

Cherwell District Council

Executive Meeting

7 July 2014

Community Woodland at South West Bicester

Report of Head of Development Management

This report is public

Purpose of report

To advise Members of the potential to acquire land south of Vendee Drive at Bicester, and to enable the consideration of the options for the future use of the land. The land is identified in the Submission Cherwell Local Plan as a Green Buffer (ESD15) and as a potential location for community woodland (BIC7). The land is currently owned by Countryside Properties who are developing North of Vendee Drive at Kingsmere (SW Bicester).

1.0 Recommendations

The meeting is recommended:

- 1.1 To agree that the council seeks to acquire the land South of Vendee Drive as part of the S106 Agreement connected to the planning application for Phase 2 Kingsmere.
- 1.2 To agree that discussions take place with Chesterton Parish Council and Bicester Town Council over the future use of the land for informal recreational purposes.

2.0 Introduction

- 2.1 Following the allocation of land and the submission of a planning application for development at Kingsmere (SW Bicester) Chesterton Parish Council approached the Council with a proposal to create a community woodland on land to the south of Vendee Drive, between the Kingsmere development and Chesterton village. There has been on going dialogue with regard to the issue since 2007 but with the determination of the planning application for Phase 2 at Kingsmere there is now the prospect that the land could be acquired and this report sets out the background to the proposal and considers the issues with regard to acquisition of the site.

3.0 Report Details

Background

- 3.1 Land at Kingsmere (SW Bicester) was identified for development in the Non Statutory Cherwell Local plan published in 2004, Policy H13. The policy identified the requirement for a perimeter road and for the development within the site but did not make any mention of land south of the perimeter road. A planning application was made for the development in 2006 by Countryside Properties and planning permission was granted in June 2008 for up to 1585 properties. Countryside have a joint venture partnership which is bringing forward development on the site. There are currently over 300 properties built on the site.
- 3.2 The Joint Venture Partnership led by Countryside, that are securing the development of Kingsmere, own land south of Vendee Drive. The land was acquired with the development site, see attached plan.
- 3.3 Chesterton Parish Council had concerns with regard to the planning application for the Kingsmere development and the impact on the village. They started discussion with the Woodland Trust, the Council and others with the view to acquiring land south of the perimeter road, between the development and the village, for a community woodland. The Parish Council has developed a proposal for a community woodland on the site, with advice from the Woodland Trust and others and have sought to promote their vision of the site over a number of years. More recently it is understood that the Parish have had some discussion with Bicester Town Council over potential collaboration.
- 3.4 Countryside Properties would not provide land for the Community Woodland as part of the Phase 1 development that was granted planning permission in 2008, but did leave the door open for discussions as part of any further proposals to develop land north of Vendee Drive. The Draft Core Strategy originally identified the additional land within the perimeter road as a reserved site but the Submission Local Plan now allocates the land for residential development. The Plan also identifies Green Buffers (Policy ESD 15) to protect the identity and setting of the town and surrounding villages, prevent coalescence, protect landscape and historic features and important views. The Land between Vendee Drive and Chesterton Village is identified as one such buffer. Policy Bicester 7 is included to address deficiencies in open space, sport and recreation in Bicester and seeks to establish a community woodland south of Vendee Drive.

Land within the Green Buffer

- 3.5 A planning application was submitted for Phase 2 of the land North of Vendee Drive in May 2013, reference 13/00847/OUT. The application is not yet determined but likely to be considered by the Council's Planning Committee in August. The planning application includes a small area of land South of Vendee Drive which is proposed for informal amenity space and a surface water balancing pond. The land would be accessed by a controlled crossing across Vendee Drive.
- 3.6 Members of the Planning Committee have expressed reservations regarding the location of this amenity space, a view initially shared by Officers, because of the need to cross the road potentially reducing access to the amenity space, particularly

for children whose parents may not perceive it to be safe. However if this area was part of a larger area offering potential increased recreational benefits Officer's felt that this could be an acceptable compromise. This and options to relocate the amenity space are currently being explored. However Countryside have indicated that as part of the mitigation for the proposed development that they would be prepared to transfer all the land in their ownership south of Vendee Drive to the Council.

- 3.7 The land owned the Countryside Properties and their joint venture partners south of Vendee Drive amounts to approximately 43ha (108 acres). As the land would not be directly meeting the recreational needs of the proposed Phase 2 development, as other provision is being made to meet the Council's policy for open space, the land is being offered without funding for laying out and future maintenance. Never the less ownership of the land by a body such as the Council would ensure that the land fulfilled its purpose as a Green Buffer in the long term and could not be subject to unwanted development proposals.

Potential Uses of Land in the Green Buffer

- 3.8 If the land were to be transferred into public ownership it would provide security that the land could be maintained undeveloped into the future. However with land ownership also comes responsibility for the land and it would need to be managed in some form. Chesterton Parish Council have undertaken work and negotiations to outline the potential for a community woodland and remain interested in being able to implement the plan if the land could be made available. A working group has been set up to progress proposals should the opportunity arise.
- 3.9 The potential for grants for tree planting has been investigated and appears positive. The Parish have made a proposal to use New Homes Bonus funding for the establishment of the community woodland including the laying out of paths, signage, benches, dog bins, access gates and if necessary trees. In the medium it is indicated that there is potential for picnic areas, nature trails and outdoor learning opportunities for local schools. Consideration has been given to the potential to have productive woodland to provide a source of income. A community woodland would meet the aspirations of Policy Bicester 7 and could provide a valuable recreational resource for local people. It could also provide habitat for bio diversity gain and would help to address the low level of existing woodland currently in Oxfordshire. In addition tree planting could contribute to offsetting carbon related to new the development through carbon absorption, providing a low carbon energy source, reducing the need to travel to other woodland locations such as Stoke Wood.
- 3.10 Given the lack of certainty about the availability of the land there has been a limit to how far a project could be progressed. With certainty on the availability of the land and the likely timescale for is availability the project could gain momentum.
- 3.11 The timescales for dealing with the current planning application and necessary legal agreement may not fit with the development of proposals for community woodland and it is possible, although contrary to current indications, that funding needed may not be raised. It is therefore sensible to consider the potential risks of taking land and the potential of it not being needed for a project at least in the short term. In these circumstances the land could be left and would revert to a natural state over

time but this risks the land having an unkempt appearance and issues such as litter and health and safety would have to be addressed. It would be possible to continue agricultural use through the letting of the land to avoid maintenance costs.

- 3.12 From time to time other uses of land are suggested such as allotments, community farm and burial ground and land for outdoor sports. None of these options have currently been explored for the land south of Vendee Drive and all have different requirements in terms of laying out or setting up and on going maintenance costs. If it was not possible to progress plans for the community woodland these could be explored further.

4.0 Conclusion and Reasons for Recommendations

- 4.1 The potential to control the future of the Green Buffer south of Vendee Drive, through ownership of the land, is attractive and could secure long term the gap between Bicester and Chesterton as undeveloped land and an attractive rural setting.
- 4.2 The land has the potential to be a significant recreational asset for the area and a community woodland would widen the recreational resources for the area. The uncertainty about the availability of the land has to date restricted the progress on developing proposals and seeking funding. Once there is certainty it would be possible to progress proposals with more certainty.
- 4.3 If for any reason the community woodland proposal did not progress the land could continue in agricultural use and this option would minimize risk and costs to the land owner whilst maintaining the land undeveloped.
- 4.4 Other recreational or land uses compatible with keeping the land open could be considered if proposals for the community woodland did not progress but would require time to explore and develop to see if they were viable.

5.0 Consultation

None outside of the current planning application and informal discussions with Chesterton Parish Council

6.0 Alternative Options and Reasons for Rejection

- 6.1 The following alternative options have been identified and rejected for the reasons as set out below.

Option 1: The developer retains ownership of the land. Whilst the land is currently farmed there would be the potential for further planning applications to be made in the future. Whilst the Council is likely to be the planning authority some decisions are made on appeal and therefore this would not provide the level of certainty over future use.

Option 2: Transfer land direct to Chesterton Parish Council. This would necessitate the Parish Council being a party to the S106 agreement and would require them to work to agreed timescales for completion of the agreement and if this was not achieved it would delay the issue of planning permission. A transfer to the Council would not preclude onward transfer to the Parish or a lease arrangement.

7.0 Implications

Financial and Resource Implications

- 7.1 It is proposed to seek the transfer of the land for £1. There is currently no budget for the management and maintenance of the land. Continuation of the agricultural use would minimise the risks around future costs until a project was implemented.

Comments checked by: Martin Henry, Director of Resources, 0300 0030 0102, martin.henry@cherwellandsouthnorthants.gov.uk

Legal Implications

- 7.2 None directly from this report. However for planning obligations to be taken into account in determining planning applications they must meet the three tests set out in the CIL regulations. The tests are;
1. necessary to make the development acceptable in planning terms
 2. directly related to the development; and
 3. fairly and reasonably related in scale and kind to the development
- The securing of the land is considered to meet the tests.

Comments checked by: Nigel Bell, Team Leader - Planning and Litigation, 01295 221687, nigel.bell@cherwell-dc.gov.uk

Risk Implications

- 7.3 The ownership of land would require the Council to act responsibly to avoid risk. The Council currently owns a variety of land including land for informal recreation demonstrating that this risk can be managed.

Comments checked by: Martin Henry, Director of Resources, 0300 0030 0102, martin.henry@cherwellandsouthnorthants.gov.uk

8.0 Decision Information

Key Decision

Financial Threshold Met: No

Community Impact Threshold Met: No

Wards Affected

Ambrosden and Chesterton Ward.

Links to Corporate Plan and Policy Framework

The Cherwell Sustainable Community Strategy has the objective for Bicester of Improved leisure, recreation and community facilities. The Strategy also seeks to 'work to protect our environment and biodiversity by supporting farmers, land owners, volunteers and local businesses.'

Cherwell District Council Business Plan includes the following priorities;

- Reduce our carbon footprint and protect the natural environment.
- Provide high quality and accessible leisure opportunities.

Low Carbon Environmental Strategy
Corporate Bio Diversity Action Plan

Lead Councillor

Councillor Michael Gibbard, Lead Member for Planning

Document Information

Appendix No	Title
A	Site Plan
Background Papers	
None	
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