**SCHEDULE OF DRAF CONDITIONS – S78 Permission**

1. The site shall not be occupied other than by Darren Smith, Milo Lee and Darren Lee, and their respective resident dependants, and shall be limited for a period of 5 years from the date of this permission. At the expiration of a period of three 5 years, or when the premises cease to be occupied by those named above, whichever shall first occur, the use hereby permitted shall cease and all mobile homes/caravans, hardstandings, concrete bases, septic tanks, soakaways, outdoor lighting, CCTV installations, close boarded fences, entrance pillars and gates and other materials and equipment brought on to the land, or works undertaken to it in connection with the use, shall be removed from the land and the land restored to its former condition by the grading and levelling the soil and the sowing of a general purpose meadow grass mix to all disturbed areas.

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| Alternative options should the Inspector find a non-personal permission, or permanent personal permission acceptable:Option 1 – Non-Personal, Permanent:*The site shall not be occupied by any persons other than Gypsies and Travellers, defined as 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 dependants’ educational or health needs or old age have ceased to travel temporarily or permanently, and all other persons with a cultural tradition of nomadism or of living in caravans, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.* Option 2 – Personal, Permanent:*The site shall not be occupied other than by Darren Smith, Milo Lee and Darren Lee, and their respective resident dependants. When the premises cease to be occupied by those named above, the use hereby permitted shall cease and all mobile homes/caravans, hardstandings, concrete bases, septic tanks, soakaways, outdoor lighting, CCTV installations, close boarded fences, entrance pillars and gates and other materials and equipment brought on to the land, or works undertaken to it in connection with the use, shall be removed from the land and the land restored to its former condition by the grading and levelling the soil and the sowing of a general purpose meadow grass mix to all disturbed areas.* |

Reason: To ensure the permission is exercised only by the applicant having regard to the personal circumstances of the case; to secure the proper planning of the area; secure the allocation of lands more suitable for provision Gypsy and Traveller sites; safeguard the long term intrinsic character of the countryside H14, ENV1, DES1, DES2, ENV12 and DES6 of the South Oxfordshire Local Plan 2035; and policies TOW1 and TOW4 of the Towersey Neighbourhood Plan.

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| **Appellant Comments** | *Permanent, non-personal permission is appropriate, and should only be made personal or temporary if site not found to be suitable for permanent occupation and/or if the personal circumstances tip the balance in favour of permission.* |
| **LPA Response**  | *For the Inspector to decide.* |

1. The development hereby permitted shall be carried out in accordance with the following approved plans, except where details are required to be submitted under conditions 3, 4 and 5 below :– Site Location Plan Drawing No. LOC-001; Site Layout Plan Drawing No. SIP-001; and Post & Rail Fence Drawing No. PBA2.

Reason: To secure the proper planning of the area in accordance with the Development Plan.

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| **Appellant Comments** | *Agreed* |
| **LPA Response**  |  |

1. The use hereby permitted shall cease and all mobile homes/caravans, hardstandings, concrete bases, septic tanks, soakaways, outdoor lighting, CCTV installations, close boarded fences, entrance pillars and gates and other materials and equipment brought on to the land, or works undertaken to it in connection with the use, shall be removed from the land and the land restored to its former condition by the grading and levelling the soil and the sowing of a general purpose meadow grass mix to all disturbed areas, within 4 months of the date of failure to meet any one of the requirements set out in (i) to (iv) below:
2. Within 4 months of the date of this decision, and notwithstanding the details shown on Site Layout Plan Drawing No.SIP-001, a ‘site development scheme’ shall be submitted for the written approval of the local planning authority. The scheme shall include:

* 1. the proposed internal layout of the site, including the full extent of the proposed residential pitches, the location of the mobile homes, touring caravan, vehicle parking and manoeuvring areas, cycle parking facilities, outdoor amenity areas, buildings, hardstandings, concrete bases, septic tanks, soakaways, all boundary treatments and other internal means of enclosure;
	2. details of proposed soft landscaping to better assimilate the development into the existing landscape, including a planting schedule and specification;
	3. details of all proposed external lights designed by a qualified lighting engineer to a standard compliant with an E2 Environmental Management Zone as defined by the Institute of Lighting Professional Guidance for the reduction of obtrusive light, including full technical specifications for all equipment to be used, isolux diagrams overlaid over the site and adjacent areas and details of lighting operation hours;
	4. details of vision splays measuring 2.4 metres by 215 metres on either side of the access unobstructed by any object, structure, planting or other material with a height exceeding or growing above 0.9 metres as measured from the carriageway level;
	5. details of all proposed foul and surface water drainage arrangements, designed by a competent person, include details of the size, position and construction of sustainable drainage systems, demonstrating the attenuation of run-off from the site to greenfield rates; and
	6. a timetable for the implementation of the site development scheme and for the disconnection and permanent removal of any and all generators from the site.
1. Within 8 months of the date of this decision, the site development scheme should have been approved by the local planning authority or, if the local planning authority refuse to approve the scheme or fail to give a decision within the prescribed period, an appeal should have been made to and accepted as validly made by the Secretary of State.
2. If an appeal is made in pursuance of (ii) above, that appeal should have been finally determined and the submitted site development scheme should have been approved by the Secretary of State.
3. The approved site development scheme shall have been carried out and completed in accordance with the approved timetable.

Upon implementation of the approved site development scheme specified in this condition, that scheme shall thereafter be retained. In the event of any of the soft landscaping so planted dying or being seriously damaged or destroyed within 5 years of the completion of the development, replacement planting, 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.

Reason: To secure the proper planning of the area in accordance with the Development Plan. To protect the intrinsic character of the countryside and the character of the area; protect the amenity of the environment, wildlife, neighbouring residents and users of adjoining land from obtrusive lighting and visual impacts; to better assimilate the development into its surroundings; ensure an adequate degree of amenity to the residents of the development; minimise the risk of flooding and water contamination; protect highway safety and conveniance in accordance with Policies ENV1, ENV3, ENV12, EP4, DES1, DES2, DES5, DES6, TRANS5 and INF4 of the South Oxfordshire Local Plan 2035; and policies TOW4 and TOW7 of the Towersey Neighbourhood Plan.

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| **Appellant Comments** | *The visibility standard is a trunk road standard and, is inappropriate for a country lane. The splay should be calculated using the formula in Manual for Streets. The lighting specification is overly detailed and complicated.* |
| **LPA Response**  | *This is similar to a condition recently agreed by an Inspector in connection with an appeal: APP/Q3115/W/24/3336646**However, the council agrees that environmental management zone E2, which is less onerous, is more appropriate to the circumstances of this case.* |

1. The use hereby permitted shall cease and all mobile homes/caravans, hardstandings, concrete bases, septic tanks, soakaways, outdoor lighting, CCTV installations, close boarded fences, entrance pillars and gates and other materials and equipment brought on to the land, or works undertaken to it in connection with the use, shall be removed from the land and the land restored to its former condition by the grading and levelling the soil and the sowing of a general purpose meadow grass mix to all disturbed areas, within 4 months of the date of failure to meet any one of the requirements set out in (i) to (iv) below:
2. Within 4 months of the date of this decision, and notwithstanding the details shown on Site Layout Plan Drawing No.SIP-001, a Biodiversity Compensation Scheme (BCS) for the site, prepared by a suitably qualified ecologist, shall have been submitted for the written approval of the local planning authority. The BCS shall demonstrate that the approved scheme will not result in a net loss of biodiversity. The BCS shall include:
3. details, including plans and habitat descriptions as necessary, of a post-development scheme of habitat creation and enhancement;
4. full details of a biodiversity metric assessment (utilising the statutory biodiversity metric published by Defra), including habitat condition assessment sheets, to demonstrate that the scheme will not result in a net loss of biodiversity from the agreed pre-development baseline for habitat and hedgerow elements of the metric as applicable;
5. a biodiversity risk assessment of works required to implement the BCS and mitigation measures (e.g. timing, presence of an Ecological Clerk of Works) to ensure those works are implemented in an ecologically sensitive manner;
6. detailed method statement for the successful establishment of created or enhanced habitats and features stated in the BCS.
7. full details of ongoing habitat management for the scheme to achieve relevant habitat condition criteria.
8. the scheme shall secure no net loss of biodiversity on-site, with any short fall secured through off-site enhancement or, as a last resort, through the purchase of credits.
9. a timetable for its implementation
10. If within 8 months of the date of this decision the local planning authority refuse to approve the BCS or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
11. If an appeal is made in pursuance of ii) above, that appeal shall have been finally determined and the submitted BCS shall have been approved by the Secretary of State.

(iv)   The approved BGP shall have been carried out and implemented in accordance with the approved timetable.

Upon implementation of the approved BCS specified in this condition, that ongoing management and monitoring provisions thereafter be retained and complied with.

Reason: To ensure ecological mitigation and enhancement and to protect the biodiversity of the site from any further net loss in accordance policy ENV3 of the South Oxfordshire Local Plan 2035; and policy TOW7 of the Towersey Neighbourhood Plan.

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| **Appellant Comments** | *No objection in principle.* |
| **LPA Response**  |  |

1. The use hereby permitted shall cease and all mobile homes/caravans, hardstandings, concrete bases, septic tanks, soakaways, outdoor lighting, CCTV installations, close boarded fences, entrance pillars and gates and other materials and equipment brought on to the land, or works undertaken to it in connection with the use, shall be removed from the land and the land restored to its former condition by the grading and levelling the soil and the sowing of a general purpose meadow grass mix to all disturbed areas, within 4 months of the date of failure to meet any one of the requirements set out in (i) to (iv) below:
2. Within 4 months of the date of this decision and notwithstanding the details shown on Site Layout Plan Drawing No.SIP-001, a phased contamination risk assessment shall be carried out by a competent person in accordance with current government and Environment Agency Guidance and Approved Codes of Practice, and submitted for the written approval of the local planning authority, including as required by any preceding phase:
3. Phase 1 - a desk study and site walk over to identify all potential contaminative uses on site, and to inform the conceptual site model. If potential contamination is identified in Phase 1 then a Phase 2 investigation shall be undertaken;
4. Phase 2 - a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and if significant contamination is identified to inform a Phase 3 remediation strategy; and
5. Phase 3 - a remediation strategy to ensure the site will be rendered suitable for its proposed use, including a timetable for implementation.
6. If within 8 months of the date of this decision the local planning authority refuse to approve the phased contamination risk assessment in respect of any phase or fails to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
7. If an appeal is made in pursuance of ii) above, that appeal shall have been finally determined and the submitted phased contamination risk assessement shall have been approved by the Secretary of State.
8. The implementation of the Phase 3 remediation strategy (if required) and submission of a validation report confirming completion of all required works within the approved timeframe.

Reason - To ensure that any ground, water and associated gas contamination is identified and adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, in accordance with policy ENV11 of the South Oxfordshire Local Plan 2035.

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| **Appellant Comments** | *Not necessary in my view due to past investigation but, no objection if found to be necessary. The original investigation covered a wider area than the area edged red. The source of any contamination was identified and, the only remediation involved the laying of hardstanding: which has been done.* |
| **LPA Response**  | * *The previous Phase 2 and Phase 3 reports related specifically to the red edged area covered by P22/S3712/FUL, which is not the same as the current appeal proposal.*
* *Remediation works have not been undertaken in accordance with those investigations; and*
* *extensive unauthorised earthworks have resulted in the movement of earth, including possible contaminants, over the wider site rendering past investigations no longer valid.*
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1. There shall be no more than three pitches on the site and on each pitch no more than 1 static mobile home and 1 touring caravan shall be stationed at any time.

Reason: To secure the proper planning of the area and minimise the visual impact of the development on the intrinsic character of countryside and the amenity of the area in accordance with policies ENV1 and DES6 of the South Oxfordshire Local Plan 2035; and policies TOW4 of the Towersey Neighbourhood Plan.

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| **Appellant Comments** | *Agreed* |
| **LPA Response**  |  |

1. No vehicle over 3.5 tonnes, shall be stationed, parked or stored on this site at any time; and no more than one commercial vehicle on each pitch, shall be parked, stored or kept on the land at any time.

Reason: To secure the proper planning of the area and minimise the visual impact of the development on the intrinsic character of countryside and the amenity of the area in accordance with policies ENV1 and DES6 of the South Oxfordshire Local Plan 2035.

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| **Appellant Comments** | *Agreed* |
| **LPA Response**  |  |

1. No commercial activities shall take place on the land, including the storage of materials.

Reason: To secure the proper planning of the area and minimise the visual impact of the development the intrinsic character of countryside and the amenity of the area in accordance with policies ENV1 and DES6 of the South Oxfordshire Local Plan 2035.

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| **Appellant Comments** | *Agreed* |
| **LPA Response**  |  |

1. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any other order revoking and re-enacting that order with or without modifications), no sheds or amenity/utility buildings, or further buildings or structures, walls, fences or other means of enclosure shall be erected on the site unless details of their size, materials and location shall have previously been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To secure the proper planning of the area and minimise the visual impact of the development the intrinsic character of countryside and the amenity of the area in accordance with policies ENV1, DES2 and DES6 of the South Oxfordshire Local Plan 2035; and policies TOW4 of the Towersey Neighbourhood Plan.

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| **Appellant Comments** | *Needs special justification* |
| **LPA Response**  | The appellant has constructed domestic style close-boarded fencing over much of the site; and erected decorative entrance pillars and gates, which are uncharacteristic of this rural location. Since the issuing of enforcement notices, the appellant has also continued to construct buildings on the site, which do not benefit from either planning permission or permitted development rights. The proposed condition merely endeavours to inform the owner that he cannot continue to undertake operations without first obtaining express permission. |

**Informative:**

The implementation of this permission willrender planning permissionP22/S3712/FUL no longer capable of implementation and therefore no longer extant.

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| **Appellant Comments** | *Not agreed* |
| **LPA Response**  | If deemed permission is granted and implemented in accordance with the current proposal:* the owner will no longer be able to provide a one bedroom dwelling within the planning unit defined by planning permissionP22/S3712/FUL, which will now be substantially occupied by a materially different use;
* the owner will be unable to provide the proposed dwelling with the garden area shown on the proposed site plan No. P100 as approved by condition 2 of the above permission.
* the owner is, in any event no longer able to comply with conditions 5 and 7 of the above planning permission relating to compliance with the previously approved

remediation strategy |