

Climate, Biodiversity & Planning Committee

Date: 3rd November 2020

Title: Windrush Cemetery Access – supplementary report to planning Application 20/02654/OUT

Contact Officer: Office Manager (Adam Clapton)

Background

The Committee should be aware of the historic context of a development on the Witney East Strategic Area, in relation to access at Windrush Cemetery. Future internal development of the site is a matter for the Halls, Cemeteries and Allotments Committee, but discussion on outline planning application 20/02654/OUT should take place regarding access before a response is submitted by the Town Council.

As part of negotiations to purchase agricultural land at Cogges for the creation of Windrush Cemetery in 2001-2002 a licence was drawn up granting the Town Council temporary access across a piece of land (1m wide), retained by the landowner inside the very edge of the boundary adjacent to Oxford Hill, until such time a permanent access would be provided to the south. Delivery of the permanent access was expected through the creation of a Cogges Link Road to the west of the site which would also unlock the development of land to the east for housing. The license, as part of the Heads of Terms, stated that once the permanent access had been delivered, the Oxford Hill access would be closed. The license is attached as Appendix A.

As a point of note, the planning application for the Cemetery only considered the proposed access at the time of i.e. Oxford Hill. It was not concerned whether this was a temporary or permanent access, and as stated in later correspondence, the provision of a new access off of the Cogges Link Road would be subject to a further planning application by the Town Council.

Separate archived correspondence states that Oxfordshire County Council had an agreement with the landowners that they would provide an entrance to the southern end of the site when the Cogges Link Road was built.

A proposed deed plan dated 8 January 2002 is attached as Appendix B and clearly shows the 1m 'ransom strip' marked. A picture of the final envisaged plan of the whole site showing the new permanent access and cemetery layout is attached as Appendix C.

Current Position

Subsequently, the Cogges Link Road was never realised, and the Oxford Hill entrance remains the only vehicular access onto the site. The terms of the licence have been in abeyance during the intervening years and discussion should take place now as to whether they are still effective in conjunction with planning application 20/02654/OUT. If yes, what bearing this may have on access to the cemetery on completion of the development needs to be established.

The Town Council raised the issue of new access to the cemetery in its Witney East pre-planning response to West Oxfordshire District Council in 2019 but no discussion has ensued and there is no mention of this on the outline plans. The Council's solicitor contacted the landowner's representatives in 2016 regarding the current situation, no reply was forthcoming.

The Oxford Hill access has always been thought of as 'temporary' and this has delayed the mapping of further burial plots and installation of a pedestrian footpath from the entrance of Cogges Hill Road to the cemetery. Since opening, there have been a small number of accidents in this vicinity, but many more near misses, given the 50-mph speed limit heading into Witney from the A40 slip road. Improvements have been made to the infrastructure based on this access, particularly for pedestrians, including a bus stop on the slip road eastbound and a traffic island etc.

Based on the submitted plans 20/02654/OUT there may be an opportunity to create a spur road into the cemetery near the proposed community centre should the Council wants to/or has no choice but to install a new access to the cemetery.

Environmental Impact

A second access to the cemetery would result in the loss of vegetation at the southern end of the site but should the Oxford Hill access be closed; this would mean additional planting in that area.

Moving the entrance to the south of the site while improving safety, would result in more traffic entering Cogges Hill Road (and this housing area) to enter the Cemetery.

Risk

There are several potential risks, most likely through inaction at this stage. The Council must secure long-term vehicular access to the cemetery for the future to avoid reputational damage, emotional distress to residents and an increased financial burden to the taxpayer.

Financial Implications

Following the opening of the Cemetery in 2004, substantial provision was made in the Council's earmarked reserves for the eventual creation of a new entrance and the internal roadway. However, over time this reserve was used for other improvements and expansions of burial areas, which now leaves an earmarked reserve of £68,853. It is unlikely that this would cover the costs for the creation of a new access road and internal scheme. The committee should bear this in mind when making any Section 106 requests as part of the Council's planning response.

If the Council has to bear the cost of any new access, Members should consider adding to the earmarked reserve – and Officers would suggest that no less than £20,000 per annum is set aside for the next two to five years prior to, or on completion of the development, whichever comes first.

Recommendations

That the report is noted; and,

1. Witney Town Council seeks legal advice on the historic agreements and licenses concerning access to Windrush Cemetery at the earliest opportunity; and,

2. The committee considers the current vehicular access to Windrush Cemetery and whether new access is required on the southern boundary, this recommendation being presented to the Halls, Cemeteries & Allotments Committee on 9 November for information; and;
3. A final observation response, including Section 106 requests is formulated at the Climate, Biodiversity and Planning Committee meeting on 24th November and submitted to West Oxfordshire District Council; and,
 - a. That any budgetary implications towards this project are agreed prior to Full Council on 14 December 2020 when the 2021-22 budget will be finalised.