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| South Black and White Logo | **South Oxfordshire Local Plan 2033**  Publication Version  Representation Form | | | | | | | | **Ref:**  **(For official use only)** | |  | |
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| **Name of the Local Plan to which this representation relates:** | | | | | | | | South Oxfordshire Local Plan 2033 | | |
| **Please return by** **5pm on Thursday 30 November 2017 to:** Planning Policy, South Oxfordshire District Council, 135 Eastern Avenue, Milton Park, Milton, Abingdon, OX14 4SB or email [planning.policy@southoxon.gov.uk](mailto:planning.policy@southoxon.gov.uk) | | | | | | | | | | |
| This form has two parts:  **Part A** – Personal Details  **Part B** – Your representation(s). Please fill in a separate sheet for each representation you wish to make. | | | | | | | | | | |
| **Part A** | | | | | | | | | | |
| 1. Personal Details\* | |  |  |  |  |  | 2. Agent’s Details (if applicable) | | |  | |
| \*If an agent is appointed, please complete only the Title, Name and Organisation  boxes below but complete the full contact details of the agent in 2. | | | | | | | | | | |  | |
| Title | | Mrs | | |  |  | | | | |
|  | | | | | |  | | | | |
| First Name | | Helen | | |  |  | | | | |
|  | | | | | |  | | | | |
| Last Name | | Marshall | | |  |  | | | | |
|  | | | | | |  | | | | |
| Job Title (where relevant) | | Director | | |  |  | | | | |
|  | | | | | |  | | | | |
| Organisation representing | | CPRE Oxfordshire | | |  |  | | | | |
| (where relevant) | | | | | |  | | | | |
| Address Line 1 | | 20 High Street | | |  |  | | | | |
|  | | | | | |  | | | | |
| Address Line 2 | |  | | |  |  | | | | |
|  | | | | | |  | | | | |
| Address Line 3 | |  | | |  |  | | | | |
|  | | | | | |  | | | | |
| Postal Town | | Watlington | | |  |  | | | | |
|  | | | | | |  | | | | |
| Post Code | | OX49 5PY | | |  |  | | | | |
|  | | | | | |  | | | | |
| Telephone Number | | 01491 612079 | | |  |  | | | | |
|  | | | | | |  | | | | |
| Email Address | | director@cpreoxon.org.uk | | |  |  | | | | |
| **Sharing your details**: please see page 3 | | | | | |  | | | | |

**Part B – Please use a separate sheet for each representation**

Name or organisation:

3. To which part of the Local Plan does this representation relate?

Paragraph Policy Policies Map

**ENV 6, 7, 8, 9 & 10**

4. Do you consider the Local Plan is: (*Please tick as appropriate)*

4. (1) Legally compliant Yes

4. (2) Sound **NO**

4. (3) Complies with the Duty to Cooperate No

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| 5. Please provide details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the Duty to Cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the Duty to Cooperate, please also use this box to set out your comments. |
| **ENV 6 - Historic Environment**  **ENV 7 - Listed Buildings**  **ENV 8 - Conservation Areas**  **ENV 9 - Archaeology & Scheduled Monuments**  **ENV 10 - Historic Battlefields, Registered Parks and Gardens and Historic Landscapes**  Policies ENV6 to ENV10 are in general **positively planned** cast with a good range of aspirations to conserve and enhance the historic environment but in detail have some shortcomings and no commitment to a delivery framework for the partnership working that is laudably envisaged.  As drafted, these policies are unlikely to be as **effective** as they should beunless the parameters for informed decision-making judging the planning balance and delivering positive outcomes and effective reduction or offsetting of harm are much more clearly stated as applying generally to all heritage assets.  At present the NPPF policies on the historic environment are repeated for different types of assets but to different extents and not in a fully consistent way. The effect is to apply NPPF in an inconsistent manner depending on the type of asset.  The most obvious discrepancy is in the very partial application of requirements for recording of assets to mitigate harm, which apart from only being partially applied is in any case not fully compliant with NPPF  Taken together policies ENV6-10, while appearing to be quite thorough, in fact leave gaps and loopholes that make them not fully compliant with national policy or likely to be as effective as they should be in achieving the worthy objectives to which they aspire.  (Continue on page 4 /expand box if necessary) |

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| 6. Please set out what modification(s) you consider necessary to make the Local Plan legally compliant or sound, having regard to the matter you have identified at 5 above. (NB Please note that any non-compliance with the Duty to Cooperate is incapable of modification at examination). You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible. |
| The fairly extensive revisions proposed below retain the structure of the policies but have restructured the content in several cases to avoid repetition while also adding detailed points to plug gaps, clarify the issues and improve grammar etc. It has drawn heavily on the revised policy agreed between Historic England, CPRE and West Oxfordshire District Council in respect of the WODC Local Plan Examination, which started with a draft with almost identical wording to SODC.  Following the same principles, ENV6 is made more comprehensive in reflecting the principles of decision-making across all types of heritage asset in line with and closely reflecting NPPF, but without repeatedly paraphrasing the details of balancing heritage significance and harm with other public benefits.  The asset-specific policies refer back to ENV6 for this, but retain some comments especially pertinent to the asset type.  Overall, without adding length the proposed changes would result in a more comprehensive clearer and better constructed set of policies for this topic.  **Policy ENV6: Historic environment**  Amend as follows (**~~deletions~~** bold strikethrough **insertions** bold underlined):  *Proposals for new development that affect heritage assets (designated and non-designated) must conserve or enhance the significance of the heritage asset and its setting. Proposals will be supported particularly where they* ***do not cause inappropriate harm but do:***   1. *make a positive contribution to local character and distinctiveness* ***(especially if identified as such by county and local landscape and historic landscape characterisations); and/or…..*** 2. *make a positive contribution towards wider social and economic benefits; and or* 3. *provide a viable future use for a heritage asset that is consistent with the conservation of its significance; and/or* 4. *protect a heritage asset that is currently at risk*   *The council will work with landowners, developers, the community, Historic England and other stakeholders to:*   1. *ensure that new development conserves, and where possible enhances, designated heritage assets and non-designated heritage assets and their setting;* 2. *ensure that vacant historic buildings are appropriately re-used as soon as possible to prevent deterioration of condition;* 3. *seek to reduce the number of* ***~~buildings~~ assets*** *on the “Heritage at Risk” register* ***and*** ***~~iv)~~*** *encourage better understanding of* ***their*** *significance* ***~~of scheduled monuments on the “Heritage at risk” register and~~*** *to aid in their protection,* ***safeguarding or restoring their historic interest in a sustainable, non-damaging use;*** 4. *better understand the significance of conservation Areas in the district through producing conservation Area character Appraisals and Management Plans;* 5. *identify criteria for assessing non-designated heritage assets and maintaining a list* ***database linked to GIS mapping*** *of such assets as a* ***Local Heritage List******~~Locally Listed buildings; and~~;*** 6. *encourage Heritage Partnership Agreements, particularly for Listed buildings on any ‘at risk’ register;* ***and*** 7. *support Neighbourhood Development Plans where they seek to assess their heritage assets and add to the evidence base.*   ***To deliver these actions the Council will seek to develop and adopt a formal SPD Heritage Plan within 5 years of the adoption of this Plan in line with Historic England guidance to ensure the positive benefits that the historic environment brings to resident communities.***  ***In determining applications, considerable weight and importance will be given to conserving and/or enhancing the significance of designated heritage assets, including:***  ***- the special architectural and historic interest of Listed Buildings, with regard to their character, fabric and settings;***  ***- the special architectural and historic interest, character and/or appearance of the District’s Conservation Areas and their settings, including the contribution their surroundings make to their physical, visual and historic significance;***  ***- the special archaeological and historic interest of nationally important monuments (whether Scheduled or not), both with regard to their fabric and their settings;***  ***- the special cultural, architectural and historic interest of Registered Parks and Gardens, including the contribution their surroundings make to their physical, visual and historical significance.***  ***Applications will be assessed against the criteria set out in national planning policy by which the more important the asset, the greater the weight that should be given to its conservation and avoidance of harm.***  ***Where a proposed development would lead to substantial harm to or total loss of significance of a designated heritage asset through loss of fabric or impacts on setting, consent will only be granted where it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that clearly and convincingly outweigh that harm or loss.***  ***Where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset through loss of fabric or impacts on setting, the seriousness of the harm will similarly be weighed against whether there are overriding public benefits of the proposal, including securing the assest’s optimum viable use.***  ***Significant weight will also be given to the local and regional value of non-designated heritage assets, including non-listed vernacular buildings (such as traditional agricultural buildings, chapels and mills), together with archaeological monuments that make a significant contribution to the character of the District’s historic environment.***  ***All planning applications affecting heritage assets*** *will be required to* ***include****, in line with best practice and relevant national guidance* ***and regulations, a description of*** *the significance of any heritage assets affected including any contribution made by their setting****; the full range of changes to fabric and perception of the assets that the proposals would entail; the effect of those impacts both positive and negative on the significance of the assets and the contribution they make to the area; and any measures proposed to avoid, reduce or offset any harm.***  *The level of detail* ***in such assessments*** *should be proportionate to the assets’ importance* ***and scale of impact, and may involve desk-based assessments, field survey techniques appropriate to the type of asset(s) involved and in some cases intrusive investigation/ sample excavation.***  ***~~In some circumstances, further survey, investigation analysis and recording will be made a condition of consent~~***  ***All plannning applications affecting heritage assets will be required to demonstrate that the proposal would, in order of preference:***  ***a) avoid adverse impacts on the significance of the asset(s) (including those arising from changes to their settings) and, wherever possible, enhance or better reveal the significance of the asset(s);***  ***b) minimise and mitigate the harm likely to arise from any adverse impacts that are unavoidable and/or justified by overriding public benefits in a manner proportionate to the significance of the asset(s).***  ***Where, in accordance with national policy, harm to or loss of significance to any heritage asset is considered to be outweighed by other material considerations, the harm should be minimised; and where nevertheless valuable evidence would be lost, such loss should be mitigated by a programme of appropriate investigations, recording and analysis. Planning permission will not be granted until this programme has been submitted to, and approved by, the local planning authority, and development should not commence until these works have been satisfactorily undertaken by an appropriately qualified organisation.***  ***Applicants will be required to report the results of any such investigations occasioned by their proposals to the relevant local and county authorities and records, including the Historic Environment Record; to deposit the archive of records and finds arising from such investigations in a publicly accessible repository as a resource for future research; and to ensure that the results and analysis of findings are published in an appropriate form*.**  ***Provision for recording, analysing, reporting, archiving and publishing evidence arising from investigations undertaken to assess the importance of the asset or to mitigate harm arising from the loss of evidence will not be considered as justifying the harm caused.***  **Policy ENV7: Listed buildings and other Historic Structures**  ***Great weight will be given to conserving Listed Buildings and their settings following the principles of assessment, decision-making investigation and recording etc. as set out in ENV6.***  ***Proposals for the substantial or total demolition of a listed building will only be granted in exceptional circumstances, as they are a finite and irreplaceable resource.***  *Proposals for alteration of, addition to or partial demolition of a listed building or for development within the curtilage of, or affecting the setting of a listed building must:*  *i) conserve or enhance* ***the special architectural or historic interest of the***  ***building’s fabric, detailed features, appearance or character*** *and setting;*  *ii) respect* ***~~any features of special architectural or historic interest, including, where relevant,~~*** *the* ***building’s*** *historic curtilage or context,* ***~~such as burgage plots,~~*** *or its value within a group and/or its setting* ***including its historic landscape or townscape context~~, such~~******~~as the importance of a street frontage or traditional shopfronts~~****;*  *and*  *iii)* ***retain the special interest that justifies its designation through appropriate design and in accordance with the South Oxfordshire Design Guide~~.be~~******and in a manner*** *sympathetic* ***both*** *to the listed building and its setting, and that of any adjacent heritage assets in terms of its siting, size, scale, height, alignment, materials and finishes (including colour and texture), design and form.* ***~~, in order to~~***  ***~~Where a proposed development will lead to substantial harm to or total loss of signifi cance of a designated heritage asset consent will only be granted were it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss.~~***  ***~~Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.~~***  *Proposals for the change of use of a listed building or building within its curtilage will be viewed favourably where it can be demonstrated that the new use can be accommodated without any adverse effect on the special architectural or historic interest of the building and its appearance or character.*  ***~~Proposals for the substantial or total demolition of a listed building will only be granted in exceptional circumstances, as they are a finite and irreplaceable resource.~~***  ***~~Applications involving listed buildings should describe the signifi cance of any heritage assets affected, including any contribution made by their setting. the level of detail provided should be proportionate to the asset’s signifi cance.~~***  ***Non-listed buildings including historic farm complexes that make a distinctive and locally valued contribution to the District’s urban, rural or industrial heritage, especially those included in the Local List, will also be conserved following similar principles based on their relative architectural and historical significance.***  ***In determining applications that involve the conversion, extension or alteration of traditional buildings and structures, proposals will not normally be permitted where this would:***  ***I. extensively alter the existing structure or remove features of interest;***  ***II. include extensions or alterations which would obscure or compromise the***  ***form or character of the original building.***  *This policy contributes towards achieving objectives 5, 6 & 7*  ***Policy ENV8: conservation areas***  *Proposals for development within or affecting the setting of a Conservation Area must conserve or enhance its special interest, character, setting and appearance.* ***General principles of assessment, decision-making investigation and recording etc. as set out in ENV6 apply.***  *Development will be expected to:*  *i) contribute to the Conservation Area’s special interest and its relationship with its setting****, and retention and/or enhancement of*** *the special characteristics of the conservation Area (such as existing walls, buildings, trees, hedges, burgage plots, traditional shopfronts and signs, farm groups, medieval townscapes, archaeological features, historic routes etc.)* ***~~should be preserved~~****;*  *ii) take into account important views within, into or out of the conservation area and show that these would be retained and unharmed;*  *iii) respect the local character and distinctiveness of the conservation area* ***~~in terms of~~******through sympathetic, high quality design of*** *the development* ***in terms of its****: siting; size; scale; height; alignment; materials and finishes (including colour and texture); proportions;* ***~~design~~ architectural style****; and form, in accordance with the South Oxfordshire Design Guide and any relevant Conservation Area character Appraisal;*  *iv)* ***preserve long-term historic relationships between rural settlements and surrounding open countryside, especially where not obscured by more recent development and*** *be sympathetic to the original curtilage of buildings and pattern of development that forms part of the historic interest of the Conservation Area;*  *v) be sympathetic to important* ***unbuilt*** *spaces such as paddocks, greens, gardens and other gaps or spaces between buildings which make a positive contribution to the pattern of development in the conservation area;*  *vi) ensure the wider social and environmental effects generated by the development are compatible with the existing character and appearance of the conservation area; and/or*  *vii) ensure no loss of, or harm to any building or feature that* ***individually or cumulatively*** *makes a positive contribution to the special interest, character or appearance of the conservation area.*  ***~~Where a proposed development will lead to substantial harm to or total loss of significance of a conservation Area, consent will only be granted were it can be demonstrated that the substantial harm is necessary to achieve substantial public benefits that outweigh that harm or loss.~~***  ***~~Where a development proposal will lead to less than substantial harm to the significance of a conservation Area, this harm will be weighed against the public benefits of the proposal.~~***  *Wherever possible the sympathetic restoration and re-use of structures which make a positive contribution to the special interest, character or appearance of the Conservation Area will be encouraged to prevent harm through the cumulative loss of features which are an asset to the Conservation Area.*  ***~~Applicants will be required to describe, in line with best practice and relevant national guidance, the signifi cance of any heritage assets affected including any contribution made by their setting. the level of detail should be proportionate to the assets’ importance. In some circumstances, further survey, analysis and recording will be made a condition of consent~~***  ***~~t~~T****his policy contributes towards achieving objectives 5 & 7.*  ***Policy ENV9: Archaeology and Scheduled Monuments***  *Development must protect the site and setting of Scheduled Monuments or nationally important designated or undesignated archaeological remains. . The g****eneral principles of assessment, decision-making, investigation and recording etc. as set out in ENV6 apply.***  *Applicants will be expected to undertake an assessment of appropriate detail to determine whether the development site is known to, or is likely to, contain archaeological remains. Proposals must show the development proposals have had regard to any such remains* ***or the potential existence of significant deposits****.*  *Where the assessment indicates archaeological remains* ***or potential deposits*** *on* ***the*** *site, and development could disturb or adversely affect archaeological remains and/or their setting* ***(including for example the potential impact of dewatering adjacent waterlogged deposits),*** *applicants will be expected to:*  *i) submit an appropriate archaeological desk-based assessment; or*  *ii) undertake a field evaluation (conducted by a suitably qualified,* ***~~and~~****archaeological organisation), where necessary.*  *Nationally important archaeological remains (whether scheduled or demonstrably of equivalent significance) should be preserved in situ.*  *Non-designated archaeological sites or deposits of significance equal to that of a nationally important monument will be assessed as though those sites or deposits are designated.*  ***~~Where a proposed development will lead to substantial harm to or total loss of significance of such remains consent will only be permitted where it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss.~~***  ***~~Where a development proposal will lead to less than substantial harm to the signifi cance of such remains, this harm will be weighed against the public benefits of the proposal.~~***  *For other archaeological remains, the effect of a development proposal on the significance of the remains, either directly or indirectly, will be taken into account in determining the application.*  ***Where loss of evidence cannot be avoided (or its loss is justifiable in the interest of other, overriding public interest benefits), the loss should be***  ***I minimised through careful design, including: modifying building footprints; the use of appropriate construction methods and temporary works; avoiding damaging landscaping proposals; seeking engineering design solutions; and***  ***II mitigated by a programme of archaeological investigation, analysis, publication and retention of archives and objects as set out in ENV6. For the avoidance of doubt, the ability to mitigate loss of significance in this way will not contribute to the balancing judgement of whether such a loss is justifiable under this policy.***  ***~~exceptional cases, where harm to or loss of signifi cance to the asset is considered to be justifi ed, the harm should be minimised, and mitigated by a programme of archaeological investigation, including excavation, recording and analysis. Planning permission will not be granted until this programme has been submitted to, and approved by, the local planning authority, and development should not commence until these works have been satisfactorily undertaken by an appropriately qualifi ed organisation. the results and analysis of fi ndings subsequent to the investigation should be published and made available to the relevant local and county authorities.~~***  ***~~t~~T****his policy contributes towards achieving objectives 5 & 7.*  *Policy ENV10: Historic Battlefields,* ***~~registered~~*** *Parks and Gardens and Historic Landscape****~~s~~*** *Character*  *Proposals should conserve or enhance the special historic interest, character or setting of a designated Battlefield****s~~, Historic Landscapes~~*** *and historic Parks and Gardens contained in the Historic England registers.* ***Non-designated battlefields, other sites of important events of local or national interest and locally important parks and gardens should also be respected and conserved.***  *The g****eneral principles of assessment, decision-making, investigation and recording etc. as set out in ENV6 apply.***  ***Proposals for development that would affect, directly or indirectly, the significance of a Historic Park or Garden on Historic England’s Register of Historic Parks and Gardens will be permitted where the proposals:***  ***I. conserve or enhance those features which form an integral part of the special character, design or appearance of the Historic Park or Garden; and***  ***II. ensure that development does not detract from the special historic interest, enjoyment, layout, design, character, appearance or setting of the Historic Park or Garden, key views within, into and out from the Historic Park or Garden, or does not result in the loss of, or damage to, their form or features nor prejudice its future restoration.***  ***Proposals that would enable the restoration of original layout and features where this is appropriate, based upon thorough research and understanding of the historical form, will be supported.***  ***~~Where a proposed development will lead to substantial harm to or total loss of signifi cance of such heritage assets, consent will only be granted where it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss. All other options for their conservation or use must have been explored.~~***  ***~~Where a development proposal will lead to less than substantial harm to the signifi cance of such heritage assets, this harm will be weighed against the public benefi ts of the proposal, including securing its optimum viable use.~~***  ***~~Substantial harm to or loss of these assets should be wholly exceptional in the case of grade I and grade II\* sites and require clear and convincing justification in other cases.~~***  ***~~A balanced judgment, having regard to the scale of any harm or loss and the signifi cance of the heritage asset, will be required in assessing proposals affecting non-designated historic battlefi elds, parks and historic landscapes including historic routes.~~***  ***~~Applicants will be required to describe, in line with best practice and relevant national guidance, the significance of any heritage assets affected including any contribution made by their setting. the level of detail should be proportionate to the assets’ importance. In some circumstances, further survey, analysis and recording will be made a condition of consent.~~***  ***In determining applications that affect the historic character of the landscape or townscape, particular attention will be paid to the following:***  ***i) the age, distinctiveness, rarity, sensitivity and capacity of the particular historic landscape or townscape characteristics affected***  ***ii) the extent to which key historic features resonant of the area’s character, such as hedgerows, watercourses and woodland, will be retained or replicated***  ***iii) the degree to which the form and layout of the development will respect and build on the pre-existing historic character (including e.g. street and building layouts)***  ***iv) the degree to which the form, scale, massing, density, height, layout, landscaping, use, alignment and external appearance of the development conserves or enhances the special historic character of its surroundings.***  ***v) the desirability of conserving the alignment, character, form and significant distinctive features of historic routes, waterways and railways.***  ***~~t~~T****his policy contributes towards achieving objectives 5 & 7.*  (Continue on page 4 /expand box if necessary) |

**Please note** your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.

**After this stage, further submissions will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.**

7. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

**Yes**, I wish to participate at the

oral examination

✓

**No**, I do not wish to participate at the

oral examition

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| 8. If you wish to participate at the oral part of the examination, please outline why  you consider this to be necessary:  Landscape and heritage issues – especially concerning setting can be complex and tend to  be informed by case law that in recent years has been tending to reinforce statutory  obligations that can need careful consideration.  The revisions proposed also raise issues of whether the SA is sound and monitoring issues. |
| ***Please note*** *the Inspector will determine the most appropriate procedure to hear those who have indicated that they wish to participate at the oral part of the examination.* |

Signature: Date:

**Sharing your personal details**

Please be aware that, due to the process of having an Independent Examination, a name and means of contact is required for your representation to be considered. Respondent details and representations will be forwarded to the Inspector carrying out the examination of the Local Plan after the Publicity Period has ended. This data will be managed by a Programme Officer who acts as the point of contact between the council and the Inspector and respondents and the Inspector.

**Representations cannot be treated as confidential and will be published on our website alongside your name.** If you are responding as an individual rather than a company or organisation, we will not publish your contact details (email / postal address and telephone numbers) or signatures online, however the original representations are available for public viewing at our council office by prior appointment. All representations and related documents will be held by South Oxfordshire District Council for a period of 6 months after the Local Plan is adopted.

**Would you like to hear from us in the future?**

✓

I would like to be kept informed about the progress of the Local Plan

✓

I would like to be added to the database to receive general planning updates

Please do not contact me again

**Further comment:** Please use this space to provide further comment on the relevant questions in this form. **You must state which question your comment relates to.**

**Alternative formats of this form are available on request.** Please contact our customer service team on 01235 422600 (Text phone users add 18001 before you dial) or email [planning.policy@southoxon.gov.uk](mailto:planning.policy@southoxon.gov.uk)

**Please return this form by** **5pm on Thursday 30 November 2017 to:** Planning Policy, South Oxfordshire District Council, 135 Eastern Avenue, Milton Park, Milton, Abingdon, OX14 4SB or email [planning.policy@southoxon.gov.uk](mailto:planning.policy@southoxon.gov.uk)