

## East Hagbourne Neighbourhood Plan

### Comments of East Hagbourne Parish Council on the Reg 16 consultation representations.

This document reports our comments on the representations on Lawson's Orchard.  
Comments on other representations are reported separately.

### David Brewer & Fiona Macdonald, re Lawson's Orchard

Points made in the representation

*Comments of East Hagbourne Parish Council are shown in blue italics.*

*This representation is from the owners of Lawson's Orchard*

*These notes present a summary of the points made in the representation - for full text, please refer to the original comments from Mr Brewer.*

#### Overall representation:

We moved into Kingsholm after the Local Plan had been drafted and shortly before the formal consultation began. The former owners – the Lawson Family – objected to the designation of the land and this is reflected in the information provided in Appendix 4 of the EHNP.

We also object to the proposal to designate the land opposite Kingsholm as Local Green Space.

- The proposed designation does not satisfy policy requirements
- The Conservation Area status already provides a more appropriate mechanism for controlling stewardship of the site
- Designation would conflict with other policy aspects of the NPPF and cannot be shown to be consistent with wider strategic or local plans
- The reasons cited for designation will not endure throughout or beyond the period of the plan
- There are significant issues with the way in which the consultation has been conducted which introduce bias and which exaggerate the apparent special nature of the sites

#### Critique of the proposal

*The critique is extensive and in places emotive in nature. We do not propose to respond to each point, but limit our comments to those areas where we feel a response is needed.*

Far from representing a 'shared vision' the policies relating to green space designation have been extremely divisive. With one exception the sites proposed are all owned by members of the local community or charities acting for the community benefit. According to the site evaluations provided, none of these owners have expressed support; responses range from the absence of support to distress and vehement opposition.

*This is not quite correct. Of the five sites designated, owners of two have no objection. Full details can be found in Appendix 3 with the owner's views included in section 1.5. It is true that the owners of two sites have expressed strong objection and the Steering Group respects the views of those owners, while standing firm on what we believe is in the best interests of the community. We understand the contributions that land owners make to the attractiveness of these site for the general community and are open to discussion with owners of any of the sites on the management of the sites after designation.*

#### Conservation Area

The land is within the Conservation Area and this provides robust planning controls which will ensure that no inappropriate development will be permitted. The Conservation Area controls are a more developed and nuanced set of controls than the green space designation.

*As noted in our response to the Reg 14 consultation, SODC's web site says that conservation areas are 'areas of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance'. Local Green Spaces are based on a wider evaluation of community value. We believe that designation would provide recognition of this particular land's value.*

*We note that Historic England, in its response to this consultation, is supportive of designation:*

*"We continue to welcome the identification of Tudor House allotments and Lawson's Orchard as Significant Green Spaces protected by Policy E1a and Local Green Spaces protected by Policy E1b given their contributions to the setting of listed buildings and the identification of each as an "Important Open Space" in the Conservation Area by the Conservation Area Character Appraisal."*

#### Policy requirements for designation

Local Green Space is a restrictive and significant policy designation. The NPPF explicitly states that designation will not be appropriate for most green areas or open space. Given this unambiguous wording it is reasonable to expect compelling evidence that any designation proposal unequivocally satisfies all of the policy requirements for designation.

*Our evaluation of the Green Spaces (Appendix 3, attachment 2) is comprehensive and based on a recommended template. We will respect the Examiner's determination as to whether sufficient evidence has been provided.*

The only real evidence provided, other than the assertions of the Parish Council who have proposed the site for designation is the Character assessment which was commissioned and directed by the Parish Council and the survey. The survey results should be given little or no weight as the manner in which it was conducted is fundamentally flawed. In any event the results do not demonstrate that the requirements have been met and in fact indicate they have not.

*NPPF 76 says "Local communities through local and neighbourhood plans should be able to identify for special protection green areas of particular importance to them." The views of the community as solicited through the Community Survey are therefore an important consideration.*

*Our Community survey was carried out under the guidance of Community First Oxfordshire and independently analysed and reported by them. We have confidence in the results as a reflection of the views of residents.*

The site evaluation provided to support the proposed designation gives the reason for designation as; "The site provides a break in the continuous built line along the north side of Main Road in the heart of the historic village. It provides a tranquil and country atmosphere in the midst of the built environment."

.....

The site assessment seeks to give the impression of a road hemmed-in by a continuous wall of development relieved only by the gap in buildings represented by this site ('referred to in the assessment as an oasis'). This is patently mis-leading.

Statement 2 - "It provides a tranquil and country atmosphere in the midst of the built environment."

The site can be viewed only from a point immediately adjacent to the main road through the village and has no public access. Hardly a tranquil oasis.

*It is a fact that the historic core of East Hagbourne is compact and an area, the remnant of a former orchard along the Main Road is an asset. We respect your own interpretation, but for many people it is a tranquil place.*

p5. The land is principally over-looked by only one residence, Kingsholm, and the owners of Kingsholm do not support designation.

*The land is overlooked by four historic properties (two of them listed): 24 The Croft, 20 Main Road, Kingsholm and 24 Main Road. No objections have been raised by the owners of three of these properties.*

#### Critique of the survey:

The survey then takes a number of open spaces and asks about their importance. The list excludes a number of spaces which provide access to rural spaces, footpaths and provide separation from Didcot and so presumably had these been included they would have ranked highly – given the importance of these aspects demonstrated above.

These seem to have been filtered out from the list on a tactical basis to exclude sites which would not have met the designation requirement relating to size.

*We strongly refute any suggestion that the Steering Group or others working on the NP have engaged in 'tactical' behaviour. Whatever the strengths or weaknesses of the survey, it was conducted to the best of our ability to gain an understanding of the community's wishes and priorities.*

Only 40% of the households in the village responded and we know that this is likely to include a disproportionate representation of people who consider green spaces to be important (you are much more likely to respond if you think the survey addresses issues which are important to you).

*We have no evidence to assess this statement. The survey covered a wide range of topics and we do not know which of these might have influenced people to participate or not. CFO advise us that the response rate of 43.8% was good for this type of survey. They also state in their report "No information is known about the non-respondents, and no assumptions have been made about their opinions."*

In total, despite the inherent bias only 20% of households in the village have responded that they consider Lawson's Orchard and the Tudor House Allotments combined to be important and open space in general ranked low down in peoples' priorities.

*We believe this is over-analysing the results and respond only because we think the arithmetic is faulty. 161 of 200 responses rated the two sites combined as very important or important. This is 32.2% of the 500 households in the village at that time.*

The fact that the Parish Council choose to combine these two sites (as if they were one) when undertaking the survey is extremely telling.

*They both lie along Main Road*

#### Future use of the site

*The representation from Mr Brewer describes the site as a "garden".*

p12. . . . It is, in fact, a private garden.

p15: It is our intention to plant a beech hedge to provide the same privacy as all the other gardens in the village enjoy.

Appendix 1, p9: The site is privately owned and is effectively a private garden.

p9 again. There is not and never has been any public access to the site. It is in effect a private garden for the house opposite.

*We disagree. The site still retains the atmosphere of an orchard. It has for some time been used by villagers to keep chickens and for the grazing of sheep, with the permission of the previous owners. Until recently there has been access to a notice board used by the village on the site. There is a fenced and disused area at the rear of the site that appears to have been used as an allotment.*

*To consider this as a garden would be a significant change of use.*

#### Defining Boundaries

p8. We do not consider that the proposal to designate the site has met the requirements set out. However, if the Examiner takes a different view further consideration is needed regarding the definition of the boundary to be applied. If the objective is to provide an open character the designation of the entire site is not necessary to achieve this. . . .

*The Examiner has asked us to address the following question:*

*"Lawson's Orchard LGS: I have looked at the detail of the representation from the owners. Its latter part suggests a potential reduction in the LGS area in the event that I am minded to support its inclusion in the Plan. The PC has already agreed that a more detailed map should be included in any made Plan. Would it be possible for me to have a sketch plan showing the area it had in mind, including the position of the sub station mentioned in the representation?"*

*We have included information on this question in the Attachment to this document*

#### Concluding Remarks

*The proposed local Green Space known as "Lawson's Orchard" is an area of open land in the centre of the village. The views into the site are attractive and enjoyed by people walking along Main Road. It is a remnant of the once-extensive orchards in East Hagbourne and provides the setting for the listed buildings at Kingsholme and 20 Main Road.*

*It is clear to us that the site is valued by the community and merits sensitive management into the future. It is equally true that the attraction of the site is largely the result of sensitive management in the past and that many of the features can be ephemeral if not managed well.*

*We remain open to the owners to discuss, if they are willing, the best way of looking after the site in the future.*

*For the avoidance of doubt, the proposal to designate the area was notified to the owners by letter in September 2017, before the Reg 14 consultation which started on 1st March 2018 and before the purchase by the present owners, which land registry records as 23rd February 2018.*

*On the question of Local Green Space designation, we have submitted our evidence and will respect the evaluation of the Examiner.*

## ATTACHMENT

### Defining Boundaries

Response to supplementary question from the Examiner:

*"Lawson's Orchard LGS: I have looked at the detail of the representation from the owners. Its latter part suggests a potential reduction in the LGS area in the event that I am minded to support its inclusion in the Plan. The PC has already agreed that a more detailed map should be included in any made Plan. Would it be possible for me to have a sketch plan showing the area it had in mind, including the position of the sub station mentioned in the representation?"*

*A sketch map is shown below as Figure 1, marked up on the Land Registry Title Plan ON 186064.*

*The electricity sub-station is situated beyond the site boundary at the north-east corner. it is not particularly prominent in views from the road, particularly when the trees are in leaf.*

*There is a fenced area in the north-west corner of the site that is currently disused, but appears to have been used as an allotment. This is in the approximate location marked on the plan.*

*We agree that the view from the road is what makes this site special and that the areas that are not clearly visible are less important. The depth of the site does, nevertheless, contribute to the sense of space and tranquillity of the site.*

*Our provisional suggestion is that the northern boundary could be set at the edge of the allotment area, as shown on the sketch plan.*

*Photographs are shown to give an indication of the appearance of the site from Main Road.*

*Figure 2, taken today, shows the view into the site from the SW corner*

*Figure 3, taken today, shows the view from close to the SE corner. The sub-station is visible at centre right of the photograph.*

*Figure 4 shows another view from the SW corner, taken in spring and looking east.*

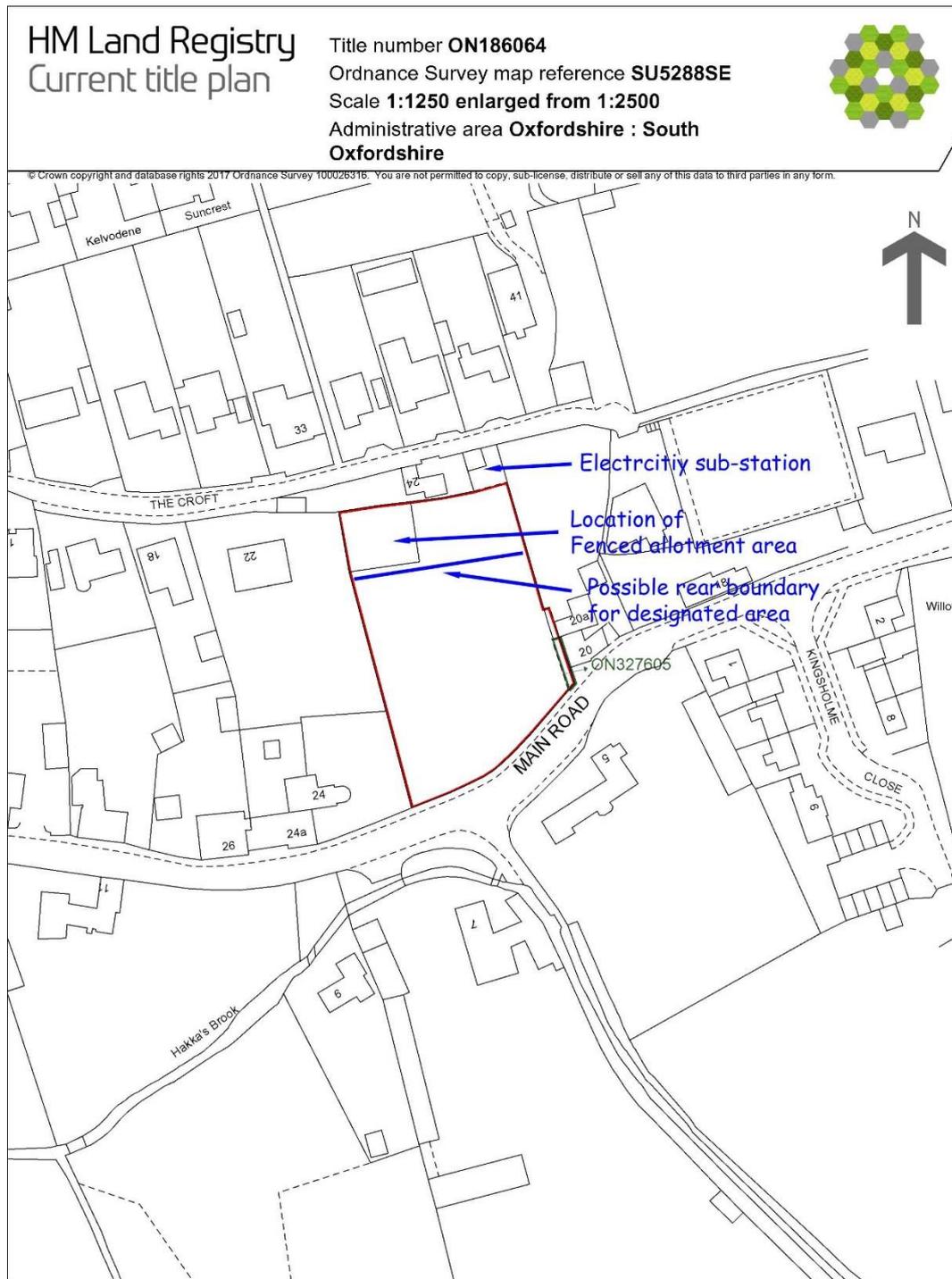


Figure 1: Sketch plan of Lawson's Orchard showing salient features

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*Figure 2. view from SW corner*



*Figure 3. View from SE corner*



*Figure 4. view from SW corner in spring*