

WESTON ON THE GREEN PARISH COUNCIL

www.westononthegreen-pc.gov.uk

Oak View, North Lane, Weston on the Green, Oxon, OX25 3RG

Tel: 01869 350282 clerk@westononthegreen-pc.gov.uk

Chairman: Mrs Diane Bohm

Clerk: Mrs Jane Mullane

Mr. John Slater

Independent Examiner to the Weston on the Green Neighbourhood Plan

via email: johnslaterplanning@gmail.com

Dear Mr Slater,

Thank you for giving Weston on the Green's Parish Council the opportunity to respond to some questions following your initial work on our proposed Neighbourhood Plan.

Regulation 16 Comments

5. Firstly, I would like to offer the Parish Council the opportunity to respond to any of the comments made in the representations submitted as part of the recent post Decision Statement consultation.

The Parish Council and villagers completely support CDC in their actions. The initial inspector's conditions for permitting development on the Schoolfield was a list of general requirements that would apply to any planning application, on any site. CDC will no doubt respond to the points raised concerning the local plan.

Neighbourhood planning gives local people an opportunity to shape their environment; the whole village is very clear about retaining the Schoolfield as a green lung in the village.

Further, there is a Section 52 Planning Agreement (see attachment) on this land between the former owner and CDC prohibiting use of the land for residential purposes. This has been enforced by refusal to allow dwellings to extend back gardens into the field. (Guernsey Cottage CDC Planning App decision No:03/02271/F)

The decision stated:

1. *"In the opinion of the Planning Authority the use of the land as private garden will result in development encroaching into the surrounding countryside, which will have a seriously harmful effect on the landscape character and*

rural setting of the village and which will not preserve or enhance the character or appearance of the Conservation Area. This will be contrary to Policies C7 and C22 of the adopted Cherwell Local Plan

- 2. In the opinion of the Local Planning Authority the proposed development will set an undesirable precedent for the change of use of similar pieces of land in the area and on the edge of the village, which the Planning Authority would find difficult to resist and which would, cumulatively, further detract from the rural setting and character of the village, the surrounding rural landscape and the character and appearance of the Conservation Area."*

For clarification, a Section 52 agreement does exist for the Schoolfield. Most section 52 agreements will have been entered into either unilaterally or with the local planning authority. Advice on the Impact of old planning agreements states: *"Like Section 106 agreements, they "run with the land" and bind anyone acquiring an interest in the land subject to any overriding clause in the agreement or until they have been formally discharged. Unlike obligations under Section 106 which, since 25 October 1991 (the date on which the 1991 Act amendments came into effect) can be formally discharged pursuant to section 106A of the 1990 Act, there is no statutory mechanism for the discharge of section 52 obligations under the 1971 Act, or for section 106 obligations entered into before that date"*

In conclusion the Agreement can only be discharged by the following: application to S84 of the LPA 1925, by agreement between the parties (the landowner and Cherwell District Council or by legislation.

6. Was there consideration given, to whether the Schoolfield, should be designated as a Local Green Space in view of its stated importance to the local community – if it was considered, what were the reasons why it was not pursued?

As early as the 7th June 2017 (Consultation Document pg 18) the WOTG Neighbourhood Plan Steering Group was aware of issues around the Schoolfield. It was apparent that research into its status and protection needed to occur. Within that month the Schoolfield changed hands from a private landowner to a developer and that proved an imminent threat to what the village felt was an historic and valued field. An action group was formed with the specific task of finding a way to protect the area from being lost as a 'public amenity'.

By October of 2017 the Steering Group had a *"Recommendation that we have an additional planning policy specifically that the Schoolfield site is used as a community amenity area providing an open space that enhances wildlife and flows from the Weston Fen SSSI through to the Otmoor SSSI. This is a recommendation from both Natural England and the Landscape Officer of OCC"*. This motion was accepted.

The report from the WOTG NP Steering Group (6th December 2017) on the

Schoolfield designation as a passive recreational grassland habitat (was) aimed to promote biodiversity. The area *“comprises a possible NERC Act S41 grassland habitat - The S41 guides decision makers such as councils and statutory undertakers as to their duty, ‘to have regard to the conservation of biodiversity in England’”. The NP group is gathering information on how to maintain an ancient meadow – a grassland habitat.”*

In the NP draft of 2018 considerable thought was given to the green spaces in WOTG and what the designation of each should be. The resulting comments of Aug 2018 by CDC advised that a Local Green Spaces policy was needed in the NP and that we should be aware that ***‘compelling evidence is required to demonstrate that any such allocation meets national policy requirement. Failure to do this could result in the Plan failing to meet one of the Basic Conditions.*** (Consultation Document pg 54)

We agreed with the view that the Conservation Area Appraisal Policies and the local Plan policies should give sufficient safeguard.

As the biodiversity policy developed and WOTG’s role in the wider environmental profile became apparent, the NP team alongside the Schoolfield Action Group became committed to protecting the Schoolfield in the ‘wider’ sense – as part of an environmental policy that fit in with the ‘broader parish area’. Note on pg 40 of the NP: *“A key aim of the Neighbourhood Plan is to conserve and increase biodiversity in the parish environment and to support this through our Plan policies. As mentioned, the broader parish area contains and is adjacent to SSSIs and other important habitats. Figure 16a shows the designated habitats bordering the village which lie within the largely agricultural landscape. The importance of connected habitat corridors to maintain biodiversity and support natural species has been highlighted by ecological consultees and can be accessed via data available via Natural England. The habitat corridor which links important sites and traverses Weston on the Green parish north-east to south-west is highlighted with a red boundary marker (see Figure 16) This Plan seeks to further support the connection of a north-south habitat corridor....by the protection and conservation of important and designated green spaces in the village. “*

ON 10th January 2018 the Steering Group made a: *“Report to the Parish Council on the progress of the Strategic Environment Assessment, the last piece of the NP before submission. The Schoolfield is a key piece in the NP’s biodiversity statement. Future decisions need to be made on the role of the PC in overlooking the management of the field...”*. It was announced at a Public Meeting on 24th January 2018 which had a significant attendance of the village (100-120). There was a *“Presentation on the work done to date on the history, importance, use of the Schoolfield, designation of the field as a priority habitat, amendments to the NP to include the Schoolfield in the planning policies. There was overwhelming support for this work and fundraising has begun to support the work and future challenges.”*

THE SEA HRA Oct 2018 states:

“37 Area B (the Schoolfield) is identified in Cherwell District Council GIS as a possible

NerV Act S41 grassland habitat some 300metres south east of the Weston Fen SSSI. Policy C1 proposals for grassland habitat with access for passive recreation commensurate with the maintenance of a lowland meadow and the plan's commitment to a management plan for Ara B, in line with the principles of Natural England's Low Land Grassland Management Handbook are likely to address the potential habitat sensitivity of Area B".

The short answer to the question then is: yes, we had considered designating the Schoolfield as a Local Green Space but were concerned that it would fail at examination. On further scrutiny of the NPPF guidance, the Parish Council would like to see the Schoolfield designated as a Local Green Space as meeting the criteria set out by the NPPF:

- a) in reasonably close proximity to the community it serves;*
- b) demonstrably special to a local community and holds a particular significance, for example because of its beauty, historic significance, recreational value (particularly as a playing field, tranquility or richness of its wildlife; and*
- c) local in character and is not an extensive tract of land*

Although our early decision did not request the designation of a Local Green Space, we were pushed into developing a much deeper and fuller understanding of the role of the landscape not only in providing an environment for wildlife but also in providing peace and serenity for humans.

The SEA HRA October 2018 also states:

39.Environmental, community facilities and transport policies in the NP are likely to have a positive effect on the environment and human health for the parish area. Policy C1 and its associated brief and environmental statement seek to preserve Area B (the Schoolfield) and its role as part of a wider biodiversity corridor linking important neighbouring nature conservation sites including SSSIs and CTAs located in neighbouring parish areas. This is likely to have a positive biodiversity effect across neighbouring parish boundaries. [L]
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The Parish Council is proud to have been part of a modern effort to preserve our historical landscape and the environment for those living today – we have much to learn from the past.

7. I have seen Neighbourhood plans designate fields with remaining ridge and furrow features as non-designated heritage assets. Did the steering group consider conferring that status on the western side of Schoolfield?

We don't recall a formal decision not to make the formal designation of non-designated heritage asset. Having searched through Parish Council Minutes and Schoolfield Action Group Minutes, again there is no evidence that a decision was taken to omit the designation. What is obvious is the thread running through communications that there was/is protection in the Conservation Area as defined as '*an area of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance*'. Just as developing any of our 33 listed buildings would be subject to intense scrutiny and protection, so the historic landscape would be subject to the same scrutiny. With reference to the WOTG Conservation Appraisal June 2009 it is noted that from the earliest map of the village (Probably late 18th Century pg 15) the characteristic field pattern has displayed the Schoolfield as consistent to what it is currently. Note the map of 1887 indicating about a dozen Public Rights of Way (pg 16), two of which run through the Schoolfield, then known as Westfield Farm field. The map of 1923 shows no changes to this field nor does the map of 1979 with the exception of the section of ridge and furrow taken for Westlands Avenue. No further change had been incurred by the map of 2008 (pg 19). What had become evident was the damage to the ridge and furrow by development and then the slow incursion of sizable but individual houses along the eastern section of the field.

An observation that has been made is that the Schoolfield is 'cradled' by listed buildings: (WOTG Conservation Area Appraisal June 2009 Appendix 2, pf 63):

1. The School
2. William Cottage
3. Sunnyside
4. Westfield Farm Cottage
5. (9) Walnut Tree Cottage
6. (10) Mill House
7. (11) The Vicarage

All of these houses fall within the curtilage of Grade 2* St Mary's Church forming the historic western side of the village – away from the turnpike road, and currently the busy B430, giving the sense of historic place and landscape to an historic village.

The Conservation Appraisal of 2009 refers to six character areas of WOTG, one of which is '*The Village Landscape Character Area*'. The first sentence of this section of the appraisal (pg 44) states: "*The Village Landscape character Area is the interface between the built up village and the lowland landscape that gives the wider area its distinctive character*". This is the specific site of our preferred '**potential grassland habitat**' that is in fact the key piece in the north west setting of the village. (See response to the examiner question 1). Again in Section 13.7 of the Conservation Appraisal it is stated; "*Conservation area legislation is not intended to protect open landscape unless this constitutes the backdrop of a rural village or is an integral part of the village fabric*" (emphasis mine). Threats to this landscape are described

as: loss of trees, modern farming practices (which may destroy what some believe to be signs of ridge and furrow and the erection of farm buildings which are not covered by planning legislation), additional development which would possibly be *“incremental extensions of the village into open countrysidewould need to be very carefully considered to ensure that the traditional relationship of the village to the landscape is not harmed”* . This is the basis of our WOTG NP – that the relationship of the village to its landscape is the basis of our identity. A final noted threat is that the public footpaths need to be maintained as they are well used (pg 45). The footpaths through the Schoolfield are evidenced from the map of mid-18C and continue to be the route villagers from the west side of the village take to get to the historic centre, as well as ‘outsiders’ who travers the Oxfordshire way. Walking along one of these historic paths allows views into the further field and they *“evoke the traditional relationship of this low lying village with its traditional landscape”*.

To follow the development of the NP, we need to refer to Historic England’s comments on our initial draft plan WOTG Consultation Document (2017) , Appendix G: pg 59/60 which did not refer to any specific advice other than to *“congratulations on the exemplary approach to understanding the historic interest and character of the village”*.

Following increasing interest in using part of the field for development, the Steering Group sent a query to Historic England (email June 29th, 2017) if *‘there was a mechanism in place that would enable us to protect the space’*. Information so far had led us to believe that the ridge and furrow was not nationally significant nor was the archaeology nationally or historically significant. What, in effect, would make the field locally significant? His reply was:

“1. Could this land be appropriate for local green space designation? This would be a very strong way of protecting it from harm caused by development. Ridge and furrow earthworks are likely to have historic significance as evidence of past agricultural practice (and change in land use in the past) and it is a green space so what remains to be determined is whether it is 'local in character'; if it is demonstrably special to the local community (does it serve the local community in some way - such as through contribution to amenity and access to illustration of the village's historic economy and evolution); and is it small enough to not count as an 'extensive tract of land'. These are the tests set out in Section 77 of the NPPF. The Farringdon Neighbourhood Plan has a very good evidence base showing how they considered the suitability of their local green spaces some of which are of comparable size I think. The land does have footpaths across it and may form part of the historic setting of views of the Old Mill and the former school on North Lane (both Grade II listed buildings) and provides evidence of continuity in the historic character and appearance of that setting which contributes to the significance of the church when seen in this context. Similarly they contribute to view of the village conservation area as a whole (see below).

2. Is it part of the conservation area's setting or the setting of a listed building? If it contributes to an experience of the conservation area that forms part of its

'significance' it may already have a level of theoretical protection although this needs to have been firmly identified as such somewhere to ensure it is taken into account in decision making. For example, if the earthworks help to illustrate the antiquity of the village as a medieval settlement that developed at the meeting point of the manorial open field system and common land used by villagers for grazing there is a strong argument that this is the case. This isn't as strong a protection as local green space but is still quite formidable as the Council have a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. It is a purpose of planning in some cases to determine locations where development would not be acceptable due to its impact on heritage assets (see paragraph 14 and footnote 9 of the NPPF).

3. Is it a non-designated heritage asset in its own right? Does it have a level of significance for its historic or archaeological interest that means it merits consideration in planning in its own right? This depends on how the community value it. Is it valued for its "fortuitous aesthetic value" (i.e. it is considered by many local people to be attractive) and/or for its illustration of the past economy and development of the village? The archaeological interest of individual areas of ridge and furrow is relatively small in the national and even county level I'm afraid, although the County Archaeologist might give you a better assessment. But at the Parish level this may be the best surviving area and, therefore, as a community you might decide to give considerable weight to its protection through a specific policy in the plan. An example of a neighbourhood plan policy for heritage assets of this type would be Policy 17 of the Lavant Neighbourhood Plan (just one of many but fresh in my memory) from the South Downs. Non-designated heritage assets identified through neighbourhood plans gain some level of protection in planning decisions although the conservation of their significance is only one factor that will be considered in planning decisions. Nevertheless, positively identifying it as a heritage asset would provide a marker and might support the case for option 1 or 2 above."

The next comment from Historic England appears in the WOTG Neighbourhood Plan SEA HRA Oct 2018:

30. (pg 4 of WotG Neighbourhood Plan SEA HRA Oct 2018) (Emphasis mine)

*"Historic England made specific reference to development proposals being also considered against Policy ESD15 of the adopted Cherwell Local Plan 2011-2031 which provides specific protection for heritage assets. Historic England noted that although they '**...would like to see a specific policy in the Neighbourhood Plan for the conservation and enhancement of heritage assets of the Plan area...**' they are satisfied that '**...an adequate policy framework for the consideration of development proposals that might affect the historic environment already exists, and that sufficient protection is therefore provided from harmful development for heritage assets,***

commensurate with the National Planning Policy Framework'. The conclusion of this SEA statement (Paragraph 40) addresses Historic England's comment by referring to the safeguards in Cherwell's adopted Local Plan alongside the Neighbourhood Plan. "

In conclusion, the Parish Council has been of the view that there is protection for our historic setting in existing legislation and documentation. Stated in the Cherwell Local Plan 2011-2031 is:

"C.245 The major environmental challenge for our villages and rural areas is to maintain and enhance the quality of our natural, built and historic environment in the face of pressures for new development. In addressing this challenge the Local Plan aims to protect and enhance biodiversity; support a pattern of development which reduces people's need to travel, maximises opportunities to use public transport and, minimises additional levels of road traffic and pollution.

Our Vision and Strategy for Our Villages and Rural Areas.

C.247 We will cherish, protect and enhance the appearance and character of our villages by protecting conservation areas and by promoting high standards of design for new development. We will protect and enhance the beauty and natural diversity of the countryside for the enjoyment of all. "

WOTG has had continual development pressure that successive Parish Council's have tried to manage through adherence to the two principles of supporting national policy and housing need while at the same time protecting and cherishing local history. This Neighbourhood Plan has developed a framework for achieving this balance between conservation, management of the environment and needed development with strong input and support from the Parish and from external bodies. In doing so, we have strengthened community engagement in the debates and feel confident that the Plan represents a consensus view for the future.

8. Can the Parish Council offer a possible scenario illustrating the circumstances where the use of the Schoolfield as a passive recreational open space is likely to be achievable? Does the Parish Council have a view, as to whether its objective of protecting the grassland habitat, the protection of the ridge and furrow landscape alongside achieving full public access, beyond the rights of way that cross the site, could be justified, as part of a mixed-use allocation of a new open space alongside housing, which has been argued would be “rounding off the settlement”? This suggestion has been put forward by Pegasus Group in their representation dated May 2019 on behalf of Lagan Homes? Does the Parish Council have any comments to make on the Lagan Homes’ commissioned Landscape and Visual Impact Assessment and Ecological Assessment of the Schoolfield site? 

The field has historical, social and ecological significance for the village. It has been at the centre of village life since the 9th century and right through most of the 20th century. A detailed history of the field and its role in village life has been prepared by our local historian Paula Hessian and is available if required.

At the end of the 20thC the new owner of the field sought to deter public usage and instead use the field for his/her exclusive use. The field has been poorly managed, overgrazed to the detriment of a lowland meadow ecology and an attempt made to channel walkers between narrowly spaced fences (the posts are still visible). Villagers attempted to purchase the field for the benefit of the community before control passed to Lagan Homes. The current owner will not be unaware of the negative impact of the current management regime on biodiversity.

The Parish Council is supported by a Schoolfield Action Group which has raised significant sums of money to reinforce the field as a centre of village life and support the field as ‘lowland meadow’ - a Section 41 of the Natural Environment and Rural Communities Act ‘priority habitat’. Professional advice is provided by an ecologist and a law firm and augmented by expertise within the village on the implementation of bio-diversity projects, research into the history of settlements.

As set out in the Neighbourhood Plan, the intention is to set up a Community Interest Company which would be managed by representatives of the village and the Parish Council. The prime objective is to restore the biodiversity of a lowland meadow with a careful programme of grazing, seasonal mowing and managed public access according to the seasons. With active recreation space provided by the sports pitch and play areas off Church Lane, the Schoolfield will provide passive recreation space. The village has both the expertise and resources to achieve this objective. Support and advice have also been provided by CDC’s bio-diversity plan officer and also Oxfordshire County Council.

Achieving this objective of course requires a sympathetic owner of the field, as the village has enjoyed for most of its history, or ownership of the field.

Consideration has been given to formally establishing a Local Nature Reserve (LNR) but this cannot be done without first having control of the land concerned. LNRs are of local, but not necessarily national, importance. An LNR may be given protection

against damaging operations. It also has certain protection against development on and around it.

Regarding: ‘Does the Parish Council have a view, as to whether its objective of protecting the grassland habitat, the protection of the ridge and furrow landscape alongside achieving full public access, beyond the rights of way that cross the site, could be justified, as part of a mixed-use allocation of a new open space alongside housing, which has been argued would be “rounding off the settlement”? This suggestion has been put forward by Pegasus Group in their representation dated May 2019 on behalf of Lagan Homes?’

A characteristic of many villages, including Weston on the Green, is that the surrounding landscape enters the village at several points. This ‘fretted’ pattern - arising from incremental growth, building by building - creates a longer perimeter edge to the settlement than is the case with suburban development. It provides an interface with nature and an outlook enjoyed by many villagers. Suburban development largely grows by estates in a ‘rounding off’ approach to land-use planning, each successive estate being another ring on the onion.

Growth by estates is an alien form to the morphology of most historic villages. In Weston, this has been generally avoided by the infilling of former farmyards to create small mews developments tagging on estates. The suggestion of ‘rounding off’ by new development is inappropriate and unwelcome.

Regarding: ‘ Does the Parish Council have any comments to make on the Lagan Homes’ commissioned Landscape and Visual Impact Assessment and Ecological Assessment of the Schoolfield site?’

The Visual Impact Assessment commissioned by Lagan Homes lists eleven viewpoints of the ‘site’ from around the village and concludes that the Schoolfield cannot be seen from most of these because it is contained by surrounding trees, walls and village properties. The Pegasus response notes:

The LVIA demonstrates how the immediate site area is well enclosed with low intervisibility with the surrounding landscape setting. Indeed, the field enclosure, created the surrounding vegetation, lessens any potential impact on the wider/ surrounding landscape due to the lack of physical and visual connectivity.

The suggestion that Lagan Homes proposed development would not be seen from most parts of the village is hardly a recommendation if it needs to be hidden.

CDC’s Conservation Area Appraisal notes:

“The Conservation Area Appraisal highlights the importance of this parcel of land in providing views into the Conservation area and providing an interface with the surrounding lowland landscape that gives the wider area its distinctive character. Although the site is well related to the village it is an important open space in

establishing the setting of the Conservation Area and in providing for recreation (the public footpaths which cross the site are well used)."

Walking across the Schoolfield gives a true sense of local topographic features in the landscape. The field immediately to the west of the Schoolfield is low, bounded by the mounded remains of an ancient hedge and the slow rise towards Kirtlington and Bletchington is clearly apparent. The mill stream is still there, although badly neglected and the Stonepits, the site where much of the village building stone was excavated, lie between Weston and Kirtlington. A visual assessment for development purposes can be relatively narrow in focus, whereas the visual impact of development of the Schoolfield would affect a much wider appreciation of the locality for local people and visiting walkers alike. In the present era of Coronavirus restrictions, this area evokes the peace and tranquility of times past, being immediately adjacent and part of a valuable mix of native grassland, grazed land, arable land, woodland, stream and marshy ground which is typical of the north Oxfordshire area.

In addition we have: ***Questions for Pegasus Group on behalf of Lagan Homes***

Q16. Can you confirm your client is still proposing a residential development of approximately 18 units on the eastern side of the Schoolfield site and whether that scheme would accord with the housing mix as set out in Policy H3 of the neighbourhood plan and that it will deliver the appropriate percentage of affordable housing in line with Local Plan Policy BSC 3? . . .

While this question is not directed at the Parish Council, we note that an earlier approach by Lagan Homes to the PC referred to eight new houses and that Pegasus Group refers to 18 units.

The Parish Council is concerned that there is an ever increasing housing number and that this suggests the long term aim to develop as much of the area as possible, bit by bit if necessary, but nevertheless to increase housing on the field. This is contrary to the voice of the village and we feel we have historic protection of the landscape.

April 2020
Weston on the Green Parish Council
Chair, Diane Bohm

cc Pegasus on behalf of Lagan Homes, Christina Cherry, Cherwell District Council