

Mayfield House
256 Banbury Road
Oxford
OX2 7DE

T: 01865 511444
F: 01865 310653

Your ref:
Our ref: PC/EHNP/R16/Drewe

Planning Policy,
South Oxfordshire District Council,
135 Eastern Avenue,
Milton Park, Milton,
OX14 4SB

By email
planning.policy@southoxon.gov.uk

4 January 2019

Dear Sirs,

East Hagbourne Neighbourhood Plan (EHNP) – Submission consultation. Comments duly made in reference to Regulation 16 of the Neighbourhood Planning (General) Regulations 2012 (as amended) and the Localism Act 2011.

1.0 Introduction

- 1.1 Carter Jonas LLP acts on behalf of Mr & Mrs Drewe, the owners of part of the land identified in the submission Neighbourhood Plan as “Western Village Fields.” Their land was previously referred to – in the pre-submission EHNP – as “Pastures in Manor Farm Lane” (to which there is still passing reference in this version of the Neighbourhood Plan).
- 1.2 Mr & Mrs Drewe are pleased to note that their very serious concerns about the lack of justification for the extensive Local Green Spaces of the pre-submission EHNP have been considered and that these have been reviewed and significantly reduced. Notwithstanding this, the landowners do not support the designation of their land – now referenced in the EHNP as (part of) the Western Village Fields – as a Local Green Gap in the proposed policy VC1b. It is considered that the designation of the land as a Local Green Gap is not sufficiently justified, and as such does not meet the basic conditions.
- 1.3 Mr & Mrs Drewe request that their land is removed from proposed policy VC1b, or that VC1b as a policy is struck from the EHNP. It is also suggested that the other VC1 policies and policy VC2 and policy VC5 do not meet the basic conditions and need to be redrafted.
- 1.4 As a matter of general presentation it would also have been helpful for reference, in consultations and later planning application considerations, for the EHNP to include paragraph numbers.

2.0 The basic conditions and national policy

- 2.1 For a Neighbourhood Plan to be considered acceptable for adoption by a Local Planning Authority – for it to be ‘made’ and become part of the Development Plan – it should conform to the *basic conditions*. The basic conditions are set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 (as amended) and applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004. The basic conditions are (conditions b & c not referenced as they relate only the neighbourhood development orders):

- a. having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan.
- d. the making of the neighbourhood plan contributes to the achievement of sustainable development.
- e. the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area).
- f. the making of the order (or neighbourhood plan) does not breach, and is otherwise compatible with, EU obligations.
- g. prescribed conditions are met in relation to the Order (or plan) and prescribed matters have been complied with in connection with the proposal for the order (or neighbourhood plan).

National Planning Policy Framework (NPPF)

- 2.2 The NPPF was revised in 2018, but it includes transitional arrangements to allow emerging plans to be considered under the previous framework:

214. *The policies in the previous Framework will apply for the purpose of examining plans, where those plans are submitted⁶⁹ on or before 24 January 2019. Where such plans are withdrawn or otherwise do not proceed to become part of the development plan, the policies contained in this Framework will apply to any subsequent plan produced for the area concerned.*

Footnote 69: *“...For neighbourhood plans, ‘submission’ in this context means where a qualifying body submits a plan proposal to the local planning authority...”*

- 2.3 The EHNP was submitted to South Oxfordshire District Council on 17 September 2018 i.e. before the deadline date included in the NPPF (2018) paragraph 214 cited above. As such, the EHNP will be considered in reference to the NPPF 2012. The following paragraphs are those of most relevance to the comments submitted hereunder:

16. *The application of the presumption will have implications for how communities engage in neighbourhood planning. Critically, it will mean that neighbourhoods should:*

- *develop plans that support the strategic development needs set out in Local Plans, including policies for housing and economic development;*
- *plan positively to support local development, shaping and directing development in their area that is outside the strategic elements of the Local Plan; and*
- *identify opportunities to use Neighbourhood Development Orders to enable developments that are consistent with their neighbourhood plan to proceed.*

17 *... planning should:*

- *be genuinely plan-led, empowering local people to shape their surroundings, with succinct local and neighbourhood plans setting out a positive vision for the future of the area. Plans should be kept up-to-date, and be based on joint working and co-operation to address larger than local issues. They should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency*

28. *...neighbourhood plans should:*

- *support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well-designed new buildings;*
 - *promote the development and diversification of agricultural and other land-based rural businesses;*
58. *Local and neighbourhood plans should develop robust and comprehensive policies that set out the quality of development that will be expected for the area. Such policies should be based on stated objectives for the future of the area and an understanding and evaluation of its defining characteristics. Planning policies and decisions should aim to ensure that developments:*
- *will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
 - *establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;*
 - *optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks;*
 - *respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;*
 - *create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and*
 - *are visually attractive as a result of good architecture and appropriate landscaping.*
184. *Neighbourhood planning provides a powerful set of tools for local people to ensure that they get the right types of development for their community. The ambition of the neighbourhood should be aligned with the strategic needs and priorities of the wider local area. Neighbourhood plans must be in general conformity with the strategic policies of the Local Plan. To facilitate this, local planning authorities should set out clearly their strategic policies for the area and ensure that an up-to-date Local Plan is in place as quickly as possible. Neighbourhood plans should reflect these policies and neighbourhoods should plan positively to support them. Neighbourhood plans and orders should not promote less development than set out in the Local Plan or undermine its strategic policies.*

Planning practice guidance (PPG)

- 2.4 There is also specific Neighbourhood Planning PPG and of particular relevance to the concerns recorded in these submissions is advice at paragraph: 041 Reference ID: 41-041-20140306:

A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence. It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared.

3.0 Local Green Gap policies

3.1 Mr & Mrs Drewe object to the inclusion of their land – part of the Western Village Fields – as one of the identified Local Green Gaps (“Green Gaps”) in the submitted EHNP. There is also a more general concern about the approach to identifying the Green Gaps, their form and overall function. The justification for the Green Gaps has its basis in a document that is not a planning document and has very limited, if any, material weight; the evidence to support the Green Gaps refers to avoiding coalescence as though a *Green Belt* were being considered; and, the proposed policy for the Green Gap at the Western Village Fields refers to views of heritage assets that are already considered through national and local policy – and does not justify the broad area identified.

Didcot Garden Town Delivery Plan

3.2 There are references to the Didcot Garden Town Delivery Plan in the submitted EHNP and its supporting documentation. As at the previous consultation, it is highlighted that such references to, and reliance upon, the ‘Delivery Plan’ are inappropriate in planning policy at this time because the ‘Delivery Plan’ is not a development plan document. Except for the ‘principles’ that are included in both the Vale of White Horse and South Oxfordshire Local Plans (and the latter has yet to be examined), the Garden Town proposals have not been scrutinised for their material weight in planning terms or been through any planning examination process. In fact, where the ‘principles’ have been consulted upon, they were found to be non-compliant with national policy (in that there was no reference to heritage) and had to be revised from those proposed in the ‘Delivery Plan’ to what is now included in the two Local Plans. This is just one example of why it is considered inappropriate to use unexamined work – such as that in the ‘Delivery Plan’ – as strategic policy guidance for the EHNP.

3.3 There is the proposal to create a Didcot Garden Town ‘Local Plan’ of some kind, but this process has not yet begun. It is considered, therefore, that references to the ‘Didcot Garden Town Delivery Plan’ should be reserved for supporting text of the EHNP only; the ‘Delivery Plan’ should not be used as justification for policies or supporting evidence to the EHNP; and, a review of the EHNP should be committed to as and when the Didcot Garden Town Local Plan process is commenced.

Green Gaps as a proxy for Green Belt

3.5 At the pre-submission consultation, significant concern was raised about the proposed inclusion of large tracts of land as Local Green Spaces in the EHNP. It is noted that the Local Green Spaces now proposed are significantly reduced in scale from those previously, and that their particular relevance is better justified. The concern regarding *an attempt at a ‘back door’ way to try to achieve what would amount to a new area of Green Belt by another name* as specifically warned against in planning practice guidance (reference ID: 37-015-20140306) however, now presents itself in response to the proposed Green Gaps.

3.6 The size of the Green Gaps is not clear, however, an approximate measurement – as shown in the table below – suggests that a cumulative total of some 122 hectares is proposed to be covered by the Green Gaps policies. This represents a significant area of land.

Green Gaps	Approximate measurements interpreting the mapped shapes (Ha)
Coscote Fields	69
The Green corridor	21
Lower End Field	23

Western Village Fields	9
Total	122

- 3.7 The purpose and function of identifying 'boundary' lines for the Green Gaps, on Figure 5, is unclear. This came to light when attempting to understand the scale and potential effect of the proposed Green Gaps. Some of the boundaries can be interpreted as a) the built form of Didcot, East Hagbourne or Costcote; or b) as the political boundary of East Hagbourne Parish (this latter point leaves the use and enforcement of the policies as quite challenging given that 'landscape' and 'character' can cross political boundaries and as such this type of policy would be better managed through a strategic level Local Plan). The southern boundary line for the Lower End Field, appears totally arbitrary and cannot be determined 'on the ground' or on a map. If it is a view that is intended for protection, then it is unclear why the whole area is covered by the Green Gap policy. A potential for confusion is created by the inconsistent identification of boundaries across the Green Gap policies, and it is unclear whether it is a sightline and view that is the focus for proposed protection or if it is purely an attempt to prevent development between the built forms of two settlements. The Green Gaps appear to be trying to protect all things and therefore lack necessary precision, and also repeat the provisions of other national and local policies, and those of the EHNP. This ambiguity would be contrary to need for efficient planning decisions as outlined at paragraph 17 of the NPPF and the PPG as referenced above.
- 3.8 It is noted that the proposed VC1 policies do not preclude development on the identified Green Gaps, and Mr & Mrs Drewe have no intention to make such proposals on the Western Village Fields at this time, however, in order for them to be able to manage their land in an appropriate way it is not considered reasonable that restrictive policies be placed upon them. It is considered that this could be contrary to NPPF paragraph 28 as referred to above. It is also noted that the proposed 'safeguarding' area for the "Didcot Southern Spine Road" proposed in the South Oxfordshire Local Plan has the potential to conflict with the 'Costcote Fields' Local Green Gap and this tension is not resolved or even engaged with in the EHNP. Furthermore, there is concern that the perception of such policies is that they *are* to preclude development and as such will create confusion locally and ambiguity in decision taking. This too, would be contrary to need for efficient planning decisions as outlined at paragraph 17 of the NPPF and the PPG as referenced above.
- 3.9 Whilst the distinction between Local Green Spaces and Local Green Gaps – and their particular roles in national policy – is described on page 25 of the EHNP, it should be made clear that the function of the latter, and the subsequent policies in the EHNP, are specifically *not* able to explicitly preclude all development. Notwithstanding this, the justification for the Western Village Fields, in particular, to be covered by a Green Gap policy is not wholly convincing and further submissions are made in this regard hereunder specifically in response to policy VC1b.
- 3.10 Finally regarding the Green Gap policies and that they are being used as a proxy for Green Belt, is the concern at the repeated reference to coalescence. This is a term often used when referring to the second purpose of the Green Belt as described in the NPPF at paragraph 80; the prevention of neighbouring towns merging together. Concerns are raised on this in principle, as suggested at paragraph 3.5 above, but also that the feared coalescence has already occurred at the west side of the northern end of New Road. It is also noted that the "Green Corridor" contains both Local Green Spaces *and* is covered by a proposed Green Gap policy. Furthermore, it is unlikely that the Western Village Fields need to be protected to avoid coalescence given that at the western and southern boundaries of the identified parcel there is no development. As described in the *East Hagbourne Green Buffer Assessment* the disused railway line creates a sufficient "*visual and physical barrier*" between East Hagbourne, West Hagbourne and Costcote to render the Green Gap policy unnecessary.

Conservation of heritage assets; their significance and setting.

3.11 The East Hagbourne Conservation Area is referred to in the supporting text of two of the VC1 policies. The fact that it is not referred to in the other two VC1 policies provides further evidence for the confused nature and purpose of the Green Gaps as identified at paragraph 3.7 above. It should be noted that the conservation and enhancement of heritage assets and their setting is provided for in national policy in the NPPF, in the South Oxfordshire Core Strategy and emerging Local Plan and in the proposed policy VC5 of the EHNP. It is considered unnecessary to refer further to the conservation of the setting of heritage assets in yet another policy. The effect of another layer of policy is to the detriment of efficient decision making.

4.0 Policy VC1b – Western Village Fields Local Green Gap

4.1 It is considered that proposed Policy VC1b does not meet the basic conditions – specifically condition ‘a’ and condition ‘d’ as listed above – and as such should be struck from the neighbourhood plan. The proposed policy is contrary to national policy and the need for unambiguous policies that allow for efficient decisions and, it does not set a framework for sustainable development as it seeks to unjustifiably restrict the use of the “Western Village Fields” especially in a rural context.

4.2 There is no need to ‘protect’ the Western Village Fields to avoid the merging of settlements, and as has been clearly articulated in the supporting evidence to the EHNP, the disused railway line creates a “*visual and physical barrier*” that is a strong edge to East Hagbourne. The significance of the Western Village Fields to the rural setting of East Hagbourne is not convincingly made. It is understood that fields exist and are currently free from any built form, but the true division between the built form of the village and the countryside in this location could as easily be understood as being the railway line as is the case for the development allocation made in the EHNP at proposed Policy H3. It is accepted that there could be views of listed buildings and the Conservation Area that could be of significance but these need not be ‘protected’ by a broadly drawn Green Gap. Identified views from the disused railway line are also identified in proposed policy VC2, so there is no need to include reference to these in additional policies.

4.3 Mr & Mrs Drewe accept that their land – within the Western Village Fields – is adjacent to the East Hagbourne Conservation Area, and in close proximity to the listed buildings of St Andrews Church (Grade I) and The Oast House (Grade II). However, it is considered that these heritage assets and their setting are ‘protected’ – according to their significance – by other relevant policies. Furthermore, reference to ridge and furrow earthworks – as outlined hereunder in response to policy VC5 – is not considered to be of sufficient significance to justify the need for a Green Gap.

4.4 The need for any of the Local Green Gaps is not wholly convincing, they appear to be an arbitrary and blunt approach to managing change that would become out-of-date with changes in circumstance such as the review of Local Plans or indeed the loss of a five (or three) year supply of housing land.

4.5 Reviewing each of the other Green Gaps in turn:

- Lower End Field Local Green Gap is primarily concerned with landscape views, which are protected by other policies, but where it refers to the gap between East Hagbourne and Didcot, as was accepted by an appeal inspector, this may have some weight. However, the need for the policy to cover an entire swathe of land is not clear as the gap and views could equally be ‘protected’ by well designed development.
- Costcote Fields Local Green Gap is a very widely drawn and again is primarily concerned with the ‘protection’ of views, and has (or will have) a potential conflict with the Local Plan.

- Finally, the Green Corridor Local Green Gap ‘doubles up’ protection that is envisaged also through the proposed Local Green Spaces of Policy E1. The clear distinction of East Hagbourne and other surrounding settlements can be maintained by the disused railway line, appropriate planning around particular views identified in proposed policy VC2 and well-designed development as and when it might be allocated through reviews of the EHNP.

5.0 Policy VC2 - Conserving and Enhancing Important Views

- 5.1 Policy VC2 is a better, more precise and usable policy than those proposed at VC1a-d. The views have some recognisable significance and appropriate actions can be taken to ensure that any proposals that might come forward – either through a review of the EHNP or any other mechanism – are properly supported by evidence and an informed decision can be made. It is respectfully suggested that an improvement can be made to the policy to help the decision maker when interpreting the policy – to ensure its efficacy and therefore meeting basic condition ‘a’ - and this is as follows (underlined text in addition):

Views within the village, to and from the village, and of the wider landscape including views towards the Chilterns and North Wessex Downs AONBs, should be protected wherever possible. New development should avoid significant harm to the views listed in Table 9 of the Character Assessment and shown in Figure 6 below. Proposals that have the potential to effect a view from an identified viewpoint should be accompanied by a Landscape and Visual Impact Assessment (LVIA) that assesses proposals from those viewpoints and development should include mitigation where appropriate.

6.0 Policy VC5 - Conserving and Enhancing Heritage Assets

- 6.1 The inclusion of proposed policy VC5 in the EHNP is understood and much of it is repetitive of national and local level policy. However, its phraseology is flawed and cannot be considered to have had sufficient regard to national policy and therefore cannot meet basic condition ‘a.’ There is a confusion (and conflation) of *preservation* and *conservation*; the proper wording, having regard to national policy (NPPF paragraphs 126 on), is conservation. There is also confusion in the policy between ‘heritage assets’ and ‘character’ and this too, does not pay regard to national policy. There is a distinct difference between the necessity to understand the significance of designated heritage assets and their setting, the desirability to conserve and enhance those designated assets and the desirability of new development making a positive contribution to local character. An example of the confusion created in the proposed policy is the inclusion of “*the special quality of East Hagbourne*” and also the identity and character of the Conservation Area. The former is not a designated heritage asset whilst the latter is not.
- 6.2 It is suggested that an appropriate solution to the confusion is to split the policy so that designated heritage assets are referred to separately from non-designated and that character is considered in its own right. It is likely that the ‘character’ elements of proposed Policy VC5 are already provided for in proposed Policy VC3.

Ridge and Furrow

- 6.3 At the pre-submission consultation Mr & Mrs Drewe noted the elevated status that ridge and furrow was given in the EHNP. Whilst these earthworks are not mentioned in policy in the submitted EHNP, for completeness Mr & Mrs Drewe would like to again record the following observations: Ridge and furrow is the earthworks remains of medieval and early post-medieval ‘open field’ agriculture, which, while existing across England (and beyond), survives best in a broad belt across the Midlands.
- 6.4 A simple search on Heritage Gateway (a national resource linked to county Historic Environment Records (HER) and Historic England’s national databases) for the term ‘ridge and furrow’ pulls up

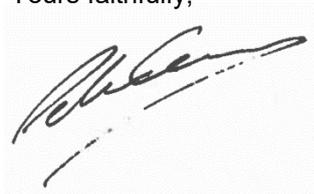
41,843 results. This is a very crude search engine, however, so that does not necessarily mean there are 41,843 surviving examples recorded in HER, the total could include examples known to have been destroyed, and it could include multiple references to the same field. Equally, Heritage Gateway is itself not comprehensive. Survival is undoubtedly patchy, but even more variation will have been introduced by which HER choose to list ridge and furrow and which do not, or what criteria are used for listing.

- 6.5 However, for context, the number of listings in HER for Ridge and Furrow locally are as follows:
- Oxfordshire: 148
 - Buckinghamshire: 46.
 - Berkshire: 35
- 6.6 For the purposes of comparison; Leicestershire and Northamptonshire are recognised as having more such earthworks than other Midlands counties, and have the following listings:
- Northamptonshire: 2724
 - Leicestershire: 56 (recognised but not listed).
 - (And in Lincolnshire 1729 records are listed).
- 6.7 The number of listings for Ridge and Furrow in Oxfordshire are noted, especially compared to neighbouring authority areas, and even compared to the number in Leicestershire a recognised area for the concentration of such earthworks.
- 6.8 The village character assessment, also, identifies a number of areas of Ridge and Furrow. These areas include land to the north of Main Road adjacent to the village hall. Planning permission has been given on Land Adjacent to the Village Hall, Main Road (P17/S2469/O) and it is noted that there was no objection from the Conservation Officer (also the potential impacts on the Conservation Area, and green space in general, was considered in this scheme and the proposed mitigation is accepted as reasonable in response to the constraints).
- 6.9 All of the above brings into question the significance of the ridge and furrow earth workings especially at the “Western Village Fields.”

7.0 Conclusion

- 7.1 In conclusion, given the detailed response above, it is considered appropriate that the “Western Village Fields” is removed from the Green Gap policies or that policy VC1b is deleted from the EHNP.
- 7.2 It is also submitted that all of the VC1 policies, VC2 and VC5 do not meet the basic conditions. The concerns in short, are cumulative nature of the proposed Local Green Gaps, their form and function; the ambiguity in the consideration of heritage and character; and, the conformity or repetition of the EHNP policies with those at the national and local level.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Peter Canavan', is written over a light grey grid background.

Peter Canavan MRTPI
Associate

E: Peter.canavan@carterjonas.co.uk
T: 01865 819637
M: 07826 890806