

VALE OF WHITE HORSE DISTRICT COUNCIL

LOCAL PLAN PART 1 EXAMINATION HEARING

INSPECTOR'S REQUESTS FOR INFORMATION FROM THE COUNCIL

INSPECTOR'S REQUEST:

Council to provide a copy of the committee report and decision notice for the Chilton Fields planning approval adjacent Harwell Campus.

COUNCIL'S RESPONSE:

This planning application was determined by the Council's Planning Committee. A copy of the committee report and the subsequent Notice of Permission dated 18 November 2009 is attached.

CHI/16952/1-X – UKAEA

Residential development with associated community facilities and access. Land to the south of Chilton Field, Avon Road, Chilton.

1.0 **The Proposal**

- 1.1 This is an outline application for the provision of 275 houses with associated community facilities and access on an allocated housing site at Chilton Field, Chilton. This site lies to the south east of the Harwell International Business Centre, south of the recently built Diamond Synchrotron building and immediately north and west of Chilton Primary School. All detailed matters are reserved for future consideration, apart from access. A copy of the site plan is attached at **Appendix 1**. The application is also accompanied by an illustrative layout plan which is attached at Appendix 2.
- 1.2 The site, which lies within the North Wessex Downs Area of Outstanding Natural Beauty, comprises 14.8 hectares (36.8 acres) of partially undulating green field land. The land falls within the boundary of the Harwell complex and was formerly used in the main as a storage area (used by the RAF to dump waste materials and known as the Southern Storage Area (SSA)) with some housing along the northern and eastern boundaries (see plan attached at **Appendix 3**). Although the application site and allocation extend to 14.8 hectares, not all of this area will be developed for housing. The site accommodates a number of TPO'd trees. It is separated from the main village of Chilton by the A34, although an underpass and footbridge exist across the dual carriageway linking the two.
- 1.3 A new access road to the site is to be provided onto the A4185, which involves the improvement of the junction currently giving access to the garden centre and primary school, close to the slip road exit from the A34.
- 1.4 The application has been submitted with an Environment Impact Assessment (EIA) which seeks to address the impact of the development on the Area of Outstanding Natural Beauty. A copy of the EIA is available on the planning file should Members wish to read it. A summary of this document's summary and conclusions is attached at **Appendix 4**.

2.0 **Planning History**

- 2.1 In 1999, a 14.5 hectare site in the south east corner of the Harwell complex was allocated in the previous Local Plan for the provision of 275 dwellings. This number comprised 200 prefabricated dwellings which had been cleared from the site and adjoining land and an additional 75 dwellings which had been allocated for this part of the District.
- 2.2 In June 2000, outline planning permission was granted for the redevelopment of the then allocated site (an area of land to the north that slightly overlaps the current application site) for the creation of 275 dwellings (ref: CHI/1541/1-X). A plan showing the site is attached at **Appendix 5**. An application to extend this permission was made in 2002 (ref: CHI/1541/2) and Committee resolved to grant this subject to a Deed of Variation to the original Section 106, signed in 2000. However, this Deed was never completed because by this time the Diamond Synchrotron building had been granted planning permission and this encroached into part of the site.
- 2.3 In May 2001, a further outline application for residential development was made on an amended site in May 2001 (ref: CHI/1541/X). This amended site area took account of the location of the Synchrotron building and moved the housing in a southerly direction. This amended siting reflected that proposed in the First Deposit Draft Local Plan. Once again, the application was considered favourably by Committee but the required Section 106 agreement was never

Report 94/06

completed and thus no formal planning permission was ever issued.

- 2.4 However, due to the need to plan for the potential future expansion of Synchrotron, the location of the proposed area for the 275 houses was further amended during by the Second Deposit Draft of the now adopted Local Plan. This amended area was accepted by the Local Plan Inspector and now forms part of the newly adopted Local Plan and is the basis of the current application.

3.0 **Planning Policies**

- 3.1 The application site is allocated for 275 dwellings in the newly adopted Local Plan (Policy H8). The other relevant Local Plan policies are Policy NE6 (The North Wessex Downs Area of Outstanding Natural Beauty), which seeks to conserve and enhance the natural beauty of the landscape and Policy H17 that seeks to secure 40% of the development as affordable housing.
- 3.2 Policy EN1 of the Oxfordshire Structure Plan requires development in the County to protect, maintain and where possible enhance the landscape character, particularly the natural beauty of the landscape.

4.0 **Consultations**

- 4.1 Chilton Parish Council objects – see various letters attached at **Appendix 6**.
- 4.2 County Highways Engineer has no objections subject to conditions and highway contributions– letters attached at **Appendix 7**.
- 4.3 County Development Funding Officer – requires financial contributions for primary and secondary school education, library service, waste management, museum, social and health care, local transport infrastructure and public transport.
- 4.4 Environment Agency – no objections subject to conditions
- 4.5 Highways Agency - no objection but recommends no more than 300 houses on the site and that none of the development is brought into use until the A34 slip road alterations have been constructed and brought into use.
- 4.6 South East Regional Assembly – comments attached at **Appendix 8**.
- 4.7 Thames Water – no objection but requests that impact studies and drainage details be conditioned.
- 4.8 Countryside Agency – see letter attached at **Appendix 9**
- 4.9 North Wessex Downs AONB – see letter and email attached at **Appendix 10**.
- 4.10 English Nature – no comments on application.
- 4.11 Health and Safety Executive – no objections on health and safety grounds.
- 4.12 County Ecologist – no objection from an ecological point of view but layout of development at reserved matters stage will be very important to reduce the impact of the development.
- 4.13 County Archaeologist – recommends PPG16 condition.

- 4.14 Friends of The Ridgeway – would favour an alternative site for this development because the proposed development will be visible from The Ridgeway and will cause light pollution.
- 4.15 Consultant Architect – appreciates that the proposed layout plan is illustrative only, but it does not “demonstrate a very promising likelihood of the detailed application being acceptable in due course. It strongly implies a predominance of similar terraced or semi-detached houses with few focal points, gateways, or landmark buildings to give the development personality. Moreover, it seems surprising to me to locate a number of terraces with gable ends towards what I take to be communal landscaped open space. Clearly there is a long way to go and much will depend on the housing mix which your policies seek for this site. However, I strongly recommend that trying to persuade the applicants to provide a greater range of building types, perhaps including some blocks of flats, which are not an apparent element of the layout provided.”
- 4.16 Architects Panel – “the site is very prominent and highly visible from the Ridgeway and AONB and great design care is needed at the detail staged.”
- 4.17 Council’s Arboricultural Officer – Illustrative design results in the loss and threatened loss of many TPO trees. (Note : since submitting the illustrative layout plan for the site, the applicants have confirmed that no TPO trees will be removed as part of the development).
- 4.18 Drainage Engineer – requests drainage strategy condition.
- 4.19 Environmental Health – request contamination standard condition MC34.
- 4.20 17 letters of objection summarised as follows:
- Proposed development will significantly damage the character and appearance of the Area of Outstanding Natural Beauty contrary to national and local policies;
 - Results in the loss of mature trees and bushes on the site some of which are TPO’d;
 - Development will result in significant light pollution;
 - Principle of development on this site completely wrong;
 - Increased traffic problems particularly in rush hour;
 - Have alternative less obtrusive sites been sought?
 - Application result in urban development in rural area;
 - Number of houses will almost double size of Chilton and will be difficult to assimilate into community;
 - There should be no housing beyond the existing line of Severn Road and the Southern Storage Area;
 - Question over suitability of building on remediated land;
 - New access road unacceptable so close to A34 slip road;
 - Development site is not all previously developed land;
 - Adjoining Upper Farm should be protected from noise impact;
 - Development will have wider impact on traffic along the already congested A4185;
 - Development is not linked with Harwell site or Chilton village making the development reliant on the private car;
 - The application involves stopping access near school;
 - Parking near school also needs to be retained;
 - Concern about the sustainability of a community room (for the new development) and the village hall. Village hall should be extended and community room should be a youth centre or not provided at all. Main service area of Didcot is 3½ miles away;
 - The site is on the edge of a nuclear licensed site and additional beam lines from the Diamond building may affect the development;
 - Development should there be refused on health risk grounds;
 - Development will put further pressure on already dwindling water supplies in the area;

- Local wildlife and ecology needs to be considered. Transport assessment is insufficient;
- Bus services described are not those available to Chilton Village residents;
- Site lacks the necessary facilities for 275 houses.

Specific comments made regarding the Environmental Statement: EIA does not take into account major viewpoint. Visual impact comparisons with Synchrotron are not valid and there are some inaccuracies in the plans in relation to existing trees on the site.

5.0 **Officer Comments**

Application History

- 5.1 This application was originally submitted in July 2005 but its determination has been held in abeyance due to the need for an Environmental Statement to be submitted to address the environmental impact of the development on the North Wessex Downs Area of Outstanding Natural Beauty. This Statement was initially submitted in November 2005 but was not considered to meet the requirements of the Environmental Impact Assessment Regulations. As a result, a revised Statement was requested which was submitted at the end of June of this year.
- 5.2 However, notwithstanding this delay, negotiations with your Officers regarding the proposed development, and the contributions required for it, were undertaken in the main in the autumn of 2005. This is of particular relevance in respect of the affordable housing contribution required for the site which is referred to in paragraph 5.4 below.

Planning Policy

- 5.3 At the time the application was submitted in July 2005, the proposed allocation of the site for 275 houses had not been confirmed. However, the allocation has now been adopted in the new Local Plan and, therefore, the principle of the development of 275 houses on the site has been established. The site falls within the North Wessex Downs AONB and this will require that any development of the site is undertaken in a very sensitive manner in order to mitigate its impact. There have been a number of objections received to the principle of the development in this location on the basis that it conflicts with the AONB designation and relevant policies and because of its unsustainable location and scale in comparison with Chilton Village. However, all of these issues will have been taken into account by the Local Plan Inspector in recommending the site. Therefore, as this site is now included in the newly adopted Local Plan, your Officers consider that there are no overriding grounds to object to the development of the application site for 275 houses. This view also relates to the comments made by the South East England Regional Assembly.
- 5.4 The other important policy change relates to affordable housing. The new affordable housing policy requires developments of 15 houses or more to provide 40% of the dwellings as affordable. However, at the time this application was submitted, the Council's policy was for 25% and it was on this basis that the level of affordable housing was negotiated in 2005. The applicant's are aware of the policy change but argue that the figure of 25% is acceptable in this case because of the timing of the application and your Officers have some sympathy with this view given that other applications negotiated before the Inspector's report was received were not required to provide the higher level of affordable housing. For information, when planning permission in was granted on the alternative site in 2000 the amount of affordable housing secured was 14.5%.

Environmental Impact Assessment and Illustrative Layout

- 5.5 Due to the scale of the proposed development and the sensitivity of its location in the AONB, the Council determined that the application required an Environmental Impact Assessment which was satisfactorily submitted in June this year. The submitted Statement attempts to quantify the impact of the development on the AONB and makes recommendations as to how the impact of the development could be mitigated.
- 5.6 The Environmental Statement has had to make certain assumptions about the nature of the development because the application is in outline and it may well be the case that any future reserved matters or full application on the site will require a further EIA. Whilst rejecting the first Environmental Statement, your Officers consider the second submission to be acceptable, although this document has been the subject of comments and concerns from the Planning Advisor to the North Wessex Downs AONB, the Countryside Agency, the Parish Council and a number of third parties. The applicant's consultants have attempted to address some of these concerns in the letter from SLR Consulting attached at **Appendix 11**. However, as this is an outline application, it is understandably difficult for the applicants to address some of the detailed queries raised. Nevertheless, it is considered that the size of the site allows for sufficient flexibility to ensure that the impact of the form and location of development can be minimised.
- 5.7 Although the application has been submitted with an illustrative layout plan (**Appendix 2**) the form of development indicated is not considered acceptable. The layout is very suburban in character and is dominated by semis and short terraces of housing. Apart from issues of design, it is difficult to see how this type of layout is capable of achieving a good housing mix on the site. Your Officers are of the view that the layout of this site needs to be rethought and this view is supported by the Architects Panel and the Consultant Architect. It is recommended that an informative to this effect be attached to any planning permission.

Highway Issues

- 5.8 The application proposes a new access road leading from the development (to the north of the primary school) to the A4185 at its junction with the former A34 (the lane that now serves the primary school and garden centre). This junction would be improved, as would the nearby slip road off the A34. The County Engineer does not object to the proposal subject to highway financial contributions and conditions. As a result of concerns expressed by the Parish Council, who undertook two traffic studies in the area, the County Engineer met Parish representatives in January 2006 but this did not affect his overall view of the development.
- 5.9 This meeting also highlighted the importance of strengthening pedestrian and cycle links between the site and Chilton village. There is currently a bridge and an underpass crossing the A34. The underpass presents more of an opportunity to provide access for all, and Officers support the Parish's view that this underpass should be improved as part of any planning permission for the site. This would involve resurfacing and improvements to lighting, and the applicant is happy to agree to this subject to it being a reasonable cost. As the proposed works are mainly cosmetic, it is unlikely that these works would be prohibitively expensive. Clarification of the cost is awaited from the County Council.

Section 106 Contributions

- 5.10 Attached at **Appendix 12** is a list of contributions proposed by the applicant. This list reflects the contributions agreed as part of the Section 106 signed in 2000 and subsequent planning applications (although these legal agreements were never completed). You will see that the list includes a new community room for the new development. The Parish Council is very keen that money should also be made available to extend and improve Chilton village hall. Whilst this

request is understandable, it would be difficult to justify both contributions and as the distance from the application site to the village hall is quite considerable it is considered that there is more likelihood of a site-based community building being used by the new residents. As such, Officers are not recommending a change to this part of the agreement. However, the Parish Council has raised a valid point regarding the need for the future maintenance of the community room and other facilities. This does need to be addressed and one method would be to require a management company to be set up to maintain all the proposed communal facilities. This could be included either in the Section 106 agreement or be dealt with by condition.

5.11 In addition to the above, the following financial contributions are required by the County Council:

Primary School - £500,614
Secondary School – between £507,150 and £1,115,730
Special Education Needs - £18, 050
Library service - £66,654
Waste management - £24,185
Social and Health care - £20,525
Highways - £199,013.87

Total £1,336,191.87 (or £1,944,771.87)

5.12 Members will note that the secondary school figure has not yet been finalised. The County Council is still negotiating this with the applicants and an update will be given at the Meeting. The County Council is also seeking a further £71,500 towards public transport. This has not been agreed by the applicants, who are investigating the cost of a minor re-routing of an existing local bus service with the operator. An update on this issue will also be given at the Meeting.

5.13 As mentioned above, the Council will also be seeking contributions to improve and upgrade the underpass under the A34 and the maintenance of the proposed community facilities, if this is not dealt with by condition.

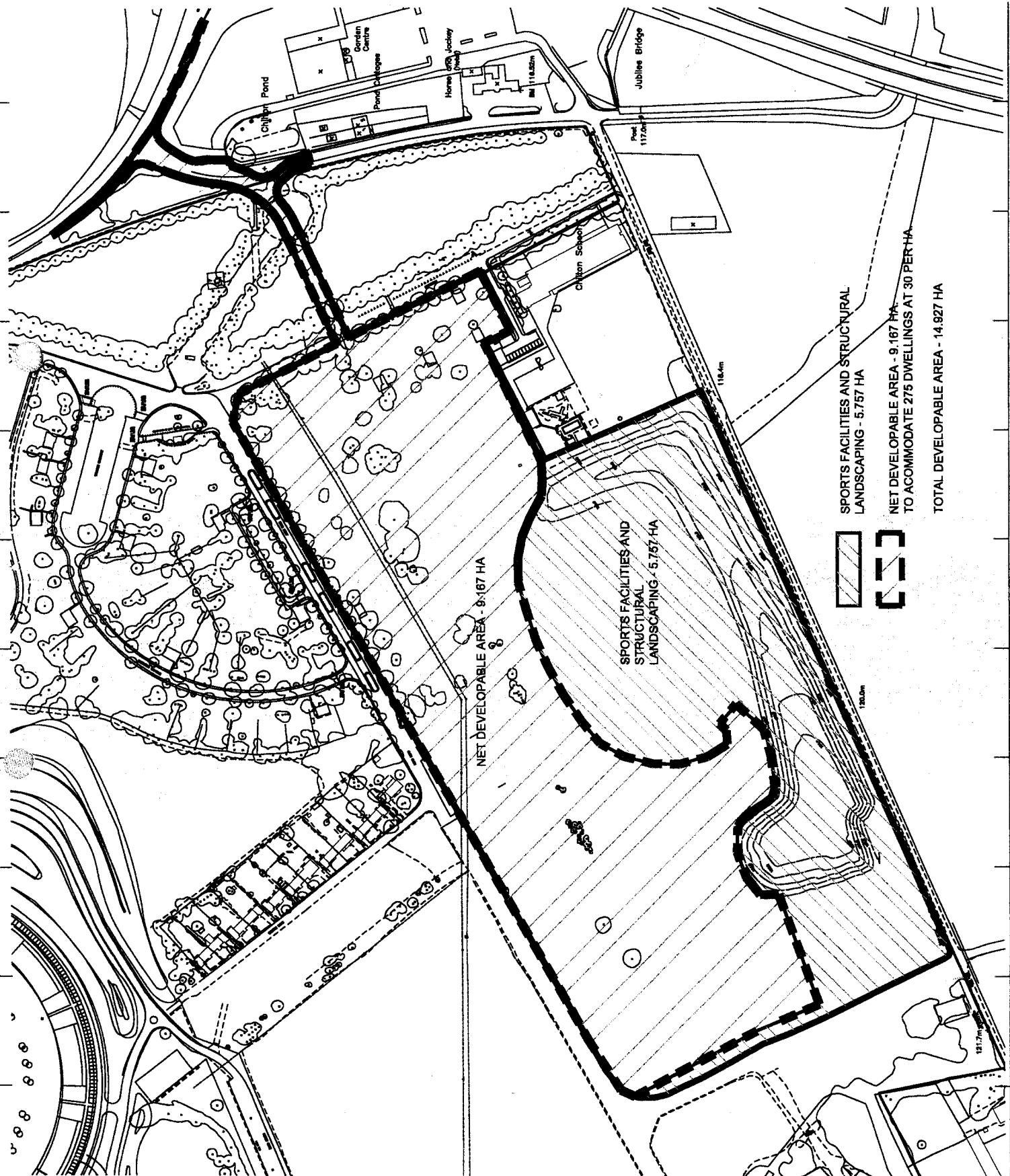
6.0 **Recommendation**

6.1 *that authority be delegated to the Chief Executive in consultation with the Chair and/or Vice Chair of the Development Control Committee to either: -*

- (i) permit the application subject to a Section 106 agreement to secure the contribution referred to above and subject to the necessary conditions; or*
- (ii) in the event that the Section 106 agreement is not signed and completed by 26th October 2006, refuse the application because the necessary contributions required to mitigate the impact of the development have not been secured.*

APPENDIX 1

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APPENDIX 2

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WALE OF WAITE ROADS
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Client: **UKAEA**
Project: **Chilton Field**

Decision: **Illustrative layout showing residential development**

Scale: 1:1250
Date: 11/25/95
Drawing number: 7120
Revision: SK49

CH/16952/1-X

Drawn: Preliminary
Scale: 1:1250
Date: 11/25/95
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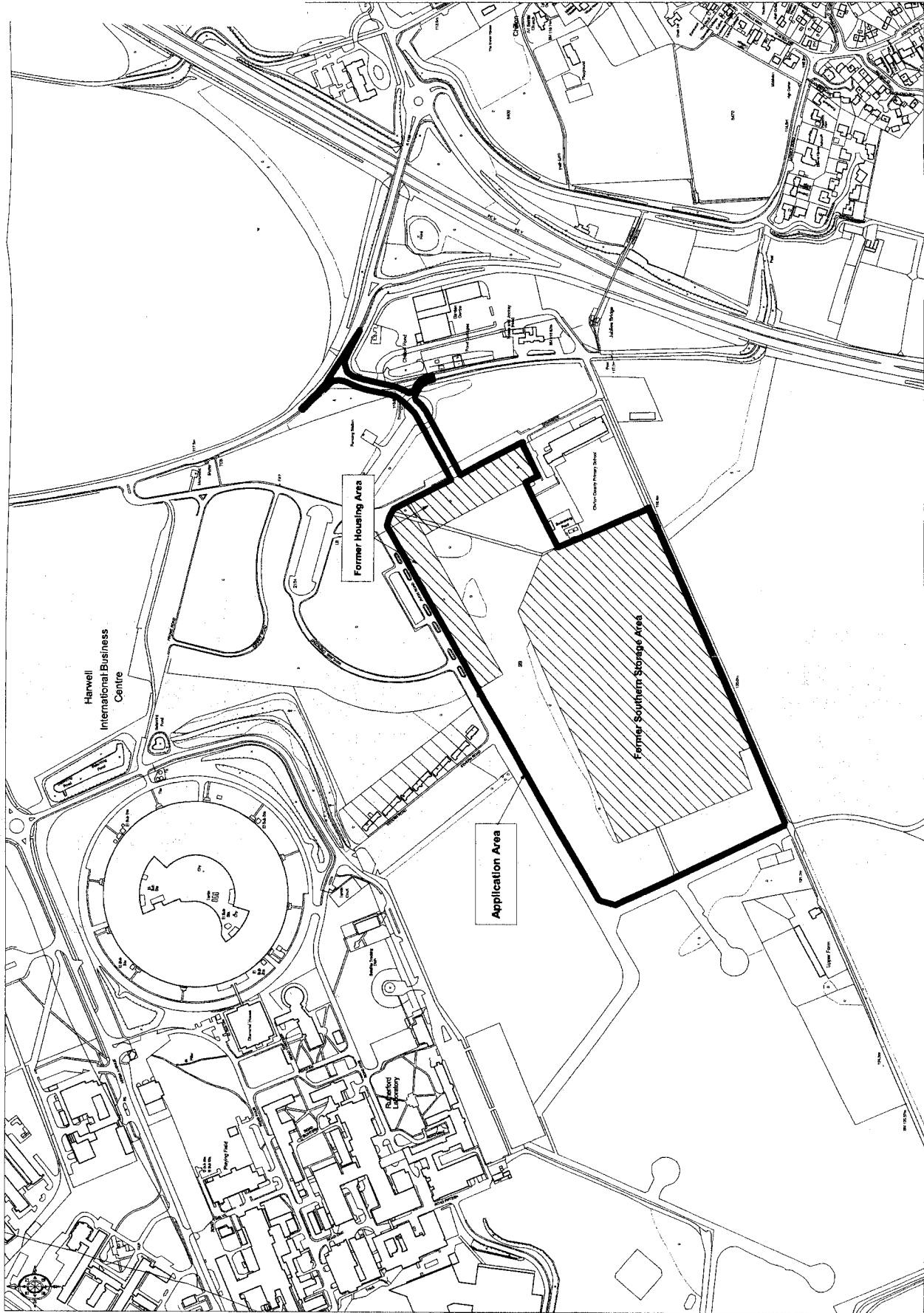


APPENDIX 3

VALUATION
SHED 3 4 11/11/2015
COTTONWOOD
5000000007

KEMP
KEMP

- Chilton Field Previous uses of Parts of the Application Site



Scale 1:5000

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OS
Ordnance
Survey



TOWN AND COUNTRY PLANNING ACT 1990

NOTICE OF OUTLINE PERMISSION

To:
United Kingdom Atomic Energy Authority
c/o Kemp And Kemp
Elms Court
Botley
OXFORD
OX2 9LP

Application No: **CHI/16952/1-X**

Proposal:
Residential development with associated community facilities and access.

Address:
Land To The South Of Chilton Field Avon Road Chilton Didcot Oxon

DATE OF DECISION: 18th November 2009

The Vale of White Horse District Council, in pursuance to powers under the above Act, hereby **PERMIT** the above development to be carried out in accordance with the application and accompanying plans submitted by you, subject to compliance with the **conditions** specified hereunder.

1 The development to which this permission relates shall be begun within a period of two years from the date of the approval of the reserved matters or, in the case of different dates, the date of the approval of the last reserved matter to be approved. The application(s) for the approval of all reserved matters shall be made to the Local Planning Authority within a period of three years from the date of this permission.

2 Within a period of three years from the date of this permission, details of the layout, scale and appearance of the development and the landscaping of the site (the "reserved matters") shall be submitted to and approved in writing by the Local Planning Authority. No development shall be commenced prior to the approval of all of the reserved matters, and the development shall be carried out in accordance with all of the reserved matters.

3 Prior to the commencement of development, samples of all materials to be used externally in the construction shall be submitted to and approved in writing by the Local Planning Authority. The development shall be built using only the approved materials.

4 All hard and soft landscape works shall be carried out in accordance with the details and programme approved under Condition above. Thereafter, the landscaped areas shall be maintained for a period of 5 years. Any trees or shrubs which die or become seriously damaged or diseased within 5 years of planting shall be replaced by trees and shrubs of similar size and species to those originally planted.

5 Prior to the commencement of development, an arboricultural method statement to ensure the protection of trees on the site during construction shall be submitted to and approved in writing by the Local Planning Authority. No works shall be carried out on site (including any demolition works) before the arboricultural method statement has been approved. The arboricultural method statement shall include details of the following:

1. The location, materials and means of construction of temporary tree protective fencing and/or ground protection measures (in accordance with BS 5837/2005 'Trees in relation to Construction');
2. The programme for implementing and retaining such tree protection measures;
3. Any works to trees (in accordance with BS 3998/1989 'Tree Works') to be carried out to prevent accidental damage by construction activities.

All works shall be carried out in accordance with the approved arboricultural method statement. At all times during construction, the tree protected areas shall not be used to park or manoeuvre vehicles, site temporary offices or other structures, store building materials or soil, mix cement/concrete or light bonfires.

6 Notwithstanding any details shown on the approved drawings, the site's internal and external boundaries shall be enclosed in accordance with a detailed scheme and programme of implementation which shall first have been submitted to and approved in writing by the Local Planning Authority. The programme shall ensure that the approved boundary treatments for each dwelling are completed prior to the occupation of that dwelling, and the approved boundary treatments for the whole site are completed prior to the occupation of the last dwelling.

7 No development shall take place until a scheme of archaeological investigation (including the area to be investigated, a programme of archaeological excavation, recording any finds and publishing the results) has been submitted to and approved in writing by the Local Planning Authority. The approved scheme of investigation shall be implemented prior to the commencement of any new development hereby permitted.

8 No development shall commence until the following phased Contaminated Land Risk Assessment has been carried out by a competent person in accordance with Defra and the Environment Agency's 'Model Procedures for the Management of Contaminated Land, CLR 11':

1. Phase 1 - a desk study and site walk over to identify all potential contaminative uses on site and to inform a preliminary assessment. If potential contamination is identified then Phase 2 shall be undertaken.
2. Phase 2 - a comprehensive intrusive investigation to identify the type, nature and extent of contamination present, the risks to users/occupiers of the development, and to inform the required remediation scheme. If significant contamination is found then Phase 3 shall be undertaken.
3. Phase 3 - the production of a Remediation Report to ensure the site is rendered suitable for its proposed use. The Remediation Report shall include works to be carried out

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and a programme of such works, and shall first have been submitted to and approved in writing by the Local Planning Authority. No development shall be used or occupied until all remediation works have been carried out in accordance with the approved Remediation Report. Following implementation of the remediation works, a Validation Report detailing all of the measures carried out to ensure compliance with the Remediation Report shall be submitted to and approved in writing by the Local Planning Authority.

All works to comply with each phase of the Contaminated Land Risk Assessment shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.

9 Prior to the commencement of development, a detailed scheme for the surface water and foul water drainage of the development shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented prior to the occupation of any new building.

10 The development hereby permitted shall not be occupied until the existing vehicular access junction into the site has been remodelled as shown on approved plan 03081/185.

11 There shall be no more than 275 dwellings provided on the site and these units shall be provided only within the developable area identified on approved plan HAR/107, received by the District Planning Authority on 9th June 2006.

12 The surface water drainage scheme submitted in connection with Condition 9 shall be in line with the outline Flood Risk Assessment and shall include sustainable drainage techniques.

13 Development approved by this permission shall not be commenced unless the method for piling foundations or any other foundation designs have been submitted to and approved in writing by the District Planning Authority. The foundations shall thereafter be undertaken only in accordance with the approved details.

14 If during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the District Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the District Planning Authority for, an addendum to the Method Statement. This addendum to the Method Statement must detail how this unsuspected contamination shall be dealt with.

The REASONS for the Council's decision to grant permission for the development subject to compliance with the conditions hereinbefore specified are:

- 1 To comply with the requirements of Section 92 of the Town & Country Planning Act, 1990.
- 2 The application has been made for outline planning permission and is not accompanied by the details of these reserved matters
- 3 In the interest of visual amenity (Policy DC1 of the adopted Local Plan).

- 4 To ensure the implementation of appropriate landscaping which will improve the environmental quality of the development (Policy DC6 of the adopted Local Plan).
- 5 To protect the hedgerow/trees in the interest of visual amenity (Policy DC6 of the adopted Local Plan).
- 6 In the interests of visual amenity and residential amenity (Policies DC1 and H24 of the adopted Local Plan).
- 7 To enable a proper archaeological investigation of the site and the identification and recording of any items of archaeological importance (Policy HE11 of the adopted Local Plan).
- 8 To ensure that any ground, water and associated gas contamination is identified and all necessary remediation works are carried out in the interest of the safety of the development and the environment, and to ensure the site is suitable for the proposed use (Policies DC10 and DC12 of the adopted Local Plan).
- 9 To ensure the effective drainage of the site and to avoid flooding (Policy DC14 of the adopted Local Plan).
- 10 In the interests of highway safety in accordance with Policy DC5 of the adopted Local Plan.
- 11 In order to define the permission in accordance with H8 of the adopted Local Plan.
- 12 To prevent the increased risk of flooding, improve water quality, maximise the value of the wildlife of the drainage features and to prevent pollution of the water environment.
- 13 The site is potentially contaminated at depth and piling could lead to the contamination of groundwater in the underlying aquifer.
- 14 To ensure that the development complies with approved details in the interests of protection of Controlled Waters.

INFORMATIVE(S)

Planning permission has been granted as the proposed development is considered to comply with the provisions of the development plan, in particular Policies H8 and NE6 of the adopted Vale of White Horse Local Plan.

For the avoidance of doubt, the Applicant is advised that the illustrative layout shown on drwg no. 7120 SK49 Rev P5 is not considered acceptable by the District Planning Authority and it is recommended that the Applicant may wish to involve CABE in the redesign of the development.

The 69 affordable dwellings which are to be provided as part of this development should be well dispersed throughout the development.

The applicant's attention is drawn to the additional advice from the Environment Agency set out in its letter dated 13th January 2006.

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This Decision relates to the following Drawings:

Drawing No. HAR 107 ; Received on 9 June 2006



Adrian Duffield
Head of Planning