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working locally and nationally to
protect and enhance a beautiful,
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value and enjoy

By email: planning.policy@westoxon.gov.uk

Dear Sir/Madam

RE: CPRE Oxfordshire response to West Oxfordshire Local Plan 2031 Further Main Modifications, March 2018

Please find attached CPRE Oxfordshire's response to this consultation which covers:

A. Policy Issues

- Future Plan Reviews
- Landscape & Heritage
- Housing within the Cotswolds AONB

B. Indicators

C. Maps

Appendix - Shipton-under-Wychwood

We consider all our suggestions to be minor modifications that clarify, correct or amplify the draft as presented

With thanks

Helen Marshall
Director, CPRE Oxfordshire

A POLICY ISSUES

Future Plan Reviews

CPRE notes paragraphs 1.7 & 1.18 regarding 5 year reviews and an additional early review should there be under-delivery of housing. In both cases, CPRE would suggest that the emphasis should start with reassessing the target before consideration is given to allocating further sites. The review of the target should consider:

- The latest Government admission that the housing target for Oxfordshire is higher than needed.
- The latest Government figures which indicate that the SHMA is over-stated and that there is no Oxford City shortfall.
- The latest Government policy with regard to density and building upwards, so that Oxford City should be in a better position to meet its own needs. Additionally, re-planning of existing unfinished allocations in line with this policy should be considered in preference to allocating additional sites.
- The effect of accelerated building in surrounding districts and counties on the housing market in West Oxfordshire.
- The effect of the assumption that the market is unconstrained with unlimited demand, with a proper assessment made of the market and consideration given to the amount of in-migration that can be sustained moving forward.
- The effect of past over-delivery, as CPRE believes it was incorrectly discounted by the Stage 1 hearing Inspector, Simon Emerson.
- The effect of the SHMA's assumption that occupancy will fall with new households forming at 1.8 on average, contradicting its proposed mix of housing which will encourage higher occupancy. Fundamentally, 184K extra people in the County as a whole would not require 100K homes at the mix proposed in the SHMA, which is weighted towards family housing. This obvious mismatch in the model has made a significant impact on the target. In an in-migration led model, a choice can be made. The target could be reduced by a quarter if larger housing is to be built as proposed and in line with developer preference. Alternatively and preferably, smaller houses only could be built to encourage the low occupancy assumed. These new smaller homes could perhaps mostly house current residents wanting to downsize, freeing up existing under-occupied larger houses for families, who will contribute to the working population. This model would seem to make sense and meet the actual need, albeit that it isn't what developers want to build. Either way, less land would be lost.
- The effect of the SHMA's assumption that all new jobs will be full-time. An adjustment to the workforce needed to fill the jobs should be made to suit the fact that some jobs will inevitably be part-time ie) full-time equivalent adjustment. Currently there are 14% less workers than jobs in the County, with an overall out-commuting ratio of 1, meaning that only 0.86 workers are needed for each job. That ratio can be carried forward.

- The effect of the SHMA's assumption that there is no additional capacity amongst the existing population to fill expected new jobs. There are many people living here now who do not qualify for benefits who want a job or more hours. This would increase economic activity per home and improve prosperity.
- The effect of the SHMA's assumption that new households will form at low economic activity. The assumed 0.88 jobs per home is insufficient and much less than the current figure of 1.5 and it would worsen the affordable housing crisis. The model should aim to maintain economic activity levels if not increase them.
- The level of actual jobs growth against expected increases.
- The latest affordable housing waiting lists. Analysis should adjust for those on the list for transfer (already housed) and for double counting. It should exclude those with insufficient points, plus include a check on delivery from major housing sites and a review of the size of units needed. (Currently, mostly small units are needed.)
- The effect of carrying forward undesirable out-commuting trends. The housing model should not seek to increase out-commuting as that is unsustainable.
- The effect of allowing for 5% of empty homes within the target. This is surely too high and means that 800 homes will be built for no good reason in the District. Estate homes do not tend to be holiday homes and if there is a desperate need, not many will be empty even temporarily. Instead a target should be set to reduce the number of currently unoccupied homes (2,300) in the District to contribute to reducing the need. Undesirable trends should not be carried forward into the housing model for the future.
- The effect of including a buffer when the target is already an upper bound, meaning that the 5 year supply will never be reached. At best it will be 5% short.
- The effect of assuming a low windfall figure. Where growth trends are carried forward and augmented, past offsetting trends like healthy windfall have been ignored in setting targets moving forward. Windfall continues to exceed expectation.

Landscape and Heritage

We strongly welcome the new Policy EH1a and policies EH7 to EH 14 and their associated revised explanatory texts.

CPRE would like to see some further minor amendments to the environmental policies to ensure clarity as follows:

- The first bullet in EH2 is unclear in terms of what types of protected sites are protected from development. It mentions sites of special scientific interest without using capitals, so it is not clear if this means designated SSSIs or any site of scientific interest in general. In our view, this bullet should specifically mention SSSIs, CTAs, NIAs, LWFs, Priority Habitats and Ancient Woodland Sites. We suggest the following amendment to the 1st bullet:

'giving sites and species of international nature conservation importance and nationally important sites of special scientific interest the highest level of protection from any development that will have an adverse impact. Protection shall apply to designated sites, such as SSSIs, CTAs, NIAs, Local Wildlife Sites, Priority Habitats and Ancient Woodland'

- EH2 should specifically state the biodiversity harm hierarchy as noted in supporting paragraphs 8.21 & 8.22 ie) avoid, mitigate, compensate and offset as a last resort. We suggest the following addition, perhaps as a 4th bullet in EH2:

'as a first priority avoiding loss of or harm to biodiversity and geodiversity within CTAs, NIAs, SSSIs, Local Wildlife Sites, Priority Habitats and Ancient Woodland. Any identified potential loss or harm should be properly mitigated. Compensation or offsetting of unavoidable loss or harm should be a last resort and only considered if there are no alternatives sites for a development of vital importance, related to urgent need.'

- The fifth bullet in EH2 does rather imply that developments on CTAs & NIAs should be encouraged to achieve their aims and objectives, especially when read with 8.18 and since CTAs and NIAs aren't mentioned in bullet 1. The emphasis should be that on or adjacent to all types of sensitive sites, development should be a last resort. The types of sensitive sites where development should be avoided should be listed as SSSIs, CTAs, NIAs, LWFs, Priority Habitats and Ancient Woodland Sites. If there is no alternative, the harm hierarchy above should be followed, plus suitable enhancement provided. CPRE believes that this is the intention of the current wording, but we are not sure that it comes across clearly.

'taking all opportunities (aside from developing sensitive sites such as SSSIs, CTAs, NIAs, Local Wildlife Sites, Priority Habitats and Ancient Woodland Sites) by use of public funds or working with local conservation groups, to enhance the biodiversity of the site or the locality, especially where this will help deliver networks of biodiversity and green infrastructure and UK priority habitats and species targets and meet the aims of CTAs'

- It is not clear whether bullets 6 & 7 are intended to follow on from the intentions of bullet 5 ie) be related to development on protected sites. If so, again words like 'Taking every opportunity...' could be seen as encouraging development to achieve enhancement. Do you mean taking opportunities to enhance biodiversity and promote conservation other than by

building on the protected site? (For example, by using public funding.) If so, this is not clear. This would be clarified by the proposed amendment to bullet 5.

- EH5 should state a preference for mains connection, with risks associated with SUDS silting up or being unsuitable for saturated ground considered and overcome. Insert new bullet after bullet 4:

'preference given to developments where there is available mains drainage capacity or where upgrading is practical, with SUDS viewed as 'top up' measures giving extra capacity, due to the potential for silting up and ineffectiveness when the ground is saturated.'

- In terms of protecting airfields, EH6 should make reference to the risk of bird strike being considered with regard to large expanses of shallow water near runways, in view of major RAF Air Base in the District currently expanding its airspace.

'Development should not adversely affect safety near notifiable installations and safeguarded airfields. In particular, the risk of bird strike from large expanses of shallow water near runways should be addressed.'

Dark Skies

We welcome the improved reference to dark skies conservation in Policy EH1 so far as it goes but we do not consider this to be a sufficiently strong or proactive policy, especially given the pressure of development envisaged. In accordance with our position as set out on the Statement of Common Ground, and the reasons given in the statement we therefore request that:

Policy EH1 should be further amended at the end by adding:

In order to reduce light pollution and promote dark skies across the District, the Council will:

- *Liaise with the Highways Authority and others to reduce light pollution from existing sources by installation of less light-polluting technologies and 'smart' control of lighting*
- *Ensure that as progress is made towards establishing an International Dark Sky area in the heart of the Cotswolds significant light-dependent new development will be sited away from that area and from the existing Dark Sky Discovery Site at the Rollright Stones*
- *Focus on enhancing the dark skies in the vicinity of the Rollright Stones Dark Sky Discovery Site; in and around the Blenheim Palace World Heritage Site; in and around the key historic Cotswolds towns of Woodstock, Burford, Charlbury and Chipping Norton; for rural villages; and the northern areas of Carterton and Witney.*
- *Support community initiatives to reduce light spill from external lighting and promote other community dark skies initiatives to develop awareness and good practice.*

Policy EH6 should be further amended as follows in respect of the paragraphs referring to artificial lighting:

Artificial light and Dark Skies

The Council will seek to avoid or minimise light pollution from new development across the District:

- by approving lighting schemes in new developments that minimise unnecessary light pollution while ensuring community security*
- by defining Environmental Lighting Zones where appropriate, to ensure that appropriate light management technologies and programmes are implemented*

The installation of external lighting on any building and lighting proposals for new buildings, particularly those in remote rural locations, will only be permitted where:

- i) the means of lighting is appropriate, unobtrusively sited and would not result in excessive levels of light;*
- ii) the elevations of buildings, particularly roofs, are designed to limit light spill;*
- iii) the proposal would not have a detrimental effect on local amenity, character of a settlement or wider countryside, intrinsically dark landscapes or nature conservation.*

The Council will develop/adopt technical guidance to help inform light management through use of technology and other means (eg siting of lighting, limiting light spill, adopting part time night lighting or dimming, setting light emission limits).

Housing within the Cotswolds AONB

The withdrawal of four allocated sites for the Charlbury Burford Area is welcome so far as it goes but the plan no longer states the number and location of ‘committed’ developments. These appear to be as follows:

<u>Existing large planning commitments at 1st April 2017 (10 or more units):</u>	<u>421</u>
<ul style="list-style-type: none"> • <u>The Old Brewery, Priory Lane, Burford (10)</u> • <u>Land west of Shilton Road, Burford (169)</u> • <u>Land south of Forest Road, Charlbury (37)</u> • <u>Land north of Little Lees, Charlbury (22)</u> • <u>Land at rear of 15 and 16 Woodstock Road, Charlbury (11)</u> • <u>Land south of Church Street, Kingham (16)</u> • <u>New Road, Kingham (10)</u> • <u>Land south of High Street, Milton under Wychwood (62)</u> • <u>Land south of Milton Road, Shipton under Wychwood (44)</u> • <u>Charity Farm, Woodstock Road, Stonesfield (27)</u> • <u>Land east of Farley Corner, Farley Lane, Stonesfield (13)</u> 	
<u>Existing small planning commitments at 1st April 2017 (less than 10 units)</u>	<u>120</u>
<u>TOTAL ANTICIPATED HOUSING DELIVERY</u>	<u>774</u>

For example this still includes 44 houses units on the ‘committed’ site at Shipton-under-Wychwood. But the need for this development and the basis on which outline consent for this development is of very dubious legitimacy (see Appendix). This calls into question the legitimacy of these commitments within the AONB or Conservation Areas if assessments have been similarly flawed.

In a paper presented to the planning committee in 6th December 2017 at which the Shipton under Wychwood outline applications and other cases were determined, a paper was presented which reviewed the position within to AONB and in respect of the Cotswolds Conservation Board’s position statements stated that *“the Council agrees with the Board regarding the importance of affordable housing provision within the AONB but does not agree that market forces within the AONB should be artificially restrained.”* The paper also presented a reassessment of need, but it does not appear that an appropriate conclusion was reached as the development, was not assessed on the correct basis.

- The projected overall ‘need’ was predicated almost entirely on the basis of a forecast wider need and general demographic change – in effect market ‘demand’ – natural growth or need generated by jobs or social conditions within the sub-area.
- On the basis of ‘natural’ growth (ie *market forces within the AONB*) the report assessed this as being negative up to 2031:
 - Population: -191
 - Households: -264
 - Homes: -292
 - Labour force: -658

The conclusions stated that if 834 houses were provided,

- *Numbers in the core working ages, 16-64, would fall fractionally, by 211 people – just 2% of the 2015 number, which means virtually no change.*
- *The area's labour force would increase, also fractionally, by 273 people (3%) – also an insignificant change (the reason for the increase is increasing economic activity rates, especially among older people, who are retiring later due to rising State pension ages and life expectancies).*

On this basis, the assessment of need remains flawed and does not properly balance real need against the potential harm that unrestricted demand likely to arise from external pressures on the AONB. The effects of this in terms of not correctly applying policy and procedural requirements in individual applications is evident from the Shipton-under-Wychwood case (see Appendix).

It should be noted that draft policy revisions clarify and seek to emphasise the importance and strength of the policy considerations:

- The draft revision of the NPPF proposes to clarify and reinforce national policy and statutory considerations thus:

189. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation, irrespective of the degree of potential harm to its significance. The more important the asset, the greater the weight should be. 190. Any harm or loss to a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification

- The emerging AONB Management Plan 2018-23 (2nd consultation draft) highlights this issue thus:

"New developments, by virtue of their scale and design, surrounding the historic cores of settlements can cause separation of historic cores from the wider landscape and have a detrimental effect on their distinctive character....

***"Policy HE4:** New development, conversions and extensions should respect historical sites and features, layout and context, including the relationship between the existing feature or settlement and the landscape".*

- WODC's own revisions to the plan (EH1a; EH7-11) seek to clarify and emphasise these points at a more detailed level

The inspector suggested that incorporating the stricter local need requirement may mean that modification of the policy's supporting text is required. We would suggest that rewording of the policy is essential to ensure that this principle is carried forward in re-assessment of currently earmarked though not fully consented applications as well as future applications. It should also be properly cross-referenced to other policy, especially for AONB, heritage and biodiversity policies all of which carry great weight – which should be recognised as especially strong where these statutory duties overlap and reinforce each other.

The systemic failure of WODC to apply EIA screening to relevant (ie Schedule 2) developments in the AONB as a 'sensitive area' puts into question the Council's overall approach to applying its statutory duties towards the AONB and associated heritage and biodiversity assets. This calls into question the appropriateness (if not the legality in some cases) of 'commitments'.

The following further revisions are therefore needed:

Policy H1, Policy BC1 and paras 9.6.29 to 9.6.31, the table within 9.6.31

The figures should be reviewed and amended to include only those with all stages in the **full planning permission process already completed**. This will reduce the figure further from 774. This would better accord with the objective of ensuring that the constraints inherent in AONB, heritage and biodiversity legislation, EIA requirements for sensitive areas, and national planning policy are properly respected and not compromised by failure to apply these provisions with rigour in determining what developments are sustainable. It would not mean that on further review some of the ‘commitments’ not yet permitted.

Policy H2

We support Friends of West Oxfordshire Cotswolds suggestion for insertion at the end of para 1: *Identified needs may be district-wide or specific to a sub-area or specific settlement, other than in the Cotswolds AONB where identified needs will need to be specific to the local area.*

Paragraph 5.23a

At the end insert the words red underlined

*to accord with national and local policy including Policies H1, H2, OS2 and EH1a **EH2 and EH7-11** (as relevant) of this Local Plan **together with correct application of EIA screening of all Schedule 2 development within the AONB**. Further explanation is set out in Section 9 – Strategy at the Local Level....”*

This would better emphasise the importance of having regard to the statutory duties and great weight afforded to biodiversity and heritage assets, including listed buildings and Conservation Areas and their settings is a further highly relevant consideration to which special regard must be paid. Omitting this would appear to down-play it as very common and crucial considerations that go to the heart of the quintessential character of the Cotswolds.

The reference to EIA screening is needed both because it provides for better appraisal of interactive and cumulative environmental effects, is especially intended to require more thorough and transparent appraisal of development impacts within ‘sensitive areas’, and because WODC has an extremely poor and persistent record on this, which has not been rectified (despite repeated representations).

Policy CN2 – Chipping Norton Sub-Area Strategy

ADD Reference to *‘conserving and enhancing the natural beauty of the AONB and its setting in accordance with EH1A’* not just *‘protect’* the AONB

This would make the policy consistent with other policy wordings

ADD An additional bullet point to require proposals to *‘minimise light pollution and contribute to conserving and enhancing Dark Skies especially Rollright Stones Dark Skies Discovery Site’*

This would make the policy consistent with Policies EH1 and CN1

Policy BC 1 – Burford - Charlbury Sub-Area Strategy

Bullet points after para 5: before bullet point 1 insert additional bullet point:

- Full screening of all applications for Schedule 2 type EIA development within the AONB whatever their scale

Bullet point 1: reduce further the allocation of 774 new homes for this area in line with the suggestions above.

B INDICATORS

There is a general problem that the proposed monitoring indicators are **NOT** adequate for landscape and heritage:

EH1A

Delivery Mechanisms	Delivery Partners	Indicators	Timescale and comment	Targets
ALL: Development management	ALL: WODC (lead) Cotswold Conservation Board (CCB)	<ul style="list-style-type: none"> • Total number of applications granted within AONB • Number of major developments granted within the AONB • Proportion of applications in the AONB subjected to formal EIA Screening • Proportion of applications in the AONB for which Officers' reports make substantive reference to Cotswolds AONB Management Plan and other CCB guidance & advice. • Proportion of applications on which CCB have commented that are determined in accordance with their advice 	ALL: To be applied on an ongoing basis and subject to annual monitoring review	<ul style="list-style-type: none"> • None at present • None at present • All applications for Schedules 1 or 2 type developments • All applications requiring EIA screening • None at present

Reasons for proposed additional indicators:

Proportion of applications in the AONB subjected to formal EIA Screening

- This is a specific requirement that involves particular care and transparency in appraising likely effects of ALL applications for types of development falling under the EIA regulations (not just those above a certain size threshold) in sensitive areas such as the AONB
- Whether or not EIA is required (often not) it is thus a useful indicator of the number of developments of types covered by the Regulations (therefore not minor applications)
- Taken together, this means that (if done properly in accordance with the regulations) this is a very useful indicator of the application of policy EH1A and the Council's statutory duty under s.85 of the CROW Act]

Proportion of applications in the AONB for which Officers' reports make substantive reference to Cotswolds AONB Management Plan and other CCB guidance & advice.

- This is a useful indicator of whether the AONB policies and standing advice are treated as a ‘material consideration’ as EH1A indicates

Proportion of applications on which CCB have commented that are determined in accordance with their advice

- This is a further indication of whether site-specific formal advice concerning AONB policy has been a ‘material consideration’ as EH1A indicates

EH1 (Dark Skies)

Delivery Mechanisms	Delivery Partners	Indicators	Timescale and comment	Targets
Development management; Liaison with County Highways, Developers and special interest and community groups	<ul style="list-style-type: none"> • WODC • CPRE (lead) WODC • Chipping Norton Amateur Astronomy Group 	<ul style="list-style-type: none"> • Number of applications approved that are include measures to restrict light pollution; and promote dark skies management • Number of proactive Dark Skies enhancement initiatives promoted and/or supported by WODC • Change in distribution and intensity of light pollution/ dark skies as recorded by CPRE national mapping • Change in light pollution/ darkness of sky as experienced at the Rollright Stones Dark Skies Discovery Site 	<ul style="list-style-type: none"> • To be applied on an ongoing basis and subject to annual monitoring review • As above • Dependent on CPRE revision of mapping • Annual (subject to agreement with CNAAG) 	<ul style="list-style-type: none"> • None at present • None at present • To be agreed with CPRE <p>To be agreed with CNNAG</p>

General Dark Skies Issue: Despite its commitment to Dark Skies in its position statement reporting discussions with CPRE/Rollright Trust, and inclusion of this issue in policy EH1, there is no means in the Draft Plan of monitoring progress or the reality of the commitments made.

Reasons for proposed additional indicators:

Number of applications approved that are include measures to restrict light pollution; and promote dark skies management

- This is a useful indicator of whether the WODC’s commitment to minimise light pollution and promote dark skies is applied in development management

Number of proactive Dark Skies enhancement initiatives promoted and/or supported by WODC

- This is a useful indicator of whether the WODC’s commitment to conserve and engage dark skies extends to proactive collaboration with others – including adjacent authorities, highways authority and community groups, any of whom mat initiate action.

Change in distribution and intensity of light pollution/ dark skies as recorded by CPRE national mapping

- This is a useful indicator of whether WODC’s overall commitment to minimise light pollution and promote dark skies in collaboration with others is effective across the District

Change in light pollution/ darkness of sky as experienced at the Rollright Stones Dark Skies Discovery Site

- This is a useful indicator of whether WODC’s specific policy commitment to minimise light pollution and promote dark skies in relation to the one establish Dark Skies Discovery Site in collaboration with others is effective – especially given the growth pressures on Chipping Norton.

EH7-

Add:

Delivery Mechanisms	Delivery Partners	Indicators	Timescale and comment	Targets
ALL: Development management and scheduled monument consent	ALL: WODC (lead) Historic England	<ul style="list-style-type: none"> • Number and size of developments within or adjacent to Conservation Areas where they abut open countryside • Number and size of developments approved that will result in harm to designated heritage assets by type and grade of asset • Number and size of developments approved that will result in substantial harm to designated heritage assets by type and grade of asset • Progress towards developing a Heritage Management Plan DPD for the District 	ALL: To be applied on an ongoing basis and subject to annual monitoring review	<ul style="list-style-type: none"> • None at present

Reason: to allow assessment of how far heritage policy is compromised by other needs and to track progress towards a heritage management plan.

EH 14

Add:

Delivery Mechanisms	Delivery Partners	Indicators	Timescale and comment	Targets
		<ul style="list-style-type: none"> • Number and size of developments approved that 		

<p>ALL: Development management and scheduled monument consent</p>	<p>ALL: WODC (lead) Oxfordshire County Council archaeological advice service</p>	<p>will result in harm to non-designated heritage assets</p> <ul style="list-style-type: none"> • Number and size of developments approved that will result in substantial harm to non- designated heritage assets • Number and size of developments approved that require • Archaeological field evaluation • Full archaeological investigations below 0.1ha; 0.1-0.25ha, 0.25-0.5ha; over 0.5ha 	<p>ALL: To be applied on an ongoing basis and subject to annual monitoring review</p>	<ul style="list-style-type: none"> • None at present
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Reason: to allow assessment of how far heritage policy is compromised by other needs.

C MAPS

Main Policies Map

- The red stars (non-strategic development sites) within the Burford Charlbury sub-area should be deleted: their continued presence does not reflect FMMs 94-106 and deletions of associated inset maps 19a-d
- The Rollright Stones Dark Skies Discovery site should be added

Heritage Assets Figure 8.6 d

- Does not show all designated heritage assets – notably the Rollright Stones, Enstone Hoar Stone and Northleigh Roman Villa (all Guardianship scheduled ancient monuments) at least are missing; as no comprehensive check has been made it is possible in the light of these very obvious omissions that other key assets may also have been left off. The content of the map should be corrected

Missing maps

- Maps showing landscape character (cf policy EH1) and historic landscape character (cf policy EH) should be added.

APPENDIX: Shipton-under-Wychwood (outline consent 16/02851/OUT)

The 'committed' status of this allocation is of very doubtful legal validity as the application was not screened for EIA and policy tests were not correctly applied. This indicates that the actual need related to requirements of the AONB has been misconstrued: there is need for some provision for aging residents but most of the demand arises from migration (especially for commuting, retirement and second homes). It was not demonstrated that this wider need could not be met outside the AONB

- The specific local AONB need for housing at Shipton has not been identified, and nor was any assessment made of whether that element of the need (if any) would not be met at other fully approved, not yet completed developments (notably at Milton-under-Wychwood), with less impact on designated heritage assets and the landscape.
- The Council accepted that this is 'major development' but did NOT properly assess or fully apply all the tests for 'major development' in the AONB, especially with regard to need and potential to accommodate the development outside the AONB.
- None of the assessments addressed the basic points that
 - The relationship of historic villages to their rural surroundings is a quintessential characteristic of the Cotswolds, the designation covering both open and built-up areas
 - The development would fundamentally change, not 'conserve or enhance' the Conservation Area, transforming an open rural area into suburban development thereby entirely removing in this location the clear purpose of this CA as designated to preserve the rural surroundings of Shipton-under-Wychwood and its separation from Milton
 - The combined heritage and landscape designations add to the great weight to be given to conserving and enhancing the character of the area
- The landscape and heritage review by Chris Blandford Associates did NOT properly apply the tests of the character and appearance and setting of the Conservation Area.¹ But did indicate that there were significant heritage problems with the application
- The officer's comments reviewing the original report in the light of CBA assessment shows that there was no change of approach and moreover left substantial issues only to be resolved by a full application, demonstrating the full effect of the development in respect of conserving and enhancing the Conservation Area, the setting of the RPG and the character of the AONB has not been established. It noted that
 - *An illustrative master plan has been submitted and this shows that a development of 44 units can be accommodated within the site, whilst retaining existing landscape features and providing significant areas of open space. This outline application seeks permission only for the means of access and therefore detailed layout, landscaping, scale and external appearance would be for future consideration.*
 - *The layout and relationship of the development with boundaries would be considered at the reserved matters stage...*
 - *The scale of development in terms of building heights is for future consideration... external appearance is for future consideration....*
- The heritage assessment (especially in the second officer's report) makes it clear that the level of harm was in effect only assessed relative to 'substantial harm' not the legal test that **any**

¹ For example, the extant remains of ridge and furrow was dismissed as not being significant archaeologically, but was not recognised as being a significant aspect of the character of the Conservation Area providing a very clear indication of the historic farming landuse surrounding the village, and the topographical distinction of landuse between the valley floor and slopes; and perhaps also reflects the abandonment of medieval ploughing to grass in the late medieval emphasis on wool production in the Cotswolds.

harm must be given great weight against the need for the development; since the assessment of need was deeply flawed, it follows that the balance of heritage harm was also misconstrued.

- These basic flaws are exacerbated (and in part may arise from) the ongoing failure to screen the application in accordance with the EIA regulations. These require impact interactions to be considered, and in this case the combined effects on the character and appearance of the Conservation Area, the setting of the Registered Park and Garden, the character of the settlement within its rural setting and separation from Milton-under-Wychwood have not been given due statutory weight. The cumulative impact with the permitted development at Milton- under-Wychwood was also not considered.