

Ashbury Parish  
Neighbourhood Plan Group

November 12<sup>th</sup> 2021

**To:** Emily Smith Vale of White Horse District council (WHDC) Leader, Katie Cook Case Office Planning Dept, Riccardo Rios Lead for Policy and Planning (Neighbourhood Planning) Policy and Performance Dept

**From:** Ashbury Neighbourhood Plan Group (NPG)

**RE: Oxfordshire Digital Infrastructure Strategy – Implementation process in rural areas of Oxfordshire and how planning applications are addressed by VWHDC Planning staff**

We use the planning application submitted to VWHDC for the installation of a 5G mast at a specified site in Ashbury as a case study to lay out, illustrate and articulate aspects of the current route through the planning application process currently used by VWHDC.

This process and route, from our Neighbourhood Plan Group (NPG) experience, disconnects us in ways, that from our understanding of the use and value of Neighbourhood Plans (NPs) in the planning decision making process, are less inclusive or visible.

By mapping out this situation, we hope this will allow openings for considering changes in practice to meet the needs of all – VWHDC and NPG

We do this with the best of intentions, in the spirit of contributing to a collaborative and inclusive dialogue such that a win-win position is achieved by VWHDC practice and for us in Ashbury, to establish a more formal path of connection with NPG and use of NP during such planning application processes.

We outline some proposals that would facilitate a way forward.

### **The Context and Background**

Ashbury Parish Council (APC) and NPG are always very pleased to be informed about and to be party to the many beneficial improvements or developments planned to take place across Oxfordshire as a County.

In this respect we are in full support of the Oxfordshire County Council (OCC) development, and now implementation phase, of the Oxfordshire Digital Infrastructure Strategy and Delivery Plan Jan 2020 – V11 and note the requirements set out in the ‘Code of Best Practice on mobile network development 2016’, updated by Government in 2021 following a consultation process to take account of easing the installation and rollout of for example 5G masts.

In particular we note with great interest 2 features of this strategy

- a strong focus on how the strategy and implementation relates to the needs of rural areas. This is so welcome
- section 6 pages 26-27 which details the ‘Enabling and Planning’ permission process as the quote below illustrates

‘A focussed, collective, collaborative engagement with private sector Operators will be required to ensure Oxfordshire receives appropriate attention in bringing digital infrastructure investment into the county. We have to make it as easy as possible for Operators to see a return on investment, **ease access to our highways, create non-restrictive access to our assets for deploying infrastructure, and be innovative in working with all utility companies** to avoid multiple instances of civils. **Above all we must engage** to show the unique opportunity Oxfordshire presents through the planned growth strategies we have underway, and the means of using the county as a Living Lab to trial technical innovation here. Specific measures are being taken to facilitate digital infrastructure provision, including; Planning Permission The Mobile Network Operators (MNOs) frequently cite they are prevented from installing mast infrastructure in the locations necessary to improve coverage, because of not being granted the necessary planning

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consent by the Planning Authorities. **OCC must ensure that encouragement is given to find ways to avoid this by bringing the MNOs together with the planning Authorities to seek alternatives'** extracted from page 26

We make the following comment and proposals to you all:

**1. RE: Circulation of this strategy to Parish Councils in the VWDC**

Please note that we did not receive any notification of or copies of this strategy when published in 2020. The named lead in VWDC for this strategy is Emily Smith as Leader of the Council.

We understand this may have been an accidental omission somewhere in the VWHDC system, so please could we request that any communications process is tweaked, such that this is not a continuing situation. Please also note that the Parish Clerk named for Ashbury (the last pages of the strategy document) is not correct – it is Laura Evans with email [clerk@ashbury.org.uk](mailto:clerk@ashbury.org.uk)

If we had received the strategy document in 2020 and circulated this, we could have prepared residents for what to expect and would have been much clearer about why a 'prior approval' application was being submitted by the installer of a 5G mast on Walnut Trees Hill Ashbury.

Objections to the site by both residents and APC/NPG have been submitted, as the site submitted in the application contravenes several of our NP policies.

Given the 5G mast application and the current Air Band installations we have, of course, sourced the strategy by our own investigations, so as to understand the strategic context.

It would be of enormous value to our parish, to receive a monitoring report on the progress of the implementation of this strategy across the Vale and or any continuing action plan details. *(We have searched for the appropriate overview and scrutiny committee dealing with the delivery of this strategy but have not been able to source any current monitoring data or information).*

Before continuing to the next subject part of this document, APC/NPG would like to acknowledge our appreciation and thanks to Emily Smith for her statements and actions in support of the value and use of Neighbourhood Plans.

**2. Process for a planning application decision making, once a case office is appointed**

Currently the VOWH planning team uses a form to lay out the phases of the planning application decision making process and use colour coding to inform others about the current phase in action

It does no more than this

Despite attempts to find out more about the planning team investigation process, we have only the following, because APC/NPG have involved one of our Councillors to make representation to about our objections and made requests for 'what is the Case Officer doing'

- It cannot be satisfactory that the Case Office responds at least 3 times in this process to contact from our Councillor, but not directly to any of us in the NPG. Our information is via our Councillor re the following known step below and our own experience for the next:

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1. Case Officer exploring application in accordance with Provision of Part 16 of the general permitted development order and the impact of the siting and appearance of the structure on the character and appearance of the area
2. We know that the Case Office ordered a contractor to assess the allocated site for depth and presence of utilities. because one of our residents and a member of APC/NPG were on site – the contractor stated he thought we/APC/NPG had been told by the Case Officer that this would be happening – we were not

Alongside this:

1. We have no idea what criteria are being used to assess this application to determine if the site is acceptable or not, or how the ‘prior approval’ status will be finally determined
2. We are very aware of the strategy implementation requirements and code of practice, but do not see any of these requirements as part of the application decision making process in this situation, or certainly they are not made explicit and transparent

We understand that Case Office case load is often at high rates, however this cannot be a valid reason for no communication with NPGs, as case load is a VWHDC workforce concern about managing demand and capacity, and yet we the NPG experience the negative non-inclusion consequences in the application process by such situations

- Yet in this case the Case officer, as stated above, was able to have time to update our Councillor

It is also not an answer to say we will get a report once the decision has been made – we are asking to be involved at the outset of the application process and for the duration.

**Please note** we do also understand that the VWHDC staff act in ways to support achieving the expected outcomes of VWHDC – such as to achieve expected housing development or other Directives that VWHDC set. We note the VWHDC staff ‘reward’/feedback system is aligned to expected outcomes being achieved.

We do not seek to interrupt this, but to ensure that alongside this working practice culture, the VWHDC practice is, as expected, as stated in national requirements, for more inclusive and transparent practice for the use of adopted NPs.

**We propose the following for you all to consider**

- To make alterations to the application form and communication patterns that the VWHDC planning department posts online, even if there is a separate more detailed form where only the Case Officer and the appropriate NPG members can access (this could be password protected if such visibility of process is not agreed)
- This new form would detail the planning regulations that would be explored or referred to once the application is under investigation, notes at that point the position of the NP, laying out any particular investigations that the Case officer will be required to include (such as in this case referral to the strategy, code of practice and need for site trench explorations)
  - Site visits, dates and times would be available and the opportunity for an NPG member to be present as part of that transparency and inclusion of process

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- Some discussion could take place to clarify the route and processes for the particular application and how the NP policies were being stated
- At application under consideration stage, all of the criteria to inform or guide decision making would be stated/outlined and how ‘balance’ and ‘weighing’ of factors would be part of the decision. Some discussion with NPG could be possible

This would allow for a much more inclusive, connected, collective, transparent planning application decision making process, even if for the more complex planning applications

We look forward to working together on how such proposals could proceed

Yours sincerely

Pauline Smith

Chair Neighbourhood Plan Group / Ashbury Parish Council

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Digital Infrastructure Strategy v11.pdf



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