

9. WITNEY

HOUSING AND TRANSPORT STRATEGY

There are strong inter-relationships between objections made to the housing strategy for Witney and questions about the environmental impact and deliverability of proposed improvements to the town’s highway network, particularly the Cogges Link Road, to which there are objections in principle. It is argued that housing sites to the east and north of the town would be more in line with Government policy than the proposed allocation at North Curbridge. Each would make a contribution towards transport provision.

The issues surrounding the future pattern for development in Witney are the most complex discussed at the Inquiry covering the matters discussed at RTS2 and the individual Inquiry sessions for North and East Witney respectively. The planning and highways issues are considered together in this first section. Objections of a more limited and site-specific nature are considered in the later sections of this chapter.

Objections

HOUSING PROPOSALS

North Curbridge (Witney Proposal 6) - 17/21, 300/469, 470, 472, 306/502, 523/845, 524/852, 535/913, 536/916, 549/950, 551/958, 558/1067, 572/1142, 576/1152, 1157, 589/1315, 620/1414, 622/1426, 623/1439, 300/3389, 300/3386, 589/3443&50, 550/4062, 589/4114,6-9, 550/4063, 558/4109-10

Omission Sites - N. Witney – 576/1152, 1164; E. Witney – 589/1328

TRANSPORT PROPOSALS

Witney Proposal 10 –

Cogges Link Road *including objections to omission of west facing slips at Shores Green* 73/89, 160/258, 176/287, 220/337, 221/338, 228/350, 229/351, 230/352, 253/396, 256/399, 278/424, 263/409, 264/410, 268/414, 274/420, 278/424, 296/465, 297/466, 299/468, 318/525, 323/533, 324/534, 325/535, 327/540, 328/541, 329/542, 330/543, 331/544, 332/545, 333/546, 334/547, 335/548, 336/549, 337/551, 338/552, 339/553, 340/554, 341/555, 342/556, 343/557, 344/558, 345/559, 346/560, 347/561, 348/563, 349/564, 353/569, 354/570, 356/572, 357/573, 358/574, 359/575, 360/576, 361/578, 362/579, 363/580, 364/581, 501/735, 502/736, 535/911, 551/953, 555/1010, 1011, 616/1407, 635/1452, 639/1461, 640/1462, 589/3451

West End Link - 42/54, 43/55, 44/56, 45/57, 46/58, 47/59, 58/70, 360/577, 373/592, 526/861&7, 5/910, 620/1417, 622/1423, 640/1463, 555/3428, 576/3486

North East Distributor Road – 21/26

Omission of Newland Link - 555/1518; (598/3451)

Witney Proposal 11 – A40 Junction at Downs Road *including linked objections to policy T4 (marked *)* 11/13, 19/24, 85/125, 86/127, 153/245, 205/320, 217/332, 227/347, 233/355, 234/356, 243/368, 244/370, 245/372, 279/425, 283/434, 300/473, 536/914, 915, 555/1013, 576/1154*, 576/1158, 588/1292, 590/1329, 597/1375, 588/1376, 599/1377, 608/1394, 609/1396, 610/1399, 611/1402, 618/1410, 620/1416, 576/3487, 589/3452

Issues

(a) Whether the North Curbridge allocation is the most sustainable option for the provision of new housing in Witney in comparison with alternatives suggested and taking account of PPG3 advice on the creation of mixed communities and against the criteria set out in paragraph 31 of PPG3;

(b) Whether, taking account of the environmental impact of the Cogges Link Road, an alternative of the provision of west facing slip roads to the A40 at Shores Green would be preferable either in isolation or in combination with the Newlands or West End (2) Links; i) in traffic terms; ii) in overall planning and environmental terms and iii) in view of the possible timescale for implementation.

(c) Whether either or both the North or (revised) East Witney proposals, taking account of the effects of the required highway provision, would be likely to provide more flexibility in terms of planning for housing in Witney to 2016 and beyond than the plan proposal for North Curbridge such as to represent a viable alternative strategy which should be included in the plan.

(d) Whether the North Curbridge site should be identified in the plan as a “strategic site” (PICs 5.2-4 and 9.2-6) linked to the deliverability of the Downs Road A40 junction.

Conclusions

9.1 Issue a. Paragraphs 2.5-11 in chapter 9 of the plan deal with the options which presented themselves to the Council when considering the need for the urban expansion of Witney. Having already analysed the scope for making use of previously developed sites (urban capacity) the reasons for opting for the allocation of a single large mixed use development area are given in paragraphs 2.7 and 2.8. North Curbridge is certainly a very large single allocation for a town the size of Witney; it is entirely green field and thus should be given a lower priority for development than urban capacity sites.

9.2 At the Inquiry the Council stated that they would not see the need for more than about 400 dwellings to come forward (from which I assume ‘completed’) before the end of the plan period in 2011, with the remaining 400 out of the plan allocation of 800 being developed later. There would, however, be potential for a further 400 dwellings within the development area should this be required post 2016.

9.3 The 2 main alternatives put forward in North and East Witney are not small sites either. They each have different characteristics, benefits and disadvantages. The first deposit duly-made ‘omission’ objections (1152, 1328) relate to sites (in the case of E. Witney in 3 different blocks) which would provide the equivalent 800 houses. These proposals had been reduced by the Inquiry to 400-500 as a result of the revised UCS work.

9.4 In my consideration of housing land supply, paragraphs 5.24-5, I have drawn attention to the fact that the revised county structure plan to 2016 does not seek to make up for the low house building rates in Witney in the 1996-2001 period, when there were only 275 completions. Once adopted that plan will require 3000 houses to

be completed 2001-2016 at an annual rate of 200. If provision was evenly balanced throughout that would mean only 2000 completions 2001-11 with 1000 more 2011-16. Of course, there is nothing in the structure plan to suggest that the year 2011 is any kind of “cut off point”, but on the basis of a revised base at April 2004 with 635 completions 2001-4 (910-275) only another 1365 dwellings need be completed by 2011 which is very close to the identified urban capacity allowing also for outstanding permissions and commitments in N E Witney. It suggests that there is no imperative to bring forward any major new housing allocations prior to 2011 and that the full North Curbridge allocation could be held back with the first completions not before 2012-3. This has important implications for the whole approach to allocations in the plan.

9.5 One plank of the objectors’ case with which I agree is that for the PMM approach to housing provision to work effectively there needs to be a range of sites which can be phased and either brought forward or put back in order to prioritise previously developed land. I have discussed the plan’s approach to phasing under policy H1, chapter 5. Putting “all the eggs in one basket” of one large site does not assist, especially if that site is not phased. The difficulties faced in financing essential infrastructure to support the development if there is no guarantee of permission being forthcoming within a fixed timescale could not be more amply illustrated by the Council’s reasons to identify North Curbridge as a “strategic site”.

9.6 It is self-evident that a larger development which can support the provision of new schools, improved public transport, community health and leisure facilities, also with a local retail centre and some local employment would comply with the criterion in paragraph 31 of PPG3 of “the ability to build communities”. However, I agree with the objectors that the Council appear to have put too much emphasis on this criterion and that it is equally, if not more, important to consider the location and accessibility to *existing* facilities and the capacity of existing infrastructure to support additional development before providing new capacity. Indeed, the thrust of the advice in paragraph 67 of PPG3 is that planned urban extensions are likely to be the next most sustainable option to building within urban areas. Running through the criticism of the North Curbridge proposals is the fact that the provision of a junction with the A40 at Downs Road could result in a somewhat insular development which encourages travel for journey to work, especially by car along the A40, contrary to national planning policy. Against this is the fact that the site is very close to the major new employment areas in West Witney and the premium bus service No. 100 could very easily be diverted through the site.

9.7 This brings me to the methodology used by the Council to compare the relative merits of the 3 alternative sites put forward. The background paper is *CDI/42* “Expansion of Witney - Which Way”, updated January 2003, taking account of the transport evaluation of the 3 sites carried out by Arups (*CDI/50*). This gives scores for each site against a variety of criteria, unweighted. The assumptions underlying the scores are questioned and the methodology has come in for criticism from objectors. In my opinion there is some justification for this. I agree that any weighting introduces a degree of subjectivity but of the 13 criteria scored (4 for transport by mode) no fewer than 7 of them would fall within the PPG3 paragraph 31 single criterion of “physical and environmental constraints on development of land”. It is a form of hidden weighting which must call into question the overall result. I will deal

with the main points on each of the omission sites in comparison with the North Curbridge allocation.

9.8 *North Witney.* This area is closer to the historic core of the town, at West End and Bridge Street, than any other option considered and thus gives the impression of proximity to facilities. However, an examination of the distances from the centre of the site to a variety of those facilities (*Parry, Appendix H*) does not entirely support this initial view. There is a local shopping centre at Hailey Road at just 600 m. and I accept that an additional pedestrian/cycle route through Eastfield Road could be created. There is no doctor’s surgery nearby (2km.) Strong points are the relative proximity to the Witney Community Primary School (500 m.) and the fact that Wood Green Secondary School (1500 m.) has a greater capacity for expansion than Henry Box. These facilities are all within the maximum distances recognised in the IHT guidelines (*CD5/25*) as likely to be close enough to encourage walking as an access mode. I accept that much of the town centre is not within a reasonable walking distance for shopping purposes although at just 2 km. it is not unreasonable for ‘commuting’ to work. North Witney would, of course, be within easy walking distance to the main WODC offices on New Yatt Road, as I pointed out! North Curbridge is further away from the town centre but much closer to most other employment areas in the town, especially Downs Road.

9.9 The Council suggested that once the IHT distance guidelines for walking are exceeded opportunities to encourage walking should be disregarded. I disagree. The IHT distances represent the average position and it must be that the nearer a site is to popular destinations the more people will walk. Much depends, of course, upon the attractiveness and security of the route. In my view the hill up to the North Witney site is not so steep as to be major deterrent to walking. The plan proposes (policy T2) a walkway and cycle route across the Windrush east of the West End Link Road which, I observed, has already been provided. I accept the general contention that the distances are not such as to make a great difference between the different sites in the propensity of people to cycle to the town centre; all sites can be connected by cycleways.

9.10 A major difference of opinion with the Council occurs in respect of the viability and feasibility of the provision of what was termed a “hopper bus” service between North Witney and the town centre. Clearly, as with the development as a whole, this can only be done with the northern (Windrush crossing) section of the West End Link Road in place, so that a “figure of eight” route might be followed through the North Witney area. Mr Gurney suggested that the long term viability of the suggested 15 minute frequency service would be in doubt partly because it would not link to the main radial services, including those to Oxford, and would not lead to any significant modal shift, i.e. away from use of the car for access to the town centre.

9.11 The North Witney Consortium (NWC) have rightly objected that green travel plans should encompass measures which apply to new residential areas, not just employment or commercial developments. The design and layout of developments can favour the more sustainable modes. Measures can be taken to dissuade people from using cars for short distances and parking controls are an obvious answer. It seems to me that it should be possible through such measures to meet the Government’s objectives as set out in paragraphs 1 and 2 of PPG3 for development in a location as close to the town centre as North Witney. The opportunity to provide a

new town bus service is not something which should be dismissed lightly. NWC also refer to the relative proximity of the site to Long Hanborough railway station. I agree that there is some potential for enhancement here, although EWLC were right to point out that the eastern side of Witney generally will have improved access via the N E distributor.

9.12 Much emphasis has been placed on the ability of the existing Carterton/Witney/Oxford bus services to be diverted through the North Curbridge area and to serve the new employment areas. This would be in line with the guidance in PPG3 to support and develop existing facilities. On the other hand, North Witney is ‘marked down’ in terms of potential for public transport provision because it is not within easy walking distance of the Oxford bus routes which could not reasonably be diverted through the site. In my opinion, too much weight has been placed upon the need for enhanced services to Oxford, presumably for longer distance journeys to work. Indeed, the overall approach to the transport analysis gives greater emphasis to the journey to work rather than other social and recreational travel needs.

9.13 I deal with the issues arising over the early “delivery” of the northern section of the West End Link later. The other aspect of infrastructure provision is that of trunk sewer lines to the Ducklington Lane SDW. I understand that of the 3 options Thames Water favour North Curbridge because of the relative ease and shortness of connections. North Witney is the furthest away and the Council initially suggested that there would be considerable disruption through the town centre due to the need to relay the sewer to serve North Witney. However, it seems that may not be necessary and the site could be served through the North East development area. It does not appear that this is an undue constraint. Neither would it be a constraint for East Witney.

9.14 In paragraph 9.6 above I comment upon the interpretation of the criterion in paragraph 31 of PPG3 “the ability to build communities”. Although the Council have questioned the viability of providing a local centre to serve the more limited development area now proposed it seems to me that the advantage of this location is that existing facilities are accessible and would be able to serve the new housing until a new centre could be supported by a completed development. Similarly, local schools would have capacity but the development would be large enough to support a new primary school.

9.15 This leaves consideration of the “landscape issues” which are subdivided into 5 (A-E) in “Which Way?” but which seem to me to be largely dealing with similar matters. Firstly, there is the matter of the intrinsic value of the landscape itself as identified in the West Oxfordshire Landscape Assessment (WOLA) (CD1/30) and the Witney Landscape and Ecological Assessments (WLEA) (CD1/38 and 109). The North Witney site is within an area described in WOLA as within the Wychwood Uplands Character Area, semi-enclosed limestone wolds (smaller scale) and then within area ‘C’ which is identified as a high quality landscape edge vulnerable to change; an important rural approach to Witney.

9.16 There is no doubt in my mind from my own inspection that the landscape in North Witney is on a significantly smaller scale than the somewhat bleak, open and large fields at North Curbridge which is split between the Upper Windrush Valley (open limestone wolds) and Shilton Downs (semi-enclosed limestone wolds). I agree

with the Council that there is higher intrinsic value in this smaller scale landscape and to that extent, if developed, it would be a greater loss. I agree that the proposed distributor road would cut across the grain of the countryside and even if there was to be substantial planting along it, it would seem a somewhat artificial edge. If there was then, at some future date, to be further development to the north – as originally assessed in the WLEA, there is not an obvious boundary to such development. On the other hand, I do not agree that development here would be especially conspicuous as it could be contained within the existing topography. A lit roundabout junction with Hailey Road would be conspicuous at night from the Burford Road and there would be a degree of intrusion into the gap between the town edge and Witney, although despite Mrs Hopwood’s views on the matter, I do not regard the scattered farmsteads and cottages to the north as part of Hailey, which starts at Witheridge Cross. Overall, I would regard development here as representing a degree of intrusion into the countryside, but one which would be acceptable if other factors, such as location and accessibility were found to be of greater importance. There is also relatively little landscape objection to that part of the NWC site between the New Yatt and Woodstock Roads which is self-contained. The main effect here would be in the outlook from existing houses on the urban edge.

9.17 The NWC object to the North Curbridge site on landscape grounds because it would be seen to be an extension of the urban area on a somewhat high plateau like area, separated from the Deer Park area by the valley to the east. The landscape assessments identify the high inter-visibility of the area which requires significant strategic landscaping in ‘mitigation’. I find it hard to see this as an improvement to landscape quality because it would represent such a radical change but it seems to me that the large buildings on the business park to the north (particularly Medisense) are already dominant in long-distance views and that the overall appearance of the town from the south would not be unduly harmed, especially with strategic landscaping in place. I agree with the NWC however that the proposed development area would be somewhat divorced from the rest of the town and appear to be more of a self-contained suburb than an urban extension in the true sense.

9.18 *East Witney.* I recognise that the Council faced some difficulty in preparing their case to deal with the objections submitted by the East Witney Land Consortium (EWLC) because the nature of the EWLC’s alternative proposals changed quite radically between the initial deposit and the time of the Inquiry. However, there had been some material changes of circumstances in those 3 years, not least the lapsing of the planning permission for construction of the Cogges Link Road (CLR) and the requirement for an EIA for that scheme, the detailed implications of which I shall discuss later. The Council were correct to maintain at the Inquiry that they would wish me to consider only the duly-made objections, which did not raise an issue about the CLR. These identify 4 separate parcels of land CL1 – West of Cogges (Stanton Harcourt Road)(1102 & 1312), CL2 – East of Cogges (part allocated Witney Proposal 5)(1313&14), the “Oxford Hill or Cogges triangle” and an area south-east of the NE Distributor Road, east of Oxford Hill (1328). Site CL1 is dealt with separately. Planning permission has been granted for most, but not all, of the CL2 site but subject to a condition relating to the CLR and that part of the objection area east of Oxford Hill has been withdrawn.

9.19 Much of the detailed evidence submitted by EWLC relates to a completely different concept which could only be implemented should the plan proposals for the CLR not proceed. I will return to that but for the purposes of a comparative exercise on sustainability in accordance with paragraph 31 of PPG3 I consider that I must refer to the duly-made objection sites, appropriately reduced.

9.20 I consider that I can deal with this option relatively briefly. Firstly, in terms of general location and access to the town centre by foot or on cycle I am in no doubt that the Cogges area has very considerable advantages over North Curbridge, or indeed North Witney. It is the closest site in distance to the town centre, Henry Box secondary school and town employment areas (1-1.5 km.) by way of the excellent footway and cyclepath across the Windrush valley past Cogges Manor. Indeed, the fact that this route is so much shorter than the road route through Newland and Bridge Street encourages the use of non-car modes entirely in line with PPG13 advice. I also accept that it should be possible to provide another crossing on Mawle Trustees land for more direct access to the Station Lane industrial area. The Council should recognise, however, that should the CLR be built – even without a junction at Stanton Harcourt Road, easier access to the town centre by car would be the result.

9.21 Whereas a development which is contiguous with the existing Cogges housing areas would be able to make use of these routes I have very considerable doubts that the same would apply to a pocket of housing on the hill separated by the CLR, partly in cutting, even if there is a bridge over. The CLR would be a major barrier here. It would divide the new housing from the existing facilities in Cogges, including the Blake’s primary school and I note the Education Authority’s concerns at the prospect of children having to cross the road. Evidently there is insufficient capacity at the school for the children from a 500 dwelling development and I agree with the Council that expansion through relocation of the playing fields closer to the listed Cogges Manor and Moat is not likely to be acceptable. The same correspondence does not give confidence that a separate primary school to the east of the road could be supported.

9.22 The conclusions of the Roger Tym study (Gillespie, Appendix 20), which are based on the revised (non-CLR) proposals, show a store serving both the existing 1000 houses plus the 500 proposed. I have considerable doubts that this could be viable on a site divided from the rest of Cogges by the CLR. The large ‘cul-de-sac’ layout, which appears unavoidable, would not assist. By way of comment, I note that even without the CLR the form of existing development at Cogges (which has been designed away from the CLR route) would not permit proper integration of the new housing area.

9.23 As for bus services, I accept that it may be possible, once the CLR is constructed, to provide a new circular bus route which would penetrate the residential area and run along the CLR to the Sainsbury’s roundabout and town centre but I consider that the benefits of this would be localised. Existing services along the B4022, Oxford Hill, are not within easy walking distance and would be uphill.

9.24 My conclusion on this is that with the CLR in place development to the east of it on the “Cogges triangle” would be difficult to serve and would not function as a logical urban extension. It is doubtful whether the area would be large enough to justify the provision of local centre or school and would thus not assist in building

communities. There also appears to be little real opportunity for viable small business units.

9.25 There is also a significant objection by the Council to development on the slopes of Cogges Hill which are seen as an important part of the setting of the town, as identified in the WOLA as part of character area 11, Eynsham Vale, and Witney area E where there is high intervisibility and prominent landform. The hill slope is most apparent from within the Windrush valley, from the Stanton Harcourt Road bridge and the A40 eastwards to Shores Green. The open hill is also seen from higher ground to the south-east and south-west. It seems to me that these visibility factors are acknowledged in the revised proposals, which seek to keep the development below the 95 m. contour. I conclude that the original (duly-made) proposals would be harmful to the landscape setting of Witney for these reasons.

9.26 My conclusion on the duly-made East Witney proposals (excluding CL1) is that they perform poorly against the sustainability criteria set out in paragraph 31 of PPG3. Otherwise, so far as the revised proposals are concerned, I will only comment that with the absence of the CLR the integration of the development with Cogges would be clearly improved, but not ideal because the layout has, for obvious reasons, not been planned to facilitate this. The viability of bus service provision to a large cul-de-sac must be in serious doubt. The development would not extend to the same height on the Cogges Hill slope and would thus be relatively less intrusive but would still change the character of the area. Tree planting on higher ground would act as a partial foil.

9.27 Overall conclusion on issue a. I conclude that the North Witney proposals, taken in the round and subject to the provision of WEL(2) enabling the introduction of a new town bus service would represent a sustainable urban extension in accordance with PPG3 guidance and I regard the proposals as acceptable in landscape terms. However, the North Curbridge area, with strategic landscaping as proposed, would have less of an impact on the setting of the town. Development there, although close to the Downs Road employment area, is more distant from the town centre and, in part due to its scale, would be more in the nature of a self-contained suburb than an urban extension. Nevertheless, the plan proposals have the advantage of providing for mixed uses and would support a range of community facilities for the development once fully developed. I do not regard the duly-made East Witney proposals as representing a sustainable option due to the fragmented nature of the sites and the difficulties of integrating the “Cogges triangle” with the town across the CLR.

9.28 At this point, without considering questions of deliverability relating to essential roads infrastructure, North Witney would appear to meet the sustainability criteria in paragraph 31 of PPG3 more closely than North Curbridge. North Witney also has the advantage of more flexibility in phasing, there being potentially 3 phases including, long-term the possibility of development to the north of the distributor road within the area of the original duly-made objection. As the Council admitted, although North Curbridge might be phased in the sense that it would take time to complete the whole development of 800 dwellings, in practice it is an “all or nothing option”, hence the issue of inclusion as a “strategic site” – an issue to which I return.

9.29 Issue b. I heard much about the complex history of proposals for the Cogges Link Road (CLR) and the funding sought through developer contributions from the N

E Witney Development Area. It is a proposal in the adopted local plan with an area safeguarded for its construction as shown on the proposals map. Planning permission for the road was granted in 1997 but lapsed in 2002. An Environmental Impact Assessment carried out by the Babbie Group (*CD3/58-61*) was considered by the County Council’s Executive on the first day of the local plan Inquiry, 6 July 2004, when it was agreed to proceed with a fresh planning application for the scheme and to confirm the intention to construct the West End Link Stage 2 (WEL(2))(*CD3/42*).

9.30 The timing of this process in relation to that for this Inquiry might have been better. Having the Babbie EIA results to hand was fortuitous and it has enabled a more detailed examination of the alternative schemes than might otherwise have occurred, but it is unfortunate that the County Council have chosen to move ahead with the submission of a planning application which they indicated might be decided in February 2005. This is in the face of the significant number of objections made to the local plan on the basis that the CLR, and indeed WEL(2), schemes should not proceed but should be replaced by west facing slip roads at the A40 Shores Green junction (SG), possibly in combination with a new ‘link’ between the northern end of Witan Way and Newland (NL).

9.31 It seems that the County Highway Authority may have been under the impression that because the schemes are named in the adopted County Structure Plan (*CD3/1*), paragraph 6.51, the principle is decided and that the only matter for consideration at this Inquiry was the detailed alignment. As I explained, that is not the case. Firstly, paragraph 6.51 is part of the Explanatory Memorandum which is explicitly stated not to form part of the plan. It is only the strategic routes listed in policy T12 which are in the plan. Secondly, it is clear from the EiP Panel report (*CD3/48*), paragraph 7.13, that they were regarded as local schemes and the principle was not considered. It is therefore the last sentence of the guidance in paragraph 5.21 of PPG12 which is most directly applicable, i.e. that “local plan procedures or other statutory provisions will provide the means to examine both the options in relation to the transport requirement identified and any subsequent details of the proposal’s implementation.” In this context, I would point out that none of the consultative procedures carried out by the Highway Authority are statutory. I recognise that my recommendations to the District Council in respect of the inclusion of road schemes in the local plan will not bind the Highway Authority but I would hope that due regard will be had to them. It also seems likely, subject to the timescale involved, that my conclusions may be a material consideration at any Compulsory Purchase Order Inquiry which may be required.

9.32 *CD3/42* summarises the process by which Babbies considered alternatives to the CLR through the EIA process. It shows that the alternatives put forward by objectors to the local plan (see paragraph 9.30 above) were all carried forward to the second stage of the comparative analysis but that only the SG/WEL(2) combination was compared to the CLR through full Transport Analysis Guidance (TAG). As a matter of clarification, what is referred to in the EIA as the “CPRE route” (PA3) is not before this Inquiry. Although the CPRE/Witney Society are objectors (*555/1010-1*) their objection, with many others, is one of principle to the CLR because of the environmental impact of the crossing of the Windrush valley where it is claimed to be contrary to policy WIT3. They now favour SG together with NL on the basis that the

“de-trunking” of the A40 has opened up an option which was not available at the time of the previous local plan Inquiry.

9.33 Although questions have been raised about some of the assumptions made in the EIA and TAG analysis, the process has broadly followed government guidance on these matters. Nevertheless, I have some reservations about the approach which is taken to the narrowing down of options because, understandably, the first ‘sift’ relates to the traffic benefits delivered by alternative schemes. It does not enable the full balancing exercise to be undertaken that would be expected under planning procedures. For example, the SG/NL combination would provide less than optimum but useful traffic benefit at low environmental cost but was not carried through to the final stage. The approach is also self-fulfilling to some extent because it gives weight to compliance with the development plan strategy as it stands when the purpose of this Inquiry is to consider objections to that strategy.

9.34 I was assisted at the Joint Formal Hearing on the Transport by Mr Rob Barker, acting as an Assistant Inspector. I asked him to carry out an appraisal of the highways technical evidence to the Inquiry. His report is attached as an appendix to this chapter of my report. His brief is set out in section 2 and his conclusions in section 11. In paragraph 11.2 he states that Witney’s main transport problems will worsen during the lifetime of the plan should nothing be done to improve the town’s infrastructure. In paragraph 11.7 he concludes that the CLR is to be preferred in traffic flow terms to SG and WEL(2) but that there is little to choose between them. He also identifies a marginally greater traffic benefit of the CLR/WEL(2) combination of schemes over the SG/WEL(2) combination. In paragraph 10.7 he identifies the marginally lower relief provided by the SG/NL combination compared to CLR alone.

9.35 I accept the conclusions of my assistant on the traffic benefits of the alternative schemes. The main point is that the differences between the alternatives are marginal in overall traffic benefit terms although there is greater variation in terms of impact on individual parts of the road network, such as Bridge Street or the town centre core area. It falls to me to consider the environmental impact of the CLR as against SG, either with or without NL or WEL(2).

9.36 The results of the stage 2 analysis of 6 alternatives against broad environmental criteria are set out in *CD3/61* summarised in Annex 5 to *CD3/42*. A summary table of the full TAG analysis of the final 2 alternatives is at Annex 6. I consider that Mr Hutchings (for EWLC) has exposed a number of weaknesses in the generalised scoring given. In particular, it must be the case that the environmental impact of the SG/NL combination would be significantly lower than either CLR alone or CLR/WEL(2) if only because of the removal of the need for a major new crossing of the Windrush.

9.37 As the CPRE raise specific objection to the omission of a Newland link from the plan, it is necessary for me to make clear my opinion on the matter. I am aware that the option of a Newland Link was favoured by the first Local Plan Inspector but it has never been included in an adopted plan. The 1997 Inquiry Inspector did not find in favour of it but at that time it was not considered as an option in combination with Shores Green improvements. The situation now is very different and on the basis of the traffic and environmental evidence before me I would have concluded that the SG/NL combination should be pursued in preference to the CLR, primarily because of

the environmental impact of the CLR on the Windrush valley. The TAG analysis almost lightly sets aside the severance of the Country Park which cannot be compensated for and, as I pointed out at the Inquiry, does not appear to take account of the effects of the loss of the recreational value of the area through the introduction of traffic noise and air pollution. These factors are considered only in relation to people’s homes.

9.38 At the Inquiry I was informed that planning permission had been granted for the development of 176 homes at Bridge Street Mills. I received written confirmation that development had commenced in December 2004 and observed this on site in May 2005. The approved scheme involves a new bridge across the Windrush linking to Witan Way more or less in the position that any Newland link road would have to be. Otherwise though the housing layout is simply not compatible with the provision of a new distributor road. Existing houses would also have to be acquired and demolished for the junction with Newland.

9.39 For these reasons I decided that I could not justify taking Inquiry time to hear further evidence about the Newland Link and took submissions in writing. Even should the Council’s submission be correct: that the mere implementation of the scheme would make no difference to the compensation payable, I take the view that it would be grossly unreasonable to look to the compulsory purchase and demolition of newly constructed properties which would undoubtedly be occupied before any proceedings could be initiated. There would be considerable personal hardship and, frankly, any such move would be likely to bring the planning system into disrepute. It seems to me that the District Council had set its face against this option some years ago and did not fully recognise the extent to which the new option of improvements at Shores Green would change the planning circumstances. I consider that it is now too late and that NL no longer represents a realistic alternative in combination with SG.

9.40 I also consider that the inclusion only of the SG/WEL(2) combination of schemes in the final TAG comparison with the CLR alone does not allow a proper balancing exercise because it is not comparing like with like. It masks the lesser environmental impact of SG compared to CLR in isolation. To put it another way, WEL(2) involves another crossing of the Windrush with consequent environmental impact on the valley and property. There may be a higher priority to construct it in combination with SG as opposed to CLR but it should be a common factor in any analysis. The potential impact of SG appears to be minimal only affecting the habitat of the dormouse which could be mitigated; it would be a relatively low cost scheme. In this regard, I also agree with EWLC that to take account of the monies already “secured” for the CLR is a distortion of true cost. Given the right circumstances, and the agreement of all parties, funds could be switched. There could even be funds available to go towards the Downs Road improvements. There must be a very major question mark over the relative benefit attributed to early construction of the CLR, particularly in view of the interests of the landowner concerned and likelihood of CPO procedures.

9.41 Partly as a response to the evidence put to this Inquiry on behalf of the North Witney Consortium and their willingness to fund the majority of WEL(2) to serve their development proposals a further report to the County Council’s Executive was made on 7 December 2004 which states a long term intention to construct the road but not to pursue any compulsory purchase procedures until the CLR has been

constructed and the results monitored. It is suggested that the road might not be constructed, if at all, until after 2016 at least not if funded through the Local Transport Plan process.

9.42 There is no dispute that WEL(2) is required to serve any development at North Witney. The “Hopper bus” proposals depend upon it. The traffic modelling shows the implications for surrounding roads as traffic would be drawn to the new crossing from the north and east of the town, including along Hailey Road (Barker, paragraph 9.6). However, the Highway Authority do not go so far as to suggest that they would actually oppose the NWC proposals, although a refusal to facilitate the construction of WEL(2) in advance of CLR amounts to the same thing in my opinion. That would be despite the fact that virtually the whole cost of construction would be met by developer contribution.

9.43 I accept that design work would have to be done and there would have to be an independent Environmental Assessment. There are objections on the grounds of impact on residential property and an objection in principle by All Saints College. There would clearly be a local impact on the Windrush valley which may be little more acceptable than the CLR. I also accept that the WEL(2) should not be constructed in advance of either the CLR or SG because of its effect on feeder roads, as identified above. However, it seems to me that, should there be a greater willingness to achieve the construction of this road, there is no reason why it could not be done before 2016.

9.44 The timescale for the delivery of the various new road links is clearly a matter of considerable importance to the delivery of the local plan strategy for housing development as well as to an improvement in traffic circulation. No-one denies the unsatisfactory result of traffic congestion on Bridge Street and around the Staple Hall mini-roundabout junction. It leads to unpleasant air pollution and noise for the commercial and residential properties fronting these roads. A solution is long overdue. There have been many delays in the implementation of the CLR scheme to date and Mr Mawle for the EWLC impressed upon the Inquiry the considerable potential that remains for further delay and the doubts which remain as to whether the necessary funding will come forward to enable construction in 2007 as currently envisaged.

9.45 Although the EWLC case to the Inquiry sought to provide SG as a developer funded scheme linked to housing development, and possibly a park-and-ride, I set that aside for one moment. My conclusion is that SG represents a *better* alternative to CLR because it would have a lesser environmental impact. It could also deliver significant traffic benefits if not the equivalent to CLR. In terms of funding, even should the OCC estimate (*OCCI, CD3/52*) of up to £4.9 m. prove correct, (disputed by EWLC), and the entire funding falls on the public purse – which seems doubtful in view of the EWLC interest – the shortfall would remain well within the range of the shortfall for CLR of £2.5-6.7m. identified for CLR. In all probability, the draw upon public funds would be significantly less than for the CLR.

9.46 Conclusion on issue b. I recognise that a change of strategy now might result in some further delay whilst additional engineering studies are carried out into details of both the Shores Green and West End Link (N) schemes are undertaken. However,

even should the CLR be pursued it is far from clear that construction might start as early as 2007/8. There is still time for a re-appraisal to be carried out.

9.47 I have not sought to review the mass of evidence in detail in this report but it is sufficient to convince me of the considerable environmental impact which would arise from the CLR as it cuts across the valley of the River Windrush. I am convinced that such factors as the severance of the Country Park; the introduction of additional noise reducing the recreational value of the park and the overall increase in CO₂ emissions due to the new road have been given insufficient weight in the TAG analysis. Moreover, the way in which the existing plan strategy is given weight introduces a bias in favour of that strategy.

9.48 In my opinion, the CLR option should not be pursued while there is a possibility that the less environmentally damaging option of the Shores Green improvements, possibly in eventual combination with the West End link, might be a feasible option. This may best be accomplished through the Local Development Framework process under the 2004 Act. In the meantime, in so far as it affects this plan, I consider that the options should be kept open by the safeguarding of both the CLR and WEL(2) routes as in the deposit plan policy T4. However, in view of the uncertainties over timescale, especially of the WEL(2), I do not consider that these schemes should be included as specific proposals in the plan as in Witney Proposal 10. Indeed, the Proposal can be deleted because it is largely superfluous, with the remaining relevant text transferred to chapter 4, paragraph 3.15.

9.49 Issue c. I have analysed the relative merits of the North Curbridge site against the competing claims of North and East Witney under issue a. One of the factors which comes out of the highways analysis is that North Curbridge, unlike the other two schemes, does not have any implications for traffic flows on town centre roads. However, the corollary to that is that the development would do nothing to assist in providing relief to Bridge Street or Staple Hall. It would be a highly self-contained development somewhat separate from the rest of the town despite the potential for linking in to the commercially successful bus routes from Carterton to Oxford. It is primarily because of this relative isolation that entirely new school(s), shops and community facilities would be required. Both of the other options would make some use of existing facilities and thus would more closely match the sequential approach of paragraph 31 in PPG3.

9.50 I have indicated in paragraphs 9.27-28 that North Witney represents a sustainable alternative to the North Curbridge proposals included in the plan. It is also apparent that the developers would be able to fund the construction of the northern section of the West End Link but they do not have complete control. The construction of the Northern Link Road as part of the development would help to prevent problems of “rat running” on Farmers Close which concern the Witney Society.

9.51 The revised (smaller scale) North Witney proposals would not provide for development on the same scale as at North Curbridge, although I acknowledge that the originally duly-made objections would have achieved that. To provide the greatest flexibility in terms of the plan strategy and to deliver the Shores Green improvements in the short-term and at minimum cost to the public purse it would be necessary to consider the revised East Witney proposals in addition. As I have

already indicated, I have some difficulty in view of the Council’s stance on the changes made to the EWLC representations over time. The Council are within their rights to refuse to consider the revised option making use of the CLR land to keep development at a lower level on Cogges Hill. For similar reasons I have not given any weight to the EWLC proposals for a park and ride site off Oxford Hill. The County Council clearly wish to give further consideration to the most suitable site.

9.52 However, I conclude that the alternative options for housing development in Witney represent a viable alternative strategy to that presented in the plan. The weight of evidence presented is sufficient to convince me that the North Curbridge option should be re-considered in parallel with a re-assessment of the alternative road schemes. All of this is best accomplished through the preparation of a core strategy DPD under the 2004 Act. This must be an absolute priority and involve all of the stakeholders involved at this Inquiry. For their part, the County Highway Authority must recognise that the justification for road schemes, or indeed the location of park and ride sites, is integrally linked with land use policy. It might be expected that these will be considered through the LDF process.

9.53 I recognise that this conclusion will have major implications for this plan. However, as I have also concluded that no major new housing site need be brought forward for development before 2011 or thereabouts, neither the North or East Witney sites need to be allocated in this plan. Indeed, they cannot, for all of the reasons I have given above.

9.54 I also recognise that the allocation of 800 dwellings in North Curbridge, as Witney Proposal 6, enables the plan to meet the requirement in the Keith Hill statement of July 2003 to identify a 10 year supply of land at the likely date of adoption. Should the proposal be deleted in its entirety the plan would fail to meet this ministerial objective. Clearly, one of its purposes is to minimise any possibility of an interruption in housing supply. Although I am confident that the Council will be able to progress a review of the core strategy by adoption of a DPD before 2007/8 when decisions on development post-2011 will have to be taken, there must remain some doubt about the deliverability of the various road schemes to serve the alternatives. It is right that North Curbridge is affected least by these difficulties even though its “all or nothing” nature is a major drawback in terms of the PMM approach. On balance, I consider it better to keep all options open by recommending that North Curbridge should remain an allocation in this plan but only as a kind of reserve site, phased under a modified policy H1 for development after 2011. It will need to be made clear that this is subject to review. It follows that none of the detail in Witney Proposal 6 is needed. I recommend a simple policy in its place. However, I recognise that detailed representations have been made on the existing policy and I consider these in section 9.94-9 below, effectively on a “without prejudice” basis.

9.55 Nevertheless, as I have stressed when considering the approach to phasing (see paragraphs 5.54-9) it is important to the proper implementation of the PMM that sites should be capable of being brought forward as well as held back. With North Curbridge not to be developed until after 2011, if at all, the identified supply would only just match the structure plan annualised requirement in Witney. There needs to be some flexibility which would be best achieved by the allocation of one or more smaller sites in the town. In this regard I favour the allocation of the Buttercross Works.

9.56 A number of sites have been suggested by objectors and these are considered in paragraphs 9.104-134 below. In addition, it would be possible to allocate the block of the N. Witney site between the Woodstock and New Yatt Roads, for about 100 dwellings. It is self-contained and would be close to the Woodgreen Secondary School. However, the site would be peripheral, some way from the town centre, and the effect of providing a link road as suggested would need to be evaluated. There is not a strong case, in my view, to allocate that site in isolation.

9.57 I recognise that to defer development of the North Curbridge site in this way will have a major repercussion on the funding of the construction of the Downs Road slip roads which was the Council’s reason for agreeing that the site be identified as “strategic”. I discuss this under the next issue.

9.58 Issue d. The principle of the construction of the A40 Downs Road junction was established at the last local plan Inquiry. I am not aware of any significant change in circumstances since that time, at least in so far as the main justification for a “two-legged” junction, that is with east-facing slip roads only, is in order to provide improved access to the Downs Road employment areas. The junction would enable traffic from Downs Road to avoid the Ducklington Road interchange and reduce HGV flows along Thorney Leys which serves residential areas to the west of the town. The concerns of Freeland Parish Council (1410) are not borne out by the June 2004 decision of the County Highway Authority to include the scheme in the Transport Capital Programme (CD3/43). The Proposals Map shows an area safeguarded for the construction of the junction but design details have not yet been finalised, there being an option of an “at grade” solution. I do not consider, on that basis, that there is reason to require siting further west (914).

9.59 The evidence (*OCC Document 1*) on financial contributions already made from employment development towards the costs of construction is that only £770,000 is held towards a scheme with estimated costs of £5.3-7 m. Oxfordshire Land, the developers of the North Curbridge site, would be prepared to make up the funding to enable construction to take place in conjunction with the first phase of development, envisaged by the Council to be towards the end of the plan period. However, they were understandably concerned that such a major item of infrastructural investment could not be justified unless there could be a degree of certainty of the development going ahead. They objected to the plan to that effect and the Council’s decision, introduced by way of pre-Inquiry changes, PICs 5.2-4 and 9.1-6, to identify North Curbridge as a “strategic site” and hence not subject to review under the PMM approach is the response.

9.60 I am in no doubt that, on the basis of the submitted plan and the assumptions underlying it, there was sufficient justification for the identification of North Curbridge as a strategic site in terms of the guidance in “Planning to deliver”. The justification for it came from the adopted structure plan requirement for the expansion of Witney; it was a “major building block” of the strategy and the construction of a new two-leg junction (east facing slip roads) with the A40 at Downs Road was major item of infrastructure which, I accept, would be a pre-requisite for the development of the 400 dwelling ‘first phase’. It would be reasonably related to the development proposal in my view and I have no reason to think that the Council was being unduly influenced in its actions by using the development to solve existing problems.

9.61 I fully acknowledge the benefits which would accrue from the Downs Road junction but to identify the North Curbridge site as a strategic one would run entirely counter to my recommendation to defer development and to review the allocation in a core strategy DPD. There should not be any commitment to eventual development in this plan. It must remain an option to be considered, no more no less. If there is not to be developer funding for the junction, at least in the short term, and it is seen as a priority, then a case for it will need to be made for funding through the Local Transport Plan process.

9.62 However, partly in response to Minster Lovell Parish Council and residents’ concerns about increased traffic from the west through the village, the plan was amended at the revised deposit stage to refer to a full four-leg junction junction, that is with both east and west facing slip roads. The committee report on objections to the first deposit plan (*CD1/27*) shows that the amendments to Witney Proposal 11 and the text paragraph 4.12, as well as to paragraph 2.32 after Witney Proposal 6, were related primarily to the wish to provide for the possibility of a park and ride site within the development as well as to facilitate improved public transport access generally.

9.63 It is evident that a full four-leg junction cannot be justified to serve the North Curbridge development as proposed in the plan. One of the criticisms of the inclusion of this site is that it has capacity to accommodate possibly as many as 1200 dwellings in the long term. The cost of a four-leg grade separated junction is estimated by the County Council as £6.3-8.4 m. Even should it prove possible to switch funds from an abandoned Cogges Link Road there would still be a shortfall unless an at grade junction proved acceptable, about which there appears to be considerable doubt. It seems highly likely that any grade-separated scheme will have to be justified through the Local Transport Plan.

9.64 Paragraph 2.32 will clearly require amendment. The Council put forward amended wording in response to objection 3386 which would remove any suggestion that a four-leg junction is a pre-requisite for the North Curbridge development. It is a positive suggestion but the reference to construction being phased in conjunction with the first phased release of land at North Curbridge, although it might still occur, would not be appropriate should the scheme be funded independently. It would be simpler to revert to the first deposit draft version. For similar reasons the suggested amendment to paragraph 4.12 in response to objection 3390 should not be made.

9.65 There are also objections to policy T5 and the amendment that was made to paragraph 3.28 in chapter 4 adding a cross-reference to a park and ride site as part of the North Curbridge development. I consider these objections in chapter 4 but the evidence to the Inquiry was effectively that further work needs to be done to decide the best site for a park and ride in the Witney area. In effect, mention of any particular site is premature. Had I not recommended the deletion of the detail in Witney Proposal 6 I would have recommended the removal of the reference to park and ride facilities in part viii.

9.66 The net result of my consideration of the objections to Witney Proposal 11 and other cross-references in the plan to the junction and to park and ride is that they should all revert to the wording used in the first deposit draft. This will mean that the plan will safeguard land sufficient to provide for any design of junction but that the proposal will refer only to east facing slip roads.

RECOMMENDATIONS

- 9.67 **R9.1** Delete Witney Proposal 6 and replace it with a new policy as follows:-

An area for comprehensive mixed use development, including no more than 800 dwellings, is allocated to the west of Witney as defined on the Witney Inset Map. This area will be held in reserve and is not expected to be required for development prior to 2011 in accordance with phasing policy H1.

- 9.68 **R9.2** Modify all references to the North Curbridge allocation in the plan to take account of R9.1. In chapter 9 modify paragraphs 2.5 to 2.10 to explain that although a development at North Curbridge remains a possibility after 2011 this will not be permitted pending a review of the plan strategy. Also amalgamate much of the detail from deleted Witney Proposal 6 with the explanatory text paragraphs 2.31-39 subject to recommendations R9.15&16. PICs 5.2-4 and 9.1-6 should not be made.

- 9.69 **R9.3** Update figure 9.1 in line with recommendation R5.6.

- 9.70 **R9.4** Delete Witney Proposal 10 and transfer the text in paragraphs 4.6-10, in so far as it remains relevant, to chapter 4, to follow paragraph 3.15. Make no modification in respect of the “Newland Link”.

R4.17 in relation to policy T4 is that the Cogges Link Road and West End Link (northern section) should remain as safeguarded routes in this plan.

- 9.71 **R9.5** Modify the plan to remove references to a full four leg junction with the A40 at Downs Road by:-

- a. in paragraph 9.2.32, reversing amendment no. 192
- b. in Witney Proposal 11, reversing amendment no. 204
- c. in paragraph 9.4.12, reversing amendment no. 205 but not to include deleted paragraph 4.13.

I now deal with all other objections to Chapter 9 in the plan starting with the introductory sections. Objections to housing omission sites are considered after the 6 proposed sites.

HOUSING PROVISION

PARAGRAPH 2.3

Objection 567/3437

Issue

Whether the quoted urban capacity figures make adequate allowance for certain sites and sources.

Conclusion

9.72 This objection is considered here because it specifically relates to the changes made (amendment No. 181) to paragraph 2.3. However, the objection is not one of principle to the methodology used in the UCS, nor is it specific about the additional sites which ought to be taken into account. I refer to the Witney study in some detail in paragraphs 5.30-34 of this report. I recognise that it is but a snapshot and cannot expect to identify every site which might come forward in the plan period. Hence the need for monitoring and corrective action through the PMM approach.

9.73 Paragraph 2.3 in the revised draft is largely factual in that it merely reports the results of the 2002 survey. I had the results of the 2004 survey and the Council will, no doubt, wish to update this paragraph accordingly, but no other form of modification is warranted.

RECOMMENDATION

9.74 **R9.6 Update paragraph 2.3 to reflect the results of the 2004 Urban Capacity Study.**

PARAGRAPH 2.10

Objections 578/1236, 576/3484

Issue

(a) Whether the switching housing provision to Witney from the rest of the district would be contrary to the structure plan.

Conclusions

9.75 I have already discussed this issue, which arose in RTS1, in paragraph 5.29 of this report and find no basis in the structure plan for the suggestion that provision in Witney should be limited to the “around 2700 dwellings” of structure plan policy H1.

RECOMMENDATION

9.76 **R9.7 Make no modification to paragraph 2.10**

2 objections (3485 & 3449) to figure 9.1 are considered together with similar objections to figure 5.1 in chapter 5 of this report.

HOUSING PROPOSALS

WITNEY PROPOSAL 1 – BURFORD ROAD (NORTH)

Objections 526/863, 538/930, 589/1307

Issue

The inclusion of any part of the site which has planning consent and other detailed provisions

Conclusion

9.77 The objections to this proposal were all lodged at first deposit stage and they all appear to have been overtaken by events. The whole of the plan text 2.13-16 refers to a situation which applied before planning permission was granted. Development of the area to the east of the West End link had already been completed by the time of the local plan inquiry but site clearance commenced on the remainder during summer 2004.

9.78 I have commented elsewhere that once a site is granted permission it is good practice to exclude it from the plan. It becomes a commitment, particularly once development starts. As a result I consider that the site should be deleted as a proposal. I formally recommend this in response to objection 930.

RECOMMENDATION

9.79 R9.8 Delete Witney Proposal 1 and the supporting text, paragraphs 2.13-6.

WITNEY PROPOSAL 2 – WEST WITNEY DEVELOPMENT

Objection 589/1308

Issue

Whether these sites are inappropriate for residential development and should be deleted.

Conclusion

9.80 It appears that these are residual pockets of land left over from the original West Witney development area. Development was already under way at the time of the revised deposit plan with only 36 plots remaining in 2002. I note that the Council did not include the sites at all in their revised 2004 based versions of figures 5.1 and 9.1. Similar considerations apply as to proposal 1.

RECOMMENDATION

9.81 R9.9 Delete Witney Proposal 2 and the supporting text paragraphs 2.17-9.

WITNEY PROPOSAL 3 – NEULAND

Objections 523/844, 589/1309

Issue

Whether it is appropriate to include a site for which the replacement of existing allotments is uncertain.

Conclusions

9.82 This site may be occupied by allotment gardens but it is otherwise well located within the urban fabric of Witney. To my mind the proximity to housing makes it more, rather than less suitable for housing development. There is also a question of timing of release because even though this may be a long-standing commitment it nevertheless counts as a greenfield site and should not be accorded high priority in accordance with the PMM approach. There are statutory requirements for allotments to be replaced and the specific mention of this in the plan suggests that it has been a constraint. In written evidence to the Inquiry (*CP041*) the Council state that the area allocated for allotments as part of the North-East Development Area (Proposal 4) will be a replacement and that a legal agreement will ensure provision when 1000 dwellings are complete. This is not stated in the deposit plan.

9.83 I consider, therefore, that the proposal be retained in the plan but, as a green field site, it should be phased for release in the second phase (post 2008).

RECOMMENDATION

9.84 **R9.10 Make no modification to Witney Proposal 3 but clarify that as it is a greenfield site it is included in the second phase under revised policy H1.**

WITNEY PROPOSAL 4 – NORTH EAST WITNEY

Objections 589/1310, 643/3553

Issues

The retention of provision for B1 and allotment uses and the consequence of splitting the local centre for healthcare provision.

Conclusions

9.85 It is evident that the situation in the North-East Witney Development Area has moved on considerably since the first draft plan, indeed since the revised draft. Much of the development is now complete. The Council have clearly shown a degree of flexibility in their application of the draft policy by agreeing to the re-allocation of the B1 element for housing. It seems to me reasonable to seek a range of uses in such a large development and it is the intention that the allotments will be a replacement for

those relocated from the Proposal 3 site, which is a statutory requirement (see paragraph 9.82 above). No doubt that will be reviewed should it transpire that there is no demand. In the meantime the allocation should remain. (1510)

9.86 It also appears that the splitting of the local centre is a “fait accompli” merely reflecting permissions already granted. (3553). This brings me to a more general point which I have touched upon in chapter 5 which is that not only has most of this site now been developed but that only a small part remains to be granted permission. It might be expected, therefore, that the plan would only treat these smaller elements as ‘proposals’ the remainder being a commitment. I would certainly not think it necessary to include such a comprehensive and detailed policy in the plan.

9.87 This puts me in some difficulty in making a sensible recommendation on the minor matters raised in the objections. Certainly, provision (ii) should be deleted. However, I am sure the Council will wish to update this policy to reflect the current position in line with my comments above.

RECOMMENDATION

9.88 **R9.11 Modify Witney Proposal 4 to reflect the up-to-date position on the development to date and outstanding commitments, including deletion of provision (ii) for commercial (B1) uses.**

WITNEY PROPOSAL 5 – COGGES

Objections 336/550, 568/1105, 589/1313

Issues

Whether the allocation represents an appropriate extension of development into the countryside, taking account of the Cogges Link road line.

Conclusions

9.89 The Council have largely, if not entirely, met objections 1105 and 1313 in their decisions firstly to enlarge the area allocated in the revised draft plan (amendment no. 191) but also to grant planning permission as stated in amended paragraph 2.27 subject to a condition that development not take place until planning permission is granted for the Cogges Link Road. This also nullifies objection 550 against the principle of development.

9.90 The EWLC would prefer to see this site, which they referred to as CL2, developed as part of the much larger area which might be considered should the CLR proposal be abandoned. I refer to this above although I am not able to formally consider it because it is not part of a duly-made objection.

9.91 I do not find there to be any merit in suggestions that housing development might extend marginally further north or east than already permitted. If CLR goes ahead there will be a need for a landscape buffer and the strip of land to the east of the Cogges development has potential as open space (it is better to avoid the term ‘public

open space’ because there are special statutory provisions relating thereto). The layout of the existing development does not lend itself to eastward extension and the approved layout for this site shows what amounts to a long cul-de-sac. Further extension is not appropriate.

9.92 As with other sites with permission this is no longer a true ‘proposal’ but I accept that in view of the uncertainties over the CLR this is probably the most appropriate treatment.

RECOMMENDATION

9.93 **R9.12 Make no modification to Witney Proposal 5 (Cogges)**

WITNEY PROPOSAL 6 – NORTH CURBRIDGE

Objections

300/469-70&2, 3386&9

Issues

- (a) Whether the areas shown on the proposals map for amenity open space and structural landscaping are unduly prescriptive.
- (b) The justification for the requirement for a conference centre/hotel in this location.
- (c) The remaining inconsistency between the wording of part (iv) of the policy and the text in paragraph 2.38.

Conclusions

9.94 I have recommended (R9.1) that the North Curbridge Development Area should remain as an allocation in the plan but phased with the expectation that the site will not be required for development until after the end of the plan period in 2011. It is for this reason that I consider that all of the detailed provisions in the Proposal and the accompanying text in paragraphs 2.31-9 could be very much reduced and simplified. In itself, that would meet the more detailed objections to the policy and text made by Oxfordshire Land.

9.95 However, I have to deal with those detailed objections which remain and I also recognise that the Council may still feel that there would be merit in keeping the detailed policy in the plan. This section is written on that basis.

9.96 Issue a. I agree with the Council that a large development such as that at North Curbridge will require both amenity space and strategic landscaping. Indeed, it is the perceived need for such extensive landscaping to “hide” the development on this rather exposed open area that is used as part of the case against the principle of development here. It is clear from the Council’s response to the objection that the precise detail of the form and type of landscaping required would be a matter for discussion and agreement as part of a planning brief for the site. I do not see any

difficulty in that. Consequently I do not agree with the objection that the plan requirements are unduly prescriptive. (469)

9.97 Issue b. The objectors have not brought evidence to establish that there is no need for a hotel or conference facility on this site. On the other hand, the Council identify a general need in West Witney and refer to proposals at Witney Lakes and Coral Springs. They seem to suggest that if such proposals go ahead there would be a lesser need. At the planning application stage it would clearly be nonsensical for the Council to insist on the provision of a facility which would not be economically viable. I am sure they would take a common sense approach in the circumstances which might then apply. Evidence of non-viability would be an important material consideration to set against the development plan requirement. There is not a strong case to delete this element at the present time. (470)

9.98 Issue c. Amendment no. 193 was intended to meet the original objection (472) but this left an inconsistency with the text in paragraph 2.38. I agree that, in so far as that paragraph remains, it would be appropriate to amend it as in PIC9.1. (3389)

9.99 Other matters. Objection 471 has been met by amendment no. 194 including a definition of live/work units in the glossary. Should paragraph 2.32 remain in the plan it would be necessary to amend it to reflect the amended funding arrangements for the Downs Road junction. The wording of the text, as well as part (viii) of the policy, assumes that the junction will be an integral part of the overall development when, at least in part, it is needed to meet an existing need and is a separate proposal in the plan. Furthermore, objection 3385 (see policy T5) draws attention to the inconsistency of approach in requiring (policy part viii) a park and ride site as part of the development when it is far from certain when, if ever, west facing slip roads might be constructed at Downs Road and the whole matter of the most appropriate location for such a facility is still under investigation. In the circumstances I consider that part (viii) should be deleted in its entirety. However, the amended wording for paragraph 2.32 put to the Inquiry by the Council in response to objection 3386 would provide useful clarification of the outstanding position, excluding reference to construction in conjunction with the first phase of land release.

RECOMMENDATIONS

These recommendations are made “without prejudice” to R9.1 and 9.2.

- 9.100 **R9.13 Make no modification to the indicative area for amenity open space/structural landscaping around the North Curbridge Development Area as shown on the Proposals Map – Witney Inset.**
- 9.101 **R9.14 Make no modification to part (iv) of Witney Proposal 6.**
- 9.102 **R9.15 Delete part (viii) of Witney Proposal 6 and in the explanatory text, paragraph 2.32, delete all after the second sentence and substitute:-**

“The defined Development Area also includes land safeguarded for the proposed A40 junction, whether this should be grade separated or an at grade junction. The detailed design remains to be approved. The safeguarded land is necessary to satisfactorily accommodate slip roads,

associated earth works and significant areas of woodland planting to help soften the visual impact of the new interchange. Provision of a new junction serving traffic flows to and from the east, together with improved public transport links, is an essential and early requirement to provide satisfactory access to the development area.”

9.103 R9.16 In the last sentence of paragraph 2.38 delete the words “of the residential areas to be developed” (PIC 9.1)

HOUSING – OMISSION SITES

BUTTERCROSS WORKS

Objection 306/503

Issue

Whether the site should be allocated for housing in the plan.

Conclusions

9.104 There is no doubt that this previously developed site would be highly suitable for housing use. It lies to the north of Station Lane with housing to the north-west and further west and otherwise open land with a park to the east. It is within easy walking distance of the town centre.

9.105 Although the Council maintain that the site remains in employment use and it is covered in the UCS (*CDI/44*), where it is counted as one of several “small employment sites” (site 11 on map 4), there does not appear to have been any detailed appraisal. The objection does not provide any detail as to the extent of the claimed under-use or how much of the site is unused but it appeared to me used primarily for sui-generis and semi-retail and storage rather than B1 use. Most significantly, the mill buildings at the north end of the site are occupied by a “Poundstretcher” store, which one might expect to find at least on a secondary shopping frontages in the town centre.

9.106 Ministerial updates of the guidance in PPG4 point strongly towards the re-use of such sites for housing and it seems to me that the Council may have some difficulty in defending the continued employment use of this site, at least in its entirety, within the terms of plan policy E6. I recognise the Council’s arguments about the need to ensure a continued balance of employment and housing provision in the central areas of Witney and the fact that an allocation for housing would be a positive steer towards an abandonment of the existing uses but, particularly in view of the need to minimise the use of greenfield land for housing and the marginal employment benefit of this site I consider that housing would represent the optimum land use.

RECOMMENDATION

9.107 R9.17 Modify the plan (policy H1 and figure 5.1) to include an additional housing proposal at the Buttercross Works site off Station Lane, Witney.

EMPLOYMENT SITE ADJACENT TO BUS DEPOT, CORN STREET

Objection 520/822

Issue

Whether the site should be allocated for housing.

Conclusions

9.108 This site is only 0.5 hectare and thus somewhat on the small side for a specific allocation. It is situated between flatted residential development and a bus depot and so would be suitable for residential use subject to policy E6. I am satisfied that any future use might be considered within the terms of this policy rather than by specific allocation.

RECOMMENDATION

9.109 **R9.18 Make no modification to the plan status of land adjacent to the bus depôt Corn Street, Witney.**

WITNEY MILLS RECREATION GROUND, NEWLAND

Objection 526/859

Issue

The value of the site as an open space on the edge of the Witney Conservation Area and the significance of any loss of recreational land.

Conclusions

9.110 There is no dispute that this site is in a highly sustainable location close to the centre of Witney and within easy walking distance of all of the town’s facilities. The objection has been amended to suggest that the Oxford Road frontage might be allocated for housing development with the north-eastern part retained for recreational use.

9.111 The site has been in use as a cricket ground for a long period of time, originally a facility for the workers at Early’s blanket factory and hence of some historical significance. Evidently the lease for the cricket ground was due to expire in Autumn 2004 and the future usage is in doubt.

9.112 It is unfortunate that the Council did not carry out a robust needs assessment of existing open space to inform the local plan, as advised in paragraph 10 of PPG17, although I recognise that the revised version post-dates the first deposit of the plan. The 1997 survey would suggest excess provision against the NPFA standards but does not take account of the N E Witney development.

9.113 Evidently a needs assessment is being carried out at the moment and might well be available by the time this report is issued. This will clarify the position on need. In the meantime, I agree with the Council that the objectors have not brought the kind of detailed evidence which would be required under PPG17 guidance to permit the loss of a playing field. I consider that such evidence would also be required to justify an allocation.

9.114 It is also the case that this area has an important amenity value on the edge of the conservation area with a significant stone frontage wall and another within the site with a number of trees along the site boundaries. It may well be possible to develop housing on the site to respect these features, although it seems inevitable that access would have to be made to Oxford Road which would open up the site to view.

9.115 In view of these constraints and the lack of compelling evidence on the need to retain the playing field facility I do not consider it appropriate that the site be allocated, even on the conditional basis suggested by the objectors. Even if it was to be allocated, as a greenfield site, it would not be for development until the second phase under policy H1 and also subject to the PMM approach.

9.116 I note that objection (864) was also raised to policy H7 which is dealt with in general terms in chapter 5 of this report. However, I will also comment here that it would be contrary to the advice in PPG3 for a criteria based policy to permit the development of a greenfield site such as this, even within the urban area, as a “windfall” site.

RECOMMENDATION

9.117 **R9.19 Make no modification to the plan status of the Witney Mills Recreation Ground, Newland.**

LAND NORTH OF CHURCH LANE

Objection 563/1084

Issue

Whether the site should be allocated for housing.

Conclusions

9.118 It is suggested in the objection that this site (described in the objection as Barnes Close) would be a logical rounding-off of development which would not encroach into open countryside and that any development might be sensitively designed so as not to conflict with the aims of policy WIT3 ‘Windrush in Witney’.

9.119 I do not agree with this assessment. I observed that the site is highly visible from the well used public footpath and cycleway linking the Cogges area to the centre of Witney which passes the historic Cogges village, church and manor. The houses on Newland Mill and Meadow View are visible across the fields but it might be considered that these already encroach somewhat too far into the otherwise open character of the area. The undulating fields are grazed and entirely rural in character.

Development on the objection site would, in my opinion, significantly reduce the existing sense of rurality which is important to the setting of Cogges Manor. I cannot envisage any development here which would be compatible with policy WIT3.

RECOMMENDATION

9.120 **R9.20 Make no modification to the plan status of the land at Barnes Close, Witney, to the north of Church Lane.**

ABINGDON AND WITNEY COLLEGE CAMPUS

Objection 540/933

Issue

The potential future use of the college site.

Conclusions

9.121 This is something of a holding objection seeking flexibility in future use of the site should it become surplus to educational requirements. However, at the time of the Inquiry there were no firm proposals for relocation of the college and it would, consequently, be premature to include any form of policy statement on the matter.

9.122 The college site is very centrally located within Witney, immediately adjacent to the town centre. Should the college vacate the site there would be an urgent need for the Council to bring forward proposals for appropriate alternative uses much as has been done for the mixed use sites to the north of Welch Way. This is such a large site so critically located that it would have ramifications for the whole plan strategy. Should there be a significant element of housing it would, under the PMM approach, take priority over any greenfield allocations on the edge of the town. It underlines the need for flexibility in the phasing of such sites.

RECOMMENDATION

9.123 **R9.21 Make no modification to the plan status of the Abingdon and Witney College Campus in central Witney.**

LAND WEST OF STANTON HARCOURT ROAD (WEST OF COGGES)

Objections 567/1102; 589/1312

Issues

- (a) The impact on the valley landscape and the “Windrush in Witney” policy area.
- (b) The extent of any flood risk on the site and its implications;
- (c) The potential for improved pedestrian/cycle links across the Windrush;

Conclusions

9.124 The objection site is referred to in the EWLC objection (1312) as CL1 or ‘west of Cogges’. The duly-made objection site does not coincide precisely with that discussed at the Inquiry, most particularly on the eastern Stanton Harcourt Road frontage. However this does not materially alter the issues considered at the Inquiry.

9.125 Issue a. From my own observations I agree with the assessment in the Windrush in Witney project report (CDI/51) that the whole area should be regarded as part of the open valley floor. The north-south hedgerow which forms the western boundary of the site is a prominent feature within the valley as viewed from the vicinity of the country park to the west but otherwise there is only a minor variation in the essentially flat nature of the site, all below the 80 m. contour, between east and west. I agree with the Council that the existing land use, in terms of agricultural practice (or lack of it), is a factor which might alter and does not define a landscape type.

9.126 At the present time there are views across the entire site from the Stanton Harcourt Road bridge across the A40. From here the site is seen as clearly part of the flat valley and housing would be seen as an intrusion into the valley. I fully support the aims and objectives of plan policy WIT3 because of its importance as an open wedge penetrating almost to the heart of the town and helping to maintain a vestige of its former market town character.

9.127 However, this would be radically altered by the intrusion of the Cogges Link Road across the valley. It is one reason why I have recommended that it should not proceed whilst the alternatives are more fully explored. However, should it eventually proceed the objection site would be largely contained, in the view described above, between the road and the existing Cogges housing area. There would be no additional intrusion into the valley. In that context I agree with the objectors that the north-south hedge would form a strong edge to the west which might be strengthened by additional planting.

9.128 Issue b. The evidence on flood risk evolved during the Inquiry due to more up-to-date information supplied by the Environment Agency. The suggestion was that the western part of the site had been flooded in 1947 and lies within PPG 25 flood zone 2, low to medium risk, which is stated to be ‘suitable for most development’ but requires a flood risk assessment. This was confirmed in an assessment done by WSP. However more recent evidence suggests that the risk is lower and that much of the site is within zone 1. Obviously this would require further checking but my conclusion on the evidence before me is that there would be no reason to resist development on the grounds of flood risk.

9.129 Issue c. Part of the objectors’ case is that the site lies close to the town centre of Witney and, consequently, its development would help to reduce the need to travel for most purposes, including shops, school and work. However, I consider that this only holds true provided that new pedestrian and cycle links could be made across the valley to the vicinity of Sainsbury’s. Various ways of achieving this were discussed at the Inquiry, facilitated by the fact that the landowner is part of the EWLC consortium. I agree with the Council that for these routes to be attractive they would need to be safe and lit at night, which would increase their impact. There was also no clear evidence as to the acceptability of another river crossing in the vicinity of Farm Mill, or indeed, whether the old railway line might be used to gain access to the Station Lane area pending decisions on the CLR. I consider that these possibilities require more detailed study.

9.130 In conclusion on this objection site, in view of the overall land supply situation in Witney (see section 5), and as this is a green field site, even if the site was to be allocated it would be in the second phase under policy H1 and I would not envisage development until the latter part of the plan period. By then the position with regard to the CLR should be clear and there will have been an opportunity to re-consider the strategy under the LDF process.

9.131 As I do not consider that any development should encroach into the Windrush valley contrary to policy WIT3 it would be illogical to allocate this site at the present time, even though I have recommended that the CLR route should remain safeguarded. That safeguarding is a recognition only of the fact that the road remains in the County Highways programme (LTP) without prejudice to the review of the strategy I believe should take place through the LDF process. Consequently I recommend against allocation. Nevertheless, should my recommendation to consider alternatives to the CLR be not accepted, and it appears likely to be constructed by 2008, I consider that the proximity of this site to the town centre would be a major benefit not outweighed by flood risk or landscape considerations. In that situation, I consider there would be merit in identifying this site as an allocation in this plan rather than awaiting the LDF review. This is because it would assist in providing flexibility of land supply should assumptions made about the availability of previously used land prove over-optimistic.

RECOMMENDATION

9.132 **R9.22 Make no modification to the plan in respect of the land west of Stanton Harcourt Road, west of Cogges.**

LAND AT 8 SPRINGFIELD/CURBRIDGE ROAD

Objections 549/950; 550/4062-3

Issue

Whether the site is ‘brownfield’ and might be developed independently from the North Curbridge Development Area.

Conclusion

9.133 This site is shown on the proposals map as being part of the North Curbridge Development Area and yet, unlike most of the area, it is not open agricultural land but

what appears to be a dwelling set in large grounds with a former market garden or nursery adjacent. I do not have detailed evidence on the matter but it appears to be unlikely that most of the area would qualify as “previously developed land” in terms of annex C to PPG3. It would not, therefore, have priority for development in terms of the sequential test.

9.134 As I do not now envisage development in North Curbridge until after 2011, if at all, this objection must be considered as seeking an independent allocation. Although the site is opposite the Coral Springs area, which has certain similar characteristics, I consider that the site stands apart from the developed area of Witney. The Curbridge and Deer Park Roads form good long term boundaries to development area. Comprehensive development as an urban extension might be acceptable but, otherwise, I agree with the Council that this would be seen as piecemeal development beyond the urban boundary.

9.135 R9.23 Make no modification to the plan to treat land at “Springfield”, Curbridge Road, differently from the remainder of the North Curbridge Development Area. (see R9.1 and R9.2)

EMPLOYMENT PROVISION

WITNEY PROPOSAL 7 – EMPLOYMENT LAND WEST OF DOWNS ROAD

Objections 620/1415

Issue

Adverse impact of traffic volume on Crawley.

Conclusions

9.136 Even at the time the revised deposit plan was produced planning permission had been granted and the 2003 committee report indicates that the Council expect the area to have been fully committed prior to adoption of this plan. As I have indicated elsewhere, I would not expect this to be treated as a plan proposal and the site should be deleted from the plan with any residual land treated as a commitment. However, I do not consider that the objection as submitted gives grounds to formally recommend this. I will deal with it in generality.

9.137 The objector’s main concern is that this development, together with the North Curbridge development, will draw traffic from the north through Crawley. This may well be a problem but I consider that traffic management measures are probably the most appropriate solution.

RECOMMENDATION

9.138 R9.24 Modify the plan to reflect the latest position with regard to the progress of development on the employment land west of Downs Road (Witney Proposal 7).

WITNEY PROPOSAL 8 – EMPLOYMENT LAND EAST OF DOWNS ROAD

Objections 300/475

Issue

Lack of specific reference to contributions towards the A40/Downs Road junction.

Conclusions

9.139 From the evidence presented to the Inquiry about the funding of the A40/Downs Road junction it is clear that the planning permissions already granted on this site have secured contributions towards this infrastructure. It is that paragraph 3.9 is not specific but only cross-references to Witney Proposal 7, with the mention in paragraph 3.6. Although not ideal, this will suffice. Otherwise, the same considerations apply to this site as to the Downs Road west site.

RECOMMENDATION

9.140 **R9.25 Modify the plan to reflect the latest position with regard to the progress of development on the employment land east of Downs Road (Witney Proposal 8).**

WITNEY PROPOSAL 9 – CORAL SPRINGS POLICY AREA

Objections 555/1008, 623/1440

Issues

- (a) The absence of any proposal to re-align Thorney Leys Road to avoid tight curves.
- (b) The inclusion of the area of balancing ponds in Thorney Leys within a designated amenity space/structural landscaping area.

Conclusions

9.141 Issue a. The Witney Society (1008) are concerned about the bends in Thorney Leys Road and the difficulties arising for vehicles emerging from the residential areas on the opposite (north-east) side of the road. Not only has a detailed planning brief been prepared for this site (CD1/77) but permission has previously been granted and, I understand, further proposals for mixed use development were under consideration at the time of the Inquiry.

9.142 It is apparent that the improvements sought by the objectors would be achieved entirely within the highway land. It is not necessary for such detailed matters to be included in the plan. It would also not be a planning issue unless such

improvements were considered to be a pre-requisite for development of the site, which clearly they are not.

9.143 Issue b. Objection 1440 does not refer to the balancing pond shown in the Coral Springs planning brief in the south-eastern corner of the site but to the existing balancing ponds to the west of Thorney Leys Park in a narrow tongue of land extending eastwards from Coral Springs, sandwiched between the A40 and Thorney Leys Road.

9.144 This brings to my attention the treatment of the “amenity open space/structural landscaping” notation on the Proposals Map, Inset 3, Witney. It is associated with Witney Proposals 6 to 9 inclusive and its function is described in the policies. The provision in part b) of proposal 9 refers to “land between Curbridge Road and the A40”. However, the notation is shown on the Proposals Map as extending all along the north side of the A40 well outside the area shown in the planning brief. It is far from clear how this would be achieved when it is on land which appears to be in separate ownership and where there are no development proposals. This applies to the balancing ponds to which the objection refers. It cannot be the intention that development at Coral Springs would be conditional upon the retention of the planting here, as the policy wording suggests. The notation should be deleted. Should the balancing ponds not be required in the future employment policy E2 would apply, amongst others.

RECOMMENDATIONS

9.145 **R9.26 Make no modification to Witney Proposal 9 (Coral Springs Policy Area).**

9.146 **R9.27 Modify the proposals map, inset no. 3 – Witney, by the deletion of the notation “amenity open space/structural landscape area” from the narrow strip of land to the north of the A40 eastwards to Thorney Leys Park to exclude all land which does not relate to Witney Proposal 9.**

TRANSPORT

PARAGRAPH 4.1

Objection 577/1215

Issue

(a) The reference under d) to a lack of funding for road schemes.

Conclusion

9.147 The Council appear not to have responded specifically to this objection by the County Council (Highways), perhaps because it is incorrectly included under the transport section (chapter 4) in paragraph 28 of the OCC October 2001 committee report. There is no paragraph 4.1 d) in plan chapter 4.

9.148 Be that as it may, I heard little at the Inquiry which did anything to refute the suggestion that the necessary funding for the road schemes put forward in the plan remains uncertain, either in terms of Government grant through the LTP process or from developer contributions. I do not see that the Witney Integrated Land Use Strategy (WITS) is likely to change the situation significantly. I regard the wording used as being factually correct.

9.149 **R9.28 Make no modification to the wording of paragraph 4.1 d) in chapter 9 of the plan.**

TRANSPORT OBJECTIVES

Objections 374/595, 551/955, 555/1009, 577/1198

Issues

- (a) The need for the objectives to reflect those in the Local Transport Plan., to improve accessibility generally and to refer to the Integrated Transport and Land Use Strategy.
- (b) Whether it would be appropriate to provide more car or cycle parking and wider roads in Witney.
- (c) The omission of specific plans to divert through traffic away from the town centre.

Conclusions

9.150 Although I identify three somewhat different issues from the objections submitted and some pull in opposite directions (595, 955) it seems to me that the main message from the OCC representation (1198) is to achieve a more balanced emphasis on improvements to facilities in the town for pedestrians and cyclists, through reductions in traffic, particularly by seeking to minimise unnecessary through traffic (1009). It would be contrary to Government policy, as expressed in PPG13, to encourage car usage at the expense of more sustainable modes, wherever these are feasible and practicable.

9.151 In fact, the policies in the plan are by no means focussed only on road schemes. Witney Proposal 12, for example, seeks specifically to give priority to cyclists and pedestrians in the town centre. The Witney Integrated Transport and Land Use Strategy (CD3/33) was approved in December 2003. In that respect, the reference included in paragraph 4.5 by amendment no. 201 is out-of-date. WITS includes, at paragraph 5.2, a list of objectives which are more broadly cast than those in the plan and they are specifically related to the situation in Witney. There is less emphasis on road building as a solution, which is what is suggested by the second objective. I consider this to be a preferable approach, more in line with Government policy and the Local Transport Plan, rather than simply to cross-reference back to the more general transport objectives (amendment no. 200).

RECOMMENDATION

9.152 **R9.29 Recast the transport objectives for Witney included in the box in paragraph 9.4.2 along the lines of those included in paragraph 5.2 of the Witney Integrated Transport and Land Use Strategy to give more**

emphasis to improving conditions for pedestrians and cyclists and an improvement in accessibility by all means of transport.

WITNEY PROPOSAL 10 – CONSTRUCTION OF NEW HIGHWAYS - NORTH-EAST DISTRIBUTOR ROAD

WITNEY PROPOSAL 11 – A40 JUNCTION AT DOWNS ROAD

All objections to the Witney Proposals 10 and 11 are considered under the Witney strategy section, paragraphs 9.1-66 above.

WITNEY PROPOSAL 12 – TRAFFIC MANAGEMENT IN THE CENTRAL CORE AND FRINGE AREA

Objections 376/598, 552/982, 555/1014, 577/1200, 1201, 1216, 1217, 622/1417

Issues

- (a) The nature of the ‘proposal’ and the extent to which details of schemes should be included.
- (b) The lack of reference in the policy to parking management in the centre.
- (c) The impact of restrictions in central Witney on the wider areas around the town, including traffic calming on Farmers’ Close.

Conclusions

9.153 Issue a. There are difficulties with statements of intent of this kind. As the Council acknowledge this is an ‘enabling proposal’ but it is not at all clear how this encourages the measures mentioned therein. The lack of detail can lead to confusion, for example, the reference to ‘pedestrian priority areas’ has led to an objection by Witney Town Council (982) who say they are opposed to pedestrianisation. That word is not used in the ‘proposal’ so it is not clear exactly what the Council have in mind should it fall short of full vehicular exclusion.

9.154 I recognise that schemes of this nature are often subject to public consultation processes outside of the statutory local plan process, especially as the County Highway Authority is clearly involved. Some of the measures sought by objection 598 in the Woodgreen area would fall more directly in the Highways domain. However, for the local plan to be ‘clear, succinct and easily understood’ it might be expected that details of schemes likely to be implemented, at least in the next 5 years, would be included. There are no objections of principle to the inclusion of the proposal in the plan but the Council may wish to consider whether it serves any useful purpose.

9.155 Issue b. The Council responded to the County Council’s objections to paragraphs 4.17 and 4.19 by amendments nos. 206 and 207 and I am satisfied that these meet objections 1200, 1216&17. However, paragraph 4.19 will require

substantial amendment or deletion in view of my recommendations as to the treatment of the North Curbridge allocation (R9.2) and, more especially, the omission of any reference to a park and ride scheme in association with a four-leg junction at Downs Road (R9.15). Moreover, I do not consider that this amendment met the point of objection 1201 which relates to the omission of a reference to *parking* management in the town centre. I understand that such matters as charging policy may be a sensitive issue in Witney but it is a matter which ought to be addressed. It should be mentioned in the policy/proposal.

9.156 Issue c. It is clear from the extensive evidence on traffic matters that the implications of various measures and alternative road schemes have been extensively considered. The effect on Crawley (1417) is a factor to be taken into account in the priority accorded to WEL(2) in particular. As a matter of principle it must be right that policies should seek a significant reduction in traffic flows through the town centre and although the proposal refers to this it could be more firmly worded.

9.157 The Witney Society (1014) referred at the Inquiry to details for traffic-calming on Farmers’ Close which are not in the plan. As it is now established that WEL(2) scheme is long term I do not consider there is any basis for removal of a generalised reference to this scheme. It seems to me that there would be localised environmental benefits on what would, otherwise, be a ‘rat-run’.

RECOMMENDATION

9.158 R9.30 Modify Witney Proposal 12, part a), to read as follows:- proposals within the central area of the town will include pedestrian priority areas, traffic calming and comprehensive traffic and parking management measures to discourage non-essential traffic movements through the town centre, slow the speeds ... (as in deposit plan).

MIXED USE PROPOSALS IN THE CENTRAL AREA

WITNEY PROPOSAL 13 – WEST OF HIGH STREET, DEVELOPMENT AREAS 1 AND 2

Objections 33/40, 526/860, 529/881, 538/931, 542/936, 552/983, 555/1016, 589/1318

Issues

(a) The inclusion of Nos 47/49 Mill Street within Development Area 2 and the impact of new development on those properties.

(b) Whether the undeveloped burgage plot to the rear of Gloucester Place should be protected for its historic interest and, together with other open areas, designated as amenity open space/landscape belt and

(c) The need to specifically identify a pedestrian route between Development Area 1 and the High Street on the Insert Map, separate from a cycle route.

- (d) Whether the plan should be more specific about the provision for housing, retail and recreational uses within the site and whether the latter should be limited to the area east of the West End link road.
- (e) The requirement that a Planning Brief be prepared prior to planning permission being granted for Areas 1 and 2.
- (f) Traffic generation

Conclusions

9.159 Much has changed with regard to the progression of development proposals on this site since publication of the revised deposit plan. A “development brief” had been prepared by the Council for area 1 although it is a corporate document as the Council themselves are the owners. By the time of the Inquiry the Council had received bids from interested developers on the basis of the brief and had shortlisted 6. Thus matters had moved a long way and options are rapidly being reduced. I also understand that several of the concerns raised in the All Saints objection (860) have been resolved in a planning application made for area 2, although the objections have not been withdrawn.

9.160 Issue a. I feel that the Council’s response in paragraph 169 of the 2003 committee report rather lightly sets aside a significant matter with regard to Nos. 47 and 49 Mill Street. The fact that these properties are excluded from the planning application for the development of area 2 and are in completely different ownership underlines the fact that there is no intention that the houses be redeveloped. It is wrong to include them in the area because of potential blight and they should be excluded. The other concerns of the objector about the potential impact of development due to the difference in levels is a matter of detail not appropriate to a local plan.

9.161 Issue b. There is a strong commonality between objections 936 and 1016 with regard to the retention of open space within the development area. As the Council point out, the proposal refers to the need for amenity open space but that could be interpreted as no more than the area of woodland specifically identified on the proposals map. It does not apply to any other specific area of currently open land, most especially to the historic burgage plot.

9.162 I agree with the Council that that this is an important town centre fringe site with very considerable potential to enhance the attractiveness and vitality of the centre. It is also within a conservation area which might suggest an onus upon conserving historic assets. It was suggested that the burgage plot be excluded from the development area altogether with sheep grazing re-introduced as part of a museum project. There would be nothing in the proposal as worded to prevent that happening but, however desirable that might be, there is no clear indication that it would be a viable proposition. I have considered whether it would be appropriate to include the burgage plot within the “amenity open space” designation on the proposals map but consider that would unduly restrict the flexibility necessary to ensure that the scheme as a whole makes a balanced and positive contribution to the town.

9.163 The development brief cross-references to a number of plan policies which will apply to any proposals for this site. It is true that these apply in any event but there is no commentary in the plan text at all to explain the Council’s approach to the protection of amenity features within the site. At the very least, it might be expected that the proposals map annotation would be explained. I consider that the plan would be strengthened by the inclusion of such an explanation and a cross-reference to the policies listed at the foot of page 4 in the brief, with the addition of policy BE4 on the protection of important open areas. I find the omission of that policy a little surprising in the circumstances.

9.164 Issue c. The Witney Society, as part of objection *1016* wish for a segregation between cycle and pedestrian routes and for a clear identification of a route. Two possible routes are shown in the brief and the Council indicated that they would wish to keep options open for negotiation with landowners. Both appear to take somewhat circuitous routes through properties fronting the west side of High Street, none of which are within the development area and all in separate ownership.

9.165 I regard the provision of a safe pedestrian route to this site from High Street to be far more important than a cycle route, mainly because a pedestrian route is more likely to facilitate ‘linked trips’. People cycling to the site are likely to have come from further afield, in part by road. I agree with the Witney Society that there can be a conflict between cyclists and pedestrians and the tortuous routes suggested do not lend themselves to easy segregation. Consequently I recommend the deletion of the reference to a cycle route. I am also concerned that the wording of the proposal (or the brief) does not make the redevelopment in any way dependent upon the provision of a new pedestrian route. It may be designed so as to ‘enable’ such a route but to make it convenient and attractive may require more direct action by the Council.

9.166 As the development proposals are so well advanced I consider that a recommendation to include a specific route for a pedestrian link to the High Street will focus the attention of the Council on the need to ensure that a route is provided. It would also assist should CPO powers be needed to achieve it.

9.167 Issue d. In view of the emphasis given in PPG3 to the development of sustainable edge of town centre sites for housing, it might have been expected that the plan would have done more to quantify the contribution to be made by this site although I recognise that there is also an important contribution to the town centre functions of retailing and leisure uses both of which are subject to the sequential approach for site selection in PPG (now PPS) 6. (*1318*)

9.168 I understand that a foodstore is not now intended for area 1 and paragraph 5.8 will require amendment. Development area 2 is more peripheral to the centre and I agree the approach taken in not specifying retail use for that site but with reference in the text to non-food provision, even though that is tantamount to a policy statement (*881*).

9.169 Recreational and leisure uses are clearly appropriate for this site, it seems to me not necessarily restricted to the area east of WEL. (*860*) The Council might well take note of the town Council’s wish for a skate park (*983*) which would not be precluded by the proposal should it prove a viable use.

9.170 Issue e. Obviously a planning brief has already been prepared for area 1. Presumably it has not been done for area 2 if a planning application has already been submitted. However, I find the wording of paragraph 5.11 to be ambiguous. I rather think that it is now superfluous and can be deleted. (860)

9.171 Issue f. Any new uses of this nature will generate traffic to a degree but the location in the town centre will also enable the use of alternative modes of transport to the car in accordance with PPG13 guidance. It is also, rightly, a pre-requisite that the southern section of the WEL is constructed.

RECOMMENDATIONS

9.172 **R9.31 Delete “/cycle” before “link” in the last sentence of the policy for development area 1 under Witney Proposal 13 but include additional explanatory text to describe the measures the Council intends to take to secure the provision of the link to High Street.**

9.173 **R9.32 Delete paragraph 5.11 in the supporting text to Witney Proposal 13 and replace it with wording similar to that in paragraph 4 of the development brief; that is to stress the inclusion of the site in the conservation area and the need for the highest quality development to meet the policies as listed therein, with the addition of policy BE4. Also include a statement to describe the nature of the amenity open space/landscape belt shown on the proposals map, inset 3A.**

9.174 **R9.33 On the proposals map, inset 3A:-**

- a. **delete the hatched notation for Witney Proposal 13 from the curtilages of Nos. 47 and 49, Mill Street;**
- b. **insert a line for a pedestrian link to High Street**

WITNEY PROPOSAL 14 – REAR OF METHODIST CHURCH

Objection 589/1320

Issue

(a) Whether the entire site should be allocated for housing.

Conclusions

9.175 This site is located only just off High Street within a secondary shopping frontage with part of the town centre car park to the rear. As I have already indicated, the Council will need to consider the guidance in what is now PPS6 in seeking to strengthen the retail vitality of town centres, applying a sequential test which will need to be balanced with that of PPG3 for housing. I agree with the Council that mixed uses are the most appropriate here, not solely housing.

9.176 By way of comment, I note that wording in this proposal with regard to the provision of a pedestrian link to High Street is almost identical to that for proposal 13. However, the link itself is shown as part of the proposal. The situation is, therefore, quite different.

RECOMMENDATION

9.177 R9.34 Make no modification to Witney Proposal 14.

WITNEY PROPOSAL 15 – BRIDGE STREET MILLS

Objections 554/1000-04, 589/1321

Issues

The wording of the proposal, residential content and requirements for a brief and landscaping.

Conclusions

9.178 Planning permission (ref. 03/1955) was granted on 24 August 2004 (*CD1/128*) for the comprehensive redevelopment of the whole of this site. It provides for 176 dwellings and retains access to Bridge Street for certain existing commercial uses. I was also informed that development had commenced in December 2004.

9.179 Although the objections have not been withdrawn the granting of a planning permission supersedes the inclusion of this site as a proposal in the plan. It is now a commitment. As I have indicated previously for other sites it is not normal practice to include sites as proposals once permission is granted and I would expect this site to be deleted. However, the most I can do to reflect the objections made is to recommend that the plan be updated to reflect the permission granted.

RECOMMENDATION

9.180 R9.35 Modify Witney Proposal 15 and the explanatory text paragraphs 5.15-5.20 to reflect the fact that planning permission has been granted and development commenced.

LANDSCAPE AND OPEN SPACE

POLICY WIT3 – WINDRUSH IN WITNEY

Objections 517/811, 563/1085, 567/1101, 589/1322, 567/3439, 589/3453

Issues

The significance of inclusion of the land north of the A40 within the urban envelope; the effect of the Cogges Link Road and consultation on the Windrush in Witney project.

Conclusions

9.181 The main thrust of the objections to this policy come from those with development interests for sites which might encroach on the valley and be subject to the policy. I have considered those individually.

9.182 It is not entirely clear to me why most of the valley north of the A40 was identified as within the urban area for the purposes of the Urban Capacity Study. Whilst I would agree with the points made at the Inquiry in relation to the Stanton Harcourt Road site (1101, 1322) that the inclusion of the whole valley as one block fails to distinguish variations within it, I do not agree that the policy should not apply to any of the land north of the A40. In fact, if anything, the opposite applies because as the valley narrows with development both sides so the objective to protect its open, largely rural, character becomes increasingly important.

9.183 However, I agree that should the CLR be constructed as proposed it would seriously compromise the value of the southern part of this wedge. I agree totally with those who argue that the road scheme is directly contrary to the aims of this policy. It is one of the reasons why I consider the alternative of the Shores Green junction improvements should be given more consideration. Nevertheless, given the uncertainties over this I do not see it as a reason to amend the WIT3 area in this plan. It will be a matter for re-consideration should the road be built.

9.184 There is some confusion over the relationship between this policy and the Windrush in Witney project which is a management project rather than a planning one. The now published guidance (CD1/51&2) is not a planning document. Consultation procedures are not matters for reference in a statutory local plan. As it happens, the statement added to paragraph 6.4 by amendment no. 210 could refer to either a DPD or SPD produced under the 2004 Act which can be a spatial plan rather than just a land use planning document. The text should be amended further to make this clear. (3439, 3453)

RECOMMENDATIONS

9.185 **R9.36 Make no modification to policy WIT3 or to the area shown as subject to the policy on proposals map insets 3 and 3A.**

9.186 **R9.37 Modify paragraph 9.6.4 to clarify the status of the Windrush in Witney project report in planning terms and its likely status under the 2004 Act procedures.**