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21 November 2024

Dear Neighbourhood Planning Team

## **Brize Norton Neighbourhood Development Plan (BNNNDP) – Submission Consultation.**

### **Comments duly made in reference to Regulation 16 of the Neighbourhood Planning (General) Regulations 2012 (as amended) and the Localism Act 2011.**

Carter Jonas LLP acts on behalf of Harper Crewe HCBB Ltd (“HCBB”), which holds under long-term option to purchase 250 acres of land at Kilkenny Farm; to the north-west of Brize Norton Parish.

HCBB would like to take this opportunity to commend the Parish Council, and BNNNDP steering group, on the work undertaken in completing the draft plan and the immense amount of effort that has been put into a generally strong document. We would be delighted to engage further with the Parish Council regarding Kilkenny Farm and we are pleased that our representations in October 2023 are recorded in the Consultation Statement – albeit that our key concerns remain unaddressed.

#### **1.0 Introduction**

1.1 HCBB is primarily concerned with three areas of the submitted BNNNDP. These areas are:

- (a) the lack of reference to the emerging West Oxfordshire Local Plan 2041
- (b) the representation and role of local View Points
- (c) the justification and proposed function of buffer zones, notably the ‘Area of Sensitivity’ that is under consideration for Kilkenny Farm.

1.2 There has not been any contact from the Parish Council to discuss the merits of these concerns, as set out in our October 2023 representations. The meeting with HCBB referenced in the Consultation Statement was a presentation of our client’s proposals as a wider consultation exercise for c350 houses on part of Kilkenny Farm. See page 35 of the parish magazine, Brize Breeze No 181: <https://publuu.com/flip-book/406152/1377905/page/34>

#### **1.0 1.3 The basic conditions and national policy**

- 2.1 For a Neighbourhood Development 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.
- 2.2 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)

- 2.3 When they are being drawn up, Neighbourhood Plans are required to have regard to national planning policies and guidance.
- 2.4 Paragraph 13 of the NPPF is clear that:

*“Neighbourhood plans should support the delivery of strategic policies contained in local plans or spatial development strategies; and should shape and direct development that is outside of these strategic policies.”*

- 2.5 More specifically, paragraph 29 of the NPPF states that:

*“Neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan. Neighbourhood plans should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies.”*

- 2.6 Paragraph 30 of the NPPF, then states:

*“Once a neighbourhood plan has been brought into force, the policies it contains take precedence over existing non-strategic policies in a local plan covering the neighbourhood area, where they are in conflict; unless they are superseded by strategic or non-strategic policies that are adopted subsequently.”*

#### Planning Practice Guidance (PPG)

- 2.7 Supporting the NPPF is a range of guidance, and the two most relevant sections of this guidance in the case of the proposed Local Green Space designation are:

Paragraph: 007 Reference ID: 37-007-20140306: *Designating any Local Green Space will need to be consistent with local planning for sustainable development in the area. In particular, plans must identify sufficient land in suitable locations to meet identified development needs and the Local Green Space designation should not be used in a way that undermines this aim of plan making.*

Paragraph: 015 Reference ID: 37-015-20140306: *There are no hard and fast rules about how big a Local Green Space can be because places are different and a degree of judgment will inevitably be needed. However, paragraph 100 of the National Planning Policy Framework is clear that Local Green Space designation should only be used where the green area concerned is not an extensive tract of land. Consequently blanket designation of open countryside adjacent to settlements will not be appropriate. In particular, designation should not be proposed as a 'back door' way to try to achieve what would amount to a new area of Green Belt by another name.*

Paragraph: 018 Reference ID: 37-018-20140306: *Areas that may be considered for designation as Local Green Space may be crossed by public rights of way. There is no need to designate linear corridors as Local Green Space simply to protect rights of way, which are already protected under other legislation.*

2.8 In the following paragraphs I set out HCBB's concerns regarding the Basic Conditions.

### 3.0 The Emerging West Oxfordshire Local Plan 2041

3.1 The BNNDP will need to be in conformity with the extant Local Plan at the time of its adoption, which I acknowledge is currently the Local Plan 2031 (noting that this plan is now out of date). However, West Oxfordshire District Council has resolved to review its Local Plan and has begun the process of consulting on a plan which has a time horizon to 2041. West Oxfordshire's Local Development Scheme (July 2024) envisages that the draft local plan will be submitted in June 2025, at which point it will carry decision making weight, and this timeframe is ahead of the period within which the BNNDP will be adopted; meaning there is potential for a conflict between these emerging plans that would prevent the BNNDP from progressing.

3.2 It is therefore important for the BNNDP to acknowledge that there is a new strategic plan in preparation and that it is likely that the Local Plan 2041 will set out a new spatial strategy for Carterton, the Sub-Area, and consequently Brize Norton. If the BNNDP does not have regard for this strategic context, including the revised NPPF due to be published in December 2024, then the plan could well need to be reviewed and changed not long after it is 'made' or adopted. I therefore suggest that Brize Norton Parish Council should think carefully about the timing of its Neighbourhood Development Plan production, and consider aligning it more closely to the drafting of the District Council's Local Plan and the emerging NPPF24.

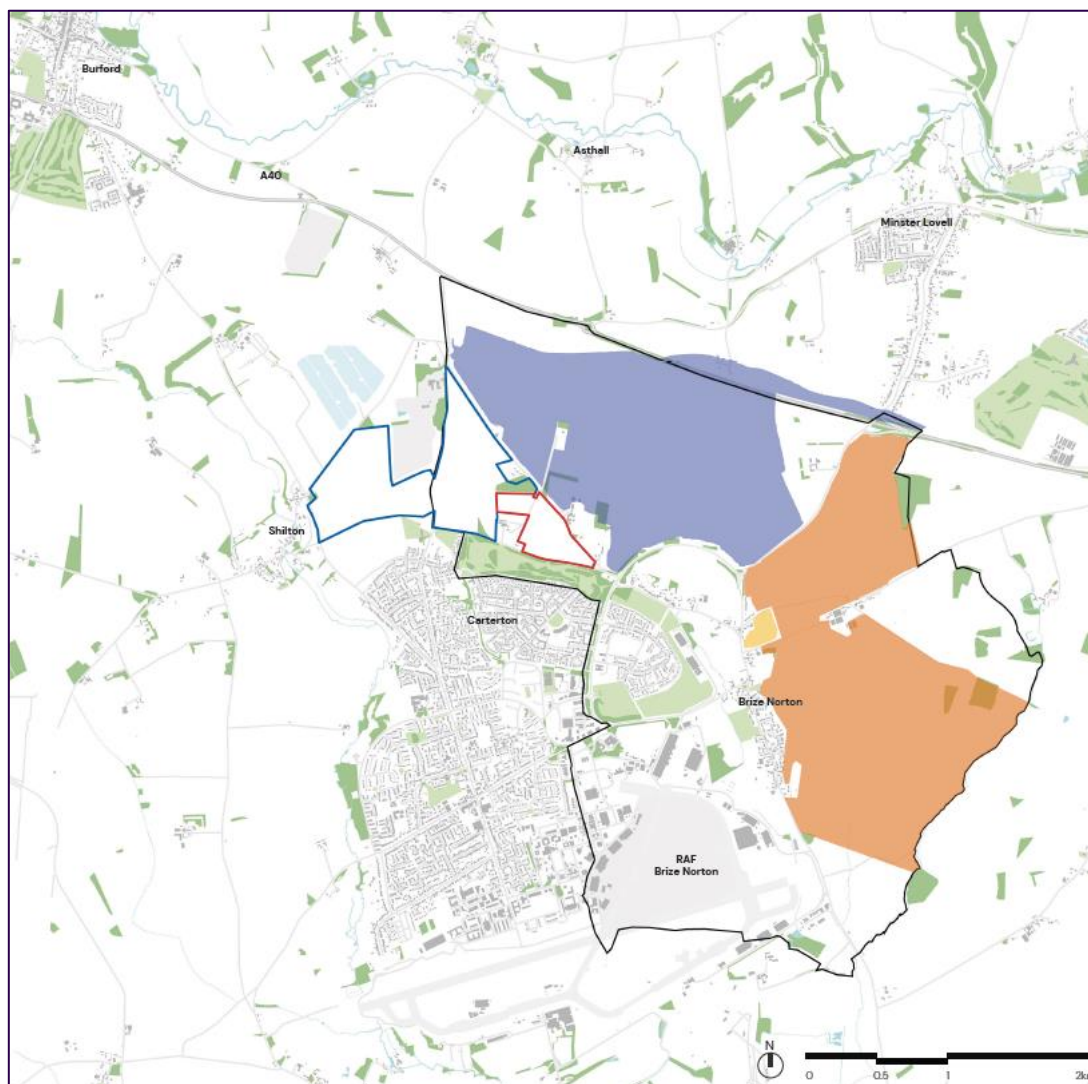
3.3 I would like to highlight to the Parish Council that the Planning Practice Guidance (PPG) states:

*"It is important to minimise any conflicts between policies in the neighbourhood plan and those in the emerging local plan, including housing supply policies. This is because Section 38(5) of the Planning and Compulsory Purchase Act 2004 requires that the conflict must be resolved in favour of the policy which is contained in the document to become part of the development plan."*

(Paragraph: 009 Reference ID: 41-009-20190509)

3.4 It follows that a submitted Neighbourhood Plan must be consistent with the content of an emerging Local Plan and must not introduce unnecessary restrictive policies that could constrain the ability of a future district wide Local Plan to meet its objectives. Our particular concern is the 'Area of Sensitivity' (buffer zone) that is being considered for the south-east quadrant of Kilkenny

Farm, and in particular how the reasoning here links with the far larger housing proposals being proposed by Bloor Homes (blue) and Lone Star (orange), which are far more impactful, but are not subject to any buffer zone in the BNNP, which seems illogical. The extract below is taken from Brize Breeze Issue No 181:



3.5 Turning to what the objectives of the emerging Local Plan 2041 might be, it can be read in the current (Regulation 18) consultation that there are 8 potential scenarios for future growth:

*“Scenario 1 - Hierarchal approach. Scenario 2 - Main Service Centre Focus (Witney, Carterton and Chipping Norton). Scenario 3 - Witney Focus. Scenario 4 - Carterton Focus. Scenario 5 - Dispersed Growth. Scenario 6 - Village ‘Clusters’. Scenario 7 - New Settlement. Scenario 8 - Public Transport Focus”*

3.6 Two of the scenarios reference Carterton by name, and others which refer to hierarchical growth and public transport will involve some kind of role for additional growth at Carterton. This is consistent with Carterton’s established, existing position in West Oxfordshire’s spatial hierarchy, meaning that the Sub-Area has received housing growth commensurate with its position as the district’s ‘second settlement’. This is very likely to continue, a fact that is underpinned by the District Council’s evidence from 2015 that lists Carterton as a ‘priority area for regeneration’.

3.7 Scenario 2 of the Local Plan adds to the needs and potential of Carterton by explaining the strong sustainability credentials of Carterton as a location for growth:

*“...these towns offer a broad range of services and facilities, good public transport accessibility and provide a mix of job opportunities. Two of them (Witney and Carterton) also lie outside the Cotswolds National Landscape where the scale and extent of development is expected to be limited.”*

3.8 Scenario 4, which proposes a focus for growth at Carterton explains the following:

*“Under Scenario 4, most future development (beyond existing commitments) would be focused narrowly at Carterton as the District’s second largest town and service centre.*

*Whilst perhaps not as diverse as Witney in terms of available services and facilities, Carterton still offers a great deal including frequent bus services, education and community facilities, a leisure centre, shops and a high quality country park. It is also home to RAF Brize Norton, the largest RAF station in the country.*

*Carterton has grown significantly in recent years with around 1,400 additional homes and supporting facilities provided at Shilton Park in the northern part of the town and a further 700 homes currently under construction at Brize Meadow to the east of the town in the parish of Brize Norton. There has also been some development in and around the town centre, including new supermarkets, cafes and restaurants alongside improvements to the public realm.*

*Like Witney, the size of Carterton means that there are large areas of previously developed (brownfield) land including that which is associated with RAF Brize Norton. We are also aware of a number of undeveloped sites on the edge of the town which are being made available for development by landowners in adjoining parishes [Kilkenny Farm falls into this category].*

*Carterton also lies outside the Cotswolds National Landscape and as such, there is no expectation that the scale and extent of development should be limited.*

*However, the town has no direct (A-road) access from the A40, it has a relative imbalance of homes and jobs which contributes to out-commuting and whilst the town centre has improved in recent years, it still ‘underperforms’ compared to some other destinations.”*

3.9 It is clear then that Carterton is a very sustainable location for future sustainable growth, and it is being seriously considered for housing and employment development in the emerging West Oxfordshire Local Plan 2041. This must be, at the very least, referenced in the BNNDP and I suggest that the BNNDP should be delayed until the proposed spatial strategy of the West Oxfordshire Local Plan 2041 becomes more crystallised, at the Regulation 19, publication stage consultation which is due in the summer next year (June 2025). This is especially important as West Oxfordshire’s Regulation 19 will need to grapple with the drive for growth and new Standard Method coming with NPPF24 (in the face of a challenging housing land supply position).

3.10 Not having reference to the emerging Local Plan and NPPF24 in the BNNDP, and not allowing for the neighbourhood plan to provide for an appropriate and sustainable spatial strategy (through creating unduly restrictive policies), would render the BNNDP contrary to PPG and therefore the Basic Conditions. This would mean that the BNNDP should not progress.

#### **4.0 Local Views**

4.1 HCBB understands the importance of local character and views and is putting this at the heart of its landscape-led Master Plan for future proposals, including in relation to the Kilkenny Country Park (and its proposed rejuvenation and extension). The strength of Parish Council feeling on the matter is also noted, although there are only a few relevant comments in the Consultation

Statement in support of the 'Area of Sensitivity' proposed by Policy CLH3). Moreover, it is unclear from the supporting Landscape Character Assessment, and Appendix A: Key Views evidence documents what the criteria was for choosing the key views other than being views around Brize Norton. The attached Addendum document prepared by Macgregor Smith provides a detailed critique, as briefly outlined below.

- 4.2 The BNNDP and supporting Landscape Character Assessment reference "*Areas of High Landscape Value*" and the provenance of this is not clear. This phrase is not part of the West Oxfordshire Local Plan 2031, and it can only be found in an aged piece of evidence which supported that plan. The West Oxfordshire Landscape Assessment (1998) refers to Areas of High Landscape Value, but these were adopted in a Local Plan in 1997. They are no longer part of the development plan. The West Oxfordshire Plan 2031 now – at Policy EH2 – refers to "landscape character" and not "landscape value".
- 4.3 The West Oxfordshire Landscape Assessment (WOLA) has been superseded by the Oxfordshire Wildlife and Landscape Study (OWLS).
- 4.4 HCBB notes that in the BNNDP, Brize Norton is cited as in the Shilton Downs and Bampton Vale character areas, but the value of these is not defined in local strategic policy. This is because these are the categories as detailed in WOLA 1998 assessment, but the more recent OWLS information does not refer to Shilton Downs and Bampton Vale rather it uses a similar boundary but places the northern part of Brize Norton in Estate Farmlands and the southern part of it in Lowland Village Farmlands character areas.
- 4.5 References to "*Areas of High Landscape Value*" should therefore be reviewed, and removed from the BNNDP as they are not in conformity with the Local Plan policies, the up-to-date supporting evidence, and do not meet the Basic Conditions. Without these amendments the BNNDP should not be allowed to progress.
- 4.6 HCBB also notes that the Amanda Hopwood study Carterton Landscape Assessment, 2009, is positive in respect of the land at Kilkenny Farm, proposing that land here does not compromise the separation between Carterton and Brize Norton and Carterton and Shilton respectively.
- "Area A2, the shallow minor valley north of Kilkenny Lane, is the only area looked at in this study which is both relatively well screened from the wider countryside and not part of a settlement gap/setting."*
- 4.7 The Landscape and Visual Review of Submissions for Carterton and Witney Strategic Development Options by Kirkham Landscape Planning, 2012, similarly notes the importance of the 110m contour, recommending that "*any development should avoid land above 110 AOD and be aligned to follow the contours*". The BNNDP should be consistent with this evidence.
- 4.8 It is actually the area outside the proposed Buffer Zone C which is more sensitive in terms of views and character within the wider landscape as this occupies higher ground and is typical of the open wolds landscape and has continuity with the Cotswold lower slopes.
- 4.5 Returning to the views in the BNNDP, and their role in draft policy CLH2, it appears that the policy wording has not followed the recommendations in the supporting evidence, and it does not follow the wording of the 'parent' policy in the Local Plan (EH2).
- 4.6 The summary and policy recommendations in the Landscape Character Assessment for Brize Norton talks in positive terms about how new development:

*"...should maintain and enhance affected views and areas with inter-visibility and have beneficial effects on key public views."*

*...should not detract from the key components of the rural landscape character in the parish. These include: the agricultural land use, the openness of views and resulting inter-visibility within the parish, the characteristic pattern of hedgerows and limited tree cover arranged along linear or rectilinear arrangements.*

*...can contribute to enhancing areas of weakened character, i.e. at approach to the village, where the transition between agricultural and residential use could be softened and improved."*

4.7 None of these recommendations preclude development in the landscape character areas, and in fact the above comments identify how development can help to enhance landscape character.

4.8 It is therefore recommended that Policy CHL2: Key Local Views is redrafted and framed in a much more positive way. The evidence base does not justify the inclusion of this policy as currently written, contrary to NPPF Para 31:

*"The preparation and review of all policies should be underpinned by relevant and up-to-date evidence. This should be adequate and proportionate, focused tightly on supporting and justifying the policies concerned..."*

4.9 Therefore, as written, the Policy CLH2 would not meet the Basic Conditions. And it cannot be used to support the proposed buffer zone for Kilkenny Farm.

## **5.0 Buffer Zones ('Area of Sensitivity')**

5.1 HCBB wishes to raise very serious concerns about proposed Policy CLH3: Strategic Buffer Zones and Settlement Area policies.

5.2 Similarly to the way that the views are presented in the BNNNDP – and reviewed above – the evidence which underpins the buffer zones is not robustly justified. Nor has there been any consultation with HCBB or the landowners. Our client's case here is set out in more detail in the Macgregor Smith Addendum referenced above (and attached).

5.3 The buffer of greatest concern to HCBB is that which covers part of its land at Kilkenny Farm – Strategic Buffer Zone C – there is no reason given that this area, in particular, should be sterilised from development. The Kilkenny Lane Country Park forms a sufficient green gap between Carterton and Brize Norton, there is no need for such a broad and undefined additional buffer in Zone C. Moreover, there are alternative, more positive approaches to the imposition of a buffer, including an extension to Kilkenny Country Park (eg to Shilton), on land under the control of HCBB, and improvements such as better accessibility, longer-range foot and cycle paths, biodiversity, landscape and environmental enhancements, and improved management

5.4 Reviewing what is recorded in the Landscape Character evidence for the BNNNDP; the character is defined, but no special qualities which are necessary to protect are identified. All that can be read is a review of the current character as follows:

*"[the] area is included within the NCA 107 'Cotswolds' and described in the Regional Landscape Character Assessments as part of the Area 9 'Shilton Downs'. The underlying geology and the general landform characteristics are shared with the higher level landscape characterisation. At local level, this area has its own identity and character which is informed by the experiential quality and communal values attached to its use as a country park, including its proposed extension and its immediate setting. Due to the topography and recent tree planting, Shilton Park forms a stark edge to the country park."*

5.5 Recommendations which follow the character assessment talk about seeking to restore localised details of the character (e.g., hedge rows, and dry-stone walls), which HCBB support, but no recommendation, or justification, is given to create a “buffer zone.” Nor is there any proposal in the BNNDP setting out how the recommendations in the plan can be achieved.

5.6 It is therefore recommended that Strategic Buffer Zone C is removed from Policy CHL3: Strategic Buffer Zones and Settlement Area. The evidence base does not justify the inclusion of this policy as currently written, contrary to NPPF Para 31:

*“The preparation and review of all policies should be underpinned by relevant and up-to-date evidence. This should be adequate and proportionate, focused tightly on supporting and justifying the policies concerned...”*

5.7 Therefore, as written, the policy does not meet the Basic Conditions. It presents as a “back door” way to achieve a new and unjustified blanket restriction to development, akin to Green Belt policy, which is specially warned against in PPG (referred to below – albeit in relation to Local Green Space, but the spirit of the guidance remains relevant). There has also been no comparable assessment of the Bloor and Lone Star proposals to the north-east and east of the village, which feels like a significant omission.

5.8 As a further point against the case for Strategic Buffer Zone C, HCBB would like to highlight part of the PPG which warns against trying to create a local level ‘Green Belt’ through a neighbourhood development plan. For the Parish Council’s reference, the PPG is as follows:

*“There are no hard and fast rules about how big a Local Green Space can be because places are different and a degree of judgment will inevitably be needed. However, paragraph 100 of the National Planning Policy Framework is clear that Local Green Space designation should only be used where the green area concerned is not an extensive tract of land. Consequently blanket designation of open countryside adjacent to settlements will not be appropriate. In particular, designation should not be proposed as a ‘back door’ way to try to achieve what would amount to a new area of Green Belt by another name.”*

(Paragraph: 015 Reference ID: 37-015-20140306)

In a similar vein, we do not accept that the use of paragraph 135 of the NPPF in the Basic Conditions Statement (July 2024) is relevant; given that it is positively-worded guidance to help development achieve well-designed places, not a justification for a buffer zone.

5.9 Finally, on the matter of the edge of the settlement, HCBB also notes that there are several references to a settlement boundary in the BNNDP, yet the adopted Local Plan does not apply settlement boundaries. In terms of impact on amenity and the local landscape it might be preferable to locate new homes in edge of village locations which technically might sit outside the arbitrary boundaries. It is therefore suggested that the philosophy and operation of settlement boundaries in the BNNDP is negative and not necessarily generally fit for purpose. HCBB submits that the use, and operation, of settlement boundaries does not comply with the Planning Practice Guidance as follows:

*“The nature of rural housing needs can be reflected in the spatial strategy set out in relevant policies, including in the housing requirement figures for any designated rural areas. A wide range of settlements can play a role in delivering sustainable development in rural areas, so blanket policies restricting housing development in some types of settlement will need to be supported by robust evidence of their appropriateness.”*



(Paragraph: 009 Reference ID: 67-009-20190722)

- 5.10 HCBB would also highlight that the proposed edge of settlement strategy which is being presented in the BNNDP is at odds with at least two of the emerging spatial strategy options in the West Oxfordshire Local Plan. As mentioned above, this could render the BNNDP out of date very quickly, or it could leave its policies in conflict with a more positive approach to edge of settlement development which could emerge in the West Oxfordshire Plan.
- 5.11 HCBB suggests that the character of Brize Norton, and its separation from surrounding settlements, can be managed in a more positive and collaborative way than is suggested in the draft BNNDP and would be very pleased to discuss this further.

## 6.0 Conclusion

- 6.2 The Brize Norton Neighbourhood Development Plan needs to include reference to the emerging West Oxfordshire Local Plan 2041 and should be careful not to cut across any potential emerging spatial strategy for strategic growth or the more general plans for growth in the NPPF.
- 6.3 The BNNDP, as submitted does not meet the basic conditions in the ways set out in this letter. Policies CLH2 and CLH3, in particular, need to be reviewed to ensure they meet the Basic Conditions; the evidence which underpins these policies is not robust and justified.
- 6.4 I trust that this letter and attached Addendum is useful to West Oxfordshire's consideration of the submitted BNNDP.
- 6.5 Please add my details (below) and those of Mr Richard Cutler of HCBB ([richard@bloombridge.com](mailto:richard@bloombridge.com) and tel: 0203 0867950) to any contact database that you may have as I would like to be kept up to date with the progress of the plan. Should you wish to discuss anything contained in this letter, relating to land under the control of HCBB, then please do not hesitate to contact me.

Yours faithfully,



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**Middle Norton  
West Oxfordshire**

**Landscape & Visual Appraisal (LVA)  
Addendum Responding to the Brize Norton Neighbourhood Plan**

**November 2024**

**Macgregor Smith**

Prepared by Macgregor Smith Landscape Architects  
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## 1.0 Brize Norton Neighbourhood Plan 2031 (BNNP)

This Addendum to our LVA for the Middle Norton outline planning application responds to the submission of the Brize Norton Neighbourhood Plan ('BNNP').

The draft 'BNNP' has been produced by Brize Norton Parish Council to present objectives and policies that, once 'made', will be used in shaping the future development of the Parish.

Neighbourhood planning was introduced through the Localism Act 2011, allowing local people a say in how development is shaped within their local areas. Neighbourhood Plans must have regard to the National Planning Policy Framework (NPPF), National Guidance and the development plan for the West Oxfordshire District Council.

At the time of writing, this document carries no weight as a technical planning document. However, it is under review, with a Regulation 16 consultation taking place between 10 October and 21 November 2024.

## 2.0 Key policies

The BNNP includes information and policies relevant to the Middle Norton development site. There are three policies proposed in the BNNP that are of particular relevance for the development:

### Policy CLH1 Landscape Character

The draft policy intention is to maintain and enhance the distinctive character and identity of the village in relation to the surrounding landscape and rural setting. It considers that residential development from the direction of Carterton (notably Brize Meadows) has undermined the sense of place and impacted parts of Brize Norton and seeks to protect against development pressures that might arise to the northwest, north and northeast of the settlement in the future.

A Landscape Character Assessment and Landscape Character Area Key Views seek to underpin this policy, set out in Appendices 8 and 9 of the BNNP.

### Policy CLH2 - Key Local Views

Fundamental to this draft policy is the protection of nine key views within the parish of Brize Norton which are considered to be the most important in defining the local character. The policy calls for any development to demonstrate that it is not prejudicial to the key views, will not impinge on landscape character, and refers specifically to an 'Area of High Landscape Value'. The policy states that:

*"All development proposals will be expected to have regard to the key local views listed below and should, wherever possible, seek to maintain and enhance them. Proposals that undermine character and identity by failing to have regard to the key local views will not be supported, especially where they are also contrary to other policies in this plan and the Brize Norton Design Code."*

Key Local views that concern the development site are, View H taken from Burford Road looking towards Kilkenny Country Park and View I, taken from Kilkenny Country Park looking northwards towards the development site.

### Policy CLH3 - Strategic Buffer Zones and Settlement Areas

This draft policy focuses on the creation of two buffer zones and an "Area Sensitive to Change" which covers the development site. While the buffer zones seek to prevent coalescence, the purpose of the

*“Area Sensitive to Change”* is to protect the setting of Kilkenny Country Park and the views northwards to the open countryside.

Appendices 8 Landscape Character Assessment and Appendix 9 Landscape Character Assessment Key Views have been included as an evidence base for the policies in the BNNP.

### 3.0 Review of relevant policies

Having reviewed the BNNP together with the appendices, it is considered that there are presently several limitations within the BNNP from a landscape character and visual perspective, which are outlined below:

1. The BNNP and supporting Landscape Character Assessment refer to Brize Norton as being an *“Area of High Landscape Value”*, yet, the provenance of this term is not clear.

The West Oxfordshire Landscape Assessment (1998) refers to Areas of High Landscape Value. These were adopted in a Local Plan in 1997. However, they are no longer part of the development plan. The West Oxfordshire Plan 2031 now – under Policy EH2 – refers to *“landscape character”* and not *“landscape value”*. Therefore, references to *“Areas of High Landscape Value”* are not in conformity with the Local Plan policies and the up-to-date supporting evidence.

2. The methodology underpinning the representation and role of Key Local Views is absent.

It is unclear from the supporting Landscape Character Assessment, Appendix 8 and Appendix 9: Key Views what the criteria was for choosing the key views other than being views around Brize Norton.

As standard practice under GLVIA 3, views should be selected to best represent key user groups and receptors. This allows the nature of the view to be understood e.g. number of people affected and their reasons for being in the landscape and then sensitivity to be assessed contextually.

Similarly, technical information regarding the views is absent. It is unclear whether the images have been produced using a standard accepted camera lens (50mm or 24mm) in accordance with the GLVIA guidelines. Hence, the photographs may not provide an accurate representation of the key views.

3. The justification regarding the designation of the *“Area Sensitive to Change”* is unclear.

The *“Area Sensitive to Change”* designation created in draft Policy CLH3 (illustrated on page 46 of the BNNP attached) comprises the extents of the Local Character Area 3 *“Country Park<sup>1</sup> and its Setting”* as defined in Appendix 8, *“Landscape Character Assessment.”* (Illustrated on page 19 attached) However, the description of ‘Country Park and its Setting’ character area is simply a review of the current character as follows:

*“[the] area is included within the NCA 107 ‘Cotswolds’ and described in the Regional Landscape Character Assessments as part of the Area 9 ‘Shilton Downs’. The underlying geology and the general landform characteristics are shared with the higher level landscape characterisation.*

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<sup>1</sup> Natural England describe a Country Park as “green spaces often at the edge of urban areas which provide places to enjoy the outdoors and experience nature in an informal semi-rural park setting.”

*At local level, this area has its own identity and character which is informed by the experiential quality and communal values attached to its use as a country park, including its proposed extension and its immediate setting. Due to the topography and recent tree planting, Shilton Park forms a stark edge to the country park."*

It does not identify any special qualities that require protection. And in contrast to what Policy CLH3 proposes, the impact of Shilton Park (all along the southern boundary of the Country Park) is underplayed by this draft policy, so too the airbase.

Recommendations which follow the character assessment seek to restore localised details of the character (e.g., hedge rows, and dry-stone walls), which seems like good design guidance for a prospective developer. But, crucially, no recommendations, or justifications, are given as to why this area should be an "Area Sensitive to Change." In short, this aspect of the draft policy does not logically follow from the evidence in Appendices 8 and 9.

4. The BNNP overstates the sensitivity of the landscape in this location.

The BNNP states that "*whilst Brize Norton parish is not within the AONB<sup>2</sup>, it is partly adjacent to it and forms part of its setting due to its proximity and character, despite the proximity and urban influence of Carterton."*

In contrast, and as a matter of fact, the A40 denotes the edge of the Cotswolds AONB, sitting along a distinct ridgeline within the landscape. The northern most part of the parish boundary as it extends up to meet the A40 is undeniably the most sensitive area and development would be detrimental in this location. However, there would be little to no discernible impact on the setting of the AONB with the introduction of carefully designed development at the edge of the Kilkenny Country Park, nestled in a minor valley providing containment. Given the topography, there is no inter-visibility between the AONB and the proposed development at Middle Norton or, indeed, the Country Park.

This is evidenced in previous Landscape Assessments "The Carterton Landscape Assessment" (2009) by Amanda Hopwood Landscape Consultants and "The Landscape and Visual Review of Submissions for Carterton and Witney Strategic Development Options (2012)" by Kirkham Landscape Planning, being part of the evidence base for the West Oxfordshire Local Plan 2031.

Hopwood describes the area to the north of Kilkenny Country Park (Area A2) as follows:

*"Area A2, the shallow minor valley north of Kilkenny Lane, is the only area looked at in this study which is both relatively well screened from the wider countryside and not part of a settlement gap/setting."* (see Figure 0917.CA.2 'Settlement Edge Areas taken from the Hopwood report).

The Hopwood Report highlights the area further north (considered under Local Character Area 1 "Limestone Wolds Estate Farmland" in Appendix 8 of the BNNP) as being more sensitive. It is described in the Hopwood Report as;

*"typical of the open wolds landscape and has continuity with the Cotswold lower slopes. It is open and exposed rising land. The southern part is more enclosed and relates better to the settlement."*

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<sup>2</sup> The term AONB Area of Outstanding Natural Beauty has been changed to 'National Landscape' however AONB is still the generally recognised and legally accepted term.

The area to the south, immediately adjacent to the Country Park is therefore comparatively less sensitive, and better related to the urban area relative to other development sites under consideration at the time, notably Bloor to the north-east and Lone Star to the east.

The subsequent 2012 Report “The Landscape and Visual Review of Submissions for Carterton and Witney Strategic Development Options” by Kirkham Landscape Planning (2012) Kirkham Report states that development to the north of Kilkenny Country Park would not give rise to significant additional visual impact if well designed with there being scope to achieve a “*new satellite*” settlement. This is what the development proposals for Middle Norton seek to achieve, rather than a visual or physical extension to the existing settlement of Carterton.

The proposed designation of the “*Area Sensitive to Change*” in policy CLH3 in the draft BNNP is therefore counter to these conclusions.

5. The evidence supporting the West Oxfordshire Local Plan does not support the approach proposed by the BNNP, notably draft Policy CLH3.

The two reports described above have informed the West Oxfordshire District Plan, notably in relation to the 110m contour, considered by the Council’s evidence as being the line of visual containment for the purposes of the West Oxfordshire Local Plan.

Both Hopwood and Kirkham place emphasis on the 110m contour line in determining visibility and sensitivity recommending that “*any development should avoid land above 110 AOD and be aligned to follow the contours*”. No mention is made of an area of sensitivity on the north side of the Country Park, where the “*Area Sensitive to Change* is proposed under CLH3 in the BNNP. This inconsistency is problematic for the submission draft BNNP.

Appendices 8 and 9 of the emerging BNNP provide no evidence (and no justified reasoning) to set aside the 2009 and 2012 assessments; and it is likely that these assessments will be carried forward and remain material to the Local Plan Review (in addition to the adopted Local Plan).

6. More generally, just from a landscape point of view, we do not see any nexus between Policy OS2 of the adopted West Oxfordshire Local Plan and the justification for the approach to the proposed ‘Area of Sensitivity’ taken in the BNNP Policy CLH3:

*“The West Oxfordshire Local Plan 2031 adopts a general approach on the question of strategic buffer zones with Policy OS2 seeking to ensure that development does not cause coalescence, avoids the loss of identity of separate settlements, and protects or enhances the local landscape and setting of settlements.*

*Policy CLH3 in the BNNP adds local Brize Norton-specific detail to that Policy OS2 by allocating two strategic buffer zones and an area of sensitivity to change”*

In particular, it is not the function of a neighbourhood plan (in relation to Policy CLH3, page 48) to conclude:

*“In this policy for Brize Norton, therefore, any development in this Area of Sensitivity to Change stretching north and northeast of the settlement should be limited to recreation, biodiversity, and other uses appropriate for a countryside location.”*

This is contrary to the adopted Local Plan and this approach is not supported by the landscape evidence. It also has the effect of prejudicing the assessment work for the Carterton Sub-Area which is underway as part of the Local Plan Review.

7. The BNNP also understates the impact of the adjoining urban area to the south on the character of the Country Park – is Shilton Park.

It is therefore worth considering the nature of the park itself. Whilst the 21 hectares are referred to as a ‘country park’, it is notable that it serves a wide range of leisure functions, and the new extension to the east (the ‘Mary Ellis Country Park’) has development on both sides. It is clear that the sole (or defining) purpose of the park is not just about views into the countryside. Whilst the park has the potential to continue to fulfil a wide range of functions as an amenity to local residents, the proposals for Middle Norton greatly enhance wider access to the countryside; e.g. through improved and extended footpaths and cycleways and new tree planting, ecology, art and play areas, plus the potential to extend the park further westwards.

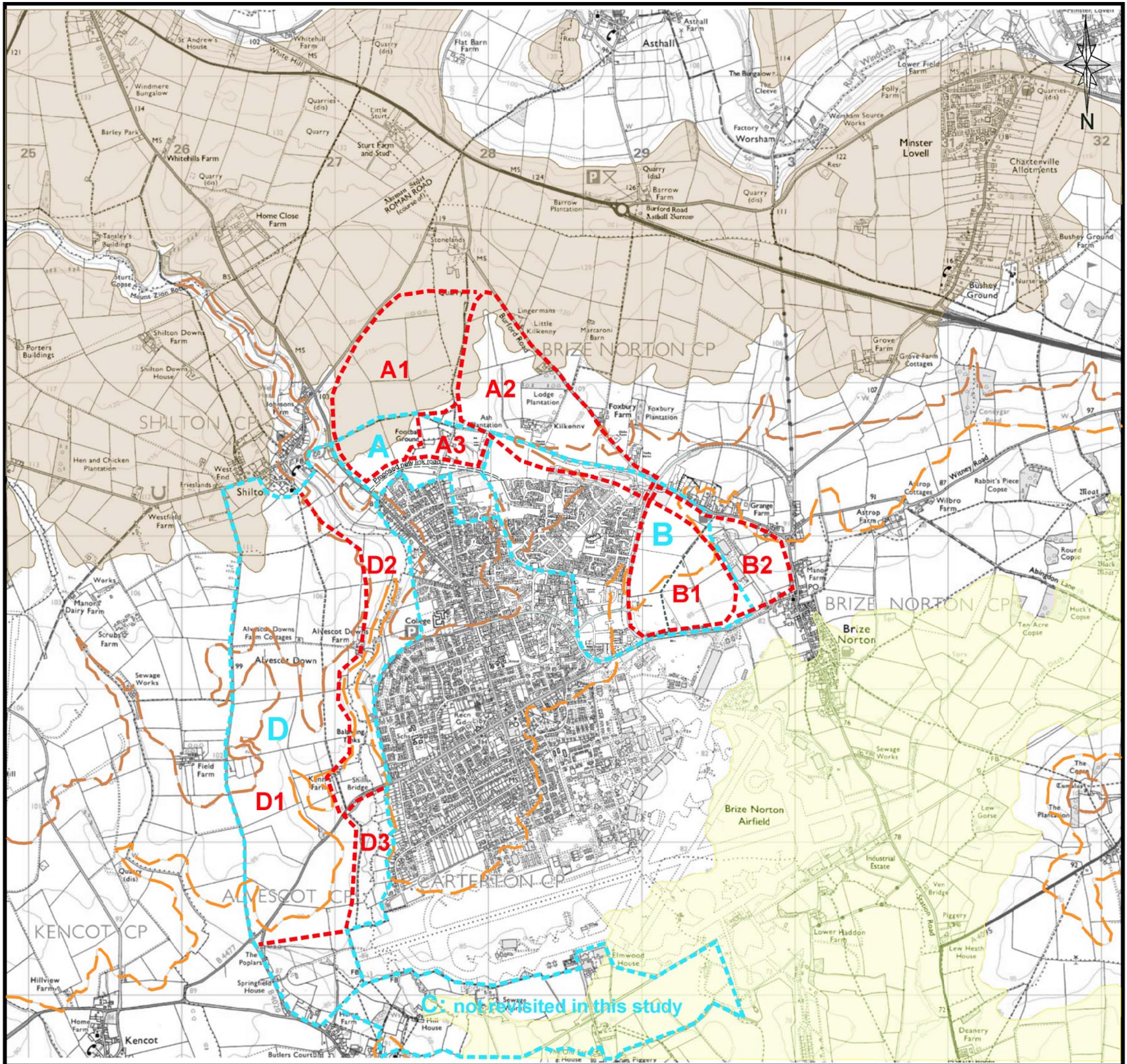
We consider that these seven points are significant and merit further, detailed review before the BNNP is allowed to progress.

#### **4.0 Concluding remarks**

The key issues raised in the BNNP are acknowledged, including the need to avoid coalescence, protect and enhance character; and key views. These considerations have been driving factors in the siting and design aspects of the landscape-led Master Plan for Middle Norton and the outline proposals that seek to deliver an extension to Kilkenny Country Park, increase access opportunities, enhance features which reinforce the local character, and emphasise the importance of this strategic green space, all consistent with the two landscape assessments (2009 and 2012) undertaken for the West Oxfordshire Local Plan. There are therefore significant opportunities to serve wider aspirations within the BNNP, where Policy CLH3 and the ‘Area of Sensitivity’, as currently drafted, would run counter to considering the balance of planning benefits linked to Middle Norton, the wider role of the Carterton Sub-Area and, in addition, the established landscape evidence base for local policy purposes.

In short, the BNNP, as currently drafted, is not consistent with the evidence base and policies on the overall strategy and landscape that underpin the adopted Local Plan. The BNNP would also prejudice the assessment work currently underway for the Local Plan Review, causing delay and unnecessary confusion at a time when West Oxfordshire urgently needs to progress the plan-making process.

Ultimately, it is considered that the character of Brize Norton and its separation from surrounding settlements, can be managed in a more positive and collaborative way than is currently suggested in the draft BNNP.



**KEY**

- Ground above 110m AOD
- 100m contour
- 90m contour
- Ground below 80m AOD
- WOLA settlement edge areas
- Updated settlement edge areas

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**PROJECT**  
**WEST OXFORDSHIRE LOCAL DEVELOPMENT FRAMEWORK: CARTERTON LANDSCAPE ASSESSMENT 2009**

**CLIENT**  
**WEST OXFORDSHIRE DISTRICT COUNCIL**

**SCALE**  
 1:25,000 @A3

**DATE**  
 JUNE 2009

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**DRAWING TITLE**  
**SETTLEMENT EDGE AREAS**

**FIGURE**  
**0917. CA.2**