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10th November 2022

Dear Mr Ashcroft

CULHAM NEIGHBOURHOOD DEVELOPMENT PLAN: EXAMINER'S CLARIFICATION NOTE(S).

Introduction

Carter Jonas is instructed by CEG to respond to the Culham Neighbourhood Development Plan ("NDP"), which has been produced by Culham Parish Council, and which is now before you for examination.

Thank you for alerting CEG to the submitted plan, via the District Council, and for your requests for clarification.

As you may know, CEG is the controller and promoter of Culham Science Village ("CSV") i.e., the land allocated in the South Oxfordshire Local Plan for development under strategic Policy STRAT9: Land adjacent to Culham Science Centre.

In its response to the pre-submission (Reg. 14) version of the NDP, CEG commented on the proposed Design Code and on policies CUL1, CUL3, CUL6, CUL8 and CUL9. A copy of the letter sent to Culham Parish Council by CEG in March 2022 is appended to this letter for context.

CEG noted previously that elements of proposed Policy CUL3 were a hostage to fortune, and perhaps not appropriate for planning policy; a position that you appear to agree with in your first clarification note.

I turn now to Policy CUL9, which you raise in your second clarification note, with specific reference to CEG's land interests. Regarding that policy, we have the following observations and comments, which amplify issues that we raised in March 2022:

Policy CUL9: Zero carbon buildings (& Appendix C)

Whilst CEG supports the principle of proposed policy CUL9, it creates a tension with South Oxfordshire's adopted strategic Policy DES10. As is set out in our representations from March 2022, Policy DES10 is a strategic policy and CUL9 departs from its lead. Policy CUL9 does not amplify the requirements of the South Oxfordshire Local Plan, it seeks a different set of requirements through different criteria. There is an inherent risk to efficient decision making when a neighbourhood policy sets different expectations to the

Local Plan on a shared issue, such as climate change resilience, or carbon neutrality. This cannot meet the basic conditions since Policy CUL9 is not in conformity with the strategic policies of the Local Plan, and neither does it follow the provisions of national policy as set out in our previous representations.

CEG also shares your concerns that the “requirements” of Policy CUL9 have not been tested for feasibility and viability.

Specifically in relation to low carbon energy, associated infrastructure, building materials and construction techniques, the masterplan that will guide development of the STRAT9 site has at its heart an innovation and sustainability strategy that covers mobility, clean growth and community. Crucially, however, the role of the masterplan is to cover higher level principles and themes rather than specific details, to enable sufficient flexibility for subsequent proposals to come forward. Detailing the design too early risks locking the entire site into specific technologies, which could well become outdated over the lifetime of the development.

In CEG’s view, retaining flexibility will provide opportunities for energy and design innovation. It is for this reason, and those detailed above, that no viability testing has yet been undertaken for the proposed development.

Moreover, it is likely that the delivery trajectory for Culham Science Village will be around 15 years, so beyond both the plan period for the South Oxfordshire Local Plan, and the Culham NDP. This is another reason why ‘locking in’ climate resilience and carbon neutrality matters – in 2022/23 – is likely to be inappropriate.

Conclusion

In conclusion, CEG supports the principles set out in the Culham NDP and would welcome open discussions about the policy, however, as set out above, the nature of proposed Policy CUL9 and how it is not in general conformity with Local Plan Policy DES10 is of significant concern.

Yours Faithfully,



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7th March 2022

Dear Sir/Madam

CULHAM NEIGHBOURHOOD PLAN: PRE-SUBMISSION (REG. 14) CONSULTATION.

Introduction

Carter Jonas is instructed by CEG to respond to the pre-submission (Reg. 14) draft Culham Neighbourhood Development Plan (“NDP”) produced by Culham Parish Council.

As you know, CEG is the promoter of Culham Science Village (“CSV”); the land allocated in the South Oxfordshire Local Plan for development under strategic policy STRAT9: Land adjacent to Culham Science Centre.

It is understood that the current consultation on the Neighbourhood Plan is with regard to Regulation 14 of The Neighbourhood Planning (General) Regulations 2012. This is the pre-submission consultation where meeting the basic conditions is not necessarily a pre-requisite. However, given the advanced stage of the plan’s drafting and the detail therein, it is suggested that it is important that the Parish Council considers the Basic Conditions now, before the Neighbourhood Plan is submitted to South Oxfordshire Council for its examination.

As such, CEG supports the Parish Council in its endeavours to plan for the future of the local community and supports the general provisions of the draft plan. CEG would, however, like to comment on six elements of the draft NDP, as follows:

1. The proposed design code;
2. Community facilities
3. Early years provision;
4. Local heritage assets;
5. Sustainable travel; and,
6. Zero Carbon buildings

Each element is considered hereunder, after some context is provided.

Context

CEG – working collaboratively with the landowners – has been promoting the opportunity for development at Culham for around ten years and has developed a vision for a new mixed-use settlement with easy access to employment opportunities and the health and wellbeing of its community as its central ambition. This vision was set out at the South Oxfordshire Local Plan examination, and ultimately resulted in a site allocation.

There is clear strategic policy support for the development of “*Land adjacent to Culham Science Centre*” as set out at Policy STRAT9 and applications directing the delivery of this growth are in the early stages of being drawn up. CEG understands that the allocation in STRAT9 is the start of a process whereby significant change will be brought to the area and it notes the acceptance in the Culham NDP that its policies should be in conformity with strategic policies of the parent Local Plan.

CEG also notes comments of concern in the NDP about the scale of change in the Parish over the coming years, and policy suggestion directed at managing this change. An open dialogue about how development progresses would be very welcomed.

In the meantime, CEG would like to make the following comments about the Culham NDP:

The design code

The ‘design code’ appended [**Appendix B**] to the draft NDP is welcomed as it identifies, and highlights, many considerations which CEG has already considered through its master planning processes.

CEG notes that Appendix B is largely composed of an analysis of place. CSV falls on the very fringes of the main code area (which is mainly centred around Culham Village) and is identified as being ‘Outside the main village settlement’. CEG supports the flexible approach to policy wording associated with the ‘Outside the main village settlement’ area that uses phrases such as ‘should be considered’ on various matters. This will allow for innovation and collaboration through the masterplanning, application, and delivery processes.

CEG has some concerns about the elements of the design code which point towards zero carbon development, and how this sits in the development plan policy framework, but this is commented on further below.

Policy CUL1: Community Facilities

This policy includes a list described as representing a range of “community facilities.” The list includes the Europa School, and The Railway Inn, both of which are adjacent to land promoted by CEG. The latter is in the land allocated under STRAT9, but is not being promoted by CEG. As such, CEG has no plans which directly affect any identified “community facilities,” but questions if parts A and B of this policy are necessary, since they are a repetition of policies in the Local Plan. The list of facilities does amplify parts of Local Plan policy CF1 – by citing specific assets – but this might be better suited as supporting text, and policy text which simply cross refers to other policies in the development plan is unnecessary.

Part D of the policy is noted, and access to the social infrastructure that will be included in CSV will be key to the masterplan objectives. Street hierarchies and layouts will encourage safe travel through the CSV and sustainable travel options – walking and cycling – will be promoted and supported for short distance journeys like those to and from the village of Culham. It should also be noted that CEG is not promoting land west of the Europa School, so will not be responsible for the delivery of any desired improvements in this area.

Policy CUL3: Early years provision

CEG has some concerns about this policy especially where it includes an undetermined and loosely justified proposal as follows:

“Proposals to deliver the strategic allocation at Culham under Policy STRAT9 of the Local Plan should safeguard land for the provision of a new creche, day nursery or day centre use in the event that one of the existing uses of Clause A [Culham Village Nursery & Preschool and Culham Science Centre Nursery & Preschool] ceases to operate.”

This suggested provision is a hostage to fortune, and it is unreasonable to require the reserving of land for something that may, or may not, happen. The current policy requirement – and CEG’s understanding of need – is for two primary schools and a secondary school at CSV. Should there be an identified need for early years care / education this will be considered through the site wide masterplan, but land cannot be reserved on the basis that an event may occur.

Policy CUL6: Local Heritage Assets

The masterplan which CEG is producing for CSV will include a detailed assessment of heritage assets and their setting. Indeed, much of this work has already been undertaken, and there is an understanding of the importance of various listed assets. CEG also appreciates the level of interest in old and potentially locally important buildings, structures, and landscapes. Specifically, CEG notes that the Station House and The Railway Inn, are suggested as Local Heritage Assets in proposed policy CUL6. As is noted above, whilst the Railway Inn (and the Station House) are included in the land allocated through STRAT9, this area is not being promoted by CEG, and is not expected to form part of its planning application.

It is not clear from the documentation currently available online whether all the evidence upon which the Parish Council wishes to rely in its NDP is publicly available. However, it should be noted that Historic England, the body responsible for England’s heritage and strategies to conserve and enhance it, has produced a guidance note for “Local Listing.” This guidance suggests that a reasonable amount of evidence is collected to enable local listing. This evidence does not appear in the Culham NDP as drafted, and more than is included at Appendix B is likely to be required. The level of detail is likely to need to cover:

- The approximate date that the building or other structure was built/created
- Information on its historical relationship to the local area
- Information on its architectural merit and design
- Heritage rarity, authenticity, and significance,
- Information on any historical association to famous local people, local historic events, strong community, or social development. This must be well documented, evidenced, and available.
- Up to date photographs
- Historical photographs/illustrations
- Maps (past and present)

The Historic England guidance is available online here: <https://historicengland.org.uk/images-books/publications/local-heritage-listing-advice-note-7/>

Policy CUL8: Sustainable Travel

CEG supports the general provisions of policy CUL8 and considers that it compliments the policies of the Local Plan by including community aspirations, and neighbourhood level detail. *TRANS2: Promoting Sustainable Transport and Accessibility* of the Local Plan seeks to support development proposals where rail services can be promoted and strengthened in response to increases in demand for travel. The district council is also committed to plan positively for rail improvements in the area. CEG supports these aspirations and commitments by the district council and notes the potential at Culham to promote a sustained modal shift to rail use, thereby reducing highway impacts. Improvements to the station will encourage the use of the railway. CEG understands that the Parish Council too is supportive of rail improvements as articulated in the NDP and specifically in policy CUL8.

As previously set out in this letter, the masterplan which CEG is developing for the STRAT9 allocation will have a clear movement strategy which seeks to promote sustainable travel, with a specific focus on access to community facilities.

However, at this stage, CEG does not have any specific plans for the junction on the A415 at the old Waggon and Horses pub. Its future operation will change significantly following the opening of HIF works, which may well then guide exactly what is required in terms of improvement works. Whether these are improvements required from a highway capacity perspective or simply to enhance crossing provision for pedestrians and cyclists, may well require further analysis.

This is not to say that the junction should not be a point of potential improvement, but CEG would raise a note of caution that specific changes should not be set in policy now, where they might not be the best option by the time HIF works are delivered, and early phases of STRAT9 (and STRAT8) have also be constructed.

Policy CUL9: Zero carbon buildings (& Appendix C)

CEG supports the principle of proposed policy CUL9. Specifically, relating to low carbon energy, associated infrastructure, and building materials and techniques. The masterplan which will guide development of the STRAT9 site has, at its heart, an innovation and sustainability strategy which covers mobility, clean growth and community.

However, it is not clear how much rigorous analysis has been applied to policy CUL9, and whether the new “requirements” are feasible and viable in every case. This is especially important as the policy is proposed to apply for all development proposals.

The policy relies on third party research which has not been applied locally. There is little assessment of the neighbourhood level effects of such a policy, only assertions that costs will reduce, and further legislation and policy at national and local levels might be forthcoming. Regarding the latter point, a policy of the nature of CUL9 is strategic in scope and would be better suited to a Local Plan (or even the Oxfordshire 2050 plan). This is recognised in the NDP where the policy is “offered” to the district council, and it is also suggested that the policy itself is an interim measure. This is a confusing position, and one that does not follow the hierarchical approach of plan making as set out in the The National Planning Policy Framework (NPPF):

The NPPF (July 2021) states at paragraphs 17 and 18 that:

“17. The development plan must include strategic policies to address each local planning authority’s priorities for the development and use of land in its area. These strategic policies can be produced in different ways, depending on the issues and opportunities facing each area. They can be contained in: a) joint or individual local plans, produced by authorities working together or independently (and which may also contain non-strategic policies); and/or b) a spatial development strategy produced by an elected Mayor or combined authority, where plan-making powers have been conferred.

18. Policies to address non-strategic matters should be included in local plans that contain both strategic and non-strategic policies, and/or in local or neighbourhood plans that contain just non-strategic policies..”

Whilst it is not explicit here that Neighbourhood Development Plans *cannot* contain strategic policies it is logical that a plan for a smaller geographic area (than a whole planning authority) is not the appropriate place for such policies. Moreover, paragraph 18 indicates that NDP are likely to only contain non-strategic policies, and paragraph 20, goes on to explain that it is strategic policies where the responsibility lies to respond to climate change.

20. Strategic policies should set out an overall strategy for the pattern, scale and design quality of places, and make sufficient provision for:

...

d) conservation and enhancement of the natural, built and historic environment, including landscapes and green infrastructure, and planning measures to address climate change mitigation and adaptation.

The precedence of policy CUL9 – when considered alongside DES10 of the Local Plan, which operates as a strategic policy – is also problematic as is set out in the NPPF at paragraph 30:

30. Once a neighbourhood plan has been brought into force, the policies it contains take precedence over existing non-strategic policies in a local plan covering the neighbourhood area, where they are in conflict; unless they are superseded by strategic or non-strategic policies that are adopted subsequently.

There is significant challenge in having a policy such as CUL9 at a neighbourhood level, as it creates inconsistency in decision making at the Local Planning Authority, when different targets are set for similar applications depending upon their geographical location.

There is also the question of whether the Local Planning Authority has the knowledge and recourse to review the various surveys and reports which are set out in the policy, and whether it is appropriate to change the validation check list to accommodate the ‘encouragement’ of a single NDP.

This policy is not an amplification of strategic policies of the Local Plan, it fundamentally changes their position. This is a matter which should be explored through the emerging Oxfordshire 2050 plan, and the joint South and Vale plan, which will both be in a position to respond to changes in national policy and law as appropriate. The NDP is too soon, and at the wrong level of policy setting, to enact such a strategic change.

Conclusion

In conclusion, the CEG supports the principles set out in the Culham NDP and would welcome open discussions about the development of the masterplan for STRAT9: Land adjacent to Culham Science Centre.

However, as set out above, there are some details that the Parish Council should consider before the NDP is submitted to the district council for its examination, to ensure that the basic conditions can be met. The nature

of proposed policy CUL9 and how it is in general conformity with Local Plan Policy DES10 should be explained as a priority.

Yours Faithfully,

A handwritten signature in black ink, appearing to read 'Peter Canavan', written over a light blue horizontal line.

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