

**Environment and Place
County Hall
New Road
Oxford
OX1 1ND**

**Bill Cotton
Corporate Director for
Environment and Place**

17 February 2022

To: South Oxfordshire District Council
planning.policy@southandvale.gov.uk

Dear South Oxfordshire District Council Planning Policy,

Correction to Oxfordshire County Council's Response to the Kidmore End Submission Neighbourhood Plan dated 15th September 2021. Please forward this letter to the Examiner.

It has been brought to Oxfordshire County Council's (OCC) attention (via letter dated 23rd November 2021 from the Clerk of Kidmore End Parish Council) that an error was made regarding our comments on proposed Important Green Space Site 9: Wood Lane/Horsepond Road, Gallowstree Common. We confirm that the site does not have Village Green status and that part of the site is owned by OCC (Highway land). Regrettably we now need to object to the Highway land within Site 9 being designated as an Important Green Space. Please therefore substitute the three paragraphs regarding Site 9 in our September 2021 response to this Submission Neighbourhood Plan with the text below (Annex 1 to this letter shows this substitution as tracked changes).

Important Green Space Site 9 Wood Lane/Horsepond Road, Gallowstree Common (as detailed in the Submission Plan Appendix D2)

Site 9 Wood Lane/Horsepond Road, Gallowstree Common is partly owned by Oxfordshire County Council (Highways land) rather than wholly owned as suggested by the landowner information contained within Neighbourhood Plan Appendix D2: Annex C 'Records Sheets for the Green Spaces Study'.

The County Council owns the land to the east of the junction of Wood Lane and Horsepond Road (within Site 9) but not the original straight line approach of the highway (Wood Lane) to Horsepond Road, which is unregistered according to our records.



Appendix D2. Gallowstree Common, Figure GC16 - The land indicatively outlined in red within Site 9 is OCC Highways land.

OCC object to the Highway land within Site 9 being designated as an Important Green Space. Where land has highway status, this takes legal precedence over the rights of the sub soil owner and no works can take place without the County Council's approval. The highways status of the land means the public have the right to pass and re-pass over it and public utilities have the right to site equipment on or within it. It is unclear how any green space status could affect this, or the County Council's ability to carry out any highway works or improvements in the future and we would not want to fetter this ability in any way. We request that the portion of Site 9 which is part of the maintained highway is not designated as an Important Green Space.

All other points within our response of 15th September 2021 remain unchanged. We note that the Parish have responded to our request to remove the designation of Kidmore End Church of England Primary School grounds as a locally important green space in 'Appendix D1-6 Visual and Spatial Character'. OCC maintain however, that any designation or protection afforded to the site may inhibit any potential future educational uses of the land in conjunction with the Kidmore End Church of England Primary School.

If any further information is required from the County Council, please do not hesitate to contact me. We request to be kept informed of any decisions on this neighbourhood plan.

Yours sincerely,

S Steere-Smith

Sarah Steere-Smith

Planner

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ANNEX 1

Oxfordshire County Council's Response to Kidmore End Submission Neighbourhood Plan September 2021



South Oxfordshire District Council
Planning.Policy@southoxfordshire.gov.uk

County Hall
New Road
Oxford
OX1 1ND

Copy:
ndp@kepc.info

15th September 2021

Dear Sir/Madam,

Kidmore End Submission Neighbourhood Plan consultation 2011 - 2035
Closing date: 15th September 2021
Comments to be forwarded to Independent Examiner

Thank you for your email of 28th July 2021 inviting comment on the Kidmore End Submission Neighbourhood Plan. The County Council supports the Parish in its ambition to prepare a neighbourhood plan.

This draft neighbourhood plan proposes one allocation for up to 4 houses on greenfield land in the AONB at Kidmore End.

Our comments follow those provided at the pre-submission draft stage of the Neighbourhood Plan on 15th January 2021. We provided comments from the: Transport Development Control, Transport Strategy, Strategic Planning and Archaeology teams. Oxfordshire County Council (OCC) support the amendments made to the plan that were requested in our previous comments (as detailed in the Consultation Statement Appendix E5 Sub App 2A-2B). We request however, that the Transport Development Control comments that were not taken forward are reconsidered (our previous response is attached as an annex to this letter).

Oxfordshire County Council objects to the submission version of the plan due to the designation of Kidmore End Church of England Primary School grounds, Chalkhouse Green Road, Kidmore End as an Important Green Space. This new designation is contained in an updated version of 'Appendix D1-6 Visual and Spatial Character' (dated March 2021 – after the previous round of consultation in January 2021). This site is referred to as Site 4 in Appendix D1-6. The designation of this site as a Locally Important Green Space may inhibit any potential future educational uses of the land in conjunction with the Kidmore End Church of England Primary School which is the basis for our objection. This designation must be removed in order for the plan to meet basic conditions (a) and (d) as set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 (having regard to national policies; the making of the order contributes to the achievement of sustainable development).

It is not appropriate to designate an Important Green Space within school grounds as it is not consistent with planning for sustainable development as required by national policy. As noted in National Planning Policy Framework paragraph 95ⁱ (emphasis added in bold):

*'it is important that **sufficient choice of school places is available to meet the needs of existing and new communities.** Local planning authorities should take a **proactive, positive and collaborative approach** to meeting this requirement, and to development that will widen choice in education. They should:*

- a) **Give great weight to the need to create, expand or alter schools** through the **preparation of plans** and decisions on applications; and*
- b) **Work with school promoters, delivery partners and statutory bodies to identify and resolve key planning issues** before applications are submitted.*

If this site is not removed as Important Green Space then that designation would potentially impact on the future choice of school places for the existing community (and any new future communities) by limiting the ability of this School to expand or alter its premises on the school grounds.

Deletion requested – to remove the designation of Kidmore End Church of England Primary School grounds as a locally important green space in 'Appendix D1-6 Visual and Spatial Character'. If the Examiner is minded to make this requested change to the Neighbourhood Plan then the County Council's objection to the Plan would be addressed and our objection would no longer apply.

Furthermore, part of the Kidmore End Church of England Primary School grounds are owned by the County Council and we have not been contacted as landowner regarding this potential designation during the plan making process. Kidmore End Church of England Primary School grounds is shown as Site 4 in the left image below (taken from 'Figure KE15: Plan of important green spaces' from Appendix D1-6 Visual and Spatial Character') and the image on the right shows the area edged in red which is in the County Council's ownership.



In Annex C 'Record Sheets for the Green Spaces Study' of 'Appendix D1-6 Visual and Spatial Character' the ownership of the site is noted as Oxford Diocesan

Schools Trust. Whilst the Oxford Diocesan Schools Trust do own the Kidmore End Church of England Primary School buildings, the Trust lease part of the grounds from Oxfordshire County Council.

~~Change requested – Ownership of Site 9 Wood Lane/Horsespeed Triangle, Gallowstree Common – reference to Oxfordshire County Council Highways should be removed in Annex C ‘Record Sheets for the Green Spaces Study’ of ‘Appendix D1-6 Visual and Spatial Character’.~~

~~Currently Site 9 Wood Lane/Horsespeed Triangle, Gallowstree Common is incorrectly noted as owned by Oxfordshire County Council Highways in Annex C ‘Record Sheets for the Green Spaces Study’ of ‘Appendix D1-6 Visual and Spatial Character’.~~

~~Our Highways Records Team confirmed that this land is not Oxfordshire County Council Highways Land. Our Countryside Records Team confirmed that this site is a Village Green (VG110 along with other small parcels of land nearby) from the Register of Town and Village Greens and was registered to Kidmore End Parish Council in 1979. For more up to date landownership information, you may wish to undertake a search with the Land Registry whose records can be viewed at <https://www.gov.uk/search-property-information-land-registry>~~

~~Important Green Space Site 9 Wood Lane/Horsepond Road, Gallowstree Common (as detailed in the Submission Plan Appendix D2)~~

~~Site 9 Wood Lane/Horsepond Road, Gallowstree Common is partly owned by Oxfordshire County Council (Highways land) rather than wholly owned as suggested by the landowner information contained within Neighbourhood Plan Appendix D2: Annex C ‘Records Sheets for the Green Spaces Study’.~~

~~The County Council owns the land to the east of the junction of Wood Lane and Horsepond Road (within Site 9) but not the original straight line approach of the highway (Wood Lane) to Horsepond Road, which is unregistered according to our records.~~



Appendix D2. Gallowstree

Common, Figure GC16 The land indicatively outlined in red is OCC Highway land.

OCC object to the Highway land within Site 9 being designated as an Important Green Space. Where land has highway status, this takes legal precedence over the rights of the sub soil owner and no works can take place without the County Council's approval. The highways status of the land means the public have the right to pass and re-pass over it and public utilities have the right to site equipment on or within it. It is unclear how any green space status could affect this, or the County Council's ability to carry out any highway works or improvements in the future and we would not want to fetter this ability in any way. We request that the portion of Site 9 which is part of the maintained highway is not designated as an Important Green Space.

We understand these comments will be forwarded to an independent examiner. Unless the examiner is minded to remove the designation of Kidmore End Church of England Primary School grounds as Important Green Space, we consider the plan does not meet basic conditions (a) and (d) as set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 (as detailed above) and would request a public hearing. If any further information is required from the County Council please do not hesitate to contact me. We request to be kept informed of any decisions on this neighbourhood plan.

Yours sincerely

S Steere-Smith

Sarah Steere-Smith
Planner

Email: sarah.steere-smith@oxfordshire.gov.uk
General Email: PlanningInOxfordshire@oxfordshire.gov.uk

ANNEX 2
OFFICER ADVICE

District: South Oxfordshire District Council
Consultation: Kidmore End Neighbourhood Plan 2011-2035 (Pre-Submission)
Team: South & Vale Locality Team
Officer's Name: Thomas Cockhill
Officer's Title: Transport Planner
Date: 07/01/2021

Transport Development Control Comments

I provided some initial comments in March 2019. The majority of those comments still apply to the reduced scheme of four dwellings rather than the original scheme of five.

CFS 8 – Provision of four dwellings – Recommendation Holding Objection, further information would be required: Please see the comments below;

- No details supplied with regards to vehicular access, however, frontage will require improvements so as to provided access arrangement to standards
- A speed survey will be required so as to ascertain the appropriate level of visibility splay required
- Gradient issues
- Turning area will need to be provided and vehicular tracking demonstrating a servicing and emergency vehicle can turn within the site and egress in a forward gear
- Access geometry to standards, tracking for vehicles accessing and egressing the proposal will need to be demonstrated for consideration – likely to require a 4.8m wide access. Depending on vehicular tracking diagrams this potentially could be reduced to 4.5m/4.1m in width
- Drainage issues within vicinity of site – carriageway flooded

With regards to the points above please see my thoughts below:

- Quiet Lane's Policy P34 of the document – '*development proposals: should preserve and enhance the rural look and feel of the lanes and roads linking the settlements listed here (insofar as this affects the KENDP area)*'
 - I am appreciative of ensuring any proposal 'fits in' with the local area and does not urbanise the area. I consider it would be likely, if the neighbourhood plan is made, that the County Council, as Highway Authority would remove the requirements for footway and passing opportunity that we would normally require; so as to meet the requirements set out within the Kidmore End Neighbourhood Development Plan. However, any proposal to add residential units to the area will inevitably result in additional vehicular usage. I am aware of parking/congestion issues at school times around the Wood Lane/Kidmore Lane junction. Whilst any residential proposal at CFS 8

would ideally walk to the local school for example, I consider that the characteristics and geometry of the lane would act as a deterrent for some residents, notably those with prams and pushchairs and others with sensory or mobility problems. Furthermore, the route would be unsafe and less attractive for pedestrians after dark. Therefore, in all probability, there would be higher levels of car use than might otherwise be the case were the site to be connected to the urban area with a pavement.

- Design Principles Policy P37 of the document
 - As stated above I am sympathetic to ensuring any proposal does not urbanise the area in the form of long lengths of kerbing/footway etc. However, I must point out possible Highway Safety issues with any development proposal even though with a proposal for four dwellings the percentage of foot traffic generated by the proposal will be low.
- Local travel and Safety Policies P55-57
 - As stated above, the facilities within Kidmore End are considered limited and the likelihood is the majority of trips will be via the private car. The existing characteristics/geometry of the carriageway system within Kidmore End ensures drivers travel at low speed, however this 'self-enforcement' does hinder vehicles passing one another due to carriageway constraints in terms of width and on-street parking pressures.
 - Parking within the proposal must meet Oxfordshire County Council standards – this is likely to prevent indiscriminate/obstructive parking occurring on the Highway as a result of the development.

Side Note:

- It may be worth Kidmore End Parish Council compiling a parish 'wish list' of possible traffic calming/improvement schemes within some of all of the villages so as to ease/improve traffic flow/parking. This can be included in the neighbourhood plan, in a list of aspirations that the Parish Council may have for spending its portion of CIL in future.

