

Re: Objection by The Cornbury Estate
to the
Consultation Draft Charlbury Neighbourhood Plan 2031

OPINION

1. I am asked to advise the Trustees of the Cornbury Estate (“the Estate”) concerning the merits of their objection to the consultation draft of the Charlbury Neighbourhood Plan 2031.
2. I refer to the objection which is to be submitted by Bidwells on behalf of the Estate. In summary, the Estate objects strongly to designation of the following sites as Local Green Space (LGS) in the Neighbourhood Plan (NP):
 - LGS7 – Cricket Club Grounds
 - LGS8 – Field East of Railway Station
 - LGS17 – Field North of Forest Road
3. Objection is also made to the following policy and references in the draft NP in so far as they support or refer to the designation of these sites as LGS:
 - Policy NE7
 - Section 7.4 and Map 4
 - Appendix F
 - Other references to the designation of the above sites as LGS
4. The Estate seeks deletion of the above (draft) designations of sites LGS 7, LGS 8 and LGS 17 as Local Green Space and deletion of all other references to them as LGS in the NP.

5. The objection contains at its page 2 a synopsis of the government's criteria policy for designation of LGS. I do not repeat that here but incorporate it in this Opinion as if set out below.
6. None of the sites sought to be designated in the NP as LGS comply with government policy and criteria in NPPF for the reasons given in detail in the objection. In addition, the failure to act consistently between sites (in particular but not exclusively in relation to the Cricket Club Ground and Wychwood Paddocks) has resulted in errors of law and clear grounds for judicial review if not resolved. This is a serious position for the draft Neighbourhood Plan to be in as, unless resolved by deletion of the relevant proposed objection site or sites, the plan as a whole may be declared unsound by the reviewing Inspector or the decision to adopt the plan may be quashed by the High Court on an application for judicial review.
7. There are a number of features in common of all 3 objection sites which are against their designation as LGS. In addition, each site has its own grounds of objection based upon its own particular facts. However, all 3 sites have strong grounds for deletion based both on their planning merits and in law.



39 Essex Chambers, 81 Chancery Lane, London WC1A 1DD

29th October 2019