

Oxford Green Belt Network – Spring Newsletter 2022

sent to all 65 Parish Councils which are either wholly or partially within the Oxford Green Belt

At last there seems to be a steady reduction in the Covid-19 infection rate in Oxfordshire which gives us some hope that OGBN will again be able to safely resume holding large indoor meetings in the summer. When we are sure that we can hold an OGBN Annual General Meeting, we will e-mail the details and invitations to attend to all 65 Parish Councils which are either wholly or partially within the Oxford Green Belt.

During the past two years of the pandemic when such large meetings of OGBN Members have been impossible, members of the OGBN Steering Committee have been very active, so there is much to report in this Newsletter, the main purpose of which is to briefly update our Members on some of the campaigns which have been won and lost, to indicate the future challenges facing us in protecting the Oxford Green Belt, and to remind you that our very modest membership subscription of £15 p.a. is becoming due, and that this subscription is kept so low because OGBN employs no secretariat and depends entirely upon a team of experienced volunteers.

The impact of the Oxfordshire Growth Deal on building in the Oxford Green Belt.

OGBN is in favour of policies of sustainable growth for Oxfordshire, and for building affordable high-density housing to solve the housing crisis, but it opposes the rapid “transformational growth” once promoted for the county as part of the “Oxford-Cambridge Arc” project, and which is apparently still an option for shaping the emerging Oxfordshire Plan 2050. It is unfortunate that when the Leaders of all 5 Local Authorities in the County signed up to the Oxfordshire Housing and Growth Deal to accept a mere £215 million contribution from central government towards the county’s infrastructure costs in return for building 100,000 additional homes by 2031, they seemed to forget that the county had already estimated the realistic cost of improving its infrastructure at nearly £8 billion, so OGBN has considered such growth would be unsustainable and we have consistently opposed such growth which involved removing land from the Green Belt as a means of meeting the terms of this Deal.

OGBN fully accepts that there is an urgent need for more affordable housing in Oxfordshire, but when the calculations of the housing need in each of the new Local Plans used out-of-date population growth forecasts from the Office of National Statistics and the incorrect formula for applying the government’s “standard method” to produce a gross over-estimate of our realistic housing requirements, OGBN, alongside CPRE Oxfordshire and the Cherwell Development Watch Alliance (CDWA) then consistently opposed the allocation in Local Plans of strategic housing sites in the Oxford Green Belt to accommodate what was claimed as “Oxford City’s unmet housing need”.

However, OGBN’s logical opposition to the proposed very large strategic sites in the Oxford Green Belt – notably, ‘Oxford North’ (<https://www.oxfordnorth.com/>), six sites for 4,400 houses in total in Cherwell District located in the Kidlington Gap, ‘Land North of Bayswater Brook’ (LNBB) near Elsfield, ‘Northfield’ in Garsington, and ‘land south of Grenoble Road’ - was insufficient to successfully challenge the legality of the Oxfordshire Housing and Growth Deal’s contractual requirements for house building and the recognition by the Inspectors from the Planning Inspectorate, who presided over the various Examinations in Public of each of the Local Plans, that “*extenuating circumstances*” existed in the housing crisis which permitted otherwise inappropriate building development to be allowed in the Green Belt. Members of the

OGBN Committee, and representatives of CPRE Oxfordshire (<https://www.cpreoxon.org.uk/>), Planning Oxfordshire Environment and Transport Sustainably (POETS - <https://www.poetsplanningoxon.uk/>), Cherwell Development Watch Alliance (CDWA - <https://cdwa.jimdofree.com/>), as well as many individual Parish Council representatives, all presented excellent logical Planning arguments against building so much un-needed housing in the Green Belt to the PINS Inspectors, but they were over-ruled, and the landowners and building developers have won. CDWA took a challenge to the Cherwell Plan all the way to the High Court but ultimately were unable to convince The Hon. Mrs. Justice Thornton QC that Cherwell's Plan had been adopted unlawfully. Unfortunately, it seems that judicial review has become an expensive and unfruitful course to pursue as Court of Appeal and High Court judges have become very reluctant to hear any cases which are now brought to challenge what is seen as a lawful "*Planning judgement*" taken within their Planning remit by either a Local Planning Authority or a PINS Inspector, and OGBN has certainly had no resources to attempt that.

The next challenges in saving the Oxford Green Belt

Even with several very large building developments now allocated by policies in adopted Local Plans on land recently taken out of the Green Belt by these Plans, there remains some scope for representatives of OGBN and local communities to help to shape these developments in ways which are least damaging to the surrounding Green Belt. For example, in the case of the 'Northfield' housing estate to be built on Brasenose College's farmland in the Green Belt adjoining Cowley, representatives of OGBN, Garsington PC and Horspath PC have already started regular pre-Application discussions with the landowners and developers about how the housing will be delivered in a '*masterplan*' adhering to the policies in the adopted Local Plan, and in the most environmentally friendly and sustainable way. While such pre-Application consultations at such specifically local levels will proceed for other housing sites already approved on land recently removed from the Green Belt, OGBN is now focussed on opposing any further releases of existing Green Belt land as a consequence of the '*rapid growth agenda*' long pursued by the Oxfordshire Growth Board, now renamed as the 'Future Oxfordshire Partnership', which still seems to remain as a strategic aim in the emerging Joint Spatial Strategy Plan for the whole county - the Oxfordshire Plan 2050. (OP 2050 - for the timeline and links to the consultation documents, please see: <https://oxfordshireplan.org/about/>)

Most Parish Councils will know that under existing national Planning legislation (Regulation 18 of the Town and Country Planning (Local Planning) Regulations 2012) there must be at least one statutory '*Regulation 18*' public consultation as part of a series of public consultations on new Local Plans, which start with a very wide public consultation on the scope and visions for a Plan, to develop a statement of the options and issues, leading to a consultation to identify the preferred Planning options, such that a draft plan based on the public consultations can then be produced.

In the case of the Oxfordshire Plan 2050 the format of the initial online public consultation on '*visions*' was started in June 2020 in an unusually vague way via a website (<https://www.oxfordshireopenthought.org/>), and the publication of the later report in July 2021 on the Regulation 18 Part 2 public consultation on OP 2050 dismayed OGBN because there still remained 3 options for accelerated population growth, all of which OGBN believes could have a serious negative impact on the functioning of the remaining Green Belt:

'*Standard Method*' (Adjusted)- with a target of 102,000 houses

'Business as usual' – 123,000 houses

'Transformational' – 153,000 houses (a 50% increase on the current number of houses in the county)

It is still unclear by whom or by what method the final selection of the 2050 housing target for the county will be made, and where that need should be met, so there is a clear need for an independent review of the whole process followed so far in the development of Oxfordshire Plan 2050, since once this Plan is adopted, the District Councils will need to allocate new sites for development to meet the target set. If the local housing targets are set unrealistically high, or if housing delivery is slow, the Local Planning Authorities will risk losing their required 5-year supply of housing land, and thereby open the door for opportunist house-building developments to be proposed in the Oxford Green Belt by opportunistic landowners and developers who will depend upon a '*Planning judgement*' to recognise '*very special circumstances*' for such developments to proceed. In addition, there is provision within the National Planning Policy Framework's paragraph 140 for a strategic planning authority to make changes to the boundaries of a Green Belt: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf, and while this applies to the 20-yearly development of Local Plans and the 5-yearly review of these Local Plans, it is also relevant in preparation for any strategic level changes in the Oxfordshire Plan 2050, and so yet another further Green Belt Review has already been proposed, in addition to those already recently produced for the Districts. It is rare that a Green Belt Review, often sub-contracted to commercial planning consultancies, will satisfy anyone other than those who have paid for it to be commissioned.

There is therefore a risk to the future integrity of the Oxford Green Belt whenever '*exceptional circumstances*' can be claimed to justify removing parts of it at any 5-yearly review of each Local Plan and in the development of the over-arching strategic Oxfordshire Plan 2050, and also when a Local Planning Authority does not have a 5-year housing land supply if '*very special circumstances*' can be identified. The challenge facing Parish Councils now is to find large sums of money for professional representation by a Planning consultant and/or by a competent Planning barrister in any required legal hearings to determine whether the harm resulting from a loss of Green Belt does, or does not, exceed the benefit to the wider community by building houses inappropriately on parts of it. The need for professional representation has arisen because, in assessing where the balance of harm and benefit lies, the subjective decision often relies upon the interpretation of the concept of '*openness*' which underlies four of the five purposes of the Green Belt listed in the NPPF in paragraph 138. Unlike Building Regulations which contain many specific metrics as requirements, over which there can be no debate, the NPPF is not definitive about the general concept of '*openness*', and so the future of many parts of the Green Belt targeted for development often depends on the professional ability of Planning QCs to use judgements based on case law to support specific interpretations of statute law, and the range of factors claimed to constitute '*exceptional circumstances*' and '*very special circumstances*' has become so very elastic as to now include the existence of a Growth Deal, a housing shortage, or just the mere geographical proximity of a proposed development site to a city boundary or to a transport hub. Parish Councils need additional professional help to navigate such complexity, and OGBN has promoted working together.

Most fortunately, the threat of the Oxford-Cambridge Expressway bisecting the Oxford Green Belt has been lifted when the Transport Minister Grant Shapps cancelled this project on 18th March 2021, and few civil servants now seem to be working on the economic development of the Oxford-Cambridge Arc, but there still remains support from the National Infrastructure

Commission despite a very competent case made against it by the 'Stop The Arc Group' (<https://www.noexpressway.org/>) whose own rival public consultation revealed overwhelming opposition to the government's plan. However, we are still awaiting the publication of the government's new Planning Bill supervised by Michael Gove, which was originally heralded as a total revision of the national Planning system under Robert Jenrick, which could have imposed the Arc upon us and a possible reduction in the scope for any local input to the determination of Planning Applications or via Neighbourhood Plans. Until the Planning Bill is published, OGBN remains alert to the possibility that the Green Belt may yet again become regarded by government as a ready source of building land in the counties within the Oxford-Cambridge Arc whenever that suits a national agenda.

In terms of new specific threats to the Oxford Green Belt in 2022, there are two which exemplify the need for OGBN to remain vigilant on the application of Local Planning policy. The first is the need to evaluate the cumulative effect of multiple solar farms being established within the Green Belt, and a common policy across all Districts is needed to avoid locating large solar panel arrays close to one another, or immediately adjacent to sites for urban extensions already allocated in any Local Plan, such as will now inevitably occur where a vast solar farm will be built in South Oxfordshire at Nuneham Courtney immediately alongside Oxford City's permitted urban extension to expand southwards from Grenoble Road into land only recently removed from the Green Belt. The map and details of this development as approved by SODC are on the Baldons website: <http://www.baldons.org.uk/news.php?template=2&id=654>

The second example is the extraordinary decision by Oxfordshire County Council to even consider a public consultation on the erection of a stadium for 18,000 spectators, together with a hotel, retailing and other commercial development at Stratfield Brake in the middle of the remaining and narrow 'Kidlington Gap' of Green Belt land visually separating Oxford City from Kidlington, when the very recently adopted Cherwell Local Plan confirmed Stratfield Brake as Green Belt, with only essential buildings to support the established sporting activities there. The map showing the great significance of this Green Belt site is available on the website of the Kidlington Development Watch at: [Say NO to developing Stratfield Brake - Kidlington Development Watch \(kidlingtondw.org\)](http://www.kidlingtondw.org)

Opportunities for OGBN to influence future Planning Policy

OGBN's recently retired Chairman, Dr. Ian Scargill, founded OGBN with a group of like-minded people exactly 25 years ago, and since then its Committee and Members have successfully monitored and commented on all kinds of Planning Applications and Policies in all five Local Authorities in Oxfordshire, and with the emphasis today still focussed on preserving the 'openness' of the Oxford Green Belt. Given OGBN's limited resources, more focus is currently on influencing Planning Policy and commenting constructively on only the major and more controversial Planning Applications. The concept of 'openness' still underpins the Green Belt policy in the NPPF, but its various interpretations, just like those of the terms '*exceptional circumstances*' and '*very special circumstances*' which are used to justify the removal of land from the Green Belt, are now too often determined in law as '*Planning judgements*' without scope for an appeal, and so OGBN hopes that stronger and more definitive Green Belt policies will be introduced, and that the purposes of the Green Belt set out in the NPPF will be expanded in the wake of the Covid-19 pandemic.

During the past two years of the pandemic, and particularly during the periods of lock-down, there has been a massive increase in the use of the public rights of way throughout the Oxford

Green Belt by people of all kinds who have enjoyed the open countryside, their close proximity to its wildlife, for the benefit of both their physical and mental health. The benefit of this use of the Green Belt as the countryside next door to Oxford, for public health and for the greater efficiency of the NHS, is now well-recognised and quantified. However, while some aspects of the beneficial use of the Green Belt by people are touched upon very briefly in paragraph 145 of the current NPPF, public mental and physical health is not mentioned specifically. OGBN will lobby for its inclusion in the next version of the NPPF.

Similarly, the potential for improving the biodiversity of the Green Belt is mentioned only briefly in paragraph 145 of the NPPF, whereas its high importance is now well understood for supporting human health and for mitigating climate change, and given central government's own emphasis on the Defra 25-year Plan and on the Nature Recovery Strategy, that should also be added to the list of functions of the Green Belt, and the reasons for designating land as Green Belt, in the next version of the NPPF. In the case of the Oxford Green Belt, which includes many wildlife corridors and extensive plantations of trees, its value as a source of fresh air flowing into the polluted Air Quality Management Areas of Oxford City, should be explicitly mentioned in the Oxfordshire Plan 2050. Similarly, in any future extreme heat wave, the value of the Green Belt as a source of cool air to mitigate high summer temperatures in Oxford City also needs to be identified in that Plan.

OGBN welcomes more Parish Councils to join as Members, and more volunteers to join the OGBN Committee which normally meets 4 times a year to share ideas.

In its 25th year of existence OGBN now seeks to encourage all 65 Parish Councils located within the Oxford Green Belt to become members, and for more volunteers from these Councils to join the OGBN Committee so that every sector of our Green Belt is represented.

Martin Harris

Hon. Secretary, Oxford Green Belt Network