

Hearing Statement: Matter 5 – Legal Compliance

Nigel Pearce

Answer to 5.3

No, the consultation has not been adequate, in respect of the Garden Village. A parallel process has taken place: on the one hand, the Local Plan has gone through the necessary stages; but on the other hand, a separate process for the Garden Village has led to an apparent *fait accompli* without any consultation with the local community in Eynsham. This can be seen from the following timetable:

March 2016	Central government launched its Garden Village programme, asking for Expressions of Interest (Eols) by end-July.
July 2016	WODC published and submitted its Eol to central government <i>without</i> any prior consultation for this major new development with the people of Eynsham. As the Eynsham Parish Council Chairman's Report for 2016–2017 makes clear, "WODC prepared their Expression Of Interest to central Government without any consultation with the Parish Council or even our locally elected District Councillors."
Oct 2016	Date of Enfusion's Sustainability Assessment Addendum Report, recommending the Garden Village but repeating the same mistakes, or omissions of fact, as the LUC report (final version September 2016), which Enfusion described as a "key consideration".
11 Nov–23 Dec 2016	Consultation period for the modified Local Plan. Note how the period ended on the last working day before the Christmas/New Year holiday.
2 Jan 2017	On the first working day of 2017, Central government (DCLG) announced its initial choices of Garden Village, including West Oxfordshire/Cotswold Garden Village. The decision was clearly made before Christmas, while the Local Plan consultation was still running.

In other words, in a parallel planning universe, a Garden Village proposal was put forward by WODC, considered by the Homes and Communities Agency, and approved by DCLG without any scrutiny or engagement by the Eynsham community at any point. The separate Local Plan consultation only allowed comments on a decision, regarding the Garden Village, which had apparently already been taken and was subsequently approved by central government.

One reason why the Garden Village proposal was rushed through without proper consultation appears to be the over-eagerness of WODC to fulfil its "Duty of Cooperation" to accommodate Oxford City's unmet housing need. However, in doing so, it overlooked the requirement, specified in the Planning Inspector's Preliminary Findings regarding the Local Plan, that such a requirement should be met "where it is reasonable to do so and consistent

with achieving sustainable development” (para 7.3). This is highly questionable in the case of *both* the strategic developments planned for Eynsham, to the north and to the west.

In considering the original Local Plan to be unsound, the Planning Inspector said that Oxford City’s needs should be addressed “in some way” (para 7.2), not that WODC should roll over and surrender. It is a duty to cooperate, not a duty to obey – let alone a duty to assign 100% of West Oxfordshire’s quota of Oxford’s unmet housing need, and 67% of employment development land, *to a single parish*.

Answer to 5.4

No, the Habitats Regulations Assessment Screening Report is not adequate, because it does not cover City Farm. There was therefore no recognition or mention of the Site of European Importance for Arable Plants at City Farm, or the accompanying rich biodiversity there. (Included as an Appendix to this hearing statement is a two-page report on wildlife and habitat conservation and achievements at City Farm over recent years.)

Answer to 5.6

No, the Sustainability Appraisal has *not* appropriately informed the preparation of the plan. As mentioned above, the Eol and the Enfusion report repeat important errors that undermine the Sustainability Assessment:

1. The Eol and Enfusion report rely on the LUC assessment of various sites in West Oxfordshire. However, the relevant LUC report map makes it clear that only half, and the much less sensitive southern half, of the site was assessed. (This has been confirmed by a WODC official.) Hence no mention of flood risk, a Site of European Importance for Arable Plants, the existence of a large industrial aggregate recycling site and associated heavy HGV traffic in the middle of the proposed Village, and the presence of a cluster of Grade II listed buildings in a rural setting.
2. The first map in WODC’s Eol places a round red dot where the Garden Village is supposed to be located. Although this is just indicative, it misleads by suggesting that the site is free from flood risk. It isn’t. Later maps in the Eol put the Village at the right location, but the misleading impression has already been made.

For more information, see ‘Cotswold Garden Village: A Case of Mistaken Identity’ – sent separately or available from barnrocks@yahoo.co.uk.

In other words the whole basis on which the Garden Village has been put forward and approved on the proposed site is deeply, if not fatally, flawed.

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And on behalf of EPIC (Eynsham Planning Improvement Campaign)

APPENDIX to Hearing Statement Matter 5

City Farm near Eynsham – an overview of conservation activities and achievements

Dr AU Larkman, Autumn 2016

City Farm is a mixed arable/pasture farm situated some 5 miles west of Oxford, between the villages of Freeland to the north and Eynsham to the south. It comprises approximately 270 acres, of which almost 200 acres have been farmed under a Higher Level Stewardship (HLS) agreement since 2010, 40 acres previously occupied by an inert landfill site which has been restored and returned to agricultural management since 2014, an area of predominantly oak scrub, and an area close to the farmhouse used primarily for horse grazing. City Farm has not been farmed intensively for many years, and since 2010 the area under the HLS agreement has been farmed organically under a regime inspired by ‘1950s-style’ farming methods with wildlife conservation as a high priority.

The intensification of farming is thought to have been the major factor that has driven the well-documented declines in British wildlife over the last 50 years, as highlighted in the recent State of Nature report. Recently, considerable effort and financial expenditure has been directed via so-called agri-environment schemes in an attempt to reverse these declines, but with generally disappointing results. Usually, these schemes involve very specific options designed to benefit wildlife applied to small areas located in otherwise intensively farmed holdings. City Farm is unusual (possibly almost unique) in at least two respects. Firstly, the farm has never been farmed using the modern intensive methods that have impacted our wildlife in recent decades, and secondly, the whole farm area (excluding the horse grazing fields) is still now farmed in a wildlife-friendly way. The farm has been closely monitored by local experts with expertise primarily in botany, entomology and ornithology to document the range of wildlife now present, and a small advisory group has been set up to oversee the spending of financial grants obtained via the Landfill Tax Credits scheme. Although at still a relatively early stage, the results have been striking. The three main areas of successful progress have been with arable plants, wildflower-rich grassland and birds.

Arable plants

Arable plants (wild plants that grow in cultivated fields) are the fastest declining group of plants in the UK. They are the foundation for much other farm wildlife, providing pollen and nectar for insects, as well as seeds for birds and mammals. Modern herbicides were never widely used on the farm, and for the last 6 years the cultivated fields have been managed organically (without any use of herbicides, pesticides or chemical fertiliser). As a consequence, an exceptionally rich ensemble of arable plants has been recorded. Plantlife, the body for the protection of wild plants and fungi in the UK, in collaboration with Natural England, have developed a scheme for evaluating the quality and importance of arable plant sites in an objective way. Species are assigned a score from 0 (common and of no conservation concern) to 9 (critically endangered), and the species scores are summed to give a total score for the site. Threshold scores have been set for sites of county importance (>20

points), national importance (>35 points) and European importance (>70 points). The points total for City Farm is currently 92 points, and the farm has recently been designated a Site of European Importance for arable plants. This is a remarkable achievement in such a short period of time.

Wildflower-rich grassland

City Farm has several areas of wildflower-rich grassland, maintained by various regimes of hay-cutting and grazing. The principal area has been designated as a Local Wildlife Site since 1977 and has been surveyed regularly since then. Other areas have improved over the last 6 years and it is hoped that the designated area will be expanded in the near future. Grassland plants of national conservation concern now found at City Farm include Field Scabious, Ragged-Robin, Tormentil and Devil's-bit Scabious, all on the Red List for England. Other grassland species of interest include Adder's-tongue Fern, Betony, Bifid Hemp-nettle, Pignut and Sneezewort. Different cutting and grazing regimes are currently being trialled to try to conserve species that have different flowering and seeding periods.

Birds

The combination of different habitats found within a relatively small area at City Farm, including arable land, grassland, scrub, large hedges, small streams and a range of ponds and damp areas, means that a wide variety of resident and migratory birds have been recorded making use of City Farm. Currently, the list of birds recorded since 2010 stands at 90 species, a remarkably high total for a single farm.

Of particular importance are the good numbers of Lapwing and Skylark that breed on the restored landfill site, and the large winter flocks of small farmland birds, including Linnets, Goldfinches and Yellowhammers, that feed on the abundant seeds produced by the arable plants in the cultivated fields mainly in the southern part of the farm.

Overall

The wildlife conservation value of City Farm has improved enormously during the last 6 years, but there are several projects that are still in progress and will hopefully bear fruit in years to come. These include hedge and tree planting schemes, several of which are directed towards providing food sources for specific insect species. The invertebrate fauna at City Farm is still severely under-recorded. For example, the moths have been surveyed by just a single evening of trapping, but this yielded 177 different moth species! An urgent priority is to document the range of invertebrate species present in a comprehensive manner, as has already been done for plants.

Overall, City Farm, Eynsham, represents a near-unique experiment in wildlife-friendly farming that, in a remarkably short period of time, has already yielded extremely important gains in farmland biodiversity. With continued sensitive management, further gains should be achieved in the coming years.