilities, though it does contain a public house, church and primary school. As such, future occupiers of the proposed dwellings would need to travel further afield to access most of the facilities required for everyday living. It is notable that there are several bus stops on the B4009 immediately to the south of the village. Bus stops A and D are within a relatively easy walking distance of the appeal site, though part of the route would benefit from enhancements to the footway.
9. A further stop, B, is located further to the east. During my site visit it seemed to me that walking to this stop would take longer and would therefore perhaps be less attractive to future residents. Nevertheless, accessing all three stops by walking or cycling is perfectly feasible. From those bus stops, various services can be accessed, including a fairly regular service to Oxford.
10. It is therefore clear that future residents would have the option of accessing a wide range of facilities via public transport. As such, while I recognise that there is conflict with the spatial strategy, notably LP Policies STRAT1, H1, H8 and H16 as well as NP Policy SS1, the ‘on the ground’ harm associated with that conflict would be limited.

Key View 2

11. Policy CH3 of the NP identifies certain views within the Parish that are of special significance. One such view, Key View 2, is of Lewknor and Beacon Hill from the west. Appendix 4 of the NP provides further details, including by noting that it is a wide open view from a public footpath across farmland to the village and a national nature reserve. The appendix also notes that an escarpment, which forms part of the Chilterns National Landscape (the NL), is clearly visible.
12. During my site visit I took the opportunity to walk from the appeal site to the viewpoint. There is no doubt that it is an attractive vista with far reaching views of the farmland that surrounds Lewknor, with the hills beyond being a key focal point. It is likely that the proposed development would be partially visible to some extent from this vantage point. However, where this is the case, it would appear well

related to existing homes on Watlington Road and the existing natural screening on the site boundary would also greatly soften its appearance. There is also potential for additional landscaping and planting as part of the development which would provide further screening.

13. The Statement of Common Ground sets out that the main parties are in agreement that the proposal would not result in harm to Key View 2 to any significant extent. Given my observations above, I am in agreement and find that the level of harm would likely be limited, notwithstanding the fact that issues such as layout and scale are currently unknown.
14. Nevertheless, the fact that there would be harm means that the proposal would conflict with NP Policy CH3 in so far as it seeks to protect such views.

Other Matters

15. The Council's decision notice notes that further reasons for refusal relate to a lack of a completed planning obligation that would secure affordable housing, on-site enhancements associated with biodiversity net gain and infrastructure. However, I now have a completed Section 106 before me (the S106) alongside a completed Unilateral Undertaking (the UU). During the hearing it became clear that the vast majority of areas of disagreement with the UU had been resolved or were no longer being pursued. On that basis I have not identified this matter as a main issue in this decision.
16. The S106 covers matters pertaining to the County Council and secures financial contributions towards education and waste management. It also secures various highway works, including construction of a site access, pedestrian access and a tactile crossing on Watlington Road, as well as pedestrian access onto the B4009 and footway improvements to facilitate easier access to the aforementioned bus stops. The UU, which covers matters relating to the District Council, secures the necessary affordable housing, open space (and the associated arrangements for a management company) and financial contributions towards street naming, waste and recycling, biodiversity net gain land monitoring, as well as the preparation and implementation of a Habitat Management and Monitoring Plan.
17. During the hearing I was informed by officers from both the County Council and District Council that the clauses within the two planning obligations are based on published strategies or formulae. Having regard to the evidence provided, I am also satisfied that this is the case and that there is a sound policy basis for the overarching matters that the obligations seek to address and that the relevant tests have been met.
18. However, the submitted UU contains a 'blue pencil clause' which states that planning obligations detailed in the agreement will cease to have effect should I consider a particular obligation to not be necessary or to have no weight. I am grateful to the main parties for submitting further evidence subsequent to the hearing which sets out very clearly the issues that require my attention in this decision. On the basis of agreement between the parties, I conclude that the obligations in clause 4.9 and Schedule 8 are not necessary and shall have no effect. In addition, in the interests of clarity, I give Schedules 3, 4, 5, 6 and 7 full weight.

19. Therefore the only remaining area of disagreement between the main parties is in relation to the way in which affordable housing should be provided. I note that the Council's preference is for the affordable housing to be transferred to a Registered Provider (RP), and that if that should prove difficult, that the appellant re-engage with the Council to discuss a deed of variation. Conversely, the appellant's favoured approach is to implement a 'cascade' process which would seek an RP in the first instance, followed by the delivery of other forms of affordable housing or units sold with a contribution paid to the Council as alternatives should the search for an RP fail. I acknowledge that the appellant favours their approach in order to proceed with development at pace. However, I can see no reason to conclude that the Council would likely be a blockage to delivery should the search for an RP be unsuccessful and alternatives need to be secured. In addition, it seems appropriate to me for the Council to maintain control over the process.
20. There is also some disagreement between the parties regarding the requirement to impose a higher standard of building regulations approval on both the affordable housing and 15% of market housing units. In effect, this would increase the number of units which would be delivered as accessible and adaptable dwellings. Based on what I heard during the hearing, and the written evidence before me, I am satisfied that such a position is justified. I also note that the Council are now content that the affordable housing can be delivered in clusters of no more than five units which again appears justified.
21. As such, in the interests of absolute clarity, I give Schedule 1 of the UU full weight and confirm that Schedule 2 shall have no effect except as follows: Schedule 1 paragraph 2.4.4 is given no weight and shall have no effect and Schedule 2 paragraph 2.4.3 has been given weight and will bind the development so the affordable housing is distributed evenly across the site and also that the affordable housing is constructed in clusters of no more than five units.
22. The final reason for refusal relates to the living conditions of future occupiers, with particular regard to noise emanating from the M40 motorway. However, during the hearing it was made clear to me that, as a result of additional evidence provided by the appellant, the Council is now satisfied that this matter can be suitably addressed subject to the imposition of conditions. Following that discussion, I am in agreement with that position and conclude that the living conditions of future occupiers would be sufficient in that regard.
23. I note that the Statement of Common Ground, which has been agreed between the two parties, sets out that there would be additional harm in relation to the loss of Grade 2 agricultural land and wider landscape impacts. During the hearing, the Council informed me that there is a significant amount of higher grade agricultural land in the area. With this in mind, and taking account of the size of the appeal site, the harm associated with the loss of such land would be limited.
24. In relation to landscape impacts, beyond those associated with Key View 2, the site is clearly well related to existing development on Watlington Road and is bounded to the south by the B4009. It would therefore be seen as a natural addition to the built form of the village rather than a contrived incursion into the surrounding countryside. Moreover, the site is already well screened for much of the year by mature boundary planting, while further planting can be secured via condition. I am therefore content that a development of up to 25 homes could be

provided in a way that respects the existing character and layout of the village, while avoiding the higher land on the site.

25. Therefore, despite the outline nature of the application, and the site's edge of settlement location which does provide some sense of transition to the surrounding countryside, I am of the view that the harm to the wider character and appearance of the area would also be limited. In addition, while the site is within the setting of the Chilterns NL, its modest size and its relationship to existing built form, means that neither the overall setting nor the scenic beauty of the NL would be negatively impacted to any meaningful degree. I have already assessed the impact of the proposal in relation to Key View 2 of the NP. The development may also be partially visible from other views such as Key Views 4 and 6. However, the village is seen from further afield from these vantage points and I do not consider that there would be harm in this regard.
26. The site is very close to the boundary of the Lewknor Conservation Area. Its significance, in so far as it relates to this appeal, is derived from the development of the village over many years, its historic layout, and the attractive appearance of many of the buildings within it. I note that the Council is satisfied that the proposal would not harm the setting of the Conservation Area. Given the modest size of the site, and the existing mature planting that would help screen any views to a significant extent, I can see no reason to disagree with that position. There are also two Grade II listed buildings relatively nearby, namely Home Farmhouse and the public house. However, their significance is primarily appreciated from close range, and I am satisfied that the proposal would not affect their setting.
27. I note that some third parties have suggested that there is no need for the proposed homes in the village and that several smaller developments have already taken place in recent years. However, I have set out in the Planning Balance section below that there clearly is a housing need in the wider area and that this is an important consideration in my decision, despite the fact that the proposal would conflict with the Neighbourhood Plan.
28. I have no substantive evidence before me to conclude that the proposal would lead to harm in relation to highway capacity, safety, parking or the capacity of services and facilities, including the village school. I am satisfied that there would not be an unacceptable level of harm in relation to privacy as there is a sufficient gap between the site and existing homes, while development on the higher part of the site can be avoided. The scheme will be required to enhance biodiversity and to conserve protected species. Light and noise emitting from the proposed homes themselves is of course inevitable, but this would be seen and experienced in the context of existing built form within the village and would therefore not result in undue harm. There is also no harm associated with car lights shining into the windows of houses opposite the access as they generally should be dipped and any such disturbance would be temporary as cars turn onto Watlington Road.
29. New homes would be constructed to the usual standards as set out in building regulations and utilities would be provided as is the norm. I do note that an appeal for up to 40 homes was previously dismissed on this site. However, the reduced number of dwellings in the scheme before me means that the two applications are not directly comparable. Several concerns have been raised about the design and size of the proposed dwellings. However, as this is an outline application, such matters will be dealt with at the subsequent reserved matters stage. I can also see

no reason why new residents would not integrate successfully into the local community and I find no harm in relation to this matter. I have no substantive evidence before me that the proposal would be unacceptable with regards to surface water flooding, subject to the imposition of a suitably worded condition. Finally, there is no reason for me to conclude that the proposed development would be financially unviable to build out.

Conditions

30. I have identified the relevant timescales and plans in the interests of certainty. The usual timescales have been shortened with the agreement of the appellant in order to ensure that the development is built out as quickly as possible. Conditions are necessary to ensure that energy use is reduced as part of the development. Various conditions have been imposed in the interests of character and appearance, including those relating to landscaping, trees and materials. Other conditions are required to protect or enhance biodiversity.
31. Furthermore, additional conditions are necessary to preserve living conditions, and to prevent flooding and ensure adequate drainage, including taking account of peak groundwater levels. I have also imposed conditions to deliver accessible and adaptable dwellings, to ensure the construction process is managed effectively, to provide highway related works or travel information and to provide electric vehicle charging points in the interests of sustainability. A final condition relates to sewage disposal. I am aware of the statutory responsibility of Thames Water in this regard, however, given their comments made as a statutory consultee, I find that such a condition is necessary in this instance.
32. Several of these conditions require certain actions prior to the commencement of development. These are required as the matters they pertain to are issues that would need to be addressed at the earliest stages.

Planning Balance and Conclusion

33. It is not in dispute that the Council cannot currently demonstrate a 5-year supply of deliverable sites for housing. Indeed, at approximately 3.81 years the current shortfall is significant, and I have no evidence before me to suggest that this position is likely to improve in the short-term. In such circumstances, paragraph 11d and footnote 8 of the National Planning Policy Framework (the Framework) require that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole.
34. In this instance, the benefits of the proposal include the provision of up to 25 new dwellings, including affordable homes. This would assist in meeting need in the wider area, and provide support for local facilities while also providing economic benefits during the construction phase. The proposal would also provide public open space and improved pedestrian links to nearby bus stops. Given the extent of the shortfall in housing supply, and the reasonable scale of the proposal, it is clear that the benefits would be very significant in this instance.
35. I have concluded that there would be material harm in relation to the suitability of the site's location and in relation to Key View 2. However, as I have already established, the harm associated with these matters would only be limited in nature. I have also noted that there would be additional limited harm in relation to

both the effect on the wider character and appearance of the area, and the loss of agricultural land.

36. The support for the principle of development within the Framework is countered by the importance it places on the provision of development that is sustainably located and in particular, encourages the use of sustainable modes of transport. The Framework also places great emphasis upon ensuring that new developments preserve character and appearance. Given that the relevant development plan policies adhere to these aims, they must be given significant weight within this planning balance. Nevertheless, in this instance, it is apparent that the combined level of harm, when assessed against the policies in the Framework taken as a whole, would not significantly and demonstrably outweigh the benefits of the proposal. The proposal is therefore in accordance with the presumption in favour of sustainable development.
37. During the hearing there was some discussion on whether paragraph 14 of the Framework was engaged in this case. The paragraph states that, where a proposal conflicts with a Neighbourhood Plan, the adverse impacts of allowing it are 'likely' to significantly and demonstrably outweigh the benefits where the plan was made less than five years ago, and where it contains policies and allocations to meet an identified housing need. I note that the NP in this instance was made within the last five years, but that it does not contain any allocations for housing. Despite this, the Council still believe that paragraph 14 is engaged on the basis that the LP does not set out a housing requirement for Lewknor. I note that each party has provided appeal decisions which have interpreted this matter in different ways.
38. On balance it would appear appropriate to me to take a 'plain English' approach to the issue. On that basis, paragraph 14 would not be engaged as the NP does not contain allocations. Indeed, I particularly note that Planning Practice Guidance explicitly states that, where a qualifying body wishes to benefit from the protection afforded by paragraph 14, including allocations within the Neighbourhood Plan is important¹. As such, the matter before me is quite different to a recent appeal decision that the Council has sought to draw my attention to wherein it was concluded that a Neighbourhood Plan does contain allocations².
39. However, the issue of whether or not paragraph 14 is engaged is not a determinative feature of this appeal. Indeed, the paragraph states that, where the two clauses are met, it is only 'likely' that the adverse impacts would significantly and demonstrably outweigh the benefits of the proposal; it therefore does not state that it would be definite or even very likely. As such, the matter still requires the utilisation of legitimate planning judgement. In this instance, given the scale of the benefits, and the modest level of combined harm that I have identified, I still find that the adverse impacts do not significantly and demonstrably outweigh the benefits, even if paragraph 14 was considered to be engaged.
40. As a result of these matters, I conclude that the proposed development conflicts with the development plan when considered as a whole, including the relevant policies of the Neighbourhood Plan. However, there are material considerations, notably the provisions of the Framework, that indicate that the decision should be

¹ Paragraph: 096 Reference ID: 41-096-20190509

² Appeal ref: 6005839

taken other than in accordance with the development plan. The appeal is therefore allowed.

C Butcher

INSPECTOR

Richborough

Schedule of Conditions

- 1) That the development to which this permission relates shall be begun not later than whichever is the later of the following dates:
 - (a) the expiration of three years from the date of this permission; or
 - (b) the expiration of one year from the final approval of the reserved matters, or in the case of approval on different dates, the final approval of the last such matter to be approved.
- 2) Application for approval of all the Reserved Matters shall be made to the Local Planning Authority not later than 2 years from the date of this permission.
- 3) Details of the scale, appearance, landscaping, layout, and means of access within the site for the development hereby permitted (hereinafter referred to as 'the reserved matters') shall be submitted to and approved in writing by the Local Planning Authority before any development takes place and the development shall thereafter be carried out as approved. The submission of reserved matters applications pursuant to this outline planning permission shall demonstrate broad accordance with the Indicative Land Use Plan (333101922 - STN-GEN-SW-DR-MP-10F).
- 4) The development hereby approved shall be carried out in accordance with the following approved plans: Site Boundary Plan (drawing number 333101922 STN-GEN-SW-DR-MP-04F); Parameter Plan (drawing number 333101922 STN-GEN-SW-DR-MP-06E); and General Arrangement (drawing number 25111-JUBB-XX-ZZ-DR-H 0001 P5).
- 5) Concurrent with the submission of any reserved matters for built development, an Energy Statement, including SAP (Standard Assessment Procedure) calculations in line with the recognised methodology set by Government, demonstrating how the development will achieve at least a 50% reduction compared with code 2013 Building Regulations, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.
- 6) Accompanying any application for Landscaping reserved matters for the development hereby permitted, a scheme for the landscaping of the site, including the planting of live trees and shrubs, details of the tree species and the tree pits and the provision of boundary treatment shall be submitted to and approved in writing by the Local Planning Authority. These details shall include schedules of new trees and shrubs to be planted (noting species, plant sizes and numbers/densities), the identification of the existing trees and shrubs on the site to be retained (noting species, location and spread), any earth moving operations and finished levels/contours, and an implementation programme. The tree/s must be planted into site specific tree pits, which are to be a crated pit design that incorporates technology that will enable tree/s to successfully grow in hard surface environments. The pits must provide the significant quantities of growing medium required to allow the trees to become established and grow on to maturity, sustaining the trees in a healthy condition and allow for ease of maintenance.

The scheme shall be implemented in accordance with the approved details and thereafter be maintained in accordance with the approved scheme.

In the event of any of the trees or shrubs so planted dying or being seriously damaged or destroyed within 5 years of the completion of the development, a new tree or shrub or equivalent number of trees or shrubs, as the case may be, of a species first approved by the Local Planning Authority, shall be planted and properly maintained in a position or positions first approved in writing by the local Planning Authority.

- 7) Concurrent with the submission of each of the reserved matters, a maintenance schedule and a long-term management plan (for a minimum period of 20 years), for the soft landscaping works shall be submitted to and approved in writing by the Local Planning Authority. The Landscape Management Plan shall include:
- a. Details of long-term design principles and objectives;
 - b. Management responsibilities, maintenance schedules and replacement provisions for existing retained landscape features and any landscape to be implemented as part of the approved landscape scheme including hard surfaces, street furniture within open spaces and any play/youth provision;
 - c. A plan detailing which areas of the site the Landscape Management Plan covers and also who is responsible for the maintenance of the other areas of the site;
 - d. Summary plan detailing different management procedures for the types of landscape on site e.g. Wildflower meadows, native or ornamental hedgerows.

The schedule and plan shall be implemented in accordance with the agreed details.

- 8) Concurrent with the submission of a reserved matters application for the approval of landscaping details, a Biodiversity Enhancement Plan (BEP) shall be submitted to and approved in writing by the Local Planning Authority. The BEP should include: details of species enhancements including relevant scale plans and drawings showing the location, elevation, orientation and specification of features such as integrated bat and bird boxes (such that each dwelling has at least one integrated feature), log piles, hedgehog tunnels in fences etc., as appropriate. Thereafter, the biodiversity enhancement measures shall be developed on site and retained in accordance with the approved details. All enhancements shall be delivered prior to the final occupation of the development.
- 9) Concurrent with the submission of any reserved matters application, an updated Arboricultural Impact Assessment Report (AIA) and associated plans shall be submitted to and approved in writing by the Local Planning Authority. The AIA shall include the direct and indirect impacts of the proposed development on retained trees and where necessary recommend mitigation.

The above AIA report must also include a preliminary Arboricultural Method Statement (AMS), with the following details:

- (1) A detailed specification of any pruning or tree surgery works to any trees to be retained, to prevent accidental damage by construction or demolition activities;
- (2) The specification and location of temporary tree protective fencing and any ground protection required to protect all retained trees in accordance with the current edition of BS 5837 "Trees in relation to design, demolition and construction", and details of the timing and duration of its erection;
- (3) The definition of areas for the storage or stockpiling of materials, temporary on-site parking, site offices and huts, mixing of cement or concrete, and fuel storage;
- (4) The route and method of installation of drainage or any underground services in the vicinity of retained trees; Consideration will be made to avoid siting of utilities and service runs within the Root Protection Area (RPA) of all trees to be retained. Only where it can be demonstrated that there is no alternative location for the laying of utilities, will encroachment into the RPA be considered. Methodology for any installation works within the RPA will be provided and must be in compliance with the current edition of NJUG 'Guidelines for the planning and installation and maintenance of utility apparatus in proximity to trees'.
- (5) The details and method of construction of any other structures such as boundary walls in the RPA of retained trees and how these relate to existing ground levels;
- (6) The details of materials and method of construction of any roadway, driveway, parking, pathway or other surfacing within the RPA, which is to be of a 'No Dig' construction method, in accordance with the principles with in Arboricultural Association Guidance Note 12 "The use of cellular confinement systems near trees", and in accordance with current industry best practice; and is appropriate for the type of roadway required in relation to its usage.
- (7) Provision for the supervision of any works within the RPA of trees to be retained, and for the monitoring of continuing compliance with the protective measures specified, by an appropriately qualified arboricultural consultant, to be appointed at the developer's expense and notified to the Local Planning Authority, prior to the commencement of development; and provision for the regular reporting of continued compliance or any departure there from to the Local Planning Authority.

The approved AIA and AMS must then be adhered to for the duration of the construction of the development.

- 10) The reserved matters submission shall include a scheme for the protection of private amenity space and garden areas to be submitted to and approved in writing by the Local Planning Authority. The scheme shall ensure that, upon completion of the development, the level of noise in these areas is reduced as low as possible and in any event does not exceed 55 dB LAeq,16hour. The development shall be implemented in accordance with the approved details prior to occupation.
- 11) Prior to commencement of development, details of a scheme for protecting the proposed dwellings from external traffic noise shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall ensure that, upon completion of the development, good acoustic design will be used to achieve the following internal noise limits:

- a. bedrooms shall achieve a 16-hour LAeq (07:00 to 23:00) of 35dB, and an 8-hour LAeq (23:00 to 07:00) of 30dB, with individual noise events not exceeding 45dB LAFmax more than 10 times (23:00 – 07:00 hours)
- b. living rooms shall achieve a 16-hour LAeq (07:00 to 23:00) of 35dB
- c. dining rooms shall achieve a 16-hour LAeq (07:00 to 23:00) of 40dB

The development shall be implemented in accordance with the approved details prior to occupation.

- 12) Prior to the commencement of development, a full surface water drainage scheme, including details of the size, position and construction of drainage works, shall be submitted to, and approved in writing by the Local Planning Authority. The drainage scheme shall be designed to accommodate a 1 in 100 year storm + 40% CC and shall be implemented in accordance with the approved details prior to the occupation of the development hereby approved.
- 13) Prior to the commencement of development, a full foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the size, position and construction of the drainage scheme, all coupled with calculations to evidence this. Thereafter the scheme as approved shall be implemented prior to the occupation of the development hereby approved.
- 14) Prior to the commencement of development, details of the wheel washing facilities shall be submitted to and approved in writing by the Local Planning Authority. The wheel washing facilities shall be established within the site in accordance with the approved details and shall be kept in operation at all times during demolition and construction works.
- 15) No development shall take place, including vegetation clearance, demolition or ground works, unless and until a construction environmental management plan for Biodiversity (CEMP: Biodiversity) is submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include the following:
 - a) Updated ecological surveys for relevant habitats and species (for any previous surveys that are over three years old, in line with CIEEM guidance). Updated surveys shall follow national good practice guidelines.
 - b) Risk assessment of potentially damaging construction activities.
 - c) Identification of “biodiversity protection zones”, and the usage of protective fences, exclusion barriers and warning signs (as appropriate) to protect these.
 - d) Reasonable avoidance measures (both physical measures and sensitive working practices, including timing of works) to avoid, reduce or mitigate the impacts on important retained habitats (e.g. hedgerows) and protected species (see below) during construction.
 - Badger, hedgehog and other small animals (including measures to be employed to avoid these species becoming trapped in excavations)
 - Nesting birds (including vegetation clearance timings and/or arrangements for ecological supervision)

- Amphibians (including details of a directional two-stage cutting regime to encourage any amphibians out of the works area, rules for siting building materials and waste to avoid them being used as temporary refuges).
- e) The times during construction when specialist ecologists need to be present on site to oversee works, or to deliver toolbox talks.
- f) Responsible persons and lines of communication.

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

- 16) Prior to the commencement of development above slab level hereby approved, a photographic schedule of all materials to be used in the external construction and finishes of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.
- 17) Prior to the first occupation of the development hereby permitted, the proposed means of access onto Watlington Road and the proposed pedestrian access onto the B4009 are to be formed and laid out and constructed strictly in accordance with the local highway authority's specifications and all ancillary works specified shall be undertaken.
- 18) The proposed visibility splays at the Watlington Road vehicular access and pedestrian access, shall be formed, laid out and constructed in accordance with plan number 25111-JUBB-XX-ZZ-DR-H 0001 P5 prior to the first occupation of the proposed development. The visibility splays shall not be obstructed by any object, structure, planting or other material with a height exceeding or growing above 0.8m metres as measured from carriageway level.
- 19) Prior to the first occupation of the development hereby permitted, a Residential Travel Information Pack shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, upon occupation, the first residents of each dwelling shall be provided with a copy of the approved Travel Information Pack.
- 20) Prior to the first occupation of any dwelling hereby approved, a scheme to provide each dwelling with Electric Vehicle Charging Points shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the provision of each Electric Vehicle Charging Point shall be implemented prior to the occupation of the dwelling it would serve.
- 21) Prior to the first occupation of each house type, an Energy Statement Verification Report shall be submitted to the Local Planning Authority and approved in writing. The Verification Report(s) shall demonstrate (with photographic evidence) that the energy efficiency measures agreed in Condition 5 for each dwelling have been implemented. These measures shall be retained and maintained as such thereafter in accordance with the Energy Statement and Verification Report.
- 22) No external lighting shall be installed on site unless and until a sensitive lighting strategy for bats is submitted to and approved in writing by the Local Planning

Authority. The strategy shall protect the conservation status of local bat populations, by: a) identifying those areas/features on site that are likely to be both sensitive for bats and vulnerable to disturbance from artificial lighting, including: known or potential breeding sites, resting places, foraging areas or important routes used to access key areas of their territory. b) demonstrating that the design and siting of the proposed lighting installation will not disturb or prevent bats using the areas identified in a) (through provision of appropriate lighting plans, isolux contour maps and technical specifications for the specific lighting units to be installed). All external lighting shall be installed in accordance with the specifications and locations set out in the approved strategy. Under no circumstances should any other external lighting be installed without the written approval of the Local Planning Authority.

- 23) The reserved matters submitted pursuant to Condition 2 shall include details to demonstrate that all the affordable housing and at least 15% of the General Market Housing Units including First Homes shall be designed to be accessible and adaptable dwellings in accordance with Part M(4) Category 2 of the Building Regulations 2010.
- 24) No development shall be occupied until confirmation has been provided that either: all sewage works upgrades required to accommodate the additional flows from the development have been completed; or a development and infrastructure phasing plan has been agreed with the Local Planning Authority to allow development to be occupied. Where a development and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan.

List of Attendees

For the Council

Rowan Clapp
Catherine Scotting
Ben Duffy
Andy Heron

For the Appellant

Killian Garvey – Advocate
David Murray
Will Gardner
Clive Bentley
Stuart Tym

For Oxfordshire County Council

Karyn Chesterman
Judith Goodwin
Claire Bennett

Others

Katie Forster
Peter Gardner
Cllr Georgina Heritage
Sarah Hodge

Richborough