

**OXFORDSHIRE COUNTY COUNCIL'S RESPONSE TO THE FOLLOWING
CONSULTATION:**

District: West Oxfordshire

Consultation: Milton under Wychwood Neighbourhood Plan 2031 – Regulation 16
Draft

**This report sets out Oxfordshire County Council's view on the Draft
Woodstock Neighbourhood Plan 2031**

Annexes to the report contain officer advice.

Overall View of Oxfordshire County Council

Oxfordshire County Council supports in principle the ambition of Milton-under-Wychwood Parish Council to prepare a Neighbourhood Plan and we welcome the opportunity to comment on the regulation 16 Plan.

Comments previously drafted at Regulation 14 stage relating to Policy E2 still stand and should be read in conjunction with this response. OCC Estates' comments about the consistency of the wording with national policy and guidance remain as an outstanding objection.

OCC last provided comment on the draft plan in January 2022, and we note some of our comments have been addressed, which is welcomed, particularly the amendment to the boundary of site LGS5. However, we observed some inconsistency with the precise boundary of OCC owned land between NP Figure 23, Appendix 6 Figure 20 and Appendix 6 Figure 21. In OCC Estates' opinion, the position of the boundary is most accurately depicted on Figure 21 because it appears to allow sufficient width at the Green Lane end of the excluded land to provide a vehicular access into the excluded land.

We also suggest that the Plan contains a policy to ensure conservation and enhancement of heritage assets.

Detailed officer comments from Transport, Minerals and Waste, Property and Estates and Archaeology are provided in Annex 1. These comments should also be read in conjunction with our previous comments made at Regulation 14 stage by our Public Health and Innovation teams.

Officer's Name: Helen Gosnell-Whyman

Officer's Title: Planner

Date: 31 October 2022

ANNEX 1
OFFICER ADVICE

District: West Oxfordshire

Consultation: Milton under Wychwood Neighbourhood Plan 2031 – submission draft (Reg16)

Team: Cherwell & West Locality Infrastructure Team

Officer's Name: Natalie Moore

Officer's Title: Interim Senior Transport Planner

Date: Thursday 13th October 2022

Transport Comments

Comments from this Neighbourhood Plan submission have been taken into consideration regarding how they relate to the vision, themes and policies within Oxfordshire County Council's (OCC) Local Transport and Connectivity Plan (LTCP).

We support Milton under Wychwood Parish Council's objectives linked to Policy TM1 to "promote healthier lifestyles by maximising opportunities for walking and cycling through suitable infrastructure". As well as to "protect, improve and extend the Public Rights of Way (PROW) network for promotion of walking, riding and cycling (where approved) for health and general wellbeing".

The Parish Council's desire to protect and strengthen the existing infrastructure which enables residents to move around the village is fundamental to successfully maintaining and increasing their usage.

All new developments will be assessed on their provision of walking and cycling links. Where pedestrian and cycle links relevant to a new development are poor and / or require upgrading, OCC officers will typically request developers to provide infrastructure upgrades.

District: West Oxfordshire

Consultation: Milton under Wychwood Neighbourhood Plan 2031 – submission draft (Reg16)

Team: Minerals and Waste Policy

Officer's Name: Kevin Broughton

Officer's Title: Minerals and Waste Local Plan Manager

Date: 12/10/2022

Minerals and Waste Comments

Suggest first paragraph of page 20 is amended as below so that it reflects the current position.

~~The Oxfordshire Minerals and Waste Local Plan was adopted in July 1996 and covered the period to 2006. It will be replaced by the new Minerals and Waste Local Plan that is being prepared in two parts. The Oxfordshire Minerals and Waste Local Plan is in two parts.~~ In Part 1 of The Oxfordshire Minerals and Waste Local Plan (2017), the adopted Core Strategy sets out the vision, objectives, spatial planning strategy, and policies for meeting development requirements for the supply of minerals and the management of waste in Oxfordshire over the period to 2031. It also contains a schedule of the saved policies from the Minerals and Waste Local Plan that are still in effect.

District: West Oxfordshire

Consultation: Milton under Wychwood Neighbourhood Plan 2031 – submission draft (Reg16)

Team: OCC Estates

Officer's Name: Jeremy Flawn

Officer's Title: Partner, Bluestone Planning, acting for OCC

Date: 14-10-22

Property and Estates Comments

Oxfordshire County Council ('OCC') Estates welcomes the opportunity to respond to the Milton under Wychwood Neighbourhood Plan ('NP') and would comment as follows:

Policy CH2 – the revisions to Policy CH2 are welcomed and the policy is now considered to be both positively prepared and consistent with national policy.

Policy E1 – the revisions to Policy E1 are welcomed and OCC Estates is satisfied that it now addresses previously expressed concerns.

Policy E2 – The policy remains as previously drafted at Regulation 14 stage, and therefore OCC Estates' comments about the consistency of the wording with national policy and guidance remain as an outstanding objection.

Policy E2 Plans – OCC Estates welcomes the amendment to the boundary of site LGS5 to exclude the southern parcel of land from the proposed LGS. This will be important in enabling OCC to continue to manage the public land holding to ensure that it can be used to support the provision of facilities of benefit to the community in the future.

OCC Estates is keen to ensure there is consistency between plans depicting the precise boundary of OCC-owned site LGS5. In particular, the southern boundary of LGS5 appears to differ between NP Figure 23, Appendix 6 Figure 20 and Appendix 6 Figure 21. For the avoidance of doubt, In OCC Estates' opinion, the position of the boundary is most accurately depicted on Figure 21 because it appears to allow sufficient width at the Green Lane end of the excluded land to provide a vehicular access into the excluded land. However, it is noted that the plan at Figure 21 only shows some of the footpath excluded (at the eastern end adjacent to Green Lane) whereas it would be preferable if the whole footpath width is excluded.

OCC Estates wishes to clarify that in order for the excluded land to be used in future by OCC to "*support the provision of facilities like The Paddocks extra care housing scheme*" (see Consultation Statement Appendix L Steering Group response, page 18) it will be necessary for sufficient width to be available to provide a vehicular access into the land to serve any development (which access can include a public right of way) and therefore this should ideally include the full width of the footpath corridor and adjacent narrow strip of land. The Planning Practice Guidance website makes clear that "*Areas that may be considered for designation as Local Green Space may be crossed by public rights of way. There is no need to designate linear corridors as Local Green Space simply to protect rights of way, which are already protected under other legislation. Paragraph: 018 Reference ID: 37-018-20140306 Revision date: 06 03 2014*"

Therefore, it would seem that there is no need to include the southern right of way (or indeed other rights of way on the two other boundaries) within the proposed LGS as it is already protected.

NP Appendix 6 LGS Assessment – OCC Estates wishes to clarify / correct some of the statements in the assessment table at Appendix 6:

- Q1.7, 5.2, 9.3, 9.4 There has been no public access to the site for at least the last 25-30 years. Research as to the historic use of the site has confirmed that the land has been fenced as two plots, separated by the footpath, for many years. In the early 1990s electric fencing was erected to form separate paddocks for grazing purposes. The land has been occupied as grazing land (cattle and more recently horses) for many years and has not permitted wider public access. Indeed, the County Council's tenancy documentation precludes any tenant from permitting any unauthorised access.
- Q12.2 In the Planning Statement supporting the application for the Paddocks, Cottsway Housing Association – the applicant - noted at Section 5.1 that "*The proposed building is to be set within extensive tree planting in the form of a country park. The trees over time will mature to provide partial screening of the development from Green Lanes and the adjacent rural landscape*". Therefore, the purpose appears to have been to prevent views by ECH residents over the majority of the proposed LGS and to screen the development from the surrounding area. The plans were amended during the application to exclude any additional land.

District: West Oxfordshire

Consultation: Milton under Wychwood Neighbourhood Plan 2031 – submission draft (Reg16)

Team: Archaeology

Officer's Name: Richard Oram

Officer's Title: Lead Archaeologist

Date: 13-10-22

Archaeology Comments

Although the neighbourhood plan highlights the heritage of Milton under Wychwood there is no specific policy relating to the historic environment and preservation and enhancement of the parishes heritage assets.

This Neighbourhood Plan does correctly reference policy EH16 from the West Oxfordshire Local Plan 2031 which highlight that heritage assets are not limited to built heritage only and include archaeological remains.

This however is not carried over to this plan which excludes any consideration of archaeological heritage assets.

We would recommend that the Character and Heritage Objectives in section 6.2 contains reference to and objective for conserving and enhancing the Built and Historic Environment which contributes greatly to the sense of place of the village.

Section 7.1 should then contain a policy to ensure this conservation and enhancement as set out below.

Policy - Historic Environment

The parish's designated historic heritage assets and their settings, both above and below ground including listed buildings, scheduled monuments and conservation areas will be conserved and enhanced for their historic significance and their important contribution to local distinctiveness, character and sense of place.

Proposals for development that affect non-designated historic assets will be considered taking account of the scale of any harm or loss and the significance of the heritage asset as set out in the National Planning Policy Framework (NPPF 2021).

OXFORDSHIRE COUNTY COUNCIL'S RESPONSE TO THE FOLLOWING CONSULTATION:

District: West Oxfordshire

Consultation: Milton under Wychwood Neighbourhood Plan 2031 – Regulation 14
Draft

This report sets out Oxfordshire County Council's view on the Draft Woodstock Neighbourhood Plan 2031

Annexes to the report contain officer advice.

Overall View of Oxfordshire County Council

Oxfordshire County Council (OCC) supports in principle the ambition of Milton-under-Wychwood Parish Council to prepare a Neighbourhood Plan and welcomes the opportunity to comment on the Regulation 14 pre-submission version of the MuWNP.

We note the Plan has a strong emphasis on protecting the rural setting of the Parish, which lies within the Cotswolds AONB, and that the Plan does not allocate any sites for future housing development other than existing commitments. West Oxfordshire Local Plan Policies OS2 and H2 do however make some provision for limited developments in 'Villages' and therefore we consider Policy CH2 as currently drafted, is too restrictive and should be redrafted so that it is positively prepared.

The Plan does seek to designate Local Green Spaces (LGS) and whilst OCC in principle supports the protection of open space **it is requested that site LGS5 (Land at Green Lane), for which OCC is the landowner, is removed from Policies E1 and E2.** OCC has previously written to the Parish Council about their proposal to designate this site as a LGS, most recently in an email dated 7th September 2021 (copy attached) and do not consider it appropriate to designate the paddocks at Green Lane as a LGS. OCC has concerns about the assessment carried out in support of the proposed designation as the land is not currently used by the community, with limited public access and the majority of the site privately let for grazing and fenced from access.

Furthermore, OCC holds land for public benefit in situations where it may need to provide facilities to support the local community at some point in the future. The designation of this land as a LGS would prevent the provision of such facilities such as the Paddocks extra care scheme, which is adjacent to the proposed LGS, provided on OCC owned land.

We would welcome the consideration of climate action in the Neighbourhood Plan policies, to help adapt to and to help mitigate climate change.

Finally, we would like to make you aware of the OCC Neighbourhood Planning Guide¹ which includes further advice and guidance on OCC policies and resources.

Detailed officer comments from Estates, Innovation and Public Health are set out in Annex 1 below.

Officer's Name: Helen Gosnell-Whyman

Officer's Title: Planner

Date: 17 January 2022

¹ [Neighbourhood planning guide | Oxfordshire County Council](#)

ANNEX 1
OFFICER ADVICE

District: West Oxfordshire
Consultation: Milton under Wychwood Neighbourhood Plan 2031 (Reg14)
Team: Estates
Officer's Name: Jeremy Flawn
Officer's Title: Planning Consultant
Date: 12th January 2022

Estates Comments

Oxfordshire County Council (OCC) Estates team has considered the Pre-Submission Draft Milton under Wychwood Neighbourhood Plan (NP) and associated appendices.

Whilst OCC Estates welcomes the publication of the draft, there are a number of concerns with draft policies CH2, E1 and E2. These concerns are set out below.

Key Views and Policy CH2

Policy CH2, Figure 11 and Appendix 8 define what are referred to as either 'Views' or 'Key Views'.

The current wording of the policy goes beyond the scope of national policy as contained in the NPPF in stating that:

"Land use change or development of any kind which causes demonstrable harm to the landscape and architecture along sight lines that define the key views set out at Figure 11, and which are more fully described in Appendix 8, will not be supported.

Any new development that damages key historic features resonant of the area's landscape character and heritage, such as hedgerows, watercourses and woodland that are part of these key views will not be supported."

This is unnecessarily onerous. In contrast the NPPF makes clear that there is not only a presumption in favour of sustainable development, but that there is a planning balance to be undertaken when assessing development proposals which weighs harm against benefits (including – in some cases - public benefits). In other words, there can be situations where harm is permissible provided the benefits outweigh that harm.

As a secondary but equally important point, as drafted the policy is negatively worded, whereas a fundamental principle of neighbourhood planning is that Plans should 'plan positively'. Paragraph 13 of the NPPF explains that:

"Neighbourhood plans should support the delivery of strategic policies contained in local plans or spatial development strategies; and should shape and direct development that is outside of these strategic policies"

Paragraph 29 takes this further, advising that *"Neighbourhood plans should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies."*

This is supported by Planning Practice Guidance which states:

“A neighbourhood plan must be in general conformity with, and plan positively to support, the strategic policies of the development plan.”

Paragraph: 036 Reference ID: 41-036-20190509

“Plans should be prepared positively, in a way that is aspirational but deliverable.”

Paragraph: 005 Reference ID: 41-005-20190509

Strategic Local Plan policies OS2 and H2 contemplate development at the villages in the Plan area (Milton under Wychwood is classified as a ‘Village’). Policy OS2 supports limited development in such locations, whilst policy H2 states:

“New dwellings will be permitted at the main service centres, rural service centres and villages in the following circumstances:

- *....On undeveloped land within the built up area provided that the proposal is in accordance with the other policies in the plan and in particular the general principles in Policy OS2.*
- *On undeveloped land adjoining the built up area where convincing evidence is presented to demonstrate that it is necessary to meet identified housing needs, it is in accordance with the distribution of housing set out in Policy H1 and is in accordance with other policies in the plan in particular the general principles in Policy OS2.....”*

Other forms of development are also supported at the villages in the Plan area. Therefore, there is the risk of conflict between the NPPF / WODC Local Plan policy provisions and the more restrictive wording in policy CH2 as currently drafted. Policy CH2 might prevent development from coming forward in circumstances, where said development accords with the Local Plan and the NPPF.

The policy should be more-clear in defining how much demonstrable harm or damage is necessary for the policy to be triggered, it should avoid use of negative phraseology (see for example The Ashbury ‘made’ Neighbourhood Plan, Policy 2 (Key Views and Vistas)², and it should avoid conflicting with the policies in the adopted Local Plan otherwise it risks failing to meet Basic Conditions (a) and (e)³.

Policy E1 Blue Green Corridors

Policy E1, figure 18 and the associated supporting evidence appears to go beyond the requirements set out in the NPPF and the Local Plan, for similar reasons as set out in relation to policy CH2 above.

Furthermore, the policy is again drafted in a negatively worded format that is contrary to the NPPF and PPG advice.

² <http://www.whitehorsedc.gov.uk/wp-content/uploads/sites/3/2019/07/2019-05-29-Ashbury-NDP-Referendum-Version.pdf>

³ See Planning Practice Guidance Neighbourhood Planning paragraph: 065 Reference ID: 41-065-20140306

The ambitions in the policy are clear, but the draft policy goes well beyond the Local Plan by designating the OCC land at Green Lane as a blue / green corridor when the designation is not supported by evidence.

The NP Appendix 6 assessment table for the OCC land confirms at Q11 that the land is not of local significance for its richness of wildlife, that it is not designated for its wildlife value, that there are no important habitats or species found on the site (but there are birds in the hedgerows) and that wildlife interest on the site is only 'under investigation'.

It is therefore not appropriate to include the OCC land at Green Lane as part of the land affected by policy E1 and it should be removed from figure 18 and any associated text as a result.

Policy E2, Figure 20, Table 2, Appendices 5 / 6 (LGS Site 5 – Land at Green Lane)

OCC has previously written to the Parish Council about their proposal to designate this site as a Local Green Space (LGS) and most recently they wrote an email dated 7th September 2021 (copy attached).

For the reasons set out in that email, OCC does not consider it appropriate to designate the paddocks at Green Lane as an LGS.

The wording of draft policy E2 also appears to 'depart' from the wording in NPPF paragraph 102 (which sets out the reasons for designating LGSs) and, as currently drafted, could prevent development that is acceptable in a Green Belt from taking place (NPPF paragraph 103).

NPPF Paragraph 103 acknowledges that development in LGSs and Green Belts can be acceptable in certain circumstances, and those circumstances are explained at paragraphs 149-151 of the NPPF.

Furthermore, there are a number of detailed concerns with the assessment exercise undertaken in support of the proposed designation of LGS5 as follows:

Q1.5

OCC was approached in July 2021 by the Steering Group and they responded by email dated 7th September 2021 (copy enclosed) formally objecting to the proposed designation.

Q1.7

The land in question is not used by the community, it is privately let by OCC for grazing. The footpaths around parts of the land are the only areas that are open to public access. The remainder of the land is fenced in and not accessible to the public.

Q2.2

The site is not allocated for development but it has been put forward as a potential housing site through the successive calls for sites including the 2016 SHLAA and the 2018 SHLAA.

It is understood that MuW Parish Council has previously approached OCC (November 2019) to enquire whether they could develop the site for a BMX track.

OCC holds land for public benefit in situations where it may need to provide facilities to support the local community at some point in the future. The designation of this land as a LGS would prevent the provision of such facilities. It is to be noted the Paddocks extra care scheme adjacent to the proposed LGS was provided on OCC-owned land (effectively part of the same land holding) and was justified on the basis of it being rural exception housing – the land was subsequently sold by OCC to Cottsway and developed by Greensquare. The Paddocks would not have been permitted had the land been designated a LGS at the time.

The designation of this land as a LGS could undermine the provision of services and facilities that are of public benefit. This could be at odds with the Government's Planning Practice Guidance, which states:

"Designating any Local Green Space will need to be consistent with local planning for sustainable development in the area. In particular, plans must identify sufficient land in suitable locations to meet identified development needs and the Local Green Space designation should not be used in a way that undermines this aim of plan making." Paragraph: 007 Reference ID: 37-007-20140306

Q4.1

The footpaths around the land are used by the public, not the paddocks themselves.

Q5.2

The paddocks are fenced off and cannot be accessed by the public.

Q6.2-6.4

The previous version of this table (from July 2021) indicated that support had not yet been secured despite the site being proposed for designation. This suggests the designation may not have been 'community led'.

Q9.1

The presence of horses is not a reason in itself for designation of the land as a LGS.

Q9.3

The public cannot access the paddocks, they only have access to the rights of way.

Q9.4

The site as a whole is not used by the public, solely the footpaths around the edge of / crossing the proposed LGS.

Q12.2

It is unclear how the space is important to the residents of the Paddocks as it is not stated. Notwithstanding this, see the comments on Q2.2. above.

Therefore, for the reasons set out above and in the OCC response dated 7th September 2021, this site (proposed LGS5) should be removed from Policy E2, Figure 20, Table 2 and Appendices 5 / 6.

District: West Oxfordshire
Consultation: Milton under Wychwood 2031 – pre-submission draft
Team: Innovation Hub
Officer's Name: Katie Parnell
Officer's Title: Policy & Strategic Planning Innovation Lead
Date: 11th January 2022

Innovation Comments

It may be useful to consider air quality impacts from development on biodiversity & AONB – Policy E1. Support developers who actively put in measures to reduce AQ impact on surrounding nature – e.g. through use of green infrastructure.

It may be useful to consider some prevailing trends, such as likely reductions in car ownership, driven by a number of different issues (move to automation, climate change etc). Whilst ownership in rural areas is likely to stay higher than more urban locations, there is still likely to be some level of change over time. Promotion of repurposable space (e.g. parking locations which are designed to be converted to another use when no longer needed – such as green space, play space, shared vehicle space, depending on likely future needs) may be a useful tool.

No overt mention of climate emergency / mitigation or adaptation to climate change in policies.

7.3 objective / Policy F1 to convert underutilised buildings into premises for small businesses and shared workspaces is good, but could be widened out to include other community shared spaces – e.g. spaces for the sharing and/or circular economy (swap shops, repair spaces, community fridges etc), and locations people can use to hold local community groups/classes. Space flexibility is important to facilitate this. Involvement of community in deciding how the space would be best used for their real needs is a useful approach to ensure it's not under-utilised (e.g. using co-creational approaches to design shared space).

Be good to mention futureproofing for 5G and 6G in new development/re-development as well as superfast broadband.

Policy TM1 – it might be good to mention a mental disability as well as a physical disability in policy wording, to ensure different kinds of disability are considered equally. Perhaps stress all kinds of disability, since there are significantly different needs for someone with sight impairment vs someone with dementia vs in a wheelchair.

Recommend mention of futureproofing for likely significant changes over time – e.g. in terms of:

- Climate change
- Innovations set to become mainstream (e.g. electric vehicles, vehicle automation, 5G/6G)
- Societal & economic trends

General consideration of flexibility and adaptability of design, to cater for unforeseen changes (e.g. future public health crises), would be beneficial.

Recommend reviewing Innovation Framework for further detail on how the above can be implemented in practice (currently out for consultation with LTCP5): [Local Transport and Connectivity Plan | Let's Talk Oxfordshire](#)

District: West Oxfordshire
Consultation: Milton under Wychwood 2031 – pre-submission draft
Team: Public Health
Officer's Name: John Lee and Rosie Rowe
Officer's Title: Health Improvement Practitioner
Date: 31st December 2021

Public Health Comments

Among the list of community consultation conducted with regard to Sustainability Challenges is the 2018 Young People's Survey. It would be interesting to see the results of this and to find out how opinion has changed since the pandemic. Young people have been particularly affected by the negative impacts of lockdowns, including a notable increase in mental health issues, social isolation and impacts on educational attainment.

In the Retail, Services and Local Economy section, it is noted that 25% of respondents to the 2018 Community Survey stated that they work or study from home. I imagine this figure would have risen further since the onset of the pandemic. This highlights the importance of local services which are accessible by foot or bike - in accordance with the 20-minute neighbourhood.

Within the same chapter, there is a reference to shared workplaces. There is a growing need for shared and adaptive working environments, such as those in the Elmsbrook Eco-Development in Bicester. These enable people to use office space on a temporary basis as an alternative to working from home or commuting long distances to their true workplace. Shared workplaces are supported by Healthy Place Shaping.

Another important point raised in the 2018 Community Survey was that the provision of more recreational spaces for older children would be well supported. It is well documented that older children are a key demographic for tackling unhealthy eating habits and lack of physical activity, which in turn can lead to obesity and poor mental wellbeing. Provision of recreational facilities for older children, especially outdoor facilities (green spaces) are a priority within Public Health and this supports the views of the residents from the 2018 Community Survey.

In the Social and Community Infrastructure chapter, there is mention of several organisations for women and girls within the village of Milton under Wychwood. Another key target demographic for improving access to green space and mental health prevention is girls and young women. The Healthy Place Shaping team supports the retention and expansion of these organisations. On a similar note, Policy F2: Retail and Local Services states that there is support for providing recreational facilities for older children. The Health Place Shaping team agrees that this demographic is lacking recreational facilities to help to increase their physical activity, social interactions and mental wellbeing. Childhood obesity rates increase most sharply around age 11 so older children need more opportunities to be active.

In the Footpaths and Green Spaces chapter, it is noted that resident support the improvement of paths accessibility by addressing boggy/muddy patches and overgrowth. The OCC iHub team are currently developing a Natural England paths project, which will involve developing an iPhone app for walkers to photograph and report issues with walking routes across the county. This will be a crucial part in the process for enabling the Healthy Place Shaping team to promote walking routes.

Within the section on Policy E2 – Green Spaces, the Healthy Place Shaping team acknowledge that green spaces are more than just havens for biodiversity. Their proximity to residential areas is a key driver in giving people access to use them, thereby improving their mental and physical wellbeing.

Policy F1 raises some important points about facilities for small businesses and healthy workplaces, in particular the final part about providing facilities to work at or close to home, reducing the need to travel and the benefits to mental health of facilities that allow for social interaction and collaboration etc. These are all strong factors in support of the provision of shared workspaces and would be further enhanced by providing adjoining green spaces, secure cycle parking and EV charging points.

In Policy F3 – Recreation and Play, it is welcomed that minority groups such as those with a disability are catered for when maintaining and improving recreational facilities.

Finally, Policy TM1: Public Rights of Way and Wellbeing is strongly supported by the Healthy Place Shaping team and reinforced in our Healthy Place Shaping principles.

Astrid Harvey

From: jeremy <jeremy@bluestoneplanning.co.uk>
Sent: 07 September 2021 16:42
To: 'miltonparishclerk@gmail.com'
Cc: Kerry, Ruth - Oxfordshire County Council
Subject: Parish Neighbourhood Plan - Proposed Local Green Space Designation
Attachments: Heath Farm_Milton-Under- Wychwood.JPG

For the attention of Lara Jacques

Dear Ms Jacques,

I have been asked to respond to a letter dated 19th July 2021 from Councillor John Pratt, a copy of which has been provided to us by Oxfordshire County Council's (OCC's) Estates team. This response is made on behalf of the County Council's Estates Team.

The letter of the 19th July concerns the proposed designation of the OCC-owned land at Green Lane, Milton-under-Wychwood as a Local Green Space (LGS). I attach a screenshot of the land OCC controls as extracted from the Council's GIS system.

Land at Heath Farm, Green Lane, Milton-under-Wychwood

OCC has actively and publicly promoted this as a housing site through the West Oxfordshire Local Development Framework process (site 222) and subsequently in response to the West Oxfordshire SHLAA 'Call for Sites' exercise. Therefore the forms are not technically correct to say there is no planning history. Evidence of this can be provided and is available on the District Council's website.

A large part of the village sits within the Cotswolds Area of Outstanding Natural Beauty (AONB) which has a particular character and appearance that warrants protection. The National Planning Practice Guidance makes clear that *"different types of designations are intended to achieve different purposes. If land is already protected by designation, then consideration should be given to whether any additional local benefit would be gained by designation as Local Green Space."* (see NPPG website, Paragraph: 015 Reference ID: 37-012-20140306).

The NPPG continues to state that *"blanket designation of open countryside adjacent to settlements will not be appropriate. In particular, designation should not be proposed as a 'back door' way to try to achieve what would amount to a new area of Green Belt by another name."* The proposed designation of these paddocks, owned by Oxfordshire County Council, appears to be in contradiction to these two primary instructions on the Government's planning website.

Paragraph 102 of the National Planning Policy Framework (NPPF) outlines that Local Green Space designations should only be used where the green space is a) in reasonably close proximity to the community it serves, b) demonstrably special to a local community and holds a particular local significance (for example because of its beauty, historic significance, recreational value, tranquillity or richness of its wildlife), and c) local in character and is not an extensive track of land.

Whilst we have had sight of the draft designation forms that were enclosed with your letter of the 19th July 2021, the site proposed to be allocated does not in our opinion meet these requirements. Whilst the plot of land is situated on the edge of the settlement, it has not been proven to be demonstrably special to the community (the references to the horses being of value to the community is not considered relevant for the purposes of the assessment exercise because the nature of the way in which the land is managed could change at any time, including being managed for farming purposes).

A public footpath crosses the southern part of the site with other footpaths being located on the site's boundaries. Paragraph 017 Reference ID 37-017-2014306 of the NPPG states that *"designation does not in itself confer any rights of public access over what exists at present."* Given these footpaths are the only areas of the proposed LGS site that are publicly accessible, the proposed LGS does not appear justified.

NPPF paragraph 101 makes clear that *"the designation of land as Local Green Space should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services."* Paragraph 101 continues *"Local Green Spaces should only be designated when a plan is prepared or updated, and be capable of enduring beyond the end of the plan period."*

The NPPG goes further in stating: "Designating any Local Green Space will need to be consistent with local planning for sustainable development in the area. In particular, plans must identify sufficient land in suitable locations to meet identified development needs and the Local Green Space designation should not be used in a way that undermines this aim of plan making." (Paragraph: 007 Reference ID: 37-007-20140306)

The adopted West Oxfordshire Local Plan seeks to maintain the District's environmental assets and high quality of life (Section 2.4). According to this document, sustainable development incorporates the objective of "social progress which recognises the needs of everyone". Designating this land as a LGS may prevent the provision of, for example, rural housing or community facilities that might otherwise have to go somewhere else.

Oxfordshire County Council is a responsible public landowner and is best-placed to determine how land held or owned for public benefit should be used in the future. It is not appropriate for the land at Green Lane to be designated as a LGS, a designation that would prevent rural housing development from continuing to be promoted on the site.

Furthermore OCC holds land for public benefit in situations where it may need to provide facilities to support the local community at some point in the future. The designation of this land as a LGS would prevent the provision of such facilities. It is to be noted the Paddocks extra care scheme to the south was provided on OCC-owned land (effectively part of the same land holding as the land in question now) and was justified on the basis of it being rural exception housing – the land was subsequently sold by OCC to Cotsway and developed by Greensquare. The Paddocks would not have been permitted had the land been designated a LGS at the time.

From the draft evidence accompanying the proposed designation and contained in the draft forms provided by the Steering Group it appears that it is the rights of way themselves and not the site, which are of most value to the local community. If this is the case (and bearing in mind the justification for designating the OCC land as a LGS appears to be mainly to do with protecting views across the land) then there are better policies available to the Steering Group which are either already in the Local Plan, at a national level (AONB designation) or which could be included in the Neighbourhood Plan to protect views within the Plan area, and the character and utility of rights of way.

It is noted that the evidence from the community supporting the proposed designation of the OCC land as a LGS was not available at the time Sections 6.1 - 6.4 of the forms were completed (the various sections of the forms state "to be arranged" where the evidence is requested). If the evidence of nomination of this site by the local community already exists, please could you provide us with copies. If there is no evidence at this stage please could you confirm?

Therefore in conclusion, OCC Estates strongly objects to the designation of the land it controls at Green Lane Milton-under-Wychwood as a LGS for the reasons set out above. Should you require further information at this stage please do not hesitate to contact me. In the meantime I look forward to hearing from you in response to my questions shortly.

Yours sincerely,

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