

We are making this Regulation 19 representation on behalf of all residents involved in the efforts to preserve and support Burford's future. We can be contacted via www.saveburford.com

Further to the publication by West Oxfordshire District Council (WODC) of the Regulation 19 West Oxfordshire Local Plan 2043 (WOLP) of 26 August 2026, residents continue to place significant objections to the proposals.

Residents had previously made over 100 objections to the proposal for 80 new homes and car park to the South of Sheep Street, Burford.

We continue to raise significant objections – particularly to Policy BUR3, i.e. the proposed allocation of land south of Sheep Street, Burford, for residential homes and public parking. As required by §36 of the 2024 National Planning Policy Framework, on which the submitted WOLP will be examined, these representations are framed using three of the tests of soundness of the Plan: is it justified, effective and consistent with national policy?

In these regards, we consider Policy BUR3 to be unjustified, ineffective and inconsistent with national policy. Consequently, we consider the policy to be unsound. However, we believe the WOLP provisions for Burford can be made sound through a modification to Policy BUR1 as described below and through the deletion of Policy BUR3.

Per section 20(6) of the Planning & Compulsory Purchase Act 2004, in seeking these modifications to be made, we wish to give notice that we would like to submit a statement to, and participate in, the examination of the WOLP in due course.

We consider the plan unsound for the following reasons:

Unjustified

Policy BU3 allocates the land south of Sheep Street for a residential-led development of up to 30 dwellings, including affordable housing, together with a new public car park, public open space, green infrastructure, biodiversity enhancements and associated infrastructure.

In its supporting text it is asserted that the site is “a suitable location for modest and proportionate growth that can help meet local housing needs whilst supporting Burford's continued role as a service centre and visitor destination” (§8.5.53). It also asserts that the site “offers an opportunity to deliver a high-quality, landscape-led development that responds positively to the town's historic character, its location within the Cotswolds National Landscape (CNL) and the sensitivities of the surrounding environment” (§8.5.54).

The text goes on to acknowledge that the provision of the public car park forms an integral element of the proposal, “to help address longstanding parking pressures within the town centre and support the effective management of visitor activity” (§8.5.55). The policy also requires a scheme to deliver a package of traffic calming, pavement

improvements and speed limiting measures; the creation of a strong landscaped edge and structural planting; the delivery of on-site open space and play area; and financial contributions towards education, health services and local community facilities.

To be justified, the policy must demonstrate that it accords with a sound spatial strategy – in this case that set by Policy BU1 as part of the spatial strategy of the district as a whole; and that the location is suitable when compared to its reasonable alternatives.

We note the policy represents a significant departure from the previous (Regulation 18) proposal for the site. WODC has reduced the housing developable area to approx. one hectare and now for up to 30, instead of 70, dwellings, and has made firmer provision for an unspecified number of public car parking spaces. Reviewing Fig 8.20 on p174, it is estimated the car park has a gross site area of 0.7 hectares and may therefore accommodate up to 200 parking spaces (@ 35 sq.m. per space). There is no reference to coach parking provision in the previous or current draft proposals.

The new proposals are unjustified for two main reasons:

- there has been no application of the exceptional circumstance test of NPPF §190 to justify major development in a National Landscape; and
- there has been no testing of reasonable alternative sites around the town for new parking provision (car or coach) of this scale nor an explanation given for why other available and achievable sites, notably previously developed land (PDL) outside as well as inside the CNL, are considered unsuitable for allocation.

Exceptional Circumstances

Taking each in turn, Section 85 of the Countryside and Rights of Way Act (CRoW) 2000, (as amended by the Levelling-Up and Regeneration Act in December 2023), sets out that ‘relevant authorities’, in exercising or performing any function that affect National Landscapes in England, “must seek to further the purpose of conserving and enhancing the natural beauty of the (National Landscape)”.

For plan making, whilst NPPF §190 specifically refers to planning permissions, it has also been considered relevant by Local Plan Inspectors to allocations within Local Plans and legal advice provided to the South Downs National Park Authority by Landmark Chambers in 2017 also concluded that “it would arguably amount to an error of law to fail to consider §116 (now §190) at the site allocations stage of plan making ... the consequence of doing so would be to risk allocating land for major development that was undeliverable because it was incapable of meeting the major development test in the NPPF.”

It is noted that no such consideration has been given as to whether or not Policy BU3 is judged ‘major development’, let alone any test carried out. We believe that a scheme of 30 dwellings and a public car park of up to 200 spaces on a developable area of at least 1.7 Ha on land assessed (in the Landscape Sensitivity Impact Assessment report – see §14.2.1 on p117) as of high sensitivity to development must be judged as ‘major

development'. If it is judged not, then the plan maker is obliged to set out its case in the evidence base, and there is no such justification.

Indeed, it seems clear that the public car park element of the proposal has not formed part of the site assessment process at all. Taking first the Landscape Sensitivity report, it makes no reference to it in its Table 14.3 in assessing the susceptibility of the land to the scale of development or to the effect of the steep landform, to its exposure in the wider open landscape setting of the town, or to its perceptual qualities. It therefore makes no recommendations on mitigation measures to successfully accommodate development of this scale in its conclusions (§14.2.5).

Similarly, there is no reference to the proposal in the transport evidence base. The Connectivity Assessment report (May 2026) only assesses the connectivity score of the site as a residential use. The Transport Existing Conditions report (June 2025) identifies Burford as a 'congestion hotspot' (p34) of a scale that is much greater than any other settlement in the district in proportion to its size (Fig 15, p35), which highlights the extent to which traffic passing through or visiting Burford are primary sources of the problem. Although the problem has been the subject of study and proposals in the past there is no new evidence presented to demonstrate the suitability of the proposed site versus other known, and very likely more suitable, alternative locations.

Nor does the Sustainability Appraisal (SA/SEA) appear to assess the new proposal in the full. In its Table 6.3 of the July 2026 report (and Table I.3.1 of its Appendix G) it continues to assess the previous 70 dwelling proposal alone, and not the public car park. It cannot therefore conclude that "development in this location is consistent with the Local Plan Spatial Strategy" or that the "landscape impacts of development within the (National Landscape) can be mitigated due to the slope of the land". Nor can it avoid assessing the traffic, heritage or air quality impacts of a car park that is intended to serve a strategic purpose for the town, and would be significantly larger than the town's largest existing Guildenford car park. This assessment failure is significant and renders the policy unjustified.

Reasonable Alternatives

The SA/SEA has not identified or assessed the reasonable alternative housing or public car parking sites in the town. In its Table I.3.1 of Appendix G it simply notes that two PDL sites (BUR001 and BUR003) had been rejected, despite being assessed as suitable and noted as forming part of the HELAA housing land supply. Given their non-housing established uses, it would be justified to allocate one or both in the WOLP given the 2024 (rather than 2026) NPPF policy provision for development within built up areas.

Together, those sites would deliver almost as many new homes as the Sheep Street site, and their PDL and built up area boundary location status (and non-CNL location for BUR001) should have led to both being sequentially preferred over the allocation of a highly sensitive, greenfield site.

But it is also crucial that the WOLP and SA/SEA identified and assessed alternative public car park locations, especially given the scale proposed. Not only has this not been done, but as WODC (and the Highway Authority) already knows from many years of considering traffic congestion and parking in Burford, access to coach parking must also be a vital feature of any proposal.

It is known that there are opportunities to deliver public parking, including for coaches, on the edge of the town. Land north of the A40 (including but not only HELAA site BUR005) may be made available for this purpose and, given its direct access to the A40 which is used by the majority of visitors to the town, as well as its size and shape, would be a significantly more suitable location in principle.

The WOLP strategy for Burford and its town centre in policies BUR1 and BUR2 correctly acknowledge the increasing harm caused by severe traffic congestion through most the year to the character of the town, and to the health and safety of its residents, businesses and visitors. The contribution to reducing this harm is through more and better located parking and it is right for the WOLP to want to tackle it through policy.

However, it is incumbent on those policies, and then on any site allocation policy, to properly identify and assess the alternatives. Instead, the BUR3 policy seeks to propose a solution, without such identification or assessment, on land that is inappropriately located for this purpose (and is therefore incapable of mitigation) and which cannot accommodate coach parking, for which there is a clear need.

As a result, the policy has not been justified through a proportionate assessment of the reasonable alternatives.

Ineffective

To be effective, Policy BU3 must demonstrate that it is deliverable in the plan period.

As noted above, the policy expects a scheme of no more than 30 homes to fund the delivery of a range of specific infrastructure improvements, most notably the provision of a public car park, as well as be policy compliant in respect of biodiversity net gain for example.

Although not specified it is assumed the car park will be funded by the Community Infrastructure Levy (CIL), as it would not meet the tests for using S106 funding, i.e. it would not be necessary to make the development acceptable in planning terms, nor would it be fairly and reasonably related in scale and kind to the development.

Using the assumption above that the scheme will deliver a 200 space car park, it is estimated the cost will be approx. £1m, assuming the high standards of design required by the policy and 35sq.m./space @ £200/sq.m.. At the 2026 CIL charging rate of £225/sq.m., and discounting those 65% social rented of the 40% affordable homes that are CIL exempt, the scheme would pay approx. £450,000 of CIL, assuming a

90sq.m./dwelling average. It will therefore cover less than half of the cost, requiring gap funding from another source or the developer/landowner being willing to make up the difference.

There is no indication in the WOLP or its Viability Assessment that such a scheme has been assessed and would be deemed viable, assuming a reasonable return for the developer and landowner. The Infrastructure Delivery Plan (Appendix A) identifies the requirement for a new car park in Burford (in its Category B 'essential' list) but contains no information on any other public funding contribution.

Although Burford has relatively high land values, it is not considered reasonable to expect such a small housing scheme to provide this facility, in addition to its CIL and other S106 financial contribution obligations, and it must be concluded Policy BUR3 is undeliverable and therefore ineffective.

Inconsistent with National Policy

We believe Policy BUR3 is inconsistent with national policy as expressed by the NPPF as follows:

- §18, §29 & 30 – failing to acknowledge, let alone provide a positive framework for, neighbourhood planning to take responsibility for non-strategic site allocations or other policy provisions (see below)
- §69 – failing to set out housing requirement for designated neighbourhood areas, even though the district has a number of up-to-date and emerging neighbourhood plans
- §33 and §72 – failing to operate a sufficiently robust or legally compliant site assessment process, per the Environmental Assessment of Plans & Programmes Regulations 2004 and failing to demonstrate in a proportionate way that the Sheep Street site is either deliverable or developable for housing over the plan period
- §109 – failing to understand or address the potential individual or cumulative impacts of development on local transport networks, or to assess or consider the impacts of proximate site allocations made separately in Section 6 through the NESS, other sites > 200 homes and the Appendix K sites of < 200 homes
- §124 – failing to deliver a strategy for accommodating objectively assessed needs at Burford in a way that makes as much use as possible of previously-developed or 'brownfield' land
- §125 – failing to give substantial weight to the value of using suitable brownfield land within settlements for homes
- §128 – failing to take a positive approach to promoting alternative uses of land which is currently developed where this would help to meet identified development needs and in particular to support proposals to reuse employment land for homes in areas of high housing demand (as this would not undermine Burford's local economic role or the vitality and viability of its town centre)
- §189 – failing to acknowledge that the objective of 'conserving and enhancing landscape and scenic beauty in National Landscapes' can allow for

development of an appropriate scale and extent to be allocated as a distinct exercise to that of judging the exceptional circumstances for altering Green Belt boundaries and to support sustainable communities

- §190 – failing to demonstrate that the policy, which clearly falls within the definition of ‘major development’, meets the exceptional circumstances where it can be demonstrated that the development is in the public interest and that the scope for it cannot be met in some other way

Main Modifications

We do not consider the provisions of policies BUR1 or BUR2 are unsound and we believe it is possible to resolve the unsoundness of Policy BU3. This may be achieved through its deletion and by the modification of Policy BUR1 to propose an indicative housing target for the designated Burford Neighbourhood Plan. That target may be based on the 30 dwelling number currently allocated in Policy BUR3 and the modified policy may require the Neighbourhood Plan to be submitted for examination within a specified time period.

Residents are aware that there is precedent for Local Plan examinations resulting in precisely this modification in this way, but also that the modification would also resolve the unsound inconsistency of WOLP in excluding indicative housing targets for neighbourhood plans, at least in regard to Burford. It is noted that the BUR3 proposal is deemed by WOLP to be ‘non-strategic’, thereby enabling a neighbourhood plan to play that role, per NPPF §29 and §30.

To meet the basic conditions, the Neighbourhood Plan must not seek to undermine that target and must have regard to the spatial strategy of Policy BUR1, the provisions of Policy BUR2 and relevant national policy. It must also seek to further the purpose of conserving and enhancing the natural beauty of the Cotswold National Landscape per WOLP Policy S4, NPPF §189 and S85 of the CRow Act 2020.

We as residents remain significantly invested in the completion of the Neighbourhood Plan and are fully supportive of Burford Town Council, the defined ‘qualifying body’ for bringing forward the Neighbourhood Plan, having the ability to do so.

We are also aware of and a number of proposals to meet or exceed an indicative housing target of 30 dwellings in the same Plan period and have been party to discussions to identify suitable, available and achievable land for a new public car park of at least an equivalent size to that implied by Policy BU3, but also including coach parking, among other potential policy provisions.

Summary

As a result of Policy BUR3 being unjustified, ineffective and inconsistent with national policy, we consider the proposed submission version of the WOLP to be unsound.

However, we consider the WOLP can be made sound through a modification to Policy BUR1 as described above and through the deletion of Policy BUR3.