

P15/S3228/O

PLANNING COMMITTEE SUBMISSION FROM MIND THE GREEN GAP

PART FOUR

13th May 2016




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This is the fourth in a series of short documents from Mind the Green Gap. It provides further sound planning reasons to support refusal of the Application on 18th May.

Previous mailings have identified that this unplanned and speculative application should be refused because it would serve to create **COALESCENCE** between East Hagbourne and Didcot as well as proposing a development of too high a **DENSITY** resulting in an unacceptable level of **QUALITY**.

This document looks at the significant loss of Best and Most Versatile land and the serious impact on the Area of Outstanding Natural Beauty.

Each of our submissions to the Planning Committee is available on the **Mind the Green Gap** website.

Nick Wright
nickwright@mindthegreengap.org

Andy Barmer
andybarmer@mindthegreengap.org

5. BEST AND MOST VERSATILE (BMV) AGRICULTURAL LAND

This site is – although not acknowledged anywhere by the Applicant – BMV agricultural land. This is confirmed by the Machin Bates study commissioned by SODC. In fact Machin Bates state that this site “includes the only area of Grade 1 around Didcot.”

The National Planning Policy Framework directs at paragraph 112:

“where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.”

Neither the Applicant nor the LPA has demonstrated that poorer quality land is not available for housing.

The key issue for paragraph is “significant development” which the NPPF does not define for us. The LPA clearly does believe this application represents significant development as a Major Applications Officer is determining the application.

Recent Appeals provided 20:20 clarity for decision makers.

An Appeal at Shrivenham in the Vale of White Horse the Inspector found “harm” in the loss of BMV but in his view the development of 59 dwellings could not be considered to be “significant development”. He concluded therefore that in the absence of a 5-year supply of land for housing, this harm did not outweigh the benefit of the housing. The Appeal was allowed and permission granted.

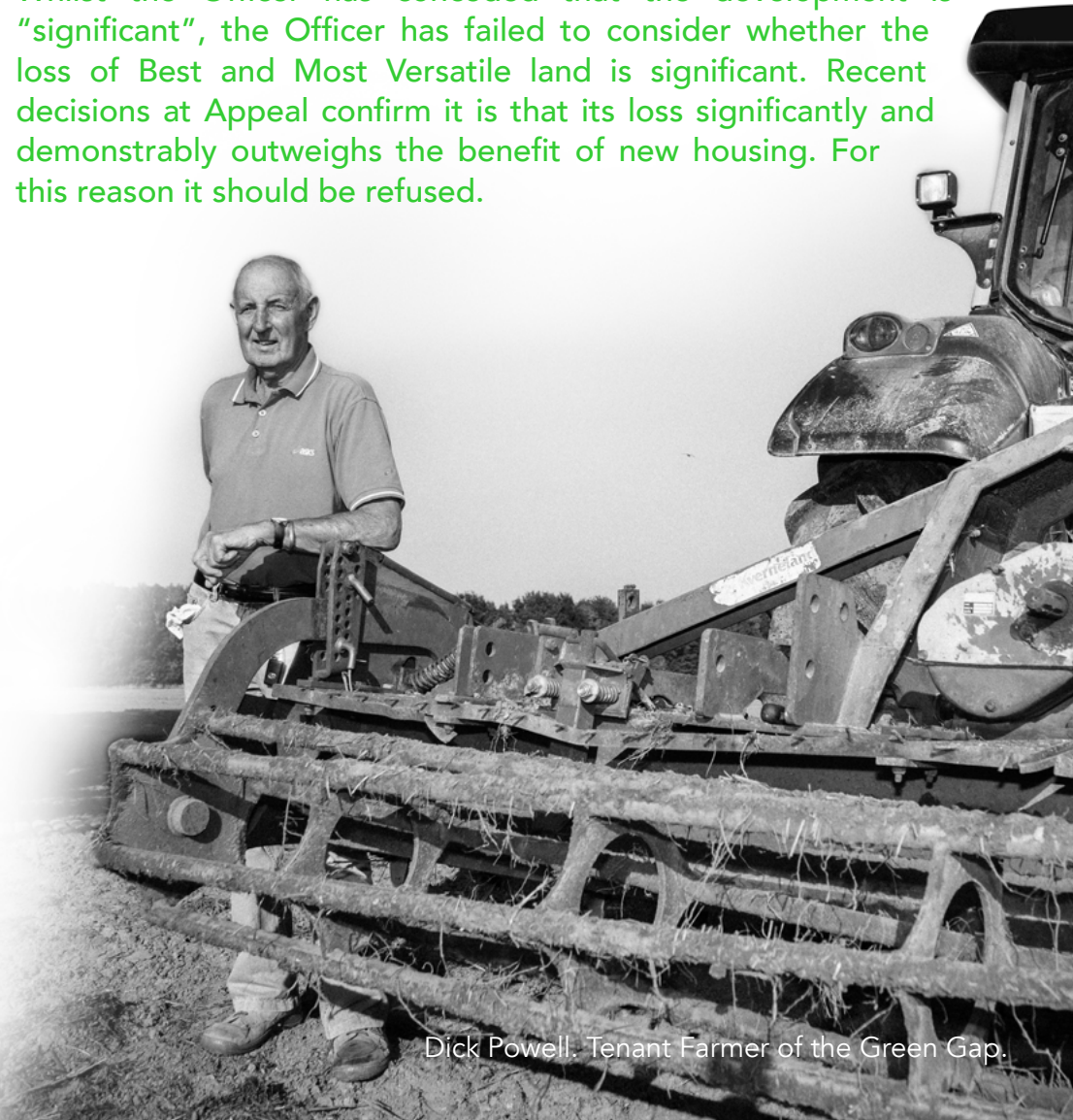
However another Appeal decision published this month at Yeovil does help define what must be considered to be “significant development”.

As with Shrivenham, one of the main issues was: “is the proposed development acceptable in terms of the loss of best and most versatile (BMV) agricultural land”

In this instance the application was for up to 144 dwellings. The Inspector concluded that this did amount to “significant development” and determined that the harm resulting from the loss of the BVA significantly and demonstrably outweighed the benefits of the additional housing.

It is unarguable that a proposal to build up to 170 dwellings (15% bigger than at Yeovil) also constitutes “significant development”.

Whilst the Officer has conceded that the development is “significant”, the Officer has failed to consider whether the loss of Best and Most Versatile land is significant. Recent decisions at Appeal confirm it is that its loss significantly and demonstrably outweighs the benefit of new housing. For this reason it should be refused.



Dick Powell. Tenant Farmer of the Green Gap.

6. A VIEW FROM THE NORTH WESSEX DOWNS AREA OF OUTSTANDING NATURAL BEAUTY

The Officer's report makes reference to a late response from the AONB Board. Whilst its lateness is unfortunate, its importance is not reduced. It is our contention that the Officer did not have the opportunity to give the AONB's response either due consideration or assign the appropriate weight.

Here is the AONB response in full. It requires no commentary from us.

From Rebecca Davies

Planning Advisor

North Wessex Downs Area of Outstanding Natural Beauty

"Having viewed the plans, the AONB would object to the proposed development. Although not within the AONB the development sits within the landscape which forms part of the setting of the AONB. The gently rolling fields to the East of Didcot provide an open character, one which is relatively untouched by development. The site forms a platform for long distance views into the AONB which is a positive characteristic.

The garden town designation announced earlier this year would also support the retention of this site as an important green wedge which divides Didcot from the neighbouring settlement of Hagbourne. The creep of development to the east and south east would unbalance the relationship with smaller villages and the setting of the AONB would be compromised as the urban edge would encroach into open countryside.

The North Wessex Downs AONB Position Statement on Setting which forms an extension of the principles set out within the AONB Management Plan (2014-2109) confirms that the primary purpose of AONB designation is to conserve and enhance the

natural beauty of the area as confirmed by Section 82 of the Countryside and Rights of Way 2000 (CROW Act), whereby Local Authorities have a 'duty of regard' to the protected landscape. This includes the setting of the designated space, this landscape is just as important as it frames the AONB and forms part of a wider landscape or view into and out of the AONB.

The primary purpose of the AONB designation is to conserve and enhance the natural beauty of the area, as confirmed by Section 82 of the Countryside and Rights of Way Act 2000 (CRoW Act). Section 85 of that Act confirms that there is a duty on all relevant authorities to have regard to this purpose in exercising or performing any functions in relation to, or so as to affect land in AONB's.

The North Wessex Downs is particularly sensitive to developments that are visually prominent, of an urban, suburban or industrial nature or are noisy.

The NPPF therefore supports a different approach to housing provision in the AONB compared to land outside the AONB, based on the need to conserve and enhance its natural beauty. The NPPF recognises that "great weight" be given to AONB considerations and recognises it as an area with the highest status of protection. The NPPF is also clear that "great weight" should be given to conserving the landscape and scenic beauty of AONB. A core Principle of the NPPF (paragraph 17) is that the planning system should contribute to conserving and enhancing the natural environment.

The assertion that the authority's lack of a five-year housing land supply constitutes the exceptional circumstances that are required to allow major development outside a settlement boundary is flawed because the applicants statement appears to undertake a simple balancing exercise, with housing need being balanced against other factors.

The AONB unit draws attention to Paragraph 115 of the NPPF which confirms that “great weight” should be given to conserving and enhancing the character and qualities of the AONB which have the highest level of protection. The NPPG confirms that “major development” is a matter for the Local Authority to decide on and should be based on local context. In this case it is considered because of the sensitivities of the nationally protected landscape this development should be considered to be “major”. **It has not been demonstrated that this current development proposal would conserve or enhance the AONB and its setting and it is not considered that there are any exceptional circumstances in this case to support this proposal.**

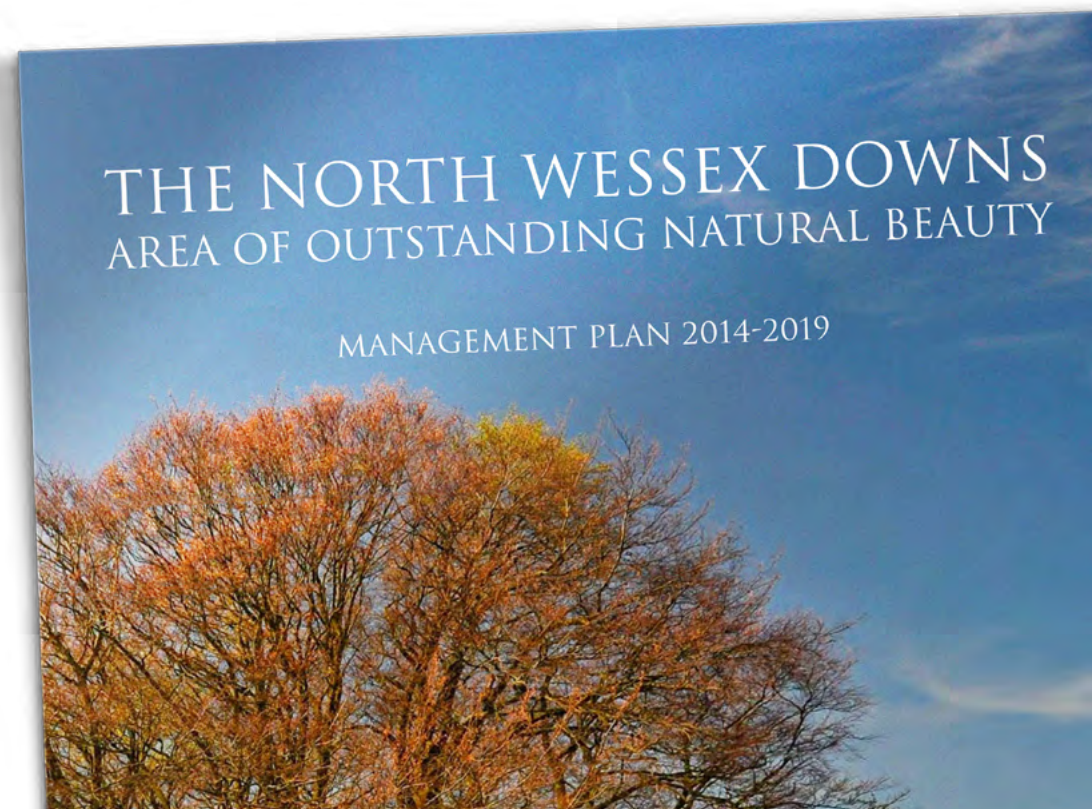
The applicant relies heavily on the lack of a 5 year land supply. However the local plan examination clearly detailed that a 5 year supply can be achieved in addition to the 20% buffer as this does not include recent decisions of developments outside settlement boundaries. A development on the eastern edge of Didcot is due to go before the planning committee with a recommendation to approve for 4,500 dwellings, of which 2,500 can be built within the emerging local plan period and allow the Vale to meet its 5 year land supply. The site is not allocated in the emerging local plan, nor would it represent small scale infill development.

A settlements character in many cases depends critically on the presence of green land within or adjoining it. Therefore, a site's location within an assumed boundary or within the visual built envelope of a settlement may not always make it suitable for development if it is of landscape, heritage or open space value.

The proposed scheme would add an urban expansion to this rural locality, and be of detriment to the special qualities of the AONB which fails to reflect the character of the existing settlement. These open parcels of land are important green spaces which act as important green buffers; as a result these spaces are sensitive to change. The applicants reliance on a lack of a 5 year land

supply would be a dangerous precedence to set in the setting of a protected landscape. A recent appeal decision for a site at Uffington (APP/V3120/W/15/3139377), outside of the AONB supports this. The Inspector concluded that the development for up to 42 dwellings would have a harmful effect on the setting of the AONB which outweigh the benefits of the scheme.

The development would be contrary to the North Wessex Downs Management Plan, a document which the local authority has signed up to. The North Wessex Downs AONB Position Statement on Setting is also of relevance although not parts of the development plan. It carries limited weight but states that views out of the AONB and views towards or into it from the surrounding areas can be very significant. **The development is likely to cause moderate to adverse harm to the AONB and cannot meet the environmental dimension of sustainable development which is not in compliance with the NPPF.”**





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