

South Oxfordshire Local Plan Proposed Main Modifications Consultation Comment Form

Please return by midnight on Monday 2 November 2020 via email planning.policy@southoxon.gov.uk or post to Freepost SOUTH AND VALE CONSULTATIONS (no stamp is needed and no further address is needed)

This form has two parts:
Part A – contact details
Part B – your comments

Part A

Are you responding as an: (please tick)

Individual

Business or organisation

Agent

A name and contact details are required for your comments to be considered.

1. Personal Details

2. Agent Details (if applicable)

Title

Dr

Full Name

Andrew Heaver

Organisation (if relevant)

Job Title

(if relevant)

Address Line 1

Address Line 2

Address Line 3

Postal Town

Postcode

Telephone Number

Email Address

Sharing your personal details

Your name, contact details and comments will be shared with the Planning Inspector and a Programme Officer, who acts as a point of contact between the Council, Inspector and respondents.

This means that you may be contacted by the Programme Officer or the Council with updates and in relation to any necessary consultations on the Local Plan. This is in accordance with Regulation 19 and 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012, Regulation 13 of The Environmental Assessment of Plans and Programmes Regulations 2004 and Regulation 102 of The Conservation of Habitats and Species Regulations 2017.

We have received assurance that the data passed to the Planning Inspector and Programme Officer will be kept securely and not used for any other purpose. The Inspector and Programme Officer will retain the data up to six months after the plan has been adopted.

Comments submitted by individuals will be published on our website, alongside their name. No other contact details will be published. Comments submitted by businesses and/or organisations will be published, including contact details.

Please refer to our Privacy Notice regarding how your personal data is used for this consultation, available on our website southoxon.gov.uk/newlocalplan. If you would like to know more about the councils data protection registration or to find out about your personal data, please visit: southoxon.gov.uk/dataprotection

Future contact preferences

As explained above, in line with statutory regulations, you will be contacted by the Programme Officer (and where necessary the Council) with relevant updates on the Local Plan. South Oxfordshire and Vale of White Horse District Councils have a shared planning policy consultation database. If you would like to be added to our database to receive updates on other planning policy consultations, please tick the relevant district box(es):

- I would like to be added to the database to receive planning policy updates for South Oxfordshire
- I would also like to be added to the database to receive planning policy updates for Vale of White Horse

Part B – Please use a separate sheet for commenting on each proposed main modification or consultation document

You can provide your comments on the Emerging South Oxfordshire Local Plan Proposed Main Modifications in this section.

The list of documents you can comment on are:

- Schedule of Proposed Main Modifications
- Schedule of Policies Map Changes
- Sustainability Appraisal Report Addendum
- Habitats Regulations Assessment Addendum

Please note we are inviting comments on the Proposed Main Modifications and documents listed above only - this is not an opportunity to make comments on any other part of the Plan.

If you are commenting on the Main Modification document, please provide the main modification number (for example MM1) in the box below.

If you are unsure of the 'modification number', please refer to the Schedule of Proposed Main Modifications.

If you are commenting on any of the other consultation documents (for example the Sustainability Appraisal Addendum), please provide the relevant section, paragraph or page number in the box below:

Modification Number or
Document, section, paragraph or page
number

MM8, MM9 and MM17

Please provide your comments below:

If your comments are over 500 words it would be really helpful if you could also provide a summary of your comments using the text box in the next question.

If you wish to include any supporting documents, please attach them to this comment form.

NOTE: I remain firmly opposed to the STRAT 13 development proposals – but, recognising that this consultation only permits responses on the Modifications, I make the following comments.

MM8, in relation to housing densities

Page reference: Page 41

Modification text: *“3. Sites well related to existing towns and villages and served by public transport or with good accessibility by foot or bicycle to ... a district centre within Oxford City should be capable of accommodating development at higher densities. It is expected that these sites will accommodate densities of more than 45 dph (net) unless there is a clear conflict with delivering a high-quality design or other clearly justified planning reasons for a lower density.”*

Comment: If applied to STRAT13, this modification could lead to pressure to *further* increase proposed housing densities in areas that could adversely impact on the hydrology and ecology of Bayswater Brook, and/or of Sydlings Copse SSSI. The *“unless there is a clear conflict...”* caveat should explicitly state that protection of the hydrology and ecology of these valued wildlife habitats is a strong reason to resist such pressure, and to deny planning permission to densities that would compromise those habitats.

Please amend the modification, as follows:

Amend the text, to state: *“...unless there is a clear conflict with delivering a high-quality design, or a conflict with protecting the ecology and hydrology of designated wildlife habitats (such as SSSIs) and/or of natural watercourses, or other clearly justified planning reasons for a lower density.”*

Page reference: Page 41

Modification text: *“4. Given the size, function and location of the strategic allocations it may be more appropriate for these sites to create a new character rather than trying to reflect or scale up the existing local character.”*

Comment: Barton and Sandhills (neighbourhoods immediately adjacent to STRAT 13) each have their own distinctive local character. Important elements of this character include their sense of proximity to countryside; the prevalence of trees (especially within Sandhills); the prevalence of low-rise housing (despite some medium-rise residential blocks within Barton). Any development at STRAT 13 will seriously damage the countryside proximity element of character – but the extent of that damage will depend on the sensitivity of landscaping design, and the extent of screening by trees and shrubland. Likewise, the extent to which the proposed developments would alter the low-rise character of these areas will depend on the design of the proposed housing.

While my preference to avoid any development within the STRAT 13 land parcels, it is essential that if developments *do* occur they should be required to respect the character of their adjoining (pre-existing) neighbourhoods, so that if these housing developments must proceed they at least do so in a fashion that is less injurious.

Please amend the modification, as follows:

Amend the text to state: *“Given the size, function and location of the strategic allocations it may be more appropriate for these sites to create a new character rather than trying to reflect or scale up the existing local character - unless creating this ‘new character’ would substantially alter the character of neighbouring or over-looking neighbourhoods. Where countryside is transformed into housing developments, design must include the establishment of suitable screening trees or other landscaping, to minimise visual impact on areas outside of the development. Local people should be consulted about the design, densities, and maximum height of buildings in major new developments prior to masterplanning”*

Continued on next page.

MM9, in relation to STRAT 6 (Alteration of Green Belt)

Page reference: Page 43

Modification text: *“The Green Belt boundary has been altered to accommodate strategic allocations at STRAT8, STRAT9, STRAT10, STRAT11, STRAT12, STRAT13 and STRAT14, where the development should deliver compensatory improvements to the environmental quality and accessibility of the remaining Green Belt land, with measures supported by evidence of landscape, biodiversity or recreational needs and opportunities .”*

Comments:

- A. This modification implies that damage to wildlife habitats at Sydlings Copse SSSI could be offset by ‘compensatory improvements’. Although some habitats in some places (e.g. habitats for Great Crested Newts) can be successfully replicated with relative ease, it is wholly erroneous and disingenuous to imply that this can occur in all cases. One of the most significant features of the SSSI is the presence of a nationally-rare lowland fen habitat type, which can only emerge over time in certain geological and hydrological contexts. **The suggestion that any damage to this habitat could be adequately ‘compensated’ lacks credibility – and is contrary to Paragraph 175 of the National Planning Policy Framework (NPPF), which insists that developments that damage “irreplaceable habitats” should normally be refused.** Notably, the NPPF specifically mentions lowland fens in its definition of “irreplaceable habitat”. As such, **it is essential that damage is not permitted to occur in the first place.** Questions raised in the Planning Inspector’s hearings, regarding the adequacy of proposed measures to protect the SSSI have *not* been answered satisfactorily, and the lack of any robust language in this section, requiring that damage be wholly avoided, is unacceptable.
- B. Housing developments at the eastern end of STRAT 13 (immediately north of Sandhills) will substantially reduce local residents’ access to the remaining Green Belt, especially amongst older and less mobile residents. To suggest that these residents’ loss of greenspace access could be ‘compensated’ is false, as few locations for the provision of compensatory greenspace are available within easy reach for these less mobile residents.
- C. There should be language in this section of the Local Plan requiring adequate ‘buffer zones’ to protect the habitats of Bayswater Brook (described in Oxford City’s Local Plan as an important part of local green and blue infrastructure, with value as a wildlife corridor). This language is particularly appropriate in relation to STRAT 13’s separate eastern portion (immediately north of Sandhills), where the concept map suggests that developments would immediately encroach upon the Brook. **It would be best to remove the entire Sandhills-facing area from the STRAT 13 allocation, and allocate it instead for the specific purpose of enhancing local biodiversity and greenspace provision.**

Please amend the modification, as follows:

- Insert text to the following effect: *“Consistent with Paragraph 175 of the NPPF, planning permission shall be refused if the developments are likely to damage irreplaceable habitats. Planning permission shall also be refused if comprehensive environmental impact assessment indicates the potential for hydrological or ecological damage to SSSIs and/or natural watercourses.”*
- Insert text to the following effect: *“Masterplans for developments within former Green Belt land shall be required to include adequate buffer zones alongside existing natural watercourses, designed to be sufficient to minimise negative hydrological and ecological impacts”.*
- Insert text to the following effect: *“Where development in former Green Belt land would have the effect of reducing pedestrian access from existing neighbourhoods to the remaining Green Belt, masterplanning must include provision for the retention of natural, accessible and expansive greenspaces within walking distance of the existing neighbourhoods, and should wholly exclude any sites that could not accommodate this provision whilst also supporting viable housing developments.”*

Continued on next page.

MM17, in relation to STRAT13

Page reference: Page 71 (Para 2 vi)

Modification text: Necessary facilities for movement... As a first priority, these should provide high quality pedestrian, cycle and public transport connections into Oxford to maximise the number of trips made by non-car modes, and measures to discourage car based development. If, having taken the impact of these measures into account, significant residual impacts on the highway network are still predicted, new highway infrastructure will be required to mitigate those impacts

Comment: The emphasis on prioritising “active transport” links is welcome, but the topographic realities of this landscape and of the landscapes between this site and key destinations in Oxford (the hospitals; Headington shops; etc.) is such that the eventual take-up of these links is likely to be limited (and unequal). It is almost certain that there *will* be ‘significant residual impacts’ on the highways network, arising from the proposed developments, and that new access roads *will* be needed; to suggest otherwise is disingenuous.

Page reference: Page 72 (Para 3)

Modification text: “The masterplan must be prepared in collaboration with the Local Planning Authority, Oxford City Council and Oxfordshire County Council.” [the words “...and agreed” have been deleted from between “collaboration” and “with”]

Comment: This modification limits the capacity of Oxford City Council to protect the interests of its residents in Barton and Sandhills (and elsewhere), and limits the potential weight of the County Council’s voice, by granting those bodies a ‘collaborative’ role, rather than one in which their agreement is required. Given the scale of the impact of these developments on residents of Barton and Sandhills, and on many other aspects of the city and county’s infrastructure (from roads through to the ‘natural infrastructure’ of Bayswater Brook), it is not unreasonable to expect the city and county to have a strong voice in the planning of any developments that occur in STRAT 13.

Please amend the modification, as follows:

Restore the words “...and agreed” to their original position in this paragraph.

Page reference: Page 72 (Para 3, ii)

Modification text: “...includes a landscape buffer between the development and Wick Farm, as well as incorporating high quality design to preserve or enhance listed buildings and their settings, both within and surrounding the site...”

Comment: Stipulation of a landscape buffer around historic buildings is welcome. Why, then, does the Plan fail to insist on a suitable landscape buffer alongside wildlife habitats such as Bayswater Brook, which was described in Oxford City’s (adopted) Local Plan as an important part of local green and blue infrastructure (with value as a wildlife corridor)? Protection of our natural heritage should not be weaker than protection of our built heritage – and SODC’s Local Plan should not undermine Oxford City’s.

Please amend the modification, as follows:

“...includes a landscape buffer between the development and Wick Farm, and between the development and Bayswater Brook, as well as incorporating high quality design to preserve or enhance listed buildings and their settings, and important local wildlife habitats, both within and surrounding the site...”

Continued on next page.

Page reference: Page 72 (Para 3, ix [NEW])

Modification text: “...that delivers higher density development (a minimum of 45 dph) along key frontages, transport corridors and towards the south and east boundaries of the main site and the south of the smaller site, to respond to the existing adjacent development, provided it does not adversely impact any heritage assets or their settings, and provided that it respects the character of, and living conditions within, neighbouring residential development... Densities on both sites will gradually reduce towards the northern landscape buffer and on the main site, densities will be lower close to Sidlings Copse and College Pond SSSI and also reduce towards the western edge of the site...”

Comments:

- A. While this modification implies that there will be less density adjacent to Bayswater Brook in the eastern “smaller site” (immediately north of Sandhills), it indicates that density would actually be *higher* next to the stretches of the Brook running alongside the main site. **There must be an explicit requirement for a buffer zone** (specifically established for wildlife) alongside the Brook, for both sections of STRAT 13.
- B. It is right to reduce the density (or simply to not build at all...) in the vicinity of the SSSI – but given the importance of hydrology for the SSSI’s most important habitats **there must also be reduced density (or no development at all...) in any area that could potentially affect the SSSI’s hydrology.**

Please amend the modification, as follows:

- Replace “*provided it does not adversely impact any heritage assets or their settings*” with the following text: “*provided that a landscape buffer alongside Bayswater Brook, sufficient for the purposes of protecting the Brook’s ecological and hydrological integrity, is respected, and provided that it does not adversely impact any heritage assets or their settings*”).
- Replace “*densities will be lower close to Sidlings Copse and College Pond SSSI*” with “*densities will be reduced to zero close to Sidlings Copse and College Pond SSSI, and in areas where development would likely cause hydrological and/or ecological damage to the SSSI*”.

Page reference: page 72 (Para 3, x [NEW])

Modification text: “*a net gain in biodiversity through the protection and enhancement of habitats along the Bayswater Brook, new habitats to the north buffering the Sidlings Copse and College Pond SSSI and offsite biodiversity enhancements.*”

Comments:

- A. The NPPF recognises that some habitats are irreplaceable, and that their loss cannot be ‘offset’ though the ‘net gain’ concept. The national scarcity of the fen habitats found at Sydlings Copse SSSI, and their geological and hydrological specificity, mean that they must be viewed in this category of irreplaceable habitats. As such, **it is not enough to simply talk of ‘net gain’.** **The Plan must include robust language requiring sufficient measures to avoid any adverse impacts on the existing irreplaceable fen habitats of the SSSI,** or damage to any of the other sites, and requiring that development does not occur at any location where that development would have foreseeable negative impacts on the SSSI’s hydrology or ecology.
- B. Protection and enhancement of habitats alongside the Brook is necessary – but for this to have any credibility there must also be language requiring a buffer zone (established for wildlife) alongside all sections of the Brook bordering the STRAT 13 allocation. There must also be a commitment to ensure that housing developments do not adversely impact the Brook’s hydrology, or increase flood risks. As the concept map shows that developments in the separate eastern site (immediately north of Sandhills) would encroach directly upon the Brook (considerably reducing soil permeability in this section of the flood-prone Brook’s catchment), this Sandhills-facing portion should be removed.

Continued on next page.

Please amend the modification, as follows:

- Insert text to the following effect: “*Consistent with Paragraph 175 of the NPPF, development must any avoid damage to irreplaceable habitats. Comprehensive environmental impact assessment (suitable for the purpose of identifying potential impacts on irreplaceable habitats) must occur prior to masterplanning, and planning permission shall be refused if that assessment indicates the reasonable likelihood of damage.*”
- Insert text to the following effect: “*Masterplans for developments within former Green Belt land shall be required to include adequate buffer zones alongside existing natural watercourses, designed to be sufficient to minimise negative hydrological and ecological impacts*”.

Page reference: page 69 (Para 4.111)

Modification text: “*Sidlings copse and college Pond SSSI and Wick copse ancient Woodland are located directly to the north of the site. These are fragile sites comprising rare habitats which could suffer under increased visitor pressure. Other potential indirect impacts of development, such as impacts on hydrology and air pollution and nutrient deposition, also need to be considered and managed. The masterplanning of any development here should take into account the recommendations of the Council’s Ecological Assessment and a detailed hydrological assessment to understand the developments effects on the SSSI must be completed prior to masterplanning.*”

Comment: This modification fails to recognise that some of the habitats within the SSSI are *nationally* rare, and irreplaceable (as defined by the NPPF), and that **the need to ‘consider and manage’ potential indirect impacts should therefore be upgraded to a more stringent need to avoid these impacts, entirely**. The modification fails to acknowledge that there are other sources of credible ecological data and expertise (other than the Council’s contracted consultants) which should be taken into account, or that the ecological assessment conducted by the council’s consultants was very limited in its scope. **At the bare minimum, the Plan should require that a.) the recommendations of Natural England be taken into account and given significant weight in masterplanning, and b.) a full environmental impact assessment (compliant with Strategic Environmental Assessment Regulations) must occur prior to masterplanning, and that masterplanning must take into account the recommendations of this more detailed assessment**. Stipulating that the statutory nature conservation agency’s view is sought and listened to is reasonable, given the national significance of the SSSI’s fenland habitats, and given that the agency is government body with responsibility for regulating and overseeing the conservation of SSSIs. Ideally, the Plan should also require that the input of other locally-available sources of expertise, such as the Wildlife Trusts (who manage the SSSI) and the Freshwater Habitats Trust are also taken into account, and given weight in the masterplanning process.

Please amend the modification, as follows:

Replace the modification text with the following: “*Sidlings copse and College Pond SSSI and Wick Copse ancient woodland are located directly to the north of the site. These are fragile sites comprising nationally rare (and irreplaceable) habitats which could suffer under increased visitor pressure. Other potential indirect impacts of development, such as impacts on hydrology and air pollution and nutrient deposition, also need to be considered and wholly avoided. A full environmental impact assessment (compliant with Strategic Environmental Assessment Regulations), and a detailed hydrological assessment (to understand potential impacts on the SSSI) must occur prior to masterplanning. The masterplanning of any development here should take into account the recommendations of those comprehensive assessments, alongside the advice of Natural England and the comments of other relevant sources of ecological expertise (including, but not limited to, the local Wildlife Trust, and the Freshwater Habitats Trust).*”

Continued on next page.

Modification text: *“Residual trips made by car arising from the development on the surrounding highway network, including on the A40 and Headington Roundabout, could include improvements to the Headington roundabout and its approaches (including bus priority measures); grade separation of the Headington Roundabout; or a new link road between the A40/ B4150/ Marsh Lane junction and the A40 between the Thornhill Park and Ride junction and the Church Hill junction for Forest Hill... If more detailed evidence indicates that the required mitigation is a new link road, land will need to be identified and secured for delivery of this in consultation with the landowners and the County Council. ... it is anticipated that the main access for the site will come via a remodelling of the Marston interchange with an additional access onto Bayswater Road which will be improved so that the access is safe.”*

Comments: This modification does not satisfactorily address concerns raised at the Matter 16 Hearing session (which the Schedule of Main Modifications indicates is the purpose of this aspect of the Modification).

The modification does not explain how the provision of road access to the separate eastern portion of STRAT 13 (immediately north of Sandhills) will avoid causing significant congestion and air quality issues on the existing roads of Sandhills, or significant problems at the road interchange between Merewood Avenue, the A40 and Thornhill Park & Ride.

Nor does it address concerns raised about how a ‘link road’, joining the A40 between Thornhill and Forest Hill, would impact on countryside access and the public rights of way currently enjoyed by the residents of Barton and Sandhills (the countryside between Thornhill and Forest Hill currently hosts a network of accessible walking routes, and a public right of way, that are essential for greenspace access in the area).

Nor does it satisfactorily address concerns regarding the air pollution impacts of additional traffic usage along the Bayswater Road – a road that travels through one of Oxford’s most disadvantaged communities, and passes both a school and a senior citizens’ residential home, where reduced air quality is especially likely to lead to reduced health outcomes.

The modification implicitly acknowledges – but does not *address* – a critical barrier to the viability of the proposed housing developments, which is that the development of a ‘link road’ would require identifying and securing land for this road, “in consultation with the landowners and the County Council”. It may prove to be the case that the terms of securing this land could substantially reduce (or eliminate) the viability of these housing developments.

A view on improving this aspect of the modification:

To adequately address concerns raised at the Hearing sessions, the Plan would need to acknowledge that road access to the proposed housing sites may not be viable, and that it may not be acceptable from the perspectives of air quality, congestion and (depending on whether the ‘link road’ is deemed necessary) countryside access. The Plan would need to acknowledge that whether or not the proposed housing developments can proceed is entirely contingent on whether (or not) these considerable issues can be satisfactorily resolved. **The Plan must require that any chosen road access options do not result in deterioration of air quality in Barton and Sandhills, or hinder the countryside access of the area’s residents.**

NOTE ON THE RESPONDENT:

[REDACTED]

If your comments cover more than the boxes provided, please use the space below to provide a summary. You are not required to summarise your comments, but a summary would help us in our reporting.

Please provide your summary below:

MM8: Modifications on Page 41 risk increasing densities in areas that would harm Sydlings Copse SSSI, and the Bayswater Brook, and harm the local character of existing neighbourhoods in Barton and Sandhills.

Please amend the modification, to clarify that densities that would threaten the ecology and hydrology of these important wildlife habitats, or the character of existing neighbourhoods, must not be permitted.

MM9: Modifications on Page 43 conflict with the NPPF, as they fail to recognise that damage to irreplaceable habitats (e.g. Lowland Fens at Sydlings Copse SSSI) cannot be offset, and must be wholly avoided. The modification also fails to recognise that loss of countryside access would be difficult to offset in some locations (e.g. existing neighbourhoods adjoining STRAT 13), or adequately provide for landscape buffers alongside natural watercourses such as Bayswater Brook. **Please amend**, to recognise that damage to irreplaceable habitats (e.g. those at Sydlings Copse SSSI) **MUST** be avoided; insist on landscape buffers alongside natural watercourses, and protect the greenspace access of residents of existing neighbourhoods.

MM17:

- Modifications on Page 71 fail to acknowledge that local topography makes it unlikely that walking and cycling routes will be sufficiently used to adequately reduce traffic impacts.
- Modifications on Page 72 (Para 3 ii) fail to ensure that natural heritage is protected as well as built heritage. **Please amend**, to require a landscape buffer between developments and Bayswater Brook.
- Modifications on Page 72 (Para 3 ix) risk *increasing* housing density next to Bayswater Brook, intensifying negative impacts on the Brook's hydrology and ecology. They do not necessarily reduce intensities sufficiently in areas adjacent to (or hydrologically influential upon) Sydlings Copse SSSI. **Please amend**, to require a landscape buffer between housing developments and Bayswater Brook, and reduce densities to zero in any area where development would harm the SSSI (hydrologically or ecologically).
- Modifications on Page 72 (Para 3 x) do not adequately respect the NPPF's insistence that irreplaceable habitats must be protected from damage, and cannot be 'offset'. Nor are the modifications sufficient to credibly 'protect and enhance' Bayswater Brook's habitats. **Please amend**, to insist that damage to irreplaceable habitats (e.g. Lowland Fen at Sydlings Copse SSSI) **MUST** be avoided, and require a landscape buffer between developments and Bayswater Brook.
- Modifications on Page 69 (Para 4.111) fail to recognise that Sydlings Copse SSSI, and Wick Copse, contain irreplaceable habitats (as defined by NPPF), and that damage to them must be wholly avoided, or that consultation of ecological expertise has been inadequate so far. **Please amend**, to recognise (and insist on the avoidance of damage to) these irreplaceable habitats, demand a full environmental impact assessment, and require consideration of additional ecological expertise (including that of Natural England).
- Modifications on Page 69 (Para 4.115) do not satisfactorily address concerns raised at the Matter 16 Hearing session. **Please amend**, to require that any chosen road access options must not result in a deterioration of air quality in Barton and Sandhills, or hinder the countryside access of the area's residents.

Thank you for your comments.

Please return by midnight on Monday 2 November 2020 via email planning.policy@southoxon.gov.uk or post to Freepost SOUTH AND VALE CONSULTATIONS (no stamp is needed and no further address is needed)