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protect and enhance a beautiful,
thriving countryside for everyone to
value and enjoy

Town and Country Planning Act 1990 (as amended) Section 78 Appeal

**PINS reference APP/C3105/W/17/3189611
(Cherwell District Council (CDC) Reference: 15/00837/OUT)**

by

Gallagher Estates, Charles Brown & Simon Digby

With regard to the site at

Gavray Drive, Bicester, OX26 6SU (nearest)

Identified as 'Bicester 13' in the Cherwell Local Plan Part 1

STATEMENT OF CASE by

the Campaign for the Protection of Rural England (CPRE)

Represented by

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1.0 Introduction

- 1.1 I have been a resident of Bicester, and more importantly, Langford Village estate that is located alongside the CDC 'Bicester 13' area of land, for more than 18 years. I have been an active member of the Langford Village Community Association (LVCA) tasked with assessing community matters that included the land north of Gavray Drive, now known as 'Bicester 13'.
- 1.2 The eastern part of the 'Bicester 13' site has been recognised as both a Local Wildlife Site (LWS) (52W01 designated in 2002) due to its important biodiversity and is part of the Upper River Ray Conservation Target Area (CTA) that stretches to the east of the site across the adjoining 'Bicester 12' allocation. The masterplan for that adjoining Bicester 12 site shows the CTA being protected to provide a broad wildlife corridor and green wedge connecting the 'Gavray Drive Meadows' LWS eastwards to the open countryside. The importance of 'Gavray Meadows' within Bicester 13 is that it is one of the last areas of this type of land remaining in the UK and thus deserves protection from development.
- 1.3 To the southwest of Bicester 13 are the developments of 'old' Langford and the 'newer' development (sometimes called Bicester Fields Farm Estate). These are housing estates with a stretch of 'manicured' grassland between the two developments that is available for residents to play, walk dogs, etc, it is never going to be important from a conservation point of view.
- 1.4 The land north of Gavray Drive has over the years been put forward for development that would have been totally wrong for this important wildlife area and these proposals have ultimately been rejected.
- 1.5 Bicester has over recent time been allocated a number of planning titles, which include Bicester Garden Town, Bicester Healthy Town and Bicester Eco-Town. If these titles are to have any meaning in the real lives of the current and especially the future residents, there has to be some physical green presence visible.
- 1.6 The town as a whole is short of natural green space by at least 8.51 hectares (data from CDC Local Development Framework Core Strategy Background Document, 'Open Space Update', 2011) and designating land within the Bicester 13 site as a Local Green Space (LGS) will make an important contribution to the town's green infrastructure.
- 1.7 The National Planning Policy Framework (2012), paragraph 76 provides opportunities for local people to identify for special protection green areas of importance to them as "Local Green Spaces" during the compilation of a Local Plan. The NPPF states, "*By designating land as Local Green Space local communities will be able to rule out new development other than in very special circumstances.*"

This application process has been complied with fully. CDC's full council passed a resolution on the 20th October 2014 to work towards making around 13 hectares of land on the eastern side of the 'Bicester 13' site a 'LGS' (see Appendix 1).

We submit that there are no "very special circumstances" for this area of land (see Appendix 1) to be developed, as we will present in the following.

- 1.8 The requests from the community for 'LGS' designation covered the whole of the land east of Langford Brook, from the railway land to the north, to the A4421 Charbridge Lane to the east and south to Gavray Drive. The Council however modified this to be the land north of the footpath as shown in Appendix 1 that covers all of the Conservation Target Area including a smaller area just to the west of Langford Brook.

Note that the resolution passed by the council (October 4th 2014) to seek to designate Gavray Meadows as a LGS predates the application 15/00837/OUT (May 2015). The Council decided that LGS applications should be further considered as part of the Local Plan 2 process, so an application from the community was submitted to the Issues Consultation of Local Plan Part 2 in March 2016.

The determination of CDC to seek to designate the area as a LGS was included in documents for the hearing of the LP1.

2.0 Meeting the NPPF requirements for a 'Local Green Space' (LGS)

2.1 The NPPF states in paragraph 76:-

Local communities through local and neighbourhood plans should be able to identify for special protection green areas of particular importance to them. By designating land as Local Green Space local communities will be able to rule out new development other than in very special circumstances. Identifying land as Local Green Space should therefore be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services. Local Green Spaces should only be designated when a plan is prepared or reviewed, and be capable of enduring beyond the end of the plan period.

We submit that 'Gavray Meadows' (eastern area of the Bicester 13 site) complies with these requirements as follows.

2.1.1 The nearest residents to the proposed LGS live on the Langford Village development and, through their Community Association, have worked to protect the LWS and the CTA, and local councillors have supported having the site recognised as a LGS according to the requirements of the NPPF.

2.1.2 Although the Bicester 13 site is identified in the Local Plan for 300 dwellings as well as the need to increase the biodiversity of the CTA and LWS, we submit this can only be achieved by a more proactive effort from the developers. The Council made submissions to the inspector in the LP Examination that this could be reduced to 250 in order to respect the environmental constraints without harming their housing land supply, providing the density and design was planned to meet this. A more realistic number of dwellings could indeed be agreed with the CDC whilst still meeting the 5 year housing supply, especially considering that the CDC currently has a 5.7 year housing supply and therefore does not desperately require more housing that would otherwise compromise this important site. We submit therefore that the requirement for "*Identifying land as Local Green Space should therefore be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services*" is readily achieved.

2.1.3 The final line in paragraph 76 of the NPPF requiring that "*Local Green Spaces should only be designated when a plan is prepared or reviewed, and be capable of enduring beyond the end of the plan period*", has also been complied with. Several representations requesting LGS designation were made to the Consultation on the proposed modifications to the submission Cherwell Local Plan in on 4th October 2014, followed by a verbal request to the full council by John Broad & Dr Patricia Clissold on the 20th October 2014. Dr Pamela Roberts submitted a further application for LGS designation on behalf of the local community on the 10th March 2016 as part of the issues consultation for Local Plan Part 2. With suitable environmental management, the Gavray Meadows Local Green Space would be capable of "*enduring beyond the end of the plan period*" as the plan runs to 2031 the site would continue to be an educational, historic and environmental feature for future residents to enjoy.

2.2 Paragraph 77 goes on to state:

The Local Green Space designation will not be appropriate for most green areas or open space. The designation should only be used:

- *where the green space is in reasonably close proximity to the community it serves;*
- *where the green area is demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and*
- *where the green area concerned is local in character and is not an extensive tract of land.*

Taking the bullet points in turn.

2.2.1 The first bullet is a requirement that the proposed LGS “*is in reasonably close proximity to the community it serves*” and has two aspects. The first is that the site is just across Gavray Drive from the northern edge of Langford Village and Bicester Fields Farm estates, which house some 2,500 residents. The Langford Village Community Association (LVCA), of which I am a committee member, have repeatedly made representation to the Bicester Town Council and to the CDC to have this important site recognised, not only for its environmental qualities but also for its potential educational and amenity uses for the community and to have the site allocated a “very” Local Green Space.

With good walking and cycling access from both the town centre and Launton Village, this site fulfils the requirements to meet the needs of the community it serves.

The residents of Bicester in the form of Bicester Green Gym have also offered to work on the site as part of both a healthy pursuit as well as an environmental and historic learning opportunity. This will help to achieve all the Bicester titles of a “Healthy Town”, a “Garden Town” and an “Eco-Town”.

2.2.2 The second bullet “*where the green area is demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife*” is particularly apposite to this location as the area meets all except one of the requirements. The site would not work as a “playing field” for the obvious reason that this would destroy the very historic and environmentally sensitive nature.

The “*richness of the wildlife*” of the site is plain from the LWS and CTA designations and the work to prove the wildlife value over many years as referred to in the Statements of Case of Dominic Woodfield and of the Save Gavray Meadows Campaign, so we will not repeat them here.

The Bicester Local History Society using tithe maps, deeds and other documents have identified the “*historic significance*” and names of the small fields and their owners have been identified in documents of 1607. The boundaries of the medieval fields in Gavray Meadows are unchanged over centuries with their dewponds and green lanes a valuable example of medieval farming methods. Such an area in the town provides great potential for education about history and ancient methods of

agriculture including ridge and furrow formations formed by ploughing with oxen, which are clearly visible today.

The fields of Gavray meadows are within 0.5 km of the deserted medieval village of Wretchwick, which is a scheduled ancient monument, and they may well comprise part of that settlement

The site is visually attractive comprising a collection of small ancient meadows bounded by hedgerows that date back to medieval times. There are many notable trees and at least 2 green lanes and 2 ponds. In some of the fields there is a profusion of wild flowers (see photographic evidence in the Statement of Case, 'Save Gavray Meadows Campaign'), and in others, which are mown, there is an open view. The site adds greatly to the richness of the landscape in SE Bicester, providing respite from the adjacent modern housing estates of new and old Langford Villages, the high railway embankment and even taller warehouse, and the busy A4421 road. The land contributes greatly to the character of the area, as it is a precious remnant of the countryside that used to surround the town. The farmland that surrounds Bicester will rapidly disappear after a nearby strategic housing site in SE Bicester (Bicester 12) is built, as well as the other strategic developments such as NW Bicester, SW Bicester and Graven Hill.

Gavray Meadows form an important biodiverse green wildlife corridor to the open countryside to the east and links up with an amenity area called Langford Park along Langford Brook to the south, which together form an important green wildlife corridor to the open countryside to the east that the adjoining future development at Bicester 12 respects. Together this green infrastructure provides an opportunity for an extended green route for townspeople and a green lung extending to within 750 metres of town centre. The importance of walking and cycling for the health of Bicester residents and reduction in car journeys is stressed through policies in CDC's Local Plan Part 1 and a route through the meadows would support that aim. The public footpath 129/4 and 129/16 to Launton village is used and appreciated by walkers as it runs along the ancient parish boundary and is lined by a hedge, which dates back to medieval times.

2.2.3 The third bullet states "*where the green area concerned is local in character and is not an extensive tract of land*" is also met in full as the site covers 14.57 hectares (according to Locke Associates document HD19 for the Local Plan Part 1 hearing) and being bounded by the railway land, the Bicester ring road (A4421), Gavray Drive and land just to the west of Langford Brook is a discrete area, limited in size.

Being located to the north of the Langford Village housing and within the town ring road makes it very "*local in character*".

Gavray Meadows provide a natural green area of tranquillity away from the housing estates and the roads. They are a unique space in the town for quiet contemplation and for experiencing unspoilt nature and birdsong. There is no similar site of reasonable size in the south of Bicester as other green spaces do not have such wildlife value as they are amenity spaces or sports grounds (reference Appendix 2).

The importance of Gavray Meadows to Bicester Town is comparable to that of Christchurch Meadows in Oxford. Fortunately, that space was saved in the 1950s from having a link road put through it and now Oxford benefits hugely from the quality and reputation of their meadow. In future years, after the strategic site Bicester 12 is built, the town boundary will extend much further south-east and this tranquil Gavray Meadows Local Green Space in the town will be very much valued.

3.0 Evidence of the support of the Bicester Community for a LGS

3.1 The Local Plan Part 1 hearing took place during December 2014. Representations were sent from the public requesting LGS designation for the land. The community groups, Bicester Green Gym, Grassroots Bicester Community Action Group and Langford Community Orchard group, as well as Bicester Local History Society all supported the protection of the site and its designation as a Local Green Space for Bicester.

3.2 Following presentations to Bicester Town Council Planning Committee on June 2nd and 29th, a letter was sent on July 3rd 2015 from Bicester Town Council to CDC stating that there was “*strong support for the retention of Gavray Drive Nature Reserve and requests that it is designated as a Local Green Space*”.

3.3 A completed online petition with 417 signatures from the residents in the Bicester area in support of Gavray Meadows remaining as green space states: “We the undersigned, petition the council to stop all planned development on Gavray Meadows, on the land east of Langford Brook and bounded to the north by the London railway and to the south by Gavray Drive. The land is a Local Wildlife site designated in 2002 from historic farmland. It is home to many different species, some rare and all of value to our appreciation of the countryside which is fast vanishing around Bicester”.

This is separate to the 1480 signature paper petition to save the meadows from development that is referred to in the statement of case of Save Gavray Meadows Campaign for Bicester.

Please refer to the Statement of Case from the Save Gavray Meadows Campaign where details of the petitions are listed.

4.0 Comments on LGS Designation by Inspector at Local Plan 1 hearing

4.1 The planning inspector's report (May 2015) on the Modified Local Plan Part 1 includes a remark that the historical attributes of the site do not warrant designation of the land as a LGS. However, he did not engage with any of the other criteria for LGS designation in the NPPF (beauty, recreational value, value to the community, tranquillity and richness of wildlife). This was despite evidence of the biodiversity, presence of rare species, beauty and rarity of the site in Bicester that were presented to him in submissions from the public as well as bodies such as the local Wildlife Trust (BBOWT), Natural England and Banbury Ornithological Society. In any case, CDC did not include LGS designations for formal public consultation in LP Part 1 so it was not within that inspector's remit to consider this issue at that time.

4.2 We understand that CDC's agreement to seek to designate LGS status for this site is part of their work on Local Plan Part 2; this work is in progress although no completion date is known.

5.0 Conclusion

5.1 Gavray Meadows is of immense value to the town that is due to double in size by 2031 and it would be fitting for this space to be designated as a Local Green Space especially as Bicester has now received the titles of 'Garden Town', 'Healthy Town' and 'Eco-Town'.

As the 'Bicester 13' site has such an important historic and wildlife area within it, we submit that it is essential for the appellant to deal with the site as a whole to ensure they plan to meet the requirements of both the high value environmental area by allocating it as a Local Green Space whilst also meeting, a possibly reduced, housing number as shown in the CDC Local Plan Part 1.

5.2 The application from the community for LGS designation covers the whole of the land east of Langford Brook down to Gavray Drive as opposed to the smaller area of land proposed by the Council (Appendix 1). This is because an extra area of green space between the CTA and the neighbouring settlements is essential to act as a buffer. The Environment Assessment by Locke Associates for an application to build houses on the west of Langford Brook within Bicester 13, stated that the flora and fauna in the Local Wildlife Site on the east of the brook would be put at risk by the increased population pressure from this development, demonstrating that a buffer area is needed. This also demonstrates that the appellant recognises the need to produce an environmental management plan for the eastern part of the Bicester 13 site.

5.3 The appellant seems determined not to deal with their obligation as defined in the approved Local Plan Part 1 to ensure the area to the east of the Bicester 13 site has an environmental management plan in place.

We would wish to remind the appellant that the site is 'Bicester 13' and needs to be planned as a whole. There is no recognition that the site is divided into two parts in the approved Local Plan.

5.4 We ask the inspector to uphold the Cherwell District Council's refusal of this partial planning application and go further in asking for LGS designation to the east of Bicester 13.

We request the inspector to encourage both the CDC and the developer to commit to Local Green Space designation in accordance with the NPPF paragraph 76 & 77 as part of the CDC Local Plan Part 2 as presented in this Statement of Case.

Note that the communities' requests as well as the Council's resolution for the land on the eastern area of Bicester 13 to be made a Local Green Space predate the appellant's planning application and should take precedence.

Appendix 1

Approval of Main Modifications of Cherwell Local Plan

- [Meeting of Council, Monday 20 October 2014 6.30 pm \(Item 43.\)](#)

Decision:

Resolved

(1) That through the Local Plan Examination, officers seek the designation of that part of the Ray Conservation Target Area that lies within site Bicester 13 (Gavray Drive) as a 'Local Green Space' within the meaning of paragraph 76 of the NPPF.

(2) That subject to resolution (1), the proposed modifications to the Submission Local Plan incorporating further proposed minor modifications and Sustainability Appraisal Addendum (annexes to the Minutes as set out in the Minute Book) be approved for submission to the Secretary of State for Communities and Local Government through the Planning Inspectorate.

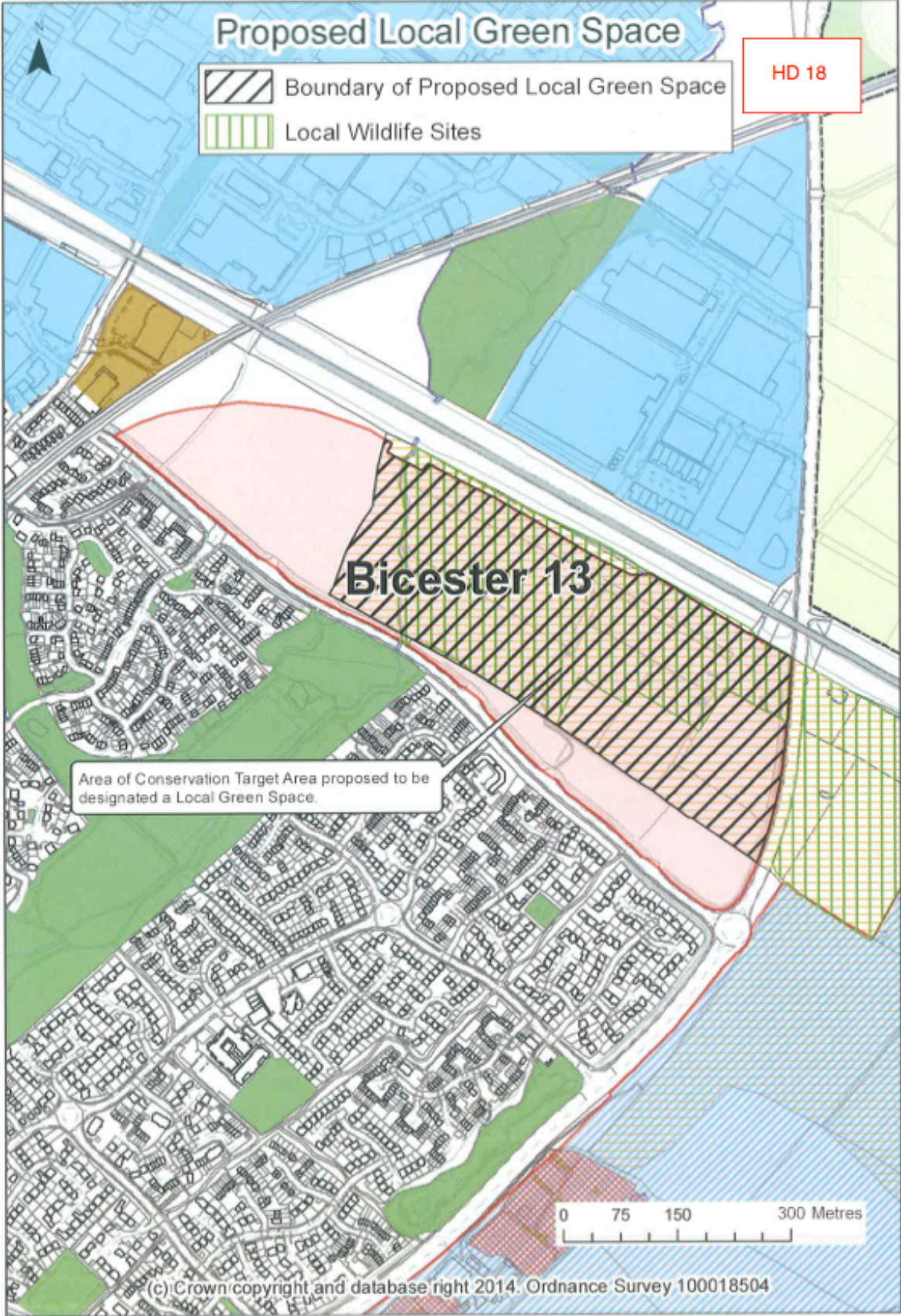
Minutes:

The Head of Strategic Planning and the Economy submitted a report to consider proposed modifications to the Submission Cherwell Local Plan and representations received, to approve the proposed modifications, further proposed minor modifications and the Sustainability Appraisal Addendum for submission to the Secretary of State for Communities and Local Government. The Modifications were required to proceed with the public Examination and to ensure that the Local Plan was 'sound', and conformed to the National Planning Policy Framework.

Mr Maggs, Middleton Stoney Parish Council, addressed Council.

Mr John Broad and Dr Patricia Clissold, representatives of the Campaign to Save Gavray Meadows and Grassroots Bicester, addressed Council.

The area proposed by CDC for LGS designation for the LP Part 1 Hearing 2014



Appendix 2

Bicester's Green Spaces maps
LE102 Open Space update (September 2011) Leisure evidence base.

