



Abby Fettes
West Oxfordshire District Council
Elmfield
Witney
OX28 1PB

By email only to: abby.fettes@westoxon.gov.uk

5 January 2023

Dear Abby,

APPLICATION NO: 22/03294/S73

DESCRIPTION: Variation of conditions 2, 3, 6, 7, 8 and 12 of permission 15/03099/FUL to adequately address land level changes and to ensure that a suitable ecological buffer is provided around the edge of the development.

LOCATION: Land South of Forest Road, Charlbury

The above planning application, which is for a development that would be located within the Cotswolds National Landscape¹, has been brought to the attention of the Cotswolds National Landscape Board².

In reaching its planning decision, the local planning authority (LPA) has a statutory duty to have regard to the purpose of conserving and enhancing the natural beauty of the National Landscape.³ The Board recommends that, in fulfilling this 'duty of regard', the LPA should: (i) ensure that planning decisions are consistent with relevant national and local planning policy and guidance; and (ii) take into account the following Board publications⁴:

- Cotswolds Area of Outstanding Natural Beauty (AONB) Management Plan 2018-2023 ([link](#));
- Cotswolds AONB Landscape Character Assessment ([link](#)), particularly, in this instance, with regards to the 'key features / characteristics' of Landscape Character Type (LCT) 16 (Broad Floodplain Valley);
- Cotswolds AONB Landscape Strategy and Guidelines ([link](#)), particularly, in this instance, with regards to LCT 16 ([link](#));
- Cotswolds Conservation Board Position Statements ([link](#)); and the
- Cotswolds Nature Recovery Plan ([link](#))

This Section 73 application seeks to vary a number of conditions pursuant to planning permission 15/03099/FUL to enable the development to be carried out in line with alternate plans to those approved as part of the original application. Having reviewed the application plans, we wish to raise an **objection** to this application due to the potential impact of the proposal on ancient woodland which we consider may not accord with Policy EH3 of the West Oxfordshire Local Plan.

The proposed amendments when compared to the approved scheme relate mainly to the alignment of the spine road and changes to house types and orientation of units. However, the Board remains concerned with the proposed proximity of development to an area of registered Ancient Woodland (ID 44876 Rushy Bank) with only a 5m buffer being proposed. The comparison plan (dwg. no. SL-041 rev. A) shows that a number of units would be located closer to the 5m buffer zone in the revised scheme than in the consented scheme and this buffer zone also appears to fall within residential

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The Cotswolds National Landscape is a designated Area of Outstanding Natural Beauty (AONB), managed and looked after by the Cotswolds Conservation Board.

cotswoldsaonb.org.uk

Chairman:

Brendan McCarthy

Vice Chair:

Rebecca Charley

curtilages and over areas of flag paving in some places, for example to the rear of plots 15 and 22 as shown on the Landscape Masterplan.

Paragraph 180c of the National Planning Policy Framework states that development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists. Policy EH3 of the West Oxfordshire Local Plan 2031 states that the biodiversity of West Oxfordshire shall be protected and enhanced including by avoiding loss, deterioration or harm to sites supporting irreplaceable habitats, including ancient woodland.

Paragraph 8.9 of the Local Plan reflects Natural England Standing Advice on Ancient Woodland by stating that buffers of at least 15m additional planting of native trees should be provided between ancient woodland and development. We support this guidance. Ancient woodland is one of the 'special qualities' of the National Landscape, these being those aspects of the area's natural beauty which make the area distinctive and which are valuable, especially at a national level. Section 16 of the Board's Landscape Strategy and Guidelines referred to above also recommends the protection of remnant areas of ancient woodland and ancient woodland is also considered by the Board as 'highest priority habitat' in respect of nature recovery (paragraph 4.2.1 of the Cotswolds Nature Recovery Plan also referred to above).

Whilst we understand that some of the ancient woodland has recently been felled, we consider that the fact that the scheme has been permitted contrary to Natural England's advice is unsatisfactory and this proposed variation brings built development closer to the 5m buffer zone in some places. As such the proposed variations may increase the impact of the scheme on the ancient woodland over and above the current consent.

We also request that the Council Arboricultural Officer's advice is sought on this matter prior to determination. We also note that Natural England's response dated 13 December 2022 states that it was 'not able to fully assess the potential impacts on statutory nature conservation sites or protected landscapes or provide detailed advice on the application'. However Natural England's response also states that the lack of detailed advice does not imply that there are no impacts and invites the Council to set out specific areas on which advice is required. We strongly recommend that prior to the determination of this application, the Council should seek Natural England's advice on this specific issue given the potential conflict with the Standing Advice and, by extension, local and national planning policy and guidance.

If you have any queries regarding this response, please do get in touch.

Yours sincerely,



Simon Joyce
Planning Officer
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NOTES:

- 1) Cotswolds National Landscape is the new name for the Cotswolds Areas of Outstanding Natural Beauty (AONB). The new name takes forward one of the proposals of the Government-commissioned 'Landscapes Review' to rename AONBs as 'National Landscapes'. This change reflects the national importance of AONBs and the fact that they are safeguarded, in the national interest, for nature, people, business and culture.
- 2) The name used for the organisation associated with the AONB designation is the Cotswolds National Landscape Board. At times this is abbreviated to National Landscape Board or The Board. The legal name of the organisation remains the Cotswolds Conservation Board but this name is no longer used in most circumstances.
- 3) Section 85 of the Countryside and Rights of Way Act 2000.
www.legislation.gov.uk/ukpga/2000/37/section/85
- 4) The documents referred to in our response can be located on the Cotswolds National Landscape website under the following sections
 - a. Cotswolds Area of Outstanding Natural Beauty (AONB) Management Plan 2018-2023
www.cotswoldsaonb.org.uk/management-plan
 - b. Cotswolds AONB Landscape Character Assessment
www.cotswoldsaonb.org.uk/lca
 - c. Cotswolds AONB Landscape Strategy and Guidelines
www.cotswoldsaonb.org.uk/lsg
 - d. Cotswolds AONB Local Distinctiveness and Landscape Change
www.cotswoldsaonb.org.uk/ldlc
 - e. Cotswolds Conservation Board Position Statements
www.cotswoldsaonb.org.uk/ps1
www.cotswoldsaonb.org.uk/ps2