

Supplementary Papers

Development Control Committee,
to be held in the Guildhall, Abingdon on Monday, 7th January, 2008 at 6.30 pm

Open to the Public including the Press

12. CUM/NHI/20107-X -Outline application for 150 dwellings with associated public open space. Land off Fogwell Road and adjoining Tilbury Lane, Dean Court, Cumnor/North Hinksey. (Pages 2 - 47)

REPORT NOW ATTACHED

**CUM/NHI/20109-X – University of Oxford
Construction of 150 dwellings with alterations to the junction of Eynsham Road
and Fogwell Road.
Land at Tilbury Lane, Dean Court, Cumnor/North Hinksey.**

1.0 The Proposal

- 1.1 This is an outline application for new housing and associated public open space with all matters reserved apart from the details of access. The proposed housing will be on the allocated housing site off Tilbury Lane. However, the area covered by the application is larger as it includes land between the allocated housing site and the A420. This difference is shown in the site location plan in **Appendix 1**. For the rest of this report the term “housing site” will mean the allocated housing site while the term “application site” will mean the larger area of land covered by this application.
- 1.2 The application site is comprised of two parcels of land separated by Tilbury Lane, a private road that runs north from Eynsham Road and under the A420. The lane marks the division between the parishes of Cumnor and North Hinksey. The housing site is 3.9 hectares in area and lies to the east of the Fogwell Road estate, to the north of housing on Tilbury Lane and Seacourt Road, and to the west of housing on Hazel Road. Allotments also lie to the south of the site. Overhead electricity lines suspended from national grid pylons run parallel and just to the south of to the A420. These power lines carry 450kV of electricity.
- 1.3 The proposal is to construct 150 dwellings served via a vehicular access taken from the existing truncated end of Fogwell Road. An illustrative layout plan has been submitted with the application and is in **Appendix 2**. The applicants propose to create some public open space within the housing area but also to use the land between the proposed housing and the A420 as a further area of public open space, some 2.3 hectares in area, as a continuation of the theme used on the existing Fogwell Road estate. Two areas of play space are proposed within the housing area.
- 1.4 The application comes to Committee because of the amount of local objection to it. The application has been highly controversial locally and has raised a number of complex issues which necessitates a lengthy report.
- 1.5 The following documents were submitted with the application – a design and access statement, a transport assessment, a landscape and visual appraisal, a tree retention report, a flood risk assessment and drainage strategy, an ecological appraisal, a noise report, an air quality assessment and a report on electromagnetic fields from the electricity lines. The main elements of the proposal can be summarised as follows.

Highways and Access

- 1.6 Discussions between the applicant and the County Engineer about the use of Fogwell Road to access the whole of the housing site go back as far as 1999. It has been accepted by the County Engineer that, with some modification, the junction of Eynsham Road and Fogwell Road is suitable to serve 400 dwellings. It currently serves 250, and the additional 150 dwellings would bring the total to 400 dwellings. There have been no recorded accidents at the junction over the last 5 years and Eynsham Road in the vicinity of the junction has a better than average accident record.

- 1.7 It is proposed to alter the existing junction and to create a ghost right turn lane for vehicles turning into Fogwell Road. The detail of this is in **Appendix 3**. The principle of this arrangement was approved by the County Engineer in 1999. The details of the proposed alterations to the junction have been recently approved by an independent safety audit process. A traffic survey of peak hour movements at the junction of Eynsham Road and Fogwell Road was carried out on a week day in May 2007. A transport model has been used to predict peak hour traffic flows at the junction after the development is completed. This concludes that the junction will operate within capacity at the peak hours.
- 1.8 The applicants will also make financial contributions to a range of local transportation improvements. These include new real-time information bus shelters on Eynsham Road, improved traffic signalling in Botley Road and improved passenger facilities at Oxford Railway Station.
- 1.9 There is to be no vehicular access from the new housing onto Tilbury Lane, other than in an emergency. The lane serves Tilbury Farm and several dwellings north of the A420, which have rights of way over it. Consequently, it is proposed to install a controlled gate across Tilbury Lane for the sole use of the residents of the farm and dwellings north of the A420, and for use as an emergency access if required. A plan of this is in **Appendix 4**.
- 1.10 It is proposed to construct a footpath/cycleway from the eastern end of the proposed housing site to Hazel Road. This footpath/cycleway would be adopted by the County Council and would be lit for safety reasons. A plan showing this is in **Appendix 5**.

Design and Layout

- 1.11 Although the application is in outline and the details of design and layout are not to be considered with the application, the applicants are required to provide a significant amount of information on these issues to help explain the proposal. The applicants have carried out a contextual analysis of the surrounding residential area together with the more traditional housing in Eynsham.
- 1.12 It is proposed to construct 150 dwellings with 40% of them to be affordable (ie 60 dwellings). The supporting illustrative plans show primarily 2-storey buildings, with some 2 ½-storey buildings and seven 3-storey flats buildings to provide visual interest at focal points. The proposed houses would be between 8m and 9.5 m high and between 6.5m and 10m in span. The proposed flats buildings would be up to 11m high. Indicative street elevations have been provided to show the scale of the proposed houses.
- 1.13 The illustrative layout takes the form of a series of three “town squares” along a spine road, with “perimeter blocks” of housing arranged to either side of the spine road. A total of 259 parking spaces are proposed which would be provided through a mixture of on-street parking (14%), garages (34%), driveways (27%) and parking courts (25%) – the latter will be overlooked through the use of “flats over garages”.

Affordable Housing

- 1.14 In view of the outline status of the application, no details have been submitted of the proposed 60 affordable dwellings. The applicants confirm they are fully aware of the Council’s policies on affordable housing and intend that the development should

comply in terms of tenure split (75% rental and 25% shared equity) and dispersal across the site. An illustrative mix of size of unit has been produced for this outline application, and the precise mix will be agreed with Housing Services at the reserved matters stage. As part of this application the provision of the affordable housing will be controlled via a Section 106 Obligation with the Council.

Drainage

- 1.15 The site does not lie within a river flood plain but it is necessary to ensure that there is no additional risk of surface water run-off from the site. Geological investigations have revealed a clay layer below the surface, which is relatively impermeable to water. This indicates the site will have less water storage capacity in its current greenfield state than other greenfield sites with more permeable geology. The topography of the site means that not all of the site could be drained through the use of gravity fed storage ponds.
- 1.16 The drainage strategy therefore proposes to make use of permeable paved surfaces with surface water being absorbed and stored by a new permeable layer constructed under the surfaces. The aim of this is to provide a volume of storage that will more than meet the storage level required by the Environment Agency to cope with run-off from 1 in 100 year plus 30% global warming event levels (ie there would be a net improvement in storage of surface water run-off within the site compared to the current green field state). In addition, it is proposed to construct two swales on the site, a larger one along the south east boundary of the site and a smaller one along Tilbury Lane. These will provide additional water storage capacity to cope with extreme storm events expected to occur less than once in 100 years.

Ecology

- 1.17 The applicants carried out an ecological survey in August 2006. This survey covered not only the application site but also the adjoining farm land to the east up to the A34/A420 junction. It is noted that the proposed housing site lies some distance from the Wytham Woods SSSI, which is 350 m away to the north, across fields on the other side of the A420. OS records show the application site has been under "improved" agriculture for at least 200 years and as a result ecological interest is largely confined to existing boundary hedgerows. Because of its open cultivated nature, the site is considered unsuitable as a habitat for protected species such as bat, great crested newt, dormouse and otter. There are no buildings on the site for bats to roost in, and, although the existing trees were examined for potential bat roosts, all were found to be of low potential.
- 1.18 The survey did find two badger setts, but these were on land associated with the primary school and health centre in Elms Road, some 200 m east of the proposed housing. Several badger latrines were also found on land outside the proposed housing site. A further badger survey (to preferably take place between the months of November and April) is recommended as part of any future detailed application.
- 1.19 A reptile survey found no evidence of Sand Lizard or Smooth Snake, which are the only two UK reptile species whose habitats are legally protected. It is likely that there are a number of other protected reptile populations within existing hedgerows and field margins and on the adjoining allotment site. There is a legal obligation to make a reasonable effort to relocate these reptiles where they are at risk from development.

For this reason a detailed reptile survey is also recommended between the months of March and October as part of any detailed application.

- 1.20 Existing trees and hedgerows on the site are likely to assist the movement of some animals. Although some hedgerow will be lost as part of the proposal to allow for access across Tilbury Lane, it is pointed out that the proposed landscape and open space areas associated with the proposal are likely to more than compensate for the loss by providing opportunities for enhanced ecological diversity when compared to the existing agricultural regime. A further tree and hedgerow survey is also recommended between the months of April and September as part of any detailed application.

Electro-Magnetic Field (EMF)

- 1.21 The high voltage power lines that run parallel to the A420 emit an electro-magnetic field and concerns have been raised about the possible health effects of this EMF. A survey of the site by the applicants in January 2007 measured the EMF values around the power lines. The strength of the EMF decays with distance from the power lines. The applicants' report takes a precautionary approach by setting a safe exposure threshold that is slightly below the recommended level. This lower threshold for exposure was found to lie 74m from the centre line of the power lines and the proposed housing lies outside this critical distance.

Noise

- 1.22 A noise survey was carried out on the site on two days in August 2006. This survey shows that the site falls within Noise Exposure Category B, as defined in PPG24, "Planning and Noise". In this category noise should be taken into account and conditions imposed if necessary to ensure the new housing has adequate levels of protection against noise.

Air Quality

- 1.23 The applicants' report, dated April 2007, makes an assessment of air quality specifically in relation to levels of nitrogen dioxide in response to the Council's published air quality reports for the A34 corridor in Botley. The report considers both prevailing air quality on the site and the likely impact of future residents on local air quality. In previous studies the Council's consultants had identified the Westminster Way area of the A34 as one of a small number of potential air quality problem areas for nitrogen dioxide in the Vale. The other main air pollutant in the Vale, particulates, are not considered in the applicants' report because the Council's Screening Assessment of 2003 concluded that levels of particulates were only likely to exceed target levels very close to busy road junctions.
- 1.24 The applicants' report draws on the Council's Air Quality Progress Report of 2004 which considered data from three permanent nitrogen dioxide monitors in Botley. One monitor in Poplar Road had continuously recorded levels below the national target level since 1997, while another in West Way had measured reducing levels of nitrogen dioxide and had dipped below the target level in 2004. The third monitor had no useful data because it had been recently relocated.
- 1.25 From this data the applicants argue that, as measurements made close to the A34 show levels of air pollution to be below target level, and as the application site is more

than 350 m from the A34, it is reasonable to assume that background levels of nitrogen dioxide on the application site will be significantly below national target levels. An air quality figure derived from national survey data has therefore been used. Applying the expected traffic flows to the figure produces a relatively low local increase in air pollution that is still well below target levels.

2.0 **Planning History**

- 2.1 There are no previous planning applications on the site. However, the planning policy history is relevant to the current application. The proposed housing site was identified as “safeguarded land” in the Oxford Fringe and Green Belt Local Plan of 1991. This meant it was land that was not in the Green Belt but held in reserve for future housing development. The Inspector for the adopted Vale of White Horse Local Plan concluded in his report of February 2006 that the site should be allocated for housing as part of the new Local Plan. His reasons for doing so are in **Appendix 6**.
- 2.2 It is worth noting the Inspector felt that, as the new housing development on the site would lie no further north than the existing housing to the west and east, the landscape impact should be limited and “.. the effect on views from vehicles leaving Oxford on the A420 would only be marginally affected and ought to carry very little weight as a result.”
- 2.3 On access issues, the Inspector noted, “Subject to the provision of cycle/pedestrian links to the south via Tilbury Lane and east via Elms Road as proposed...new housing on this site would be within modest walking and cycling distance of all the services and facilities along the West Way...In this respect at least, the proposed indirect vehicular access via Fogwell Road should act as a disincentive to the use of private cars for short local trips and perhaps even encourage the use of other travel modes by residents for longer journeys too.”

3.0 **Planning Policies**

- 3.1 The adopted Vale of White Horse Local Plan contains the following relevant policies:-
- H3 iv) allocates the site for housing development
 - H15 requires a net residential density of 40 dwellings per hectare in the Botley area
 - H16 aims for 50% of new dwellings on large sites to be 2-bedrooms or less and 10% to be “lifetime homes”
 - H17 requires 40% of new housing to be affordable
 - H23 requires 15% of the area of the housing site to be laid out as public open space
 - DC1 seeks to achieve high quality design
 - DC2 encourages energy conservation
 - DC3 concerns crime deterrence through good design
 - DC4 relates to the provision of public art on large schemes
 - DC5 requires that all new developments are acceptable in terms of highway safety
 - DC8 deals with impacts on social and physical infrastructure
 - DC9 is concerned with the impact on neighbours’ amenity from new development
 - DC10 seeks to prevent development that would be adversely affected by noise
 - DC14 requires new development to avoid causing additional risk of flooding from surface water run-off
- 3.2 Relevant national guidance is provided in PPS3, “Housing”, PPG13, “Transport”, PPS23, “Planning and Pollution Control”, and PPG24, “Planning and Noise”.

4.0 **Consultations**

- 4.1 Cumnor and North Hinksey Parish Councils made comments on the application, which are in **Appendix 7**.
- 4.2 In addition, the two Parish Councils have made a joint request for financial contributions to off-site leisure facilities. Cumnor Parish Council requested contributions for additional play equipment at the Fogwell Road playing field, while North Hinksey Parish Council requested contributions for a new play area and new allotments.
- 4.3 It should be recognised that these requests exceed what Officers consider to be reasonably related to the scale of the proposed development. Nevertheless, the applicants have responded by agreeing to an extra contribution to improved play equipment at the Fogwell Road playing field and by improving on-site play space in the North Hinksey half of the housing site. The detail of this response is in **Appendix 8**.
- 4.4 North Hinksey Parish Council is not content with this and its comments on this are in **Appendix 9**. Any response received from Cumnor Parish Council will be reported at the Meeting.
- 4.5 Local Residents – 63 letters of objection have been received together with 5 letters of observation. The grounds for objection can be summarised as follows-
1. The development will be on a greenfield site and will disfigure the landscape
 2. The density is out of keeping with the surrounding housing areas, as is the height of the proposed 3-storey buildings.
 3. Additional traffic using Fogwell Road will cause danger due to the curving nature of Fogwell Road and the prevalence of parked vehicles on the road. Refuse vehicles have been blocked by parked vehicles. The cramped layout of some side roads means Fogwell Road is used for parking. When matches are played on the sports pitch, cars are parked on the road near to the junction with Eynsham Road.
 4. The traffic from the development should be split between Fogwell Road and another route, either Tilbury Lane or Seacourt Road.
 5. The additional traffic will add to existing peak hour congestion on Eynsham Road and will be a danger to children and other pedestrians. The applicants' traffic survey is for 1 day only, is inadequate and has underestimated the dangers of this junction. A roundabout should be used instead of a right-turn lane.
 6. Tilbury Lane is dangerous for pedestrians due to farm machinery. The proposed gate will need to be managed and is likely to be vandalised and fail, thus allowing traffic from the new estate to use the lane.
 7. The use of Fogwell Road by construction traffic will cause danger and the hours of access by construction traffic should be restricted.
 8. There will be additional noise from traffic on Fogwell Road and Eynsham Road which will harm neighbours' amenities.
 9. Proposed on-site parking is inadequate.
 10. The proposed footpath/cycleway to Hazel Road will add pedestrians and cycles to a narrow road with on-street parking, causing danger. It will also provide a

- means of escape for criminals. The existing hedge will be breached and the proposed lighting will be harmful.
11. There will be a significant impact on local services. The local GP surgery is overworked and will not cope.
 12. There will be significant impacts on wildlife such as bats. The ecological survey is inadequate in relation to badgers and a further survey should be carried out.
 13. There will be loss of privacy due to overlooking, particularly from the proposed 3-storey buildings.
 14. Existing sewage overflow and flooding problems will be made worse.
 15. There will be harm to the health of future residents from the nearby high voltage power lines. The applicants' report on this is inaccurate, incomplete and ignores the findings of recent relevant case studies and reports. The interaction of EMF with vehicular particulate pollution has been ignored.
 16. The levels of noise from traffic on the A420 will be too great for residents. The applicants' noise report underestimates the noise level because it was measured in August when there is less traffic on the A420.
 17. Air pollution levels will be increased resulting in harm to health. There has been no on-site survey of air quality.
 18. The provision of social housing is likely to lead to problems in the area.
 19. An Environmental Impact Assessment should be carried out for the proposal.
 20. There will be a loss of property value (this is not a material consideration).
- 4.6 The County Engineer has no objections subject to conditions, including the alterations to the Eynsham Road/Fogwell Road junction, and to financial contributions to off-site transport improvements.
- 4.7 The County Council Developer Funding Officer has no objection subject to financial contributions towards primary, secondary and special needs education, and towards the local library, waste management, social services and the County museum store.
- 4.8 The Environment Agency has issued an initial holding objection to request a greater degree of sustainability in the drainage strategy. Additional information has been submitted by the applicants on this issue and an update on progress will be reported orally at the Meeting.
- 4.9 Thames Water requires a Grampian condition to be imposed to prevent occupation of any dwelling until off-site improvements to the local sewerage network have been carried out.
- 4.10 English Nature has considered the submitted Ecological Appraisal and raises no objections subject to conditions, including further surveys when more detail of the proposed development is known.
- 4.11 The Deputy Director (Environmental Health) – has considered the submitted noise assessment and air quality assessment and raises no objections.
- 4.12 The Health Protection Agency has considered the submitted electro-magnetic field report and the criticisms made of it. Subject to clarification of the type of equipment used to measure the EMF, it agrees with the findings of the applicants' report.
- 4.13 The County Archaeologist has no objections.
- 5.0 **Officer Comments**

5.1 Members need to consider 12 main issues in connection with this application –

1. The principle of developing the site and its impact on the area
2. Whether an Environmental Impact Assessment is required
3. The proposed access arrangements
4. The quality of the proposed scheme, including conservation of resources
5. The impact on surrounding residents
6. The impact on local services
7. Surface water and foul water drainage
8. The issue of electro-magnetic fields
9. Ecology
10. The impact of noise from the A420
11. Air quality
12. Section 106 matters

The Principle of Development and the Impact on the Area

5.2 The proposed housing site was allocated for development following the recommendation of the Local Plan Inspector. In reaching his conclusion the Inspector made a detailed assessment of the potential landscape impact of housing development, including a site visit, and concluded that this impact would be acceptable. In light of the Inspector's decision to recommend that the site be allocated, Officers consider there are no grounds for refusing the proposal based on landscape impact.

Environmental Impact Assessment (EIA)

5.3 EIA is mandatory for certain types of development (known as "Schedule 1 development") and discretionary for others (known as "Schedule 2 development"). Housing schemes of more than 0.5 hectare in area are considered to be "urban development projects" within Category 10 of Schedule 2, where EIA is discretionary. Paragraphs 32 – 44 of Circular 2/99, "Environmental Impact Assessment" give advice on the need for EIA for Schedule 2 development.

5.4 In paragraph 33 it states "... the Secretary of State's view is that, in general, EIA will be needed for Schedule 2 developments in three main types of case:-

- a) for major developments which are of more than local importance
- b) for developments which are proposed for particularly environmentally sensitive or vulnerable locations; and
- c) for developments with unusually complex and potentially hazardous environmental effects."

Having regard to these issues Officers consider that none of these categories apply to the current proposal. The proposed development is considered to be of local importance – compared to the existing population of the suburb of Botley/Dean Court/Cumnor Hill and Chawley, the proposal represents an increase in population of only approximately 5%. The existing natural environment is primarily cultivated farm land and is not particularly sensitive or vulnerable. The environmental impact of the development proposed is not unusually complex or particularly hazardous. Consequently, on 31 May 2007 it was decided under delegated authority to issue a screening opinion to the effect that the proposed development did not require EIA.

Access arrangements

- 5.5 A significant amount of objection has focussed on the issue of access, by vehicle, pedestrian and cycle. Discussions have taken place between the applicants and the County Engineer over several years regarding the safety of vehicular access from Fogwell Road to serve the whole housing development. It should also be noted that the Local Plan Inspector considered the issue of sole vehicular access from Fogwell Road as part of his deliberations and concluded that it was acceptable.
- 5.6 The Fogwell Road estate consists of the main spine road and 8 minor roads that branch from it. The main spine road was designed to a high specification – the carriageway is 6 m wide and the curves in it were designed to provide adequate forward vision to ensure safety for vehicles travelling up to 30mph. The County Engineer considers the spine road is of a suitable design standard to serve 400 dwellings, which would enable the proposed 150 dwellings to be added to the existing 250 dwellings.
- 5.7 In accordance with the County's highway design hierarchy, the minor roads on the estate are narrower than the spine road. It has been stated by local residents that the two eastern-most minor roads (Homestall Close and a continuation of Fogwell Road containing Nos 61 – 81 Fogwell Road) suffer from on-street parking congestion caused by insufficient off-street parking capacity and this leads to on-street parking on the main spine road. It has also been stated that, during football matches at the Fogwell Road sports field, cars are parked on Fogwell Road close to the junction.
- 5.8 It is relevant to note that obstruction of the public highway is an offence and, when considering any planning application, it cannot be assumed that people will park irresponsibly unless there is a demonstrable lack of capacity for on-street parking. Random visits made by Officers during evenings and weekends have highlighted some on-street parking on Fogwell Road at these times, but not what could be considered a serious parking problem. The Council has also recorded occasions when refuse vehicles have been obstructed by parked vehicles, but this has occurred in the minor roads (particularly Nos 61 – 81 Fogwell Road) and not on the main spine road. Consequently, there is considered to be no highway safety objection to additional traffic from the proposed housing development using the spine road.
- 5.9 The junction of Fogwell Road with Eynsham Road has also been the subject of considerable discussion between the applicant and the County Engineer. The proposed modifications to create a ghost right-turn lane with pedestrian refuges have passed an independent safety audit, and are supported by the County Engineer. Alternative options for the junction have been suggested, but the County Engineer considers there is no technical justification for either a roundabout or traffic lights.
- 5.10 It has been suggested by some objectors that the eastern half of the site should take its vehicular access from Seacourt Road, via an existing garage block owned by Vale Housing Association. This option has not been examined in any detail to determine whether Seacourt Road itself, or the junction of Seacourt Road and Poplar Road, is adequate to serve such a proposal. However, regardless of this, the essential point is that there is no safety objection from the County Engineer to the use of Fogwell Road

to serve the whole development and, thus, there is no planning reason to examine an alternative access proposal.

- 5.11 The proposed footpath/cycleway link from the east end of the housing site has been moved from the originally proposed route (to Elms Road) to a shorter route to Hazel Road. The principal reason for this change relates to the requirement for lighting of the route. As the footpath/cycleway is to be adopted by the County Council the lighting must meet the County's requirements, which means it will have to be achieved through the use of overhead lamp posts 5 metres in height. These lights will have a greater impact in terms of light pollution than other types of light (for example low level bollard lights), and therefore the applicant wishes to minimise the length of this lighting.
- 5.12 It has been noted earlier in this report that the Local Plan Inspector made reference to the need for a footpath/cycleway at the east end of the site to encourage walking and cycling to local services and reduce car usage. To further improve sustainable transport options for residents, the applicants have also agreed to make financial contributions to a range of off-site transport improvements
- 5.13 The suggested arrangements for vehicular access along Tilbury Lane involve the installation of a gate system to restrict access to those properties that have right of way to use the lane, and to allow emergency access to the proposed housing. The applicants request the precise mechanism for control be the subject of a condition on the outline planning permission. The tenant farmer who occupies Tilbury Farm originally objected to the option of a gated system on the grounds of its practicality. However, he has been in discussion with the landowners, Oxford University, to provide a new access track for the farm which would run along the north side of the A420 and avoid the need for farm machinery to use Tilbury Lane. Oxford University has also written to confirm this intention. In view of this the farmer has recently withdrawn his objection. A new farm track can be created without the need for planning permission using agricultural permitted development rights.
- 5.14 Officers consider it is reasonable to impose a condition to agree the precise method of how to control access to Tilbury Lane at the reserved matters stage. The issue of a new farm access is purely a private matter between the farmer and the landowner. As such, it would be unreasonable to impose a condition on this application to require such an access to be provided. Even if the new farm access is provided a means of controlled access will still be necessary for the small number of dwellings that are also served by the lane.

Quality of the Proposed Scheme

- 5.15 Although the application is in outline the applicants have produced a considerable amount of material in connection with the illustrative design, layout and sizes of the proposed dwellings, including a contextual analysis to inform a suggested design for the proposed housing. The illustrative proposal is for 95 houses and 55 flats with a total of 73 1- and 2-bedroom dwellings (which equates to almost 50%). The majority of the buildings would be 2- or 2 ½ storeys. There are also seven 3-storey flats buildings arranged throughout the site. The indicative layout is focussed around three "town squares" with illustrative designs for each square included in the submission. Distances between the suggested dwellings accord with the Council's minimum standards, namely 21 m back-to-back and 12 m back-to-side wall. The applicants

have demonstrated that the site can accommodate a good mix of housing that promises to have attractive variations in terms of massing and scale.

- 5.16 In terms of public open space the applicants are proposing to provide most of this on land to the north of the housing site rather than within the housing area. They argue that this will provide an attractive setting for the proposed housing and follows the pattern used on the existing Fogwell Road estate, where open space has been created between the housing and the A420. There will thus be the opportunity to connect both the existing and proposed open spaces to provide a long corridor of strategic open space. At the east end of the site the proposed footpath/cycle link to Hazel Road would pass through this proposed open space corridor.
- 5.17 The principal area of open space within the housing site would be along both sides of Tilbury Lane, which would enable the existing hedgerows to be protected. There would be 2 play spaces on the site.
- 5.18 Policy H23 of the adopted Local Plan usually requires public open space to be laid out within the housing area, but does acknowledge that off-site provision may be more suitable on some sites. In view of the applicants' arguments concerning the disposition of public open space Officers see merit in connecting the public open space for the application site and the existing public open space corridor to the west. However, as it is a departure from usual practise, Members' views on this matter are sought.
- 5.19 In terms of conservation of resources, the applicants have confirmed that 10% of all on-site energy consumption will be offset by renewable energy sources. This is in accordance with the suggestion of the Council's Energy Team Leader and goes significantly beyond the current Eco-homes "very good" standard. Water conservation measures, such as the use of water butts, are also proposed. This energy and water conservation strategy can be secured by condition.
- 5.20 Overall, therefore, Officers consider the proposed scheme is likely to produce a high quality residential environment.

Impact on Surrounding Residents

- 5.21 The indicative details submitted with the application show that the proposed housing can be sited so that the distance to existing neighbouring houses meets the Council's standards. Consequently, there should be no undue harm to neighbours arising from overlooking or over dominance.
- 5.22 Objections have also been made concerning additional noise from traffic associated with the development affecting existing rear gardens that adjoin Fogwell Road. However, it is not considered that any increase in traffic noise levels will be so great as to warrant refusal of the application.

Impact on Local Services

- 5.23 The applicants have agreed a package of financial contributions with Oxfordshire County Council to help provide proportionate improvements to local educational, social, and waste management services. The contributions will enable these local services to absorb the additional demands from the residents of the scheme.

- 5.24 With regard to the local GP surgery, the Oxfordshire Primary Care Trust has determined (after a considerable delay) that a new GP will be required to deal with the increased population arising from this proposal, as well as from the new housing proposed at the allocated sites at Lime Road and Timbmet on Cumnor Hill. An extension to the GP surgery will also need to be built. At the time of writing the report, the PCT were preparing a request for a proportionate financial contribution. Progress on this issue will be reported at the Meeting.

Surface Water and Foul Water Drainage

- 5.25 The applicant's Flood Risk Assessment and Drainage Strategy has been the subject of consultation with the Environment Agency. The Agency made an initial holding objection and the applicants have submitted additional information in response. A further update on this issue will be made orally at the Meeting.
- 5.26 In terms of foul water drainage, Thames Water requires the imposition of a Grampian condition to prohibit the occupation of any new dwelling on this site until improvements have been made to local sewerage infrastructure. There have been instances of sewage surcharging in properties in Dean Court for some years, and Thames Water has accepted that the sewer network is operating above capacity at certain times. A study of the local sewer network is currently under way to find the source of the bottleneck and what needs to be done to address the problem. A Grampian condition can be imposed, as it was on the Timbmet outline planning permission, to ensure that the sewer improvements are carried out before any new dwelling on the site is occupied.

Electro-magnetic Field (EMF)

- 5.27 The submitted EMF report from the applicants has been reviewed by the independent Health Protection Agency. The accuracy and rigour of the report has been criticised by several objectors, some of whom obviously have considerable knowledge of the subject. They believe the likely health impact of EMF on future residents from the high voltage power lines has been incorrectly assessed.
- 5.28 The HPA concludes the applicants' report and its recommendation are consistent with the current accepted majority scientific view about the possible health effects of EMF. The recommended separation distance of the housing from the power lines is considered to be "very conservative in terms of current UK EMF exposure guidelines". However, the HPA has raised questions about the equipment used by the consultants to measure the EMF, to which the consultants have responded. The HPA letter and the applicants' response are in **Appendix 10**. A further update on this issue will be reported orally at the Meeting.
- 5.29 In terms of the detailed criticisms made by neighbours that refer to contrary findings of other studies, including the interaction between EMF and particulate pollutants in the air, the HPA conclude that these reflect the views of a minority of studies that are not supported by current scientific orthodoxy.

Ecology

- 5.30 The submitted habitat and ecological appraisal has not identified the presence of any legally protected habitats anywhere on the application site. It is likely that there are species of protected reptile living in hedgerows on the site and also in the allotments

to the south. Due to the inevitable delay between the granting of any outline planning permission and the development of detailed plans for the site, and to the fact that the final detailed proposed housing layout may depart from the current illustrative plan, it is recommended that further surveys are carried out in parallel with a reserved matters proposal, when the potential impact of the proposed development on the more ecologically sensitive parts of the site will be more fully appreciated.

- 5.31 The appraisal has been carefully considered by Natural England. It was carried out using a nationally accepted methodology and also drew on data from other sources, including the Thames Valley Environmental Records Centre. Natural England raises no objection to the conclusions of the appraisal, subject to conditions. These conditions include a further surveys and a mitigation strategy for any reptiles that may reside on site and in the adjoining allotments. These recommendations are the subject of conditions.

Noise from the A420

- 5.32 The submitted Noise Assessment has been considered by the Deputy Director (Environmental Health). He considers that the methodology and findings of the assessment are well founded. Although the noise level inside the dwellings facing the A420 will be acceptable provided suitable double glazing is used, an open window would lead to excess noise inside these particular dwellings. It is therefore recommended that passive ventilation be included in the dwellings that will face the A420 as part of a scheme of acoustic insulation that can be required by condition. The remaining proposed dwellings will not require passive ventilation. To protect garden areas the indicative layout plan shows proposed houses on the north boundary orientated so that the building shields the rear garden against noise from the A420. Officers consider that, although this orientation cannot be required by a condition, an informative can be attached to any planning permission to draw attention to the desirability of including this detail in any future reserved matters application.
- 5.33 Some objectors have criticised the noise assessment because the survey was carried out in August, when it is argued that traffic volumes on the A420 will be less due to holidays. However, there is no quantitative evidence to support this stance. Moreover the Deputy Director (Environmental Health) has pointed out that, due to the logarithmic nature of the decibel scale which is used to measure sound, there would need to be a very substantial reduction in traffic levels before any material change occurred to the results of the survey.

Air Quality

- 5.34 Officers have carefully considered the arguments made in the applicants Air Quality report concerning the level of nitrogen dioxide prevalent at the site. Since the submission of the applicants report, a more detailed Council study of levels of nitrogen dioxide along the A34 in Botley has been published (in September 2007) with measurements from seven sites close to the road (mostly within 30 metres of it). Of these seven sites, five recorded levels that were below the target level, and two were above the target level. By 2010, it is predicted in the study that all the sites will be below the target level due to improved emissions from vehicles. It should be noted that the Council does propose to declare an Air Quality Management Area (AQMA) for the A34 corridor in Botley.

- 5.35 It is a fact that the level of air pollution from traffic declines with distance from a road. Officers have considered the close proximity of these latest recording sites to the A34 (when compared to the application site) and the mixed nature of their results. From this, Officers consider the arguments that the application site will have relatively low levels of nitrogen dioxide, and that the proposed housing will not cause any harmful level of air pollution, to be entirely reasonable.
- 5.36 Objectors have pointed out that the proposed housing is closer to the A420 than the A34 (although it will be at least 100 m from the A420) and may suffer from air pollution from this source. However, as part of the three-stage District-wide air quality review and assessment process that finished in 2000, the Council's air quality consultants did examine the section of the A420 near to houses in Orchard Road as a potential source of nitrogen dioxide pollution. They concluded that levels only 30 m from the road were significantly below the national target level. National predictions are that nitrogen dioxide levels will fall. Thus, there is considered to be no reason to conclude that air pollution from the A420 is a problem on the proposed housing site.
- 5.37 In reaching these conclusions about air quality Officers have also been mindful of relevant Government advice in PPS23, "Planning and Pollution Control". In paragraph 1G.2 it states, "It is not the case that all planning applications for development... should be refused if the development would result in a deterioration of local air quality. Such an approach could sterilise development... Road transport is recognised as a significant contributor to poor local air quality, particularly in urban areas. Local planning authorities can play a key role by ensuring that developments reduce the need to travel and by encouraging more sustainable travel choices." In this regard, the Local Plan Inspector's comments concerning how sustainable the application site is for housing, and the significant potential for non-car modes of travel, are particularly relevant.

Section 106 Matters

- 5.38 A Section 106 Obligation is being prepared with the Vale to cover the following matters –
- Affordable housing
 - Commuted sums for the maintenance of public open space and play space
 - Contributions in respect of the requests made by Cumnor and North Hinksey Parish Council's
 - A contribution to Botley GP Surgery
 - Public art

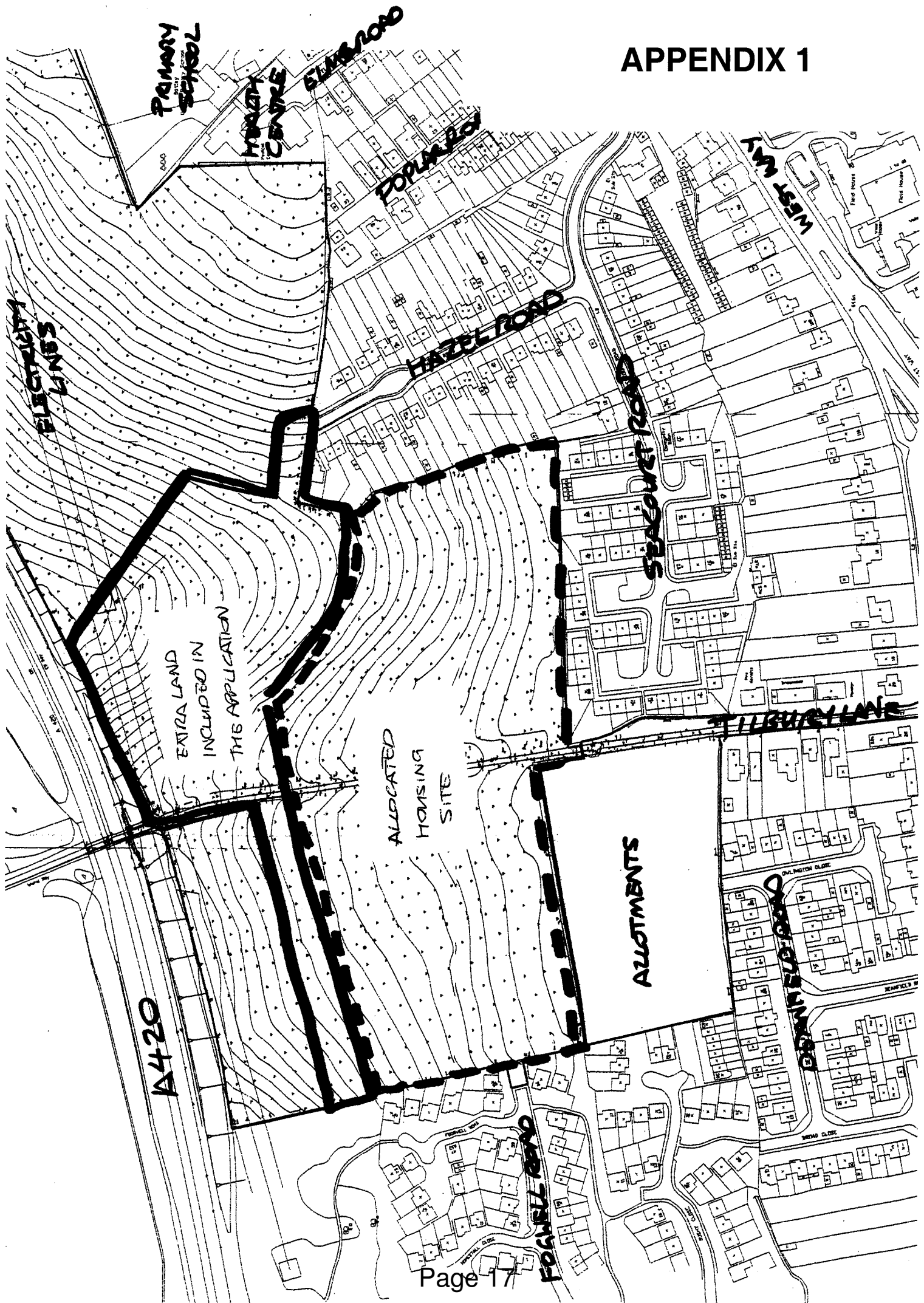
6.0 **Recommendation**

- 6.1 *Subject to the nature of the further progress to be reported orally at the Meeting on the stance of the Environment Agency on the drainage strategy and the Health Protection Agency regarding the EMF report, it is recommended that authority to grant outline planning permission be delegated to the Deputy Director (Planning & Community Strategy) in consultation with the Chair, Vice-Chair and Local Members, subject to –*
- i) *the completion of Section 106 Obligations with the Vale and with Oxfordshire County Council*

- ii) *conditions, to include the submission of reserved matters, a limitation on the number of dwellings to no more than 150, details of the modified junction arrangement, the provision of the footpath/cycleway, details of lighting of the footway/cycleway, the details for restricting access to Tilbury Lane, tying in elements of the design and access strategy, foul drainage, noise insulation, the energy and water conservation strategy, the recommendations of English Nature on ecology, and those of the Environment Agency on surface water drainage*

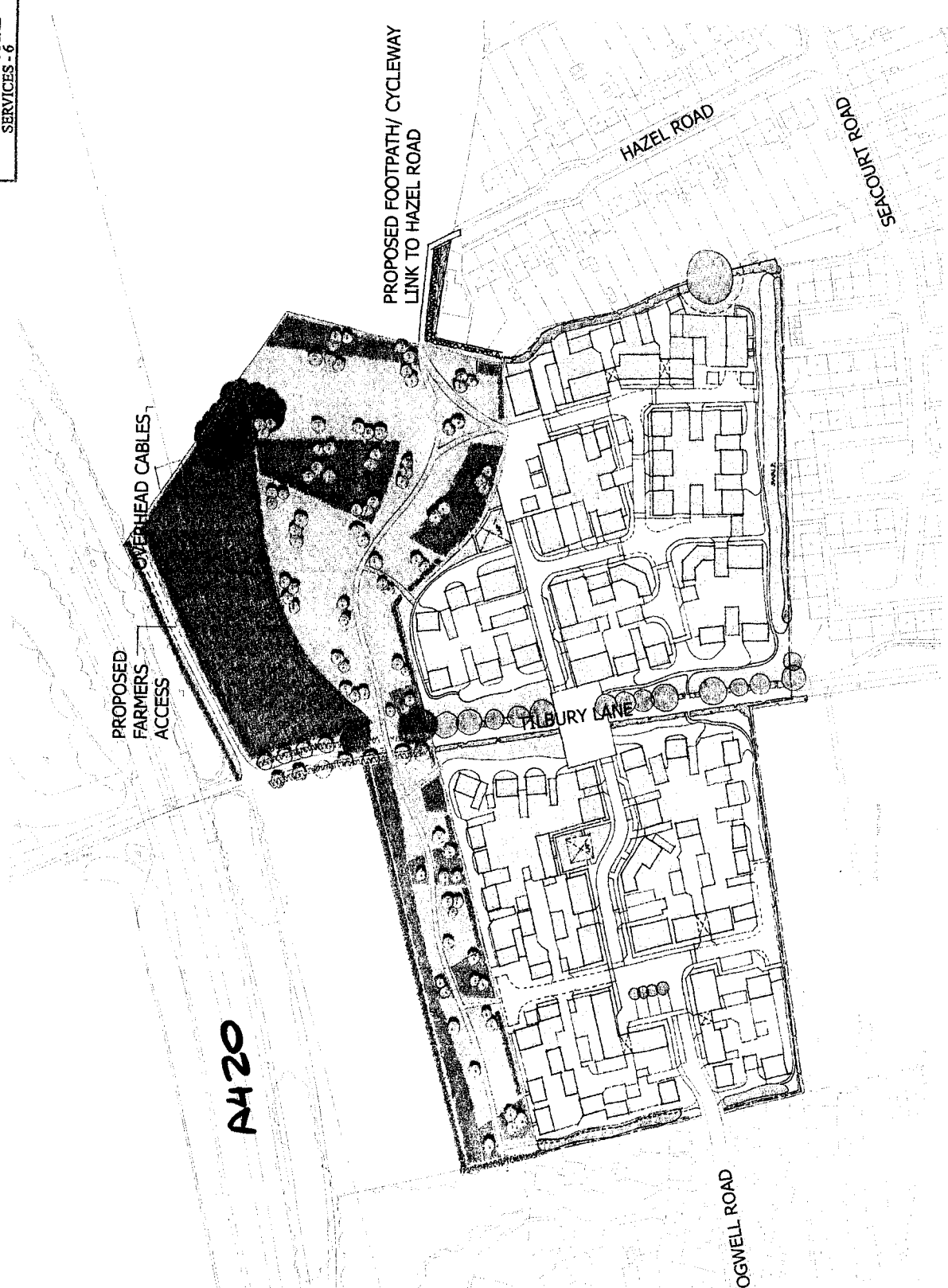
- iii) *an informative regarding the orientation of dwellings on plots facing the A420.*

APPENDIX 1



SECTION SEVEN - LANDSCAPE STRATEGY

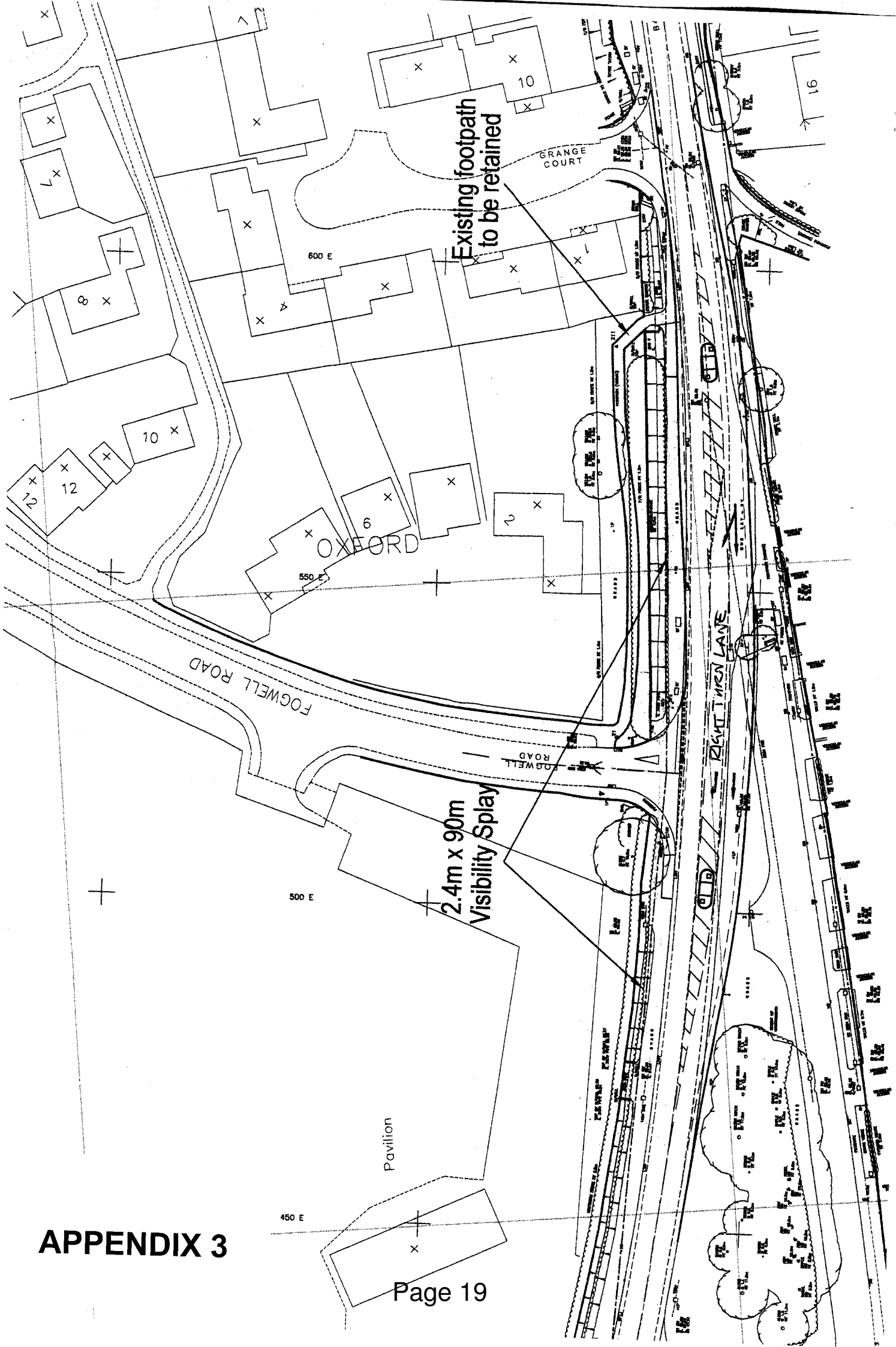
VALE OF WHITE HORSE
DISTRICT COUNCIL
REC'D 10 MAY 2007
CORPORATE POSTAL
SERVICES - 6



LEGEND

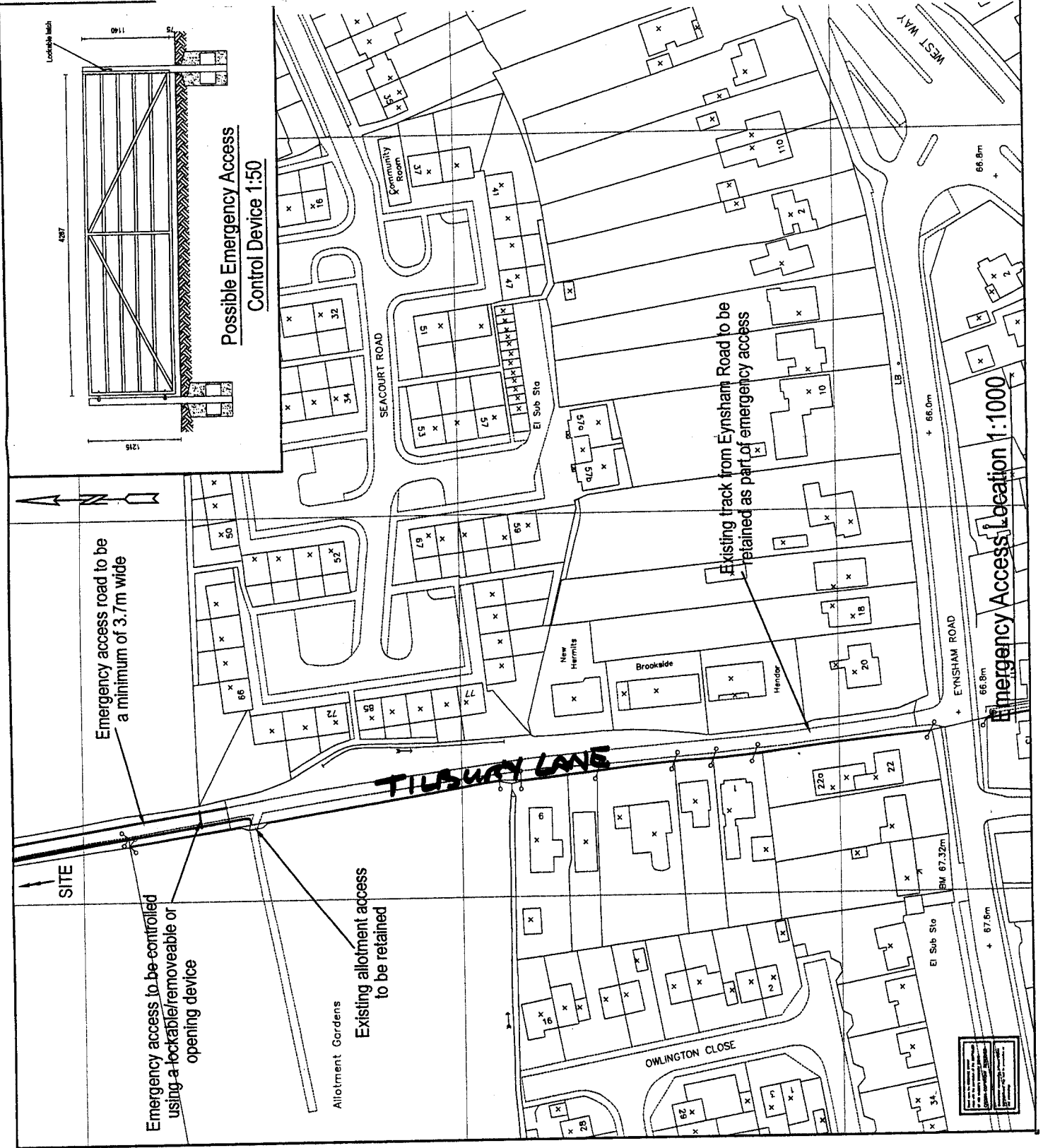
- EXISTING WOODLANDS, COPSES AND TREE BELTS
- EXISTING TREES TO BE RETAINED
- EXISTING HEDGEROWS TO BE RETAINED
- PROPOSED AREAS OF REINFORCEMENT
WOODLAND MIX
Species to include:
Acer campestre
Acer pseudoplatanus
Crataegus monogyna
Fagus sylvatica
Prunus avium
Prunus spinosa
Sambucus nigra
- PROPOSED PARKLANDS/ SPECIMEN TREES
Species to include:
Tilia x europaea
Acer campestre
Fagus sylvatica
Fraxinus excelsior
Ulmus procera
- PROPOSED HEDGEROW
- PROPOSED FOOTPATH/ CYCLEWAY WITH 1M MOWN GRASS STRIP TO EACH SIDE
- PROPOSED WILDFLOWER MEADOW

APPENDIX 2

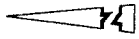


APPENDIX 3

N 1 a 2 b f



APPENDIX 5



Overall Layout of Footway/Cycleway
Scale: 1:1000

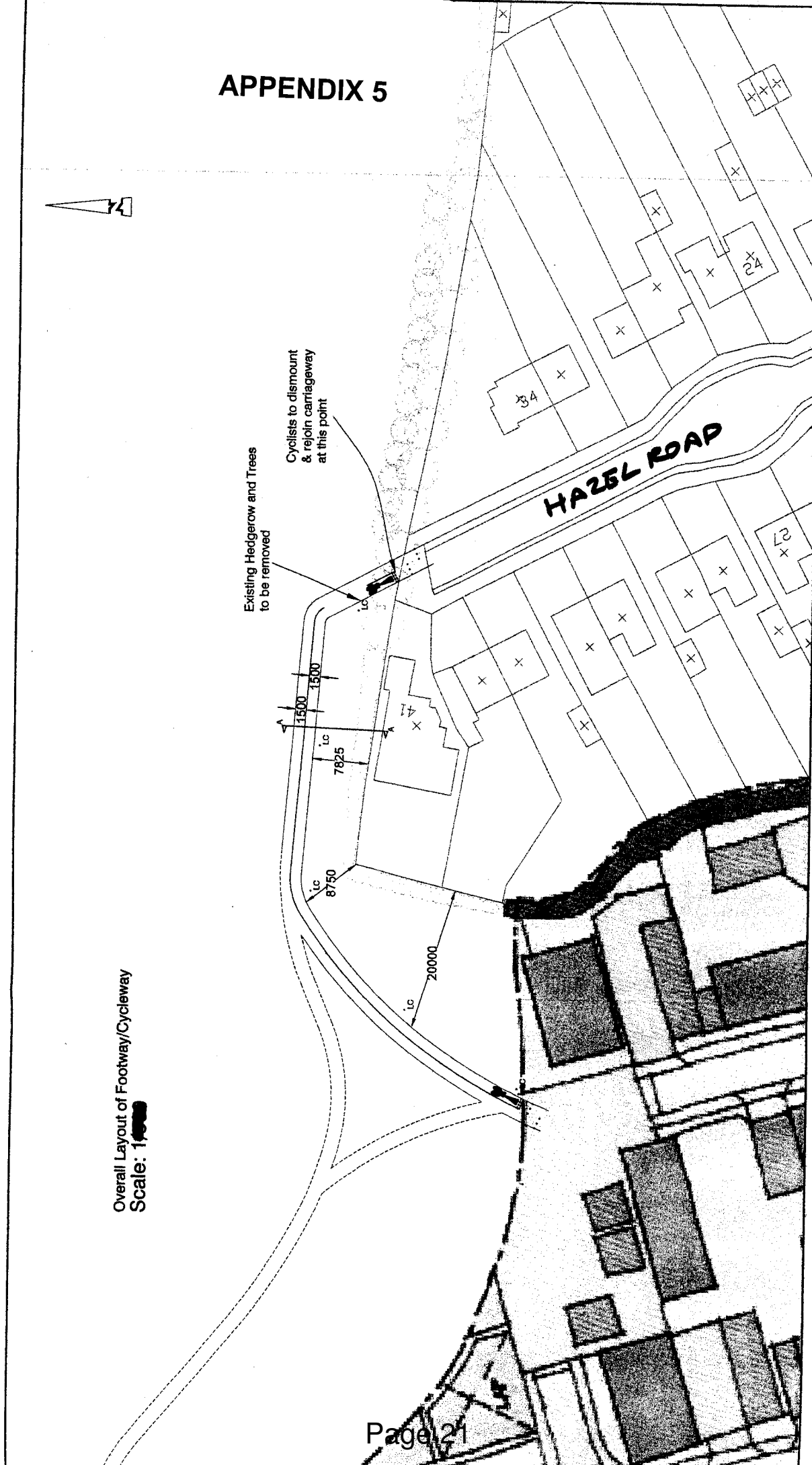
Existing Hedgerow and Trees
to be removed

Cyclists to dismount
& rejoin carriageway
at this point

1500
1500
LC
7825
LC
8750

LC
20000

HAZEL ROAD



LOCAL PLAN INSPECTOR'S REPORT

8.7.10 Land south of A420 – This site of around 3.9 ha. is on the northern edge of Botley (issue d), between the modern housing estates north of Eynsham Road and West Way and the A420 dual carriageway. It comprises open agricultural

fields, principally of grade 2 quality, either side of Tilbury Lane, with allotment gardens to the south. It has been designated as "safeguarded land", i.e. excluded from the OGB, for potential future development since 1991. It is common ground that vehicular access could be made available from Fogwell Road to the west, with an improved junction onto the B4044 (Eynsham Road), as agreed by OCC as highway authority, albeit via a somewhat circuitous route through a large area of existing housing.

8.7.11 Botley is well served with jobs, shops, schools, health and other community facilities in addition to having good public transport links to Oxford nearby and its higher level services, including a rail station and major retail centre. Consequently, the Council acknowledges and I agree that it is the most sustainable location in the district for new development. Moreover, this site scored very highly in the Council's own sustainability analyses undertaken during the plan preparation process. This was so irrespective of the assumptions made in relation to the provision of new services and infrastructure as part of the proposed major western expansions of both Grove and Didcot in comparative terms.

8.7.12 Subject to the provision of cycle/pedestrian links to the south via Tilbury Lane and east via Elms Road as proposed (and emergency only vehicular access in the former case), new housing on this site would be within a modest walking and cycling distance of all the services and facilities along the West Way. This includes primary schools, medical services, shops and numerous regular bus routes. In this respect at least, the proposed indirect vehicular access via Fogwell Road should act as a disincentive to the use of private cars for short local trips and perhaps even encourage the use of other travel modes by residents for longer journeys too.

8.7.13 In landscape and visual impact terms, the site effectively adjoins the existing urban edge of Botley on three sides. It is largely seen in the context of the busy main A420 and the overhead pylon line alongside from most public viewpoints. Moreover, new building need project no further north than the present extent of the modern housing to the west and east, thus limiting any potential harmful impact on the landscaping surrounding the settlement. Consequently, it seems to me that the effect on views from vehicles leaving Oxford on the A420 would only be marginally affected and ought to carry relatively little weight as a result. In addition, the area is divided by Tilbury Lane with hedges on both sides, which should be retained and enhanced in any development scheme, together with the allotments to the south. In my judgement, subject to a high standard layout and design, this would also have a role to play in reducing any overall visual impact of new housing on this site by breaking up its massing, particularly in the context of the retention of a similar buffer of open land to the north as already exists to the west and east.

8.7.14 I note my predecessor's view that "the land provides a useful buffer between the outer edges of Botley and the A420 and adds much to the rural setting of the north side of the settlement". However, for the reasons given above, I do not endorse the second element of that opinion. More importantly, however, having previously been identified in adopted plans as suitable in principle for new development, I have now concluded elsewhere in this report that more land needs to be identified to help meet the strategic new housing requirement for the plan period. Consequently, I consider that in this instance that need must now take priority over the desirability of this site being left open and free from development for a few more years.

8.7.15 I also recognise the ready availability of this site, which is in a single ownership. It has no identified constraints in terms of infrastructure, services,

[REDACTED]

landscape or nature conservation designation, flooding, ground conditions, archaeological, ecological or historic interest or any other factor likely to preclude development, apart from agricultural land quality. It could therefore provide around 150 new dwellings at an early stage in the plan period. Although it is principally of grade 2 (BMV) agricultural land quality, this was known and taken into account at the time of the site's identification as "safeguarded land" in 1991, when it was excluded from the GB and deemed suitable for development at some time in the future. This was confirmed by the Council at the inquiry.

8.7.16 Whilst it was retained as "safeguarded land" in subsequent plans during the currency of PPG 7, all other factors than agricultural land quality now point to its suitability as a very sustainable location for new housing development. Taking into account both the most recent advice in PPS 7, particularly para 28 (CD 3/34), and my conclusion that some more land must be identified if the OSP requirements to 2011 are to be fully met, I conclude that the agricultural land quality of this relatively small area is not such a critical constraint as to override all other relevant material considerations in this instance. In my opinion, it would be consistent with other sustainability considerations, which heavily outweigh the single factor of agricultural land quality, to release this site for new housing development now.

8.7.17 Nor do I consider that the future of this site is directly connected with any need (or otherwise) for a comprehensive longer term review of the OGB boundaries, having been effectively excluded from it many years ago now. Instead, it can and should be released to help meet current housing needs arising in this LP period, without prejudice to any wider strategic issues for the longer term. Nor, in view of the earlier decision in principle as to suitability for development, is there any potential "democratic deficit" arising in relation to the release of this site, in contrast to that which might be the case on sites that have not previously been the subject of public consultation envisaging their development within the LP process.

8.7.18 In conclusion, I consider that the additional land allocation at Faringdon introduced at revised deposit stage will not be sufficient on its own to make up for the likely shortfall in meeting the OSP requirements for new housing due to anticipated delays to completions on the major sites at Didcot, Grove and Faringdon, especially in the early years of the plan period. Although resulting in the loss of grade 2 agricultural land, new housing here would be in a sustainable location and subject to detailed design and layout, likely to prove compatible with neighbouring land uses. Bearing in mind the presence of the A420, the overhead power line and adjoining development on three sides, as well as the retention of a buffer of open land to the north, nor would it lead to any significant intrusion of built development into the landscape around Botley or harmful visual impact to the locality. The northern boundary of the allocation should be consistent with that of the northernmost extent of the existing housing on either side, albeit that public open space provision associated therewith may be made within the proposed buffer of open land to the north.

8.7.19 Accordingly, I recommend that this site should be allocated for new housing development in addition to those already identified in the plan, rather than as a replacement for any, or any part, of them. Due to the likely delays to the start of development on the major allocated sites and thus the dates of first and subsequent completions, this should mean that there is a better prospect of the required number of new dwellings being built in the early years of the plan period. Together with the land south of Lime Road, it would also help to provide a greater variety of size and type of site for new housing, as well as improving the



CUMNOR PARISH COUNCIL RESPO

The observations of Cumnor Parish Council.

PAGE 1

Register No. 07/00741/OUT Officer: Mr Martin Deans

Application Number: CUM/NHI/20107-X Amended plans: No

Address of Proposal: Land adjoining North East and North West of Tilbury Lane, Tilbury Lane, Dean Court/Botley, Oxford Oxon.

Proposal: *Outline application for Residential Development comprising 150 dwellings, including affordable housing, associated access, parking and private amenity spaces.*

EXTENSION OF TIME FOR OBSERVATIONS GRANTED ON 24 MAY TO 20 JUNE 2007.

Overall Conclusions

This is a major application, which raises specialist issues due to its proximity to high voltage power lines and heavily trafficked roads. These pose specific health hazards and the consequent risks are not negligible. The Council can find no evidence that the District Council has considered these risks in detail in the past. The course of action recommended in these comments will, if adopted, provide a sound platform on which to approve an important and much needed development. Given the perceived pre-existence of a concerning health cluster, failure to follow due process could, in Cumnor Parish Council's opinion, have significant effects.

Cumnor Parish Council:

1. Supports the need to provide new housing including affordable housing.
2. Accepts, in principle, that the Tilbury Lane Site should be developed.
3. Supports the applicant's assertion that, despite the District Council's guideline, given the proximity of this sensitive site to the Green Belt the approved planning density should not exceed 35 dwellings to the hectare.
4. Believes that the Transport Assessment is worthless because it starts from the assumption that the only access to the new development shall be via Fogwell Road from the Eynsham Road. There is ample evidence that a two-entry proposal was considered the preferred option at an earlier stage. The assumption should therefore have been justified.
5. Emphasises that the Planning Inspector's assumptions concerning the robustness of the local infrastructure were clearly based on misinformation.
6. Believes that the:
 - Noise Assessment is flawed
 - Electromagnetic Field Survey is flawed and that, in particular, there is inadequate justification, in the light of informed national and international criticism, of the selection of the distance of 74m from the power lines as the northern boundary of the proposed built area
 - Air Quality Assessment is flawed, for the reasons given in the main text, and that lack of justification for the failure to meet a safety target is contrary to the tenets in the HSE's approach to the 'Tolerability of Risk'
 - Deficiencies in the Air Quality Assessment are compounded by the failure to take into account the interactive effects of the electro magnetic fields and the particulate matter.
7. Believes that inadequate attention has been paid to minimising the impact of the development on the local wildlife environment.

CUMNOR PARISH COUNCIL RESPONSE FORM

The observations of Cumnor Parish Council.

PAGE 2

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Cumnor Parish Council's Recommendations cont.

8. Strongly recommends that outline planning approval should not be given until the following basic issues have been satisfactorily addressed:
 - the District Council has commissioned its own independent study of the arrangements for access to this important development: the assessment should include the need for traffic lights or a roundabout at the junction between the Fogwell and Eynsham Roads and the need to provide the normally recommended minimum number of parking spaces.
 - the District Council has satisfied itself that arrangements are in place to provide the necessary infrastructure, on a timescale consistent with the proposed development
 - the supporting technical document (Flood Risk Assessment and Drainage Strategy) should be independently peer reviewed and the applicant required to respond satisfactorily to the points raised
 - the District Council should take independent expert advice to ensure that the impact on wild life from this development is minimised
 - the applicant's Noise Assessment and its consequent deductions should be independently peer reviewed and the applicant required to respond satisfactorily to the points raised
 - the applicant's Electromagnetic Field Survey and its consequent deductions should be independently peer reviewed and the applicant required to respond satisfactorily to the points raised
 - the applicant's Air Quality Assessment and its consequent deductions should be independently peer reviewed and the applicant required to respond satisfactorily to the points raised
 - the Air Quality Assessment should be extended to justify the failure to meet appropriate targets and to consider the interaction of electromagnetic and particulate pollution effects.
9. Similarly recommends that outline approval should not be given until arrangements have been made to respond to the other detailed issues set out in the main section of this response.

CUMNOR PARISH COUNCIL RESPONSE FORM

The observations of Cumnor Parish Council.

PAGE 3

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General

Firstly, the Council wishes to comment that the Application Number was incorrectly suffixed and consequently the planning application was initially only available on the North Hinksey parish section of the VWHDC's website. As the only proposed access is from Eynsham Road in Dean Court (not Botley) in the parish of Cumnor, this was seen as an entirely avoidable error.

This resulted in residents of Cumnor having a reduced number of days in which to submit their comments to the District Council.

It is noted, sadly, that Cumnor (in which half the development is to be situated) is not mentioned in the Design Statement, yet Eynsham, some 5 miles away and has a two-page colour spread, Botley and Oxford are included.

Whilst the Council supports the need for more housing, including affordable housing, the proposed outline planning submission fails to meet essential objectives and the Council is therefore opposed to the application as it stands.

Fundamental Issues

The Council sees the following objections as fundamental. They must be satisfactorily addressed before the Council can support any scheme. The Council has included suggestions as to how these objections might be overcome.

Density

The Council understands that when the Fogwell Estate was built in 1984 the early residents were informed that the adjacent land had been set aside for an additional development not exceeding 100 dwellings. The proposal for 150 dwellings exceeds this original number and accounts for much of the pressure on the local infrastructure.

The Council supports the applicant's arguments that the density should be no greater than 35 dwellings per hectare, particularly bearing in mind its proximity to the Green Belt.

Local Road Traffic Arrangements

Access

The site's Road Transport Assessment is seriously flawed. It starts from the assumption that normal vehicular access will be solely via the Eynsham and Fogwell Roads. Information, given by their lawyers to recent purchasers, suggests that this was not always the case. When the land was set aside the assumption appears to have been that the land in Cumnor Parish would be accessed from Fogwell Road but that in North Hinksey would be accessed from a road in North Hinksey Parish. The failure to justify their fundamental assumption renders the Road Transport Assessment worthless.

CUMNOR PARISH COUNCIL RESPONSE FORM

The observations of Cumnor Parish Council.

PAGE 4

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Access contd.

The Council suggests that another access from Hazel Road should be created serving the North Hinksey side of the development, thereby leaving Tilbury Lane intact. The two parts of the development would be joined for pedestrian and cycle access but not for vehicular traffic. Residents on the North Hinksey side would use the new access leaving residents from the Cumnor Parish side to use the Fogwell Road access, thus reducing the pressure on Fogwell Road.

The existing Fogwell Road was not designed to cope with the current level of traffic, let alone the proposed level. If it is determined that the sole access should be via Fogwell Road, the District Council should ask the applicant to consider measures to improve the general safety of users, for example pinch points and barriers near to existing alleyways and footpaths. There is already on-street parking and cars parked straddling the kerb/pavements, which will restrict traffic flow.

The population of the Fogwell Road estate is of mixed ages. The new development is likely to have an increased number of young commuters with an associated increase in the number of vehicles exiting the estate at peak times.

There are currently 257 dwellings in the Fogwell Estate (not 250), which together with the 150 dwellings in the proposed new development exceeds the 400 dwellings on which the access design at the junction of Fogwell Road and Eynsham Road has been based. The Council does not approve of the proposed lay out for the junction as in Drawing Number JNY4620/18. The Council does not believe that OCC Highways' proposal for a ghosted right turn with two pedestrian safe havens is the best outcome for this junction in terms of vehicle speed and pedestrian safety. Even though the vision splay is considered to be adequate, vision of vehicles travelling along Eynsham Road is limited. There is very strong local support for a traffic light system with integrated pedestrian crossing, which would not only allow a safer crossing point to and from the bus stops, it would provide an improved junction for motorists and would reduce vehicle speeds along the Eynsham Road, which is subject to a 30mph speed limit.

The prevention of vehicular access via Tilbury Lane relies solely on the presence of a locked gate. This is a key feature and much further thought needs to be given to the provision of a user friendly and secure automatic gate and for its maintenance. At the present time it is hard to escape the conclusion that the gate will be frequently vandalised and left open.

It is clear that the farmer at Tilbury Farm will find the proposed arrangements irksome and might, quite rationally, choose to make Fogwell Road his normal point of access.

Refuse Collection

The far end of the existing Fogwell Road is already difficult for refuse lorries to access. This should be taken into consideration when drawing up plans for the new development. Some alternative provision for access should be considered for construction vehicles.

Parking

259 parking spaces have been allocated for the proposed 150 dwellings. This is below the recommended level of parking provision. The consultants maintain that with local public transport available residents, particularly those near to the Hazel Road boundary, will walk or cycle. This claim is considered to be naïve and the general opinion of those householders living in the area is that residents might have bicycles in addition to but not instead of vehicles. Vehicles must be parked. Local opinion is that the sustainability arguments do not justify providing less than the minimum number of parking spaces.

CUMNOR PARISH COUNCIL RESPONSE FORM

The observations of Cumnor Parish Council.

PAGE 5

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Parking cont.

The Council strongly recommends that parking should be provided near to dwellings and not in hard surface parking blocks as these are likely to be used by children as play areas and could be potentially dangerous and susceptible to vandalism.

Road Transport Conclusion and Recommendation

The original split access proposal would have preserved more of the ancient boundary hedges along Tilbury Lane, provided a useful wild life corridor and avoided the problems with the gate. If ever there was a case for a re-examination this must be it.

The Council invites the District Council to commission its own independent study of the arrangements for access to this important development.

Infrastructure

The assertions made by the Inspector when releasing the land for development are clearly mistaken. Comments in the Design Statement applaud the existing provision of shops, public transport, medical facilities and schools.

With the various ad hoc developments and those at Lime Road, Tilbury Lane and Timbmet, the population of Cumnor and North Hinksey is likely to increase by more than 10%.

The Council is aware that the two primary schools (Cumnor and Botley) are already at or near full capacity, as is Matthew Arnold Secondary School.

Information received from the Botley Medical Centre indicates that it is also at full capacity. The influx of so many new patients would be unmanageable and the practice might have to close its list to new patients.

Surface Water and Foul Drainage

The Council has in the past recommended that no further housing should be allowed on Cumnor Hill until remedial work is carried out to resolve the problems regarding drainage and sewage in the Dean Court/Eynsham Road area. This remains a pertinent comment for this application in terms of the volume of sewage and surface water flowing through the drains in Botley.

Thames Water confirms in the Flood Risk Assessment and Drainage Strategy that there are known capacity issues within the foul sewage system downstream of the site.

The Assessment contradicts the initial advice of the planning consultants with regard to which sewer will serve the new development. Is it definitely to be the sewer along Hazel Road and into Seacourt Road? The Deanfield Road and Tilbury Lane area continues to suffer from sewer surcharges on a regular basis. In the light of the number of complaints made to Thames Water by residents in the area the sewer needs to be properly identified.

The claim that the proposed surface water drainage will not increase the run-off from the site is clearly disingenuous in the sense that much of the run-off will go into Seacourt Brook, which already runs full in periods of heavy rain and gets blocked by silt and vegetation from Tilbury Lane. The Council recommends that the supporting technical document (Flood Risk Assessment and Drainage Strategy) should be independently peer reviewed and the applicant required to respond to the points raised.

CUMNOR PARISH COUNCIL RESPONSE FORM

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PAGE 6

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Leisure and Recreation Areas

Cumnor Parish Council has submitted a bid for a contribution from Section 106 for recreation equipment at the end of Fogwell Road playing field, which would also serve the new community. It is understood that North Hinksey Parish Council has submitted a bid for a contribution from Section 106 for an area for recreation and allotments. Cumnor Parish Council strongly believes that in the event that the developer is unable to meet the full costs of the claim, then any available funds should be distributed on the basis of the number of new residents each parish is expected to integrate. The Council believes that the two small open space areas (LAPS), which by definition would only provide one small piece of play equipment for under 4 year olds, represents woefully inadequate provision for a development of this size.

Hedgerows and Wildlife

The ancient hedgerows along Tilbury Lane form a natural delineation between the parishes of Cumnor and North Hinksey. In line with the Inspector's recommendation these should not be removed, or allowed to be broken.

The Council is aware of existing badger setts close to the proposed development and the District Council has, therefore, a duty to protect their foraging areas. The Council can find no more information about the badger settlement and the developer should meet the requirements for a protected species. It is understood that the local Oxfordshire Badger Group was not consulted.

The Council recommends that the District Council should take independent expert advice to ensure that the impact on wild life from this development is minimised.

Site Boundaries

Road Traffic Noise

The Council is sceptical about the Noise Assessment for a number of reasons, including but not exhaustively:

- The survey was taken during the August holiday period when the traffic was lighter than usual.
- The noise from the A420 is believed, on occasion, to exceed by 5dB, the internationally accepted maximum background noise level.
- The Council is aware that an acoustic barrier along the edge of the A420 was rejected by the planning consultants. The Council does not accept that the buffer land will reduce the noise levels directly affecting the residential development (3.8), and strongly recommends a buffer zone of trees and shrubs along the embankment, which in time will reduce the noise level for the residents.
- The Council takes issue with the claim that reasonable internal noise in habitable rooms can be attained by the use of appropriate window designs. This assumes that residents must also keep their windows shut.

The Council recommends that the supporting technical document should be independently peer reviewed and the applicant required to respond to the points raised.

CUMNOR PARISH COUNCIL RESPONSE FORM

The observations of Cumnor Parish Council.

PAGE 7

Register No. 07/00741/OUT Officer: Mr Martin Deans
Application Number: CUM/NHI/20107-X Amended plans: No
Address of Proposal: Land adjoining North East and North West of Tilbury Lane, Tilbury Lane, Dean Court/Botley, Oxford Oxon.
Proposal: *Outline application for Residential Development comprising 150 dwellings, including affordable housing, associated access, parking and private amenity spaces.*

Electromagnetic Field Survey

The Council believes that the conclusions drawn by the supporting document are flawed. Its reasons include but not exhaustively:

- It is believed that the survey was taken on 15 January during daylight hours when the local demand for electricity would not have been at its peak. The risk to human health is a function of the voltage, which is largely invariant, and the current, which varies widely throughout the day.
- The document from which the 74m-safety zone has been derived has been subject to major public criticism. Such criticism is widespread in the UK and also in Europe and the USA. The applicants do not comment on this criticism and in particular do not justify their failure to include a safety factor (a common engineering ruse for dealing with uncertainty).
- The dangers to human health, particularly that of children, are still unknown in terms of incidents of leukaemia, lung and heart disease. It is noted that, as a precaution, recent reports have recommended a minimum distance of 250metres. There is already anecdotal evidence of a cluster of residents with relevant health problems in the Deanfield Road area. The pre existence of this cluster would clearly be of importance should the District Council's approach to the consideration of this application become an issue at a later date.

The Council recommends that the supporting technical document should be independently peer reviewed and the applicant required to respond to the points raised.

Air Quality Assessment

The Council believes that the conclusions drawn by the supporting document are flawed. Its reasons include but not exhaustively:

- The document contains no empirical data but rather relies on a mathematical model. The applicability of the model to the particular location is not justified.
- In any event the calculations show that the proposed development will not meet (by a modest margin) the current guidelines and will certainly not meet the guidelines due to come into force in 2010.
- It is an empirical fact that the presence of electromagnetic fields enhances the damaging effects of particulate matter. This enhancement is not addressed.

The argument would be more convincing if the mathematical model had been backed by measurements in the field and if the applicants had demonstrated that any additional risk arising from the missed targets was negligible.

The requirement to justify the failure to meet a risk target is a fundamental tenet of the HSE's approach to the 'Tolerability of Risk'

The Council recommends that the supporting technical document should be independently peer reviewed and the applicant required to respond to the points raised.

Finally, the Council recommends that the views of parishioners should be taken into account.

Signed by*J B Bock*
Clerk to Cumnor Parish Council

Dated 19 June 2007

APPENDIX 7

NORTH HINKSEY PARISH COUNCIL RESPONSE

Councillors considered the objections raised by residents at the earlier Special Meeting and after lengthy debate the following resolutions were proposed: -

- i). *Councillor Mrs. J. Godden proposed and Councillor G. P. Parkhurst seconded the resolution that 'the Parish Council believes that the proposed footpath/cycleway link to Hazel Road was an integral part of the development plans and as such should remain as proposed. Councillors SUPPORTED the resolution by 7 votes to 1 vote (Councillor N. Q. Khan voting against and Councillor M. R. Harper abstained from voting).*
- ii). *Councillor E. Batts proposed and Councillor Mrs A. Dykes seconded the resolution that 'Council after studying the access and exit arrangements improvements in Eynsham Road believed they were totally inadequate to meet the increased traffic volumes'. Councillors UNANIMOUSLY SUPPORTED the resolution.*
- iii). *Councillors actively encouraged the District and the developer to explore the suggestion that Tilbury Lane should be open for one-way traffic from the proposed housing development to the existing properties where it would revert to its current system of two-way traffic. This made sense as it would reduce what would be a marked increase in traffic movements along Fogwell Road.*
- iv). *Councillors asked that the developer reviewed lighting arrangements on the proposed footpath/cycleway to ensure that the lighting did not cause a problem to nearby properties.*

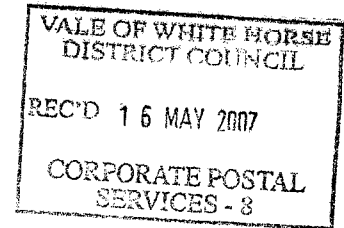
PARISH COUNCIL'S JOINT REQUEST

Cumnor Parish Council

Jacqueline Bock
Clerk of the Council
Tel & Fax: 01865 860950
E-mail: cumnorparish@btconnect.com

143 Cumnor Hill
Oxford
OX2 9JA

Mr Martin Deans
Area Planning Officer (North)
Vale of the White Horse District Council
Abbey House
Abingdon
Oxfordshire OX14 3JE



15 May 2007

Our Ref: CPC/Planning/lets/15-05-07DeansValePH(1)
Your Ref:

Dear Martin,

Land to the South of the A420

Proposed Development off Tilbury Lane

Further to our meeting with you and Rodger Hood on 5 April, and a subsequent meeting of representatives from North Hinksey Parish Council and Cumnor Parish Council, please find enclosed the costings for the proposed schemes that both Councils would like considered under Section 106 from the developer(s) of the site.

North Hinksey Parish Council wishes to stress that in its proposed scheme, it has tried to cater for the new development and the wider area, as the Council has been told the parish's play provisions are sub-standard.

Over the past few years, Cumnor Parish Council has spent considerable sums of money on new equipment for its various junior recreational areas, on the provision of a new sports pavilion at Fogwell Road and on its local halls. The young and adult new residents will, therefore, benefit from investments that have already been made by the existing Council tax payers. There still remains a shortage of facilities for teenagers. The Council believes that as the existing residents have made investments that will benefit the new community, it is reasonable to expect the developer to support the one remaining area at Fogwell Road where further investment is needed.

Both Councils sincerely hope that the developer(s) will agree to contribute funds under Section 106 to benefit the new residents and the local community into which they will integrate.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'J B Bock'.

Jacqueline B Bock (Mrs)
Clerk to Cumnor Parish Council

CUMNOR PARISH COUNCIL

QUOTATION NUMBER 17/62980

REVISED QUOTATION FOR THE SUPPLY AND INSTALLATION OF PLAY EQUIPMENT AND SAFETY SURFACING FOR THE FOGWELL ROAD PLAY AREA

TOTAL EXCL. VAT £38472.00

The quotation is detailed as follows :-

Quantity	Code	Description	Unit price	Total
			£	£
		Dig out and remove from site 2 no existing Seats		80.00

Supply and Install the following into the play area

6200.013	WILDCATS PREMIER MULTI-SPORT SYSTEM - GOAL WALL MODULE CW ONE 3M HIGH PANEL EACH SIDE [Please refer to catalogue page 139/139]	4741.00	4741.00
	Installation		993.00
	Supply and Lay approx. 100 sqm of black tarmac surfacing for the above Goal Wall formed of 100mm MoT type 1 stone, 40mm base course tarmac and 20mm wearing course tarmac, all edged with 150mm x 50mm concrete pin kerbing haunched in concrete		5000.00

6200.033	MULTI-GYM The Teenage Multi-Gym is designed for teenagers and young adults to exercise outdoors. It consists of a Leg Lift, Step Ups, Spin Disc and Pull Ups. [Please refer to catalogue page 155]	1759.00	1759.00
	Installation		310.00
	Supply and Lay approx. 16 sqm of black tarmac to create a hardstanding surface for the above Multi Gym		800.00



CUMNOR PARISH COUNCIL

QUOTATION NUMBER 17/62980

Quantity Code Description

Unit price Total
£ £

1	6030.052	MATRIX 7 TIER CLIMBER C/W CLIMBING WALLS PLATFORMS & INFILLED TRIANGLES Installation	15743.00	15743.00
74	6130GRASS	WICKSTEED SAFETY GRASS - (1.5m x 1m x 23mm thick mats) - Priced per Mat Installation	33.00	2442.00
				1628.00

Supply and Install the following Outdoor Furniture into the play area

2	6120.061GRE	CRANSLEY METAL LITTER BIN WITH LOCK - PAINTED DARK GREEN A heavy duty, all metal litter bin, fitted with an inner removable container and ground fixing facilities. [Please refer to catalogue page 164]	71.00	142.00
		Installation		254.00
2	6120.070GRE	CRANSLEY 6 METAL PICNIC TABLE - PAINTED DARK GREEN A heavy-duty, all metal picnic table, particularly suitable for areas where vandalism can be a problem. The design enables wheelchair users to pull up and sit comfortably with their friends and family. [Please refer to catalogue page 162]	479.00	958.00
		Installation		438.00



CUMNOR PARISH COUNCIL
 QUOTATION NUMBER 17/62980

Quantity	Code	Description	Unit price £	Total £
1	204701	5-SPACE DOUBLE SIDED CYCLE RACK - GALVANISED STEEL Somewhere for children to park and lock up their bikes is essential in today's security-conscious environment. This galvanised steel cycle rack is capable of supporting 5 cycles from either side and can be free-standing or anchored to the ground. [Please refer to catalogue page 156 & 165]	89.00	89.00
		Installation		141.00

HERAS.001

Provision of security fencing and warning signs to be erected prior to installation, commencing and removed once installation complete

Sub-total	40063.00
Less: Discount (Inclusive of main contractors discount)	2884.54
Carriage	1293.54
TOTAL EXCL. VAT	38472.00

Our Safety grass: An impact absorbing, non-slip safety surface for installation onto grass. The honeycomb rubber matting disappears from view once the grass has grown through its cells*. Tested to BS EN 1177, this surfacing has a certified Critical Fall Height of 2.3m. [Please note that this Critical Fall Height is subject to ground conditions - see note at the end of this quotation regarding our recommendations regarding usage and application.]

* For the best aesthetic results, time must be allowed for the existing grass to grow through the cells. The quantity of time needed to be allowed is dependent upon the season it is installed, the weather conditions and the condition of the original grass. Customers may need to arrange for additional seeding if ground has eroded due to previous use. It should also be noted that the Safety Grass will follow the contours of the original grassed surface, which of course may not be completely flat and level. This will look natural once the grass has grown through and the area is mowed.

Costings for North Hinksey Parish

Project	Description	Cost per item
1	Capital Costs - Play Area	
	Prices based on Wickstead Leisure Ltd - Quote 17/63330 see quote for terms & conditions	
	Storm Multi Play System	£13,422.00
	Wickstead Continuous Surfacing	£11,200.00
	Base into existing Grass	£3,600.00
	Installation	£2,355.00
	On your Marks - Funrun Fitness Trail	£7,257.00
	Wickstead Continuous Surfacing	£5,155.50
	Base into existing Grass	£6,137.50
	Installation	£2,868.00
	Std Half Pipe with Metal Skating	£16,296.00
	Hardstanding for skate area	£5,200.00
	Wildcat & Allround Multi-Sport System	£4,889.00
	Installation	£1,330.00
	Wildcat & Allround Multi-Sport System	£85.00
	Installation	£18.00
	Surface for Multi-Sport area	£2,550.00
	Special New Style Basketball Goal	£1,560.00
	Installation	£620.00
	Surface for Basketball Goal	£18,200.00
	Security Fencing	£500.00
	Secure Storage	£500.00
	Sub Total of Capital Costs for Play Area	£103,543.00
	Less Discount agreed with Contractor	5%
	Plus Carriage Costs	£1,349.15
	Total Capital Costs - Excluding VAT	£99,715.00
2	Ongoing Annual Maintenance Costs - Play Area	
	Fences	£400.00
	General Maintenance	£200.00
	Litter & Weed Clearance	£750.00
	Insurance	£200.00
	Inspections	£800.00
	Skateboard Cleaning & maintenance	£350.00
	Miscellaneous including administration	£100.00
	Total Annual Maintenance Costs - Excluding VAT	£2,800.00

Costings for North Hinksey Parish

Project	Description	Cost per item
3	Capital Costs - Allotments	
	Plough and harrow 1ha of land	£250.00
	Lay out plots, using GPS	£800.00
	Lay turf paths (800m ²)	£4,400.00
	Put up chainlink fence 400m incl concrete posts	£8,000.00
	5 Bar gate	£250.00
	Parking spaces in grasscrete*	£4,530.00
	Annual maintenance	£500.00
	Noticeboards (G. Silliman's version)	£400.00
	Installation of Water Supply	£20 per metre
	Installation of 8 stand pipes	£4,000.00
	Installation of 8 stand pipes	£800.00
	Total Capital Costs - Excluding VAT	£23,730.00
4	Ongoing Annual Maintenance Costs - Allotments	
	Fences	£100.00
	General Maintenance	£200.00
	Plot & Weed Clearance	£300.00
	Miscellaneous including administration	£100.00
	Water Rates	£100.00
	Skip Hire	£100.00
	Less Allotments Rent Income	30 plots @ £5
	Total Annual Maintenance Costs - Excluding VAT	£750.00
5	Summary	
a	Capital Costs	
	Play Area	£99,715.00
	Allotments	£23,730.00
	Total Capital Costs	£123,445.00
b	Annual Maintenance Costs	
	Play Area	£2,800.00
	Allotments	£750.00
	Total Annual Maintenance Costs	£3,550.00
	Over a 20 year life, Assuming Inflation is 3% per annum Assuming a rate of interest of 6% pa I.e net discount rate of 3%	
	The Net Present Value of the Maintenance Costs is	£52,815.04
c	Total Ccost of Project (a + b)	£176,260.04

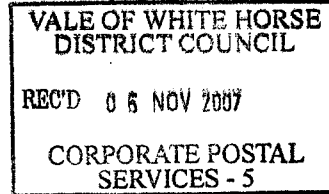
APPLICANTS' RESPONSE

6-11-07
BARTON
WILLMORE

APPENDIX 8

Theale Court
11 - 13 High Street
Theale
Reading
RG7 5AH

M. Deans Esq.
Development Control
Vale of Whitehorse DC
Abbey House, Abbey Close
ABINGDON
OX14 3JE



t 0118 930 7444
f 0118 930 7445

BY FAX AND POST 01235 540396

12113/A3/NPN/ka

5th November 2007

Dear Martin,

RE: OUTLINE PLANNING APPLICATION 07/00741/OUT - LAND EITHER SIDE OF TILBURY LANE, BOTLEY

On behalf of the University of Oxford we write in relation to the above site to confirm our proposed contribution to public open space and children's play space, following receipt of the formal request for financial contributions from the development by North Hinksey and Cumnor Parish Councils, forwarded by your letter dated 29th June 2007.

We have already discussed the form and extent of the contribution to POS with Mike MacKay in Leisure Services and we had proposed an off-site contribution of **£10,000** towards improved facilities at the Louis Memorial Garden in Botley for children of all ages.

We have also agreed an open space commuted maintenance contribution (inc 2 LAPs) of **£149,769** towards the adoption of the areas of public open space serving the development, which is proposed to be offered in the first instance to North Hinksey and Cumnor Parish Councils and secondly to the District Council.

However, following these discussions the two Parish Councils issued their request for a contribution to Parish projects for children's play space. On this basis we propose to adjust and increase the contribution proposed for children's play space. The open space maintenance contribution of **£149,769** remains unaffected by this change.

We understand firstly that the Council is prepared to accept contributions towards the provision of children's play space at Fogwell Road recreation ground (Cumnor Parish) and on the proposed development site in North Hinksey Parish - thereby waiving the previously agreed contribution to the Louis Memorial Garden.

As you know, Circular 5/05 guides the application of S106 planning obligations and sets out a series of legal tests, which all contributions must comply with. These include the test of necessity and that contributions must fairly relate in scale and kind to the development proposed. The University of Oxford does not consider that either Parish Council has provided any form of justification for their wish list of play space contributions. Therefore in the absence of such information we must take a reasonable view as to the level of contributions sought and whether these pass the tests of Circular 5/05. In our view the

Certificate No. FS 29837



contributions sought in their full extent do not relate to the scale of development proposed – nor take account of the fact that because the development straddles two parishes this does not enable an effective 'doubling up' of contributions to play space.

Having said this, we recognise that the parishes have carefully considered and costed their play equipment, which no doubt has followed a process of consideration at a local level with the aspirations and needs of the local community at the forefront of their deliberations.

We therefore propose the following contribution towards the Fogwell Road recreation ground:

£16,055 – to cover all items in the Wicksteed Leisure quotation dated 11th May 2007 less the climbing wall and safety grass and associated installation. It is considered that this contribution would materially benefit the existing play area and be proportionate to the development proposed and the needs generated by the development.

In addition we propose on site provision of equipped children's play space within North Hinksey Parish facilitated by the upgrading of the eastern most LAP to a LEAP. We propose to provide either the storm multi-play system (based on Wicksteed Leisure quotation ref 17/63330) or equivalent provision with associated surfacing and installation costs. The details of the equipment proposed would be considered as part of the reserved matters detailed consent stage, and a suitable planning condition can be imposed to require the provision of one on site LEAP and one LAP.

It is considered that the provision of these facilities, one to an off-site enhancement of an existing play area, and the latter to the creation of a new children's play facility for 8-14 year olds within the development site is a robust and effective contribution that is proportionate to the development proposed.

In summary the contribution to public open space and children's play space will comprise the following:

1. **£16,055** to the provision of off-site children's play space;
2. Provision of on site LEAP and LAP;
3. Public open space maintenance contribution of **£149,769**.

This represents an increase of **£6,055** above the previously agreed off-site contribution with the District Council and the provision of an on-site LEAP. We therefore invite the District Council to support and accept this proposed contribution and seek written confirmation in this regard. We trust that you will be able to liaise with Mike MacKay in Leisure Services in advance of our meeting on Thursday 8th November and that we can reach an agreement at that meeting in terms of the open space and children's play space contributions, as well as public art, to enable the drafting of the S106 to proceed.

I hope that this is clear and helpful.

Yours sincerely,

N. Paterson-Neild

NICK PATERSON-NEILD

Associate

cc: A. Whitehouse Esq. - University of Oxford
 G. Lloyd Esq. - University of Oxford
 N. Roberts Esq. - RPS
 M. Davis Esq. - Savills
 R. Withey Esq. - Manches Solicitors



NORTH HINKSEY PARISH COUNCIL



Alan Stone, Clerk to the Council

nhinkseyparish@msn.com

27 Long Close, Eynsham Road, Botley, Oxford OX2 9SG

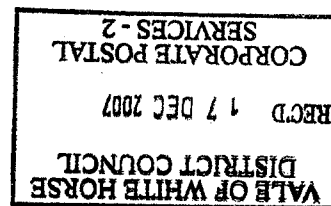
tel / fax: 01865 861992

Cllr. Mrs. B. A. Newport,
Chairman of North Hinksey Parish Council,
28 Stanley Close,
North Hinksey,
Oxford OX2 0LB
E-mail: brionynewport@f2s.com
Tel. 01865 246497

APPENDIX 9

13th December 2007

Mr. M. Deans,
Area Planning Officer (North),
V.W.H.D.C,
Abbey House,
Abingdon,
Oxon.
OX14 3JE



Dear Mr. Deans,

Planning Application CUM/NHI/201407X Residential Development, Tilbury Lane, Botley.

Thank you for agreeing to meet with myself, Councillors Batts and Stevens and Alan Stone, the Parish Clerk and explaining the current position in relation to the proposed developer. You will have gathered from our dismay that the news contained in your letter of 29th November about the developer's offer of Section 106 contributions came not only as a major disappointment, but conflicted with views expressed by their planning consultant, Nick Patterson-Neild, at the meeting held on 23 January 2007, with both Cumnor and North Hinksey Parish Council representatives. At this meeting the developers clearly stated they were proposing to have two on-site play areas for young children on either side of Tilbury Lane.

It was on the basis of this information and that the developer was willing to offer land shown as a recreation area, to either the Parish or District Councils, that my Council expressed an interest in having the land on the North Hinksey side of Tilbury Lane. Our logic was that the land could be used to provide a much needed play area for older children, especially as a new path would link into an older established community of this parish, and that in the Fogwell Road area under Cumnor Parish Council there are already two separate equipped play areas for younger children. I say much needed as the chronic shortage of play facilities for the Seacourt Road area and all other properties on that side of West Way and Eynsham Road, had been highlighted by Sports England in 2004, based on the knowledge that the nearest recreational area within the NHPC was some two miles away at the Louie Memorial Playing fields, in Arnolds Way, near to Matthew Arnold School.

The offer of the land behind the proposed development, with Section 106 contributions seemed to answer both childrens' needs, the Sports England criticism and Parish Council aspirations. Hence our dismay and deflation when your letter arrived to say that contrary to the earlier meeting the developers were now only willing to provide play equipment on the small, on-site piece of land, on the east end of the site. To pay, in part for this they proposed to redirect the £10,000 originally offered to the Louie Memorial Playing Field on the grounds that they do not consider the residents of the site will make significant use of the Louie Memorial field. I re-iterate our comments below: -

- a). The mention of the £10,000 contribution to the Louie Memorial Playing Fields came as a total surprise, as the Parish Council had never been informed of this fact.

- b). The developer is perfectly correct to say that residents on the Seacourt Road side of West Way etc. would not make significant use of the Louie Memorial playing fields. This is precisely NHPC and Sport England's point, it is too far away from the estates on the Seacourt Road side of West Way for children and parents to be able to use the facilities. A recent Parish Council survey of recreational facilities in North Hinksey confirmed the desperate need for meaningful play facilities in the locality of the proposed Tilbury Lane development.
- c). The Parish Council does not understand how the developer has been allowed to provide two on-site play areas, (one on either side of Tilbury Lane), without being asked to provide any play equipment. What has changed since the meeting on 23 January 2007, when it was stated that both areas would have play equipment for young children? Councillors cannot believe that the V.W.H.D.C. would agree to such an omission and if NHPC had been consulted on this fact, it would have been made abundantly clear Sport England's criticism of the complete absence of practical local facilities in lower North Hinksey.
- d). The developer plans to have a walkway from the site into Hazel Road, which amongst other things will open up access to the site for children from nearby roads and Botley Primary School. Elderly people have complained that children of all ages play in Seacourt Road and are worried that they may get knocked down. Some of the older children also play football in the street near their bungalows too.
The proposal is for the developer to put play equipment on the small area of irregular open space (approximately 142 sq. m. with the longest side 14 m.) on the North Hinksey side of Tilbury Lane. The size of the plot is a clear indication of how little play equipment will be accommodated on that site and by no stretch of the imagination is it adequate to meet the needs of the Tilbury Lane development, let alone those children coming from the other local estates in North Hinksey. This will be their play area outside of the distant Louie Memorial playing fields.
clear indication of how little play equipment will be accommodated on that site and by no stretch of the imagination is it adequate to meet the needs of the Tilbury Lane development, let alone those children coming from the other local estates in North Hinksey. This will be their play area outside of the distant Louie Memorial playing fields.

My Councillors believe that the developer should be required to provide play equipment on-site within the development only and as such argue that North Hinksey Parish Council and its residents (especially children) therefore gain no benefit from the Section 106 contribution process to address the local harm that will be experienced as a result of the development as outlined in your 29 November letter.

My Councillors respectfully request that you bring this letter to the attention of your Council's Development Control Committee as we think they should ask the relevant officers to go back to the developer and ask that they provide on-site play facilities at the two indicated sites in line with the proposals discussed at the meeting on 23 January 2007. In addition, they offer a reasonable financial settlement to enable NHPC to provide for the development of a play area for older children on land (between the proposed development and the A420) on the North Hinksey side of Tilbury Lane. In doing so this will address the chronic shortfall of local play facilities in North Hinksey as identified by Sport England, the Parish Council and local residents. This is too good an opportunity to miss to address a real problem. With two younger age children sites already in the locality of Fogwell Road it would make much better sense to have some older age facilities on the new Tilbury Lane site for ease of access to the Hazel and Poplar Road children to access, rather than going nearly as far as the Louie Memorial Fields in Arnolds Way and the end of Fogwell Road in the playing fields there.

I think it is only fair to re-iterate that NHPC's interest in the land on offer from the developers is driven by the possibility of a play area for older children. If this is not likely to materialise, then the Parish Council will have no interest in the land and as such would be foolish to agree to take it into its ownership. I can only assume that if this was the case the Vale would have to probably take over ownership of the land and all associated maintenance costs.

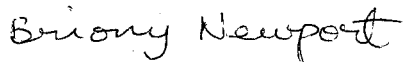
I wonder whether there is the possibility of a compromise here to achieve the much need play facilities for older children? If we can for a moment assume: -

- a). That the Development Control Committee agrees with our submission and the developer is asked to provide on-site young children play facilities, as this is not an unreasonable request for the size of the developments.

- b). If the Vale then takes on ownership of all the land, (with a maintenance contribution from the developer), it will have to incur year on year costs of maintaining the land. If the Parish Council did agree to take ownership of part of the land this would reduce the Vale's year on year maintenance liability. With this saving in mind, I believe it would be in the Vale's interest to make a financial contribution to NHPC in lieu of its ongoing yearly saving, due to reduced maintenance costs.
- c). Using the logic that the developer has not made a Section 106 contribution to North Hinksey, they are then asked to make a much reduced contribution as a gesture of goodwill, say £50,000, the Parish Council finds say £25,000, and the Vale makes a negotiated contribution based on the logic in b). above, then there would hopefully be sufficient funding to make the play area for older children a reality. Sport England and NHPC would be happy, and most importantly, the NHPC area local children would at last have play equipment they have longed for.

Please pass this letter onto all the relevant officers and bring its content to the attention of members on the Development Control Committee. I apologise for the length of the letter but feel it has to be of this length to address all the issues. I hope it demonstrated how passionately I and my fellow Councillors feel about the need to provide the much needed play facilities and how unhappy we are with the suggested Section 106 contribution for our community.

Yours sincerely,



Councillor Mrs. B. A. Newport
Chairman of NHPC

Cc District Councillors: T. Quinlan and Mrs. J. Shepherd

Centre for Radiation, Chemical and Environmental Hazards



Mr M Deans
Area Planning Officer (North)
Vale of White Horse District Council
Abbey House
Abingdon
OX14 3JE

APPENDIX 10

Health Protection Agency

Centre for Radiation,
Chemical and
Environmental Hazards

Radiation Protection
Division

Chilton, Didcot
Oxfordshire OX11 0RQ

Tel +44 (0) 1235 831600
Fax +44 (0) 1235 833891
www.hpa.org.uk/radiation

12 December 2007

Dear Mr Deans,

**Ref: Planning Application CUM/NHI/20107-X
New Housing Development, Land off Fogwell Road and Tilbury Lane, Botley, Oxford.**

I am writing in response to your request to review an Electromagnetic Field Survey Report produced on the 4th of April 2007 by WSP Environmental UK. I understand that the report has been submitted to Vale of White Horse District Council in support of the above planning application. You have also requested comments on a letter dated 11th of June 2007 received from Mr Bowell in relation to the same planning application. I have addressed these two issues separately below.

Report from WSP Environmental UK

The report from WSP Environmental UK contains general information about the biological effects of power frequency electric and magnetic fields, but relatively little detail regarding the instrumentation and survey techniques employed during their assessment of the site. The instrument used is not one with which I am familiar. However, a search of the internet indicated that it is a small hand-held device that purports to be suitable for the measurement of low frequency electric and magnetic fields. The authors of the report do not indicate how the instrument was used, but it certainly would not be possible to obtain meaningful measurements of electric field strength if it was hand-held; the presence of the surveyor's body would perturb the field. Moreover, some of the electric field strengths assessed during the survey appear to have been beyond the range of the instrument. Indeed the specification of the instrument quoted on the internet suggests that it would not be suitable for measuring either electric field strengths or magnetic flux densities that were significant fractions of the relevant reference levels. It is possible that the report does not accurately reflect the surveying technique adopted, but taken at face value it does not inspire confidence that the surveyors are experienced in this type of measurement.

The principal outcome of the survey is an assessment of magnetic flux density. The values presented are plausible for this type of situation. The magnetic flux density produced by the overhead lines will be dependent on the load on the line, so the measurement results should not be regarded as absolute values, but rather indicative of 'typical' flux densities. In his letter, Mr Bowell expresses concern that the measurements may underestimate peak magnetic flux densities as they were probably carried out in daylight when domestic demand is likely to be lower. However, it should be noted that commercial and industrial demand is often higher during the day. Without actual load data, which the report indicates is not available, it is not possible to comment further on relationship between the measured values and maximum flux densities.

The interpretation of the measurement data is conservative. The Health Protection Agency currently has responsibility for providing advice on exposure restrictions for electromagnetic fields, a function

formerly exercised by the National Radiological Protection Board (NRPB). This advice was last reviewed in 2004 and as a result it was recommended that the UK adopt the guidelines of the International Commission on Non-ionizing Radiation Protection (ICNIRP) for limiting exposure to electromagnetic fields between 0 and 300 GHz. These are intended to avoid established adverse effects of excessive exposure and for power frequencies the guidelines set basic restrictions in terms of induced current density in the tissues of the central nervous system. As the basic restrictions are not easily measurable, the guidelines also set derived reference levels, set in terms of external field strengths and magnetic flux densities. The magnetic flux density reference level for public exposure at power frequencies is set at 100 μ T.

It should be noted that European Member States have formally adopted a European Union Recommendation as a framework for limiting public exposures. This document incorporates the ICNIRP public exposure guideline values.

Hence the advice of the Health Protection Agency is that provided that 50 Hz magnetic flux densities are below 100 μ T, there is no requirement for further action. In the report, WSP Environmental UK recommend a precautionary approach based on the epidemiological observation that time-weighted average exposures above 0.4 μ T is associated with a small increase in the absolute risk of leukaemia in children from about 1 in 20,000 to 1 in 10,000 per year. It has been concluded that currently the results of these studies, taken individually or as collectively reviewed by expert groups, are insufficient either to make a conclusive judgement on validity or to quantify appropriate exposure restrictions. However, such studies taken together with people's concerns provide a basis for considering the possible need for further precautionary measures in addition to the application of quantitative restrictions on exposure to electromagnetic fields. This appears to be the approach recommended by WSP Environmental UK in its report. In addition, to adopting a precautionary approach based on 0.4 μ T, the authors of the report further suggest that a reduction of 0.1 μ T should be made to allow for a contribution to exposure from domestic wiring and appliances. It is difficult to estimate such a contribution with confidence as it varies considerably from property to property; in locations remote from overhead power lines background flux densities are generally in the range of 0.01 to 0.2 μ T, though it is known that fields in some properties will exceed this range. Hence the value assumed by WSP Environmental UK (0.1 μ T) is towards the upper end of the range typically encountered in domestic properties and is therefore reasonably conservative, but cannot really be regarded as a 'worst case'.

Letter from Mr Bowell

I have consulted with my colleague Dr Sienkiewicz in relation to Mr Bowell's letter. Our comments are given below.

In his letter, Mr PJ Bowell, a local resident, raises numerous objections to the outline planning application, and opposes the new housing development off Fogwell Road and Tilbury Lane in Botley due to the possible impact of power frequency electric and magnetic fields (EMFs) on health.

In summary, Mr Bowell considers that EMFs at levels commonly found in the environment poses a substantial risk to health of both adults and children. He notes the occurrence of several serious illnesses that have occurred in his neighbourhood over the last 40 years or so, which he attributes to EMFs. In particular, he objects to the conclusions of the review from the independent Advisory Group on Non-ionising Radiation (AGNIR) on EMFs and the risk of cancer which was published in 2001. The AGNIR review was much cited in the WSP report (called the Doll report).

Mr Bowell's concerns are representative of a minority, but highly vocal opinion that exists in the UK and elsewhere regarding the impact of EMFs. They are expressed by campaign and activists' groups, as well as a few scientists and academics, regarding the health effects posed by both power lines and mobile phone masts. However, these views do not represent scientific orthodoxy nor reflect the prevailing scientific consensus.

In addition, they do not agree with the specific advice on EMFs from the Radiation Protection Division of the Health Protection Agency (formally the National Radiological Protection Board, NRPB), or those of the government as expressed through the Department of Health. Similarly, these views are at odds with the advice from the World Health Organization (WHO) and are inconsistent with the guidance from international scientific bodies, such as the International Commission on Non-ionizing Radiation Protection (ICNIRP) who are responsible for setting exposure standards worldwide. The views of these bodies and agencies are consistent with those expressed by AGNIR.

ICNIRP is an autonomous scientific body recognised by WHO. ICNIRP published its most recent guidelines for limiting human exposures to EMFs in 1998. These are intended primarily to prevent adverse effects resulting from induced electric fields and currents, including stimulation of nerves and muscles, and subtle effects on brain function.

The values recommended by ICNIRP are 500 μT and 10 kV m^{-1} for workers, and 100 μT and 5 kV m^{-1} for members of the public. The lower levels for the public allow for the inclusion of children, and for people with differing health status. These values are not limits *per se*, and higher levels may be permissible under some circumstances. Following a comprehensive review of the available scientific information, NRPB in 2004 suggested that the ICNIRP guidelines be adopted in the UK, and this was endorsed by government.

Concerns about the health effects of electric and magnetic fields (EMFs) generally began in 1979 when it was first suggested that the incidence of cancer in children might be related to the magnetic fields from the power lines near their homes. Since that time other concerns have arisen, including increased risks of various types of adult cancer, miscarriage, neurodegenerative diseases, suicide and depression, and negative impacts on well being.

These and other endpoints have been the subject of much research worldwide: many laboratory and epidemiological studies have investigated the potential of EMFs to cause disease or affect biological processes.

As detailed by the AGNIR report, only one reasonably consistent association of an adverse health effect has so far been linked with exposure to EMFs. This indicates that exposure to average magnetic fields in the home of 0.4 μT and above is associated with a small increase in absolute risk of leukaemia in children, but not in adults. If causal, this would contribute several additional cases to the annual total of about 500 in the UK. Exposures below 0.4 μT were not associated with any increased risk, suggesting a threshold may exist.

This association comes from a pooled analysis of data from a number of well-conducted epidemiological studies, particularly from the USA and Scandinavia, and including the UK Childhood Cancer Study (UKCCS). However, the evidence is not strong enough to justify a firm conclusion that such fields cause leukaemia. There is little evidence for any raised risks of other cancer type in children or for any type of cancer in adults. In addition, laboratory studies have not provided any consistent evidence that magnetic fields are genotoxic or have a carcinogenic effect.

Nevertheless, following a comprehensive and in-depth review of the available data by a multinational team of 21 scientific experts, the International Agency for Research on Cancer (IARC) in 2002 classified power frequency magnetic fields as a possible human carcinogen (Class 2B), as Mr Howell rightly indicates in his letter. However this does not mean that magnetic fields are a definite cause of cancer: many common substances, coffee for example, are also classified as Class 2B. IARC could not classify electric fields due to the paucity of data.

More recently, a large case-control study was published by Prof Draper and colleagues from the Childhood Cancer Research Group at Oxford University. It found higher rates of leukaemia (but not other cancers) among children whose home address at birth was close to major high voltage power lines compared with those who lived further away. While the study identified a significant increase in the relative risk for leukaemia, it is unclear whether this was related directly to magnetic field exposure.

So overall, there are suggestions that long-term exposure to either elevated levels of magnetic fields in homes, or possibly proximity to power lines, may be associated with an increased risk of childhood leukaemia. However, having a statistical association does not imply that exposure causes childhood leukaemia, and the possibility that confounding or some bias in the data may provide an explanation cannot be yet ruled out.

In contrast to the data on childhood leukaemia, and the assertions of Mr Bowell, the results of studies investigating other cancers and non-cancer outcomes have generally been inconsistent and difficult to interpret. It is generally agreed that the evidence for these other diseases being associated with EMFs is very weak, far weaker than that for childhood leukaemia. In addition, laboratory studies have not produced any good evidence of field-related effects with exposures below about 100 μ T.

There is general consensus amongst scientists and others regarding the IARC assessment of magnetic fields, but far less agreement regarding the implications of this assessment.

The Stakeholder Advisory Group on Extremely low frequency EMFs (SAGE) was set up, managed by the Department of Health, to explore the implications of a precautionary approach to EMFs and then to make practical recommendations. The group has representation from public concern groups, the electricity industry, government, and from HPA. Objectives include highlighting ways that people can reduce exposures by taking action within their own homes, and producing options for reducing exposures from power lines. The first recommendations from SAGE were published in April 2007 (available from <http://www.rkpartnership.co.uk/sage>).

SAGE was not set up to review the scientific evidence about the health effects of EMFs. Rather, it took as its starting point the advice of NRPB in 2004 to "consider the possible need for further precautionary measures". However, the state of the scientific evidence is a material concern in decisions on whether to adopt the SAGE advice.

SAGE identified two broad viewpoints on the science. In one, exposure to EMFs was assumed to be a risk factor (possibly causal) for childhood leukaemia. This was termed by SAGE the "WHO/HPA" position. The other viewpoint allowed for a larger number of illnesses possibly attributable to EMF exposure (including adult leukaemia and brain tumours, miscarriage and amyotrophic lateral sclerosis). This viewpoint was short-handed as the "California" position in the SAGE report. The view of HPA on the scientific evidence is broadly in line with that described as the WHO/HPA position in the SAGE report.

SAGE made two recommendations in their report. Firstly, it was recommended that electricity companies be encouraged to choose the optimal phasing (usually transposed phasing) for all new lines, and also be encouraged to convert existing lines where possible and justifiable. Secondly, it was recommended that more information be provided to members of the public about exposures and the actions they could take themselves to reduce exposures if they wished.

Neither option would result in material reductions in exposures. Hence SAGE identified that the best-available option for obtaining significant exposure reduction (in fact, reduce future exposures that would otherwise occur) was to stop building any new buildings for residential use (and some other uses including schools) within specified distances of overhead power lines, and to stop building new overhead power lines within the same specified distances of existing such buildings. The corridor option for high voltage power lines was not supported by the cost benefit analysis on the basis of childhood leukaemia alone. The absolute benefit in terms of cases of leukaemia and lives saved under this model was very small (of around five cases per year, according to estimates by Draper and colleagues) but the costs and opportunity costs are considerable.

SAGE also offered other measures for existing houses near high voltage power lines, and for decreasing exposures from domestic wiring and household appliances.

The HPA has produced a formal response to the SAGE First Interim Assessment and this will be put in the public domain in due course.

Mr. Powell raises the question about EMFs affecting melatonin, a hormone produced by the pineal gland, and thus influencing the risk of cancer. There are good reasons to believe that breast cancer could be most susceptible to changes in melatonin, and this question was thoroughly examined by AGNIR (in a sub group whose members included experts on breast cancer and melatonin). An extensive report was published in 2006 which is available from the HPA website.

The report concluded that overall the evidence did not support the hypothesis that exposure to magnetic fields was associated with an increased risk of breast cancer. Plus it was concluded that magnetic fields did not appear to affect the production or biological action of melatonin. Prof. Henshaw, a physicist from the University of Bristol, has disagreed with these conclusions, although he does not have expertise either in breast cancer or melatonin physiology.

Regarding the possible interactions and impact of EMFs with particulate pollutants, AGNIR have examined the issue of particle deposition in the vicinity of power lines and possible effects on health. A report was published in 2004, which is also available from the HPA website. The report concluded that while corona discharge from high voltage power lines may produce clouds of negative or positive ions that are readily blown downwind over several kilometers, it seemed unlikely that these corona ions would have more than a small effect on the long-term health risks associated with particulate air pollutants, even in individuals who are most affected. However biological and other uncertainties mean that it is not possible to estimate the impact precisely.

Overall, the ICNIRP guidelines provide protection against the known adverse effects of EMFs. At power frequencies, ICNIRP recommend values for members of the public of 100 μT for the magnetic field and of $5\text{kV}\text{m}^{-1}$ for the electric field."

In summary, the conclusions of the WSP Electromagnetic Field Survey Report carried out in relation to Planning Application CUM/NHI/20107-X are consistent with the current scientific understanding of Electromagnetic Field's (EMF's) on health and current UK EMF exposure guidelines. The suggested distance of 74m from the centre of the power line inside which it is recommended that residential development is not located is in fact very conservative in terms of current UK EMF exposure guidelines.

If you have any questions concerning this response please do not hesitate to contact me.

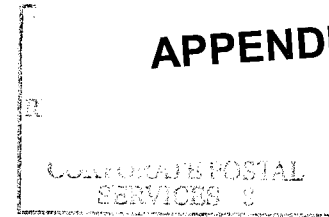
Yours sincerely,

Nigel Cridland

Our ref: 12260260/L02JG

APPLICANT'S RESPONSE19th December 2007**APPENDIX 10**

Mr M Deans
 Area Planning Officer (North)
 Vale of White Horse District Council
 Abbey House
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Dear Martin

**Planning Application CUM/NHI/20107-X – Land off Fogwell Road and Tilbury Lane
 Response to Health Protection Agency Review**

We write following receipt of the review by the Health Protection Agency (HPA) of WSP Environmental Ltd's Electromagnetic Field (EMF) Survey Report. We are writing to provide further information on the instrumentation and survey techniques used during the site visit we undertook as the person who undertook the HPA review has no familiarity with the instrument used during the survey and has made comments based on a web based review of the meter and we feel that it is important to provide reassurance on the suitability of the meter used for the survey and thereby the accuracy of the measurements made.

As stated our report, a handheld EMFields Professional Electric and Magnetic Field Meter was used to measure electric and magnetic fields at a number of locations across the powerlines. This equipment, from Perspective Scientific, and is considered to be suitable for the measurement of EMFs from powerlines, as advised in the User Instructions booklet which says 'it is suitable for measuring extremely low frequency electric and magnetic fields from AC mains electricity sources, including power lines and transformers..'. The User Instructions booklet was written by Powerwatch, a non-profit independent organisation who have a central role in the UK Electromagnetic Field and Microwave Radiation health debate.

The meter has two ranges:

Magnetic Fields: 0 – 19.99 μ T (micro Tesla)
 Electric Fields: 0 – 1999 V/m (volts/metre)

We would like to point out that the measurements of magnetic fields undertaken on site during the survey all fall within the range of the meter. Some of the readings of electric fields were beyond the range of the meter and are reported in the report as 'Too high'. However it was not the electric fields that were used in the determination of a distance from the powerlines within which residential development should be located, but the magnetic fields as these are associated with a small increase in absolute risk in childhood leukaemia. We note that the HPA review commented that the magnetic field strength values presented in the report were 'plausible for this type of situation'.

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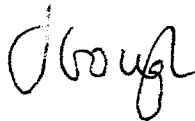
The meter is sensitive and needs to be used slowly and carefully in order to obtain correct readings. The User Instructions booklet provides information on how the meter should be used when taking measurements of magnetic and electric fields. In terms of magnetic fields, the meter should be moved very slowly to find the maximum reading. The booklet says that 'this is best done by twisting it slowly in one direction, and when you have found the maximum reading then twist it at right angles to the previous direction. Finally twist it slowly but slightly in all directions to find the maximum reading.'

For the measurement of electric fields, the instructions include holding the meter away from the surveyor's body (at arm's length so that any influence of the surveyor's body is kept to an absolute minimum) placing your thumb centrally on the bottom front and two fingers holding the back of the meter towards the bottom.

The meter has been designed to be used as a hand held device and therefore calibrated to provide accurate and meaningful readings provided it is used in accordance with the instructions in the User Instructions and summarised above. These instructions were followed at all times during the site visit and therefore we believe that the use of this meter in the measurement of electric and magnetic fields is appropriate and that the readings are accurate based on the load on the powerlines at the time of survey. Furthermore, the meter is also deemed as being fit for the purpose for which it was used i.e. undertaking measurements of electric and magnetic fields and the report we produced does reflect the survey method followed.

We hope that the information in this letter is useful and answers the queries raised regarding the instrumentation and survey techniques used during the site visit we undertook. If you have any queries or require any further information please do not hesitate to contact the undersigned.

Yours sincerely



Joanne Gough
Associate
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