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7th November 2023

Land North of Camp  
Road and West of  
Chilgrove Drive,  
Heyford Park

## **Landscape Statement of Common Ground**

In relation to the Appeal between  
Richborough Estates et al and Cherwell  
District Council

### **Version 7**

Council Refs: 21/04289/OUT &  
23/00089/REF

Planning Inspectorate Ref:  
APP/C3105/W/23/3326761

Appeal Start Date: 5th December 2023

Report Number: 13464\_R09\_WL\_AB



**Tyler  
Grange**

<b>Report No:</b>	<b>Date</b>	<b>Version</b>	<b>Appellant</b>	<b>Council</b>
13464_R09	7th November 2023	7	WL	AB



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# Section 1: Introduction

- 1.1. This Landscape Statement of Common Ground (“Landscape SOCG”) has been agreed by Tyler Grange Group Ltd on behalf of Richborough Estates et al, Lone Star Land Ltd, K & S Holford, A & S Dean, NP Giles and ALC Broadberry (“the Appellants”) and Cherwell District Council (“the Council”) in accordance with Annexe R of the PINS Procedural Guide, Planning Appeals – England (March 2021) and Article 37 Part 7 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 – as amended.
- 1.2. The Landscape SOCG relates to the Council’s refusal of an outline planning application (Ref: 21/04289/OUT) for the erection of up to 230 dwellings, creation of new vehicular access from Camp Road and all associated works with all matters reserved apart from access on land north of Camp Road and west of Chilgrove Drive, Heyford Park (“the Appeal Site”) and the subsequent appeal (PINS Ref: APP/C3105/W/23/3326761).
- 1.3. An overarching Planning SoCG (CDE7) has been agreed between the Council and the Appellant, but further separate SoCGs for landscape and heritage matters (CDE11) have subsequently been proposed. This Landscape SoCG (CDE10) seeks to clarify detail in respect to the areas of disagreement referenced in the overarching SoCG.
- 1.4. The Council have not opted to put forward an expert witness in relation to landscape and visual matters with all such matters to be dealt with by its planning witness Mr Bateson.
- 1.5. This Landscape SOCG forms part of an overall suite of documents and should be read alongside these.
- 1.6. A Landscape and Visual Impact Assessment (LVIA) (CDA15) was submitted alongside the Environmental Statement (CDB5). Tyler Grange has been involved with the project since August 2020 when they provided initial advice to the client in the development of masterplan proposals for the Appeal Site.
- 1.7. Development proposals for the Appeal Site were initially presented to the Council in the form of a Pre-Application submission for 210 dwellings (Ref: 21/01745/PREAPP) in May 2021, which led to a subsequent meeting on 24 June 2021 (CDC5). At the meeting, the Council’s planning case officer at the time advised the applicants, their agent and urban designer / masterplanners of the responses received from consultees in respect to Thames Water, the Health & Safety Executive, CDC Recreation, CDC Land Drainage, CDC Environmental Protection, CDC Policy, CDC Arboriculture, CDC Ecology and CDC Landscape. In respect to landscape matters, the Council’s advice was that the “*Wet Corridor*” referenced in the Landscape section of the submitted DAS was a “*characterful area [and] a sensitive landscape receptor which must be methodically tested in relation to its level of sensitivity and its level of capacity to accept the type of development. The residual effects also to be assessed subject [to] the landscape mitigation proposals, which have been influenced by the analysis and judgement. Cumulative landscape and visual impacts and effects are to be considered: the combination of this development and other similar developments in the locality. A full LVIA is required to be implemented in accordance with GLVIA3. Evidence of the masterplan development through the LVIA process is required.*” A question was asked: “*Is it the intention for the open space/play areas to be transferred to a Manco?*” The advice continued with: “*The play areas to be located outside the flood risk areas to ensure the surfaces are not subject to differential settlement due to wet and dry conditions. A high water table will result in timber footings of play equipment and seats to deteriorate and rot. Play areas near standing water must be risk assessed by the landscape designer. The play area near the water body will be suffer from a lack of surveillance. The periphery of the play areas will need to be fenced.*” No written advice confirmation was provided at the time because responses were still awaited from several other consultees, including OCC Highways, CDC Housing and CDC Conservation.



- 1.8. Whilst written advice was subsequently drafted, it was never formally issued because the Appellants' outline application was submitted on 29 December 2021 and its consideration overtook/superseded the Pre-application submission.
- 1.9. The Members of the Council's Planning Committee determined on 9 March 2023 to refuse the application, contrary to the Officer's recommendation. In respect to landscape matters, Committee Members were informed that the CDC Landscape Officer had advised that the: "*LVA is comprehensive and proportionate and [I] am in general agreement with its findings and conclusions*" and then referenced specific S106 contributions that ought to be sought, in the event of any planning permission being granted.



# Section 2: Landscape Common Ground

## Elements Set Out and Agreed in the Overarching Statement of Common Ground Dated 2<sup>nd</sup> October 2023

- 2.1. A Landscape and Visual Impact Assessment (LVIA) (CDA15) was submitted alongside the Environmental Statement. This LVIA confirmed that the Appeal Site is not subject to any statutory landscape designation.
- 2.2. The appeal site is not situated within a valued landscape as described within Footnote 7 of the NPPF.
- 2.3. The methodology used within the LVIA, and the identification of cumulative schemes for assessment, was agreed with Tim Screen, Landscape Architect for the Council, as set out in his email of 2nd November 2021 (CDA15 Appendix 2).
- 2.4. A series of proposed viewpoints were identified and issued to the Council on 7th October 2021. The Council requested an additional viewpoint (viewpoint 10) on 7th October 2021 which was acknowledged by Tyler Grange on 14th October 2021 (CDA15 Appendix 2).
- 2.5. It is agreed that no significant effects would occur on the wider landscape although it is not agreed whether medium or low effects will occur on the contribution that the Appeal Site makes to the openness of the setting (referred to by the Council as 'openness setting') of Upper Heyford and on views from parts of Chilgrove Drive to the east and on Camp Road to the south (either side of viewpoint 8 and close to viewpoint 7)
- 2.6. The site has a medium/low landscape value.
- 2.7. Residual effects on people using the PRoW in the middle distance east of the site (views 4 and 10) and south of the site (viewpoint 5) would be minor adverse. All other effects (views 1, 2, 3, 6 and 9) would be of negligible significance.
- 2.8. The Landscape Officer in his response dated 11th May 2022 (CDD11) set out that he was in general agreement with the findings of the LVIA.
- 2.9. Both parties agree that the Appellant's Environmental Statement concluded that there would be no major landscape and visual effects arising as a result of the appeal proposals, when considered in combination with other planned and under construction schemes in the wider area.
- 2.10. The appeal proposals would not result in the loss of any rare or unique features and affect only a limited geographical area. The perception or distinctiveness of the wider Landscape Character Areas beyond Chilgrove Drive and Camp Road would not be altered significantly following the development of the Appeal Site. The most noticeable visual effects would be experienced by those people walking along public bridleways in middle distant views east of the Appeal Site and by those passing along Camp Road immediately to the south and Chilgrove Drive immediately to the east, which formed part of the Iron Age Aves Ditch byway running between Kirtlington to the south and Fritwell to the north.
- 2.11. The Appeal Site does not feature in any of the views identified in the Ardley, Upper Heyford, Rousham or Fritwell Conservation Area Appraisals.



- 2.12. The Appeal Site is potentially visible from views east from the 'residential zone' as identified on Figure 11 of the RAF Upper Heyford Conservation Area Appraisal (CDG5) (viewpoint 6 of the LVIA (CDA15)). The Appeal Site is identified in Figure 2 of the same document in part of the 'High' Visual and Landscape impact zone where the former 'airbase is a dominant visual element' and is visible in parts in views south from the non-designated heritage assets (the hardened aircraft shelters known as Buildings 3038-3040 in the southern bomb store identified in Figures 5 and 7.
- 2.13. The Conservation Officer confirmed that there were no identified views into the RAF Upper Heyford Conservation Area affected by the proposals but commented that: "*the development will affect views into the eastern part of the conservation area and the new houses will be visible from within the conservation area. It is considered inevitable that generic housing here will result in some harm to the conservation area as a result of development within its setting.*"
- 2.14. The Appeal Site is not situated on the protected skyline as identified on figure 8 of the Mid Cherwell Neighbourhood Plan (CDG4).
- 2.15. The appeal proposals do not adversely affect views towards identified church towers as set out on Figure 8 page 51 of the Mid Cherwell Neighbourhood Plan (CDG4).
- 2.16. The Appeal Site does not feature in views identified in Appendix 3 page 90 of the Mid Cherwell Heritage and Character Assessment (2017) (CDG4 Appendix K).
- 2.17. It is agreed that there are no important views or vistas identified across the Appeal Site by Policy PD4 of the Mid Cherwell Neighbourhood Plan (CDG4).

### Settlement Coalescence and Important Views/Vistas

- 2.18. Both parties agree that the Appeal proposals would not cause coalescence of any settlements, in accordance with Policy PD3 of the Mid Cherwell Neighbourhood Plan (CDG4).

### Open Space and Green Infrastructure

- 2.19. It is agreed that the Landscape and Open Space Parameter Plan (CDB13) indicates that a range of open spaces and green infrastructure could be provided, and could include a green-blue corridor, incorporating existing ponds, new planted sustainable urban drainage systems, mature vegetation, and, recreational routes and habitats for wildlife. Recreational routes could also be provided to link with adjacent residential areas, which could be controlled by condition or S106 as reserved matters.
- 2.20. The Landscape and Open Space Parameter Plan (CDB13) also indicates how a 400sqm LEAP with a 200m buffer and a 100sqm LAP with a 5m buffer could be included within the site.
- 2.21. Policy BSC11 requires 2.74ha of 'general green space' per 1,000 residents. Based on an average household size in Cherwell of 2.43 residents per household, the overall requirement would total 1.53ha. The Landscape and Open Space Parameter Plan suggests 5.64ha of open space.
- 2.22. It is agreed that the appeal proposals could potentially be made compliant with Policies BSC10 and BSC11 and Neighbourhood Plan Policies PD5, PH3 and PH5.



## Additional Elements

- 2.23. The Council has not raised concerns in relation to the provision of public open space and the Reasons for Refusal do not relate to elements of design because they did not form part of the Appeal submission and would be addressed as Reserved Matters.
- 2.24. In addition to point 2.6-2.8 as set out above, the findings of the LVIA were not disputed by the Council's Landscape Officer but were effectively disputed at least in part by virtue of the Council's decision. The following assessments are not disputed:

### Sensitivity and Value of Landscape Receptors (CDA15 Appendix 8)

Receptor	Susceptibility of the Receptor	Value of the Receptor	Sensitivity of the Receptor
Published Landscape Character (Farmland Plateau, Upper Heyford Plateau and Ploughley Limestone Plateau)	Medium/Low	Low	Medium/Low
Site-Specific Landscape Character	Medium	Low	Medium/Low

### Sensitivity and Value of Visual Receptors (CDA15 Appendix 8)

Receptor (Representative Photoviewpoint Number)	Susceptibility of the Receptor	Value of the Receptor	Sensitivity of the Receptor
People walking along and horse riders using public bridleways in middle distant views east of the site (Viewpoints 4 and 10)	Medium	Medium/Low	Medium/Low
People walking along and horse riders using public bridleways in middle distant views south of the site (Viewpoint 5)	Medium	Medium	Medium
Residents and people using the roads and pavements in Wellesley Close (Viewpoint 6)	Medium	Medium/Low	Medium/Low
Residents of existing dwellings which surround the site. Letchmere Farm buildings to the north west, static homes to the south west and new dwellings within the former RAF airfield	Medium	Medium	Medium





## Magnitude and Level of Visual Effects (CDA15 Appendix 10)

		Permanent Development - Year 1		Permanent Development - Year 15	
Receptor (Representative Photoviewpoint Number)	Sensitivity of visual receptor	Magnitude of Change	Level of Effect	Magnitude of Change	Level of Effect
People walking along and horse riders using public bridleways in middle distant views east of the site (Viewpoints 4 and 10)	Medium / Low	Medium / High	<b>Moderate adverse</b>	Medium / Low	<b>Minor adverse</b>
People walking along and horse riders using public bridleways in middle distant views south of the site (Viewpoint 5)	Medium	Medium	<b>Moderate adverse</b>	Low	<b>Minor adverse</b>
Residents and people using the roads and pavements in Wellesley Close (Viewpoint 6)	Medium / Low	Low	<b>Negligible</b>	Low	<b>Negligible</b>
Residents of existing dwellings which surround the site. Letchmere Farm buildings to the north west, static homes to the south west and new dwellings within the former RAF airfield.	Medium	Medium / High	<b>Moderate adverse</b>	Medium	<b>Minor adverse</b>

### Policies

2.25. As set out in the overarching Statement of Common Ground (paragraph 8.7), the areas of Development Plan policy conflict relevant to landscape and views are those set out in the matters of disagreement and reiterated below for ease of reference:

- CLP 2011-2031 Policy ESD13: Local Landscape Protection and Enhancement;
- CLP 2011-2031 Policy ESD15: The Character of the Built and Historic Environment;
- CLP 1996 Policy C33: Protection of Important Gaps of Undeveloped Land; and
- MCNP Policy PD4: Protection of Important Views and Vistas.



2.26. Policy ESD15 is multi layered and it is agreed that points 4 and 16 are of relevance. Additional points not agreed are set out in section 3 below.:

- the fourth which starts 'Contribute positively to an area's character...';
- the sixteenth which starts 'Integrate and enhance green infrastructure...'.



# Section 3: Matters of Disagreement

3.1. The following matters are not agreed:

- Whether the development would have a poor and incongruous relationship with the form and character of Heyford Park, by reason of the site's general openness;
- If the appeal proposals would result in harm to the views into and out of the RAF Heyford Conservation Area and the openness of the setting of Upper Heyford.
- Whether the Appeal Scheme complies with the following policies:
  - CLP 2011-2031 Policy ESD13: Local Landscape Protection and Enhancement;
  - CLP 2011-2031 Policy ESD15: The Character of the Built and Historic Environment;
  - CLP 1996 Policy C33: Protection of Important Gaps of Undeveloped Land; and
  - MCNP Policy PD4: Protection of Important Views and Vistas.
- Whether the following elements of the multi-layered Policy ESD15 are of relevance:
  - the first which starts 'Be designed to deliver high quality...';
  - the ninth which starts 'Promote permeable, accessible...';
  - the twelfth which starts 'Limit the impact of light pollution ...';

3.2. The Landscape Officer agreed with the findings of the LVIA. However, the following findings of the LVIA are not agreed by the Council's witness.



### Sensitivity and Value of Visual Receptors (CDA15 Appendix 8)

Receptor (Representative Photoviewpoint Number)	Susceptibility of the Receptor		Value of the Receptor		Sensitivity of the Receptor	
	Tyler Grange	CDC	Tyler Grange	CDC	Tyler Grange	CDC
People using the local road network of Camp Road, Chilgrove Drive and the routes which connect to the B4030 and B430 (Viewpoint 7, 8 and 9)	Low	Medium 7, 8/ Low 9	Low	Medium 7, 8/ Low 9	Low	Medium 7, 8/ Low 9

### Magnitude and Level of Landscape Effects (CDA15 Appendix 9)

Receptor	Sensitivity	Permanent Development - Year 1			Permanent Development - Year 15		
		Magnitude of Change	Level of Effect		Magnitude of Change	Level of Effect	
			TG	CDC		TG	CDC
Published Landscape Character (Farmland Plateau, Upper Heyford Plateau and Ploughley Limestone Plateau)	Medium / Low	Medium / Low	Minor Adverse	Moderate Adverse	Low	Minor Beneficial	Minor Adverse
Site-Specific Landscape Character	Medium/Low	Medium	Minor Adverse	Moderate Adverse	Low	Minor Beneficial	Minor Adverse



**Magnitude and Level of Visual Effects (CDA15 Appendix 10)**

			Permanent Development - Year 1			Permanent Development - Year 15		
Receptor (Representative Photoviewpoint Number)	Sensitivity		Magnitude of Change	Level of Effect		Magnitud e of Change	Level of Effect	
	TG	CDC		TG	CDC		TG	CDC
People using the local road network of Camp Road, Chilgrove Drive and the routes which connect to the B4030 and B430 (Viewpoint 7, 8 and 9)	Low	Medium	Medium	<b>Minor adverse</b>	<b>Moderate adverse</b>	Low	<b>Negligible</b>	<b>Minor Adverse 7/8 Negligible 9</b>



# Section 4: Signed Agreement

4.1. We agree to the statements set out within this Landscape Statement of Common Ground.

For the Appellant

Name: Wendy Lancaster



Signature:

Date: 7<sup>th</sup> November 2023

For Cherwell District Council

Name: Andy Bateson



Signature:

Date: 7<sup>th</sup> November 2023





**Tyler  
Grange**

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