



4th November 2022

CULHAM NEIGHBOURHOOD PLAN: RESPONDING TO THE EXAMINERS QUESTIONS

Response to Examiner's Questions

Policy CUL2

I looked carefully at the site during my recent visit. I can see that the policy is attempting to grapple with the tensions of enabling the reopening of a drinking establishment on the site on the one hand and green belt policy on the other hand

However, is the final paragraph of the policy necessary given it largely restates national policy and the matter is already addressed in the third criterion? As an alternative could it be weaved into the opening element of the policy?

Does the commentary in paragraph 5.13 inform the third criterion of the policy?

Policy CUL2 Response:

It is agreed that the policy as drafted requires modification to avoid unnecessary duplication. The Parish Council has also sought to respond to representations made by Morrell Farming Limited in the event that §149 (g) is engaged and confirms that paragraph 5.13 informs the third criterion of the policy.

The Parish Council therefore proposes the following modification to the policy for the examiner to consider:

iii. The location and design of any new buildings and structures are such that their height and bulk will not ~~significantly harm the~~ have a greater impact on the openness of the Green Belt;

...

~~*Inappropriate development for a Green Belt location will only be supported as part of proposals to redevelop this site if very special circumstances can be demonstrated.*~~

The Parish Councils also proposes the following modification to the supporting text for the examiner to consider:

5.12 It has been established through discussions between the landowners and SODC that some form of additional development will be required in order to make the reopening of the public house viable. A hotel element is considered to be a suitable form of additional development for this location. Due to the Green Belt location of the site, however, the quantum of additional development needs to be minimised as far as possible (in viability terms) to avoid sprawl and impact on the openness of the Green Belt. ~~It is therefore more efficient for the public house and hotel to be combined into a single new building to minimise sprawl of development across the site. The existing public house building would also not be able to support the hotel element as an extension to the building. The redevelopment scheme proposes to rebuild the public house element on broadly the same footprint as the existing building with the hotel element~~

~~perpendicular to it (parallel to Tollgate Road) to give the illusion of the site comprising just the public house element when viewed from Abingdon Road.~~

Policy CUL3

I am minded to recommend the deletion of Part B of the policy. As submitted it is anticipating a scenario which may not arise. Should it do so, it could then be addressed in any review of a made Plan.

Does the Parish Council have any comments on this proposition?

Policy CUL3 Response:

The Parish Council accepts that the policy provision may not be required, however the neighbourhood plan policies are intended to be used to determine planning applications in the period to 2041 and there is no requirement to review or update a neighbourhood plan¹. The Parish Council accepts that it may become necessary to undertake a review or modification but seeks to avoid this in the first instance given its limited resources. Policy STRAT9 of the Local Plan requires the preparation of a comprehensive masterplan but makes no specific provision for this use and the Parish Council wishes to use the neighbourhood plan to secure this provision which the evidence shows will be required as set out in paragraph 5.20 of the neighbourhood plan.

Policy CUL7

This is another good policy.

As I read its contents the first sentence of Part C should sit at the end of Part B.

Does the Parish Council have any comments on this proposition?

Policy CUL7 Response:

The Parish Council agrees with the proposition.

Policy CUL9

The approach taken on this matter is both comprehensive and ambitious. As the Plan acknowledges the policy context for encouraging higher energy efficiency standards at a local plan or neighbourhood plan scale is complex.

Does the Parish Council have any comments on the District Council's representation on this matter? In addition to what extent has the Parish Council assessed this policy against the Written Ministerial Statement of March 2015?

In any event, Parts C, D and E of the policy read as supporting text (to Parts A and B) rather than as policies in their own right. Please could the Parish Council explain the basis on which it crafted these parts of policy?

¹ As per Planning Practice Guidance Paragraph: 084 Reference ID: 41-084-20190509 ([link](#))

Is the policy intended to apply to the development of the strategic site (land adjacent to the Culham Science Centre) in the adopted Local Plan (Policy STRAT9)? If so, has the impact of the proposed neighbourhood plan policy on the viability of that site been tested?

Policy CUL9 Response:

The Parish Council recognises that the approach is comprehensive and ambitious and addresses the District Council's representation and the examiner's questions on this matter below. In assessing the planning policy space on this matter, the Parish Council established that:

- **SODC's Local Plan Policy DES10 was developed prior to Government committing the UK in law to 'net zero' by 2050 as per the Climate Change Act 2008 (as amended) and was therefore prepared under an outdated legal framework;**
- **SODC's Local Plan Policy DES10 will require new homes to be retrofitted at a later date, while in the shorter term increasing the risk of fuel poverty;**
- **The Tyndall Centre for Climate Research Carbon Budget Tool confirms that for SODC to make its fair contribution to delivering the Paris Agreement's commitment, an immediate and rapid programme of decarbonisation is needed. At 2017 CO2 emission levels South Oxfordshire will exceed the recommended carbon budget available until 2050 in 7 years (by 2027);**
- **If the district is to achieve the 2050 carbon target and its own commitment to be a 'carbon neutral' District by 2030, new homes built now need to be zero carbon ready.**

It was therefore clear that the neighbourhood plan needed to act to fill the policy space if it was to demonstrate that its policies contributed to the achievement of sustainable development, particularly ensuring that any new homes built now meet the needs of present and future generations, had full regard to the NPPF, and expressed the community's wishes within the confines of planning policy. The Parish Council therefore considers that the policy should be a parish-wide requirement. The viability evidence that the policy relies on is set out in paragraph 5.35 of the neighbourhood plan and the Parish Council considers that the evidence drawn upon is 'proportionate, robust evidence' required of neighbourhood plans to support their policy choices².

The Parish Council does not consider that it is necessary to address matters relating to the provisions of the Planning and Energy Act 2008 or the Written Ministerial Statement 2015 as the policy does not set an energy efficiency standard. In any event, the NPPF does not make that same distinction and requires the 'planning system' (§152) and 'plans' (§153) to take a proactive approach to mitigation and adapting to climate change and the government has confirmed that the legislative framework has moved on since the publication of the Written Ministerial Statement of March 2015 and that the Planning and Energy Act 2008 will not be amended as set out in paragraph 12 and footnote 7 of Appendix C in the neighbourhood plan. The Parish Council accepts that amendments may be required to aid clarity as set out below.

The policy provides an incentive at Clause C for developments to choose a higher energy efficient standard. Where it does not choose that higher standard, it simply requires evidence to demonstrate that buildings are performing as expected given the now widely accepted performance gap. The Parish Council is also mindful that this approach has recently been successfully examined at the Ivers Neighbourhood Plan in Buckinghamshire ([link](#)).

² as per Planning Practice Guidance Paragraph 040 Reference ID: 41-040-20160211 ([link](#))

To that end, the Parish Council accepts that there has been an error in Clause A of Policy CUL9 using 'must' rather than 'should'; raises no objection to the District Council's recommended amendments for Clause D; but maintains that Clauses B, C and E should remain as part of the policy as submitted.

Clauses B and C is necessary to retain as part of the policy as an incentive and the Parish Council does not consider that there will be conflict with the monitoring requirements of Policy DES10 which also requires Post Completion Monitoring. In any event Policy DES10 focusses on measuring carbon emissions which is likely to lead to residential development with high fabric standards and low carbon heating systems. This assumes increased grid capacity, increased energy storage capacity, that there is the space to install low carbon heating systems, that the cost of running low carbon heating systems can be met by the occupier, and that there is no performance gap between predicted heating energy demand and actual energy use when it is now widely accepted that there is a performance gap. Clause B and C incentivises the higher standard, or equivalent, of Passivhaus which has very little space heating demand meaning less demand on the grid, consideration of fuel poverty and buildings perform as predicted. Where Passivhaus, or an equivalent route, is not chosen, then, at the very least, the performance gap between predicted heating energy demand and actual energy use should be dealt with through post-occupancy evaluation which is operational in other parts of the country. Clause E does not duplicate the requirements provided for by Policy DES10 and the Parish Council accepts that amendments may be required to aid clarity as set out below.

The Parish Council would welcome the examiner's suggestion for a modification to wording for Clauses A and D and offers the following suggested modification:

At Clause A in the policy:

A. All development ~~must~~ should be 'zero carbon ready' by design to minimise the amount of energy needed to heat and cool buildings through landform, layout, building orientation, massing and landscaping. Consideration should be given to resource efficiency at the outset and whether existing buildings can be re-used as part of the scheme to capture their embodied carbon.

At Clause D in the policy:

D. All planning applications for major development are ~~also~~ required to be accompanied by a Whole Life-Cycle Carbon Emission Assessment, using a recognised methodology, to demonstrate actions have been taken to reduce embodied carbon resulting from the construction and use of the building over its entire life.

In the interests of aiding clarity, the Parish Council would also welcome the examiner's suggestion for a modification to wording at paragraphs 5.38 and 5.40 and offers the following suggested modification:

5.38 Clause C requires the developer of a consented housing development scheme of any size to carry out a Post-Occupancy Evaluation (POE) including actual metered energy use, and to submit the report to the local planning authority, as part of the Post Completion Monitoring of the scheme required by Local Plan Policy DES10. It will be implemented by attaching a planning condition, which will only be discharged once the report has been submitted and any recommended actions to rectify any performance gap with the design stage assessment are carried out by the developer. Passivhaus certified schemes will not fail in this way and they are

therefore exempted from this policy requirement. In the absence of supplementary guidance from the District Council on POE, guidance has been included in Appendix D.

5.40 Clause E requires an Energy Statement to be submitted as part of the requirements of Local Plan Policy DES10 to also demonstrate compliance with this policy. The Statement will be excepted to cover the following:

Policy CUL10

The District Council makes specific suggestions to make this policy more effective in the operation of the development management system

Does the Parish Council have any comments on those suggestions?

Policy CUL10 response:

The spirit and the intention upon which the policy was prepared continues to be reflected in the District Council's proposed amendments. The Parish Council therefore agrees with the suggestions.

Representations

Does the Parish Council wish to comment on any of the representations made to the Plan?

In particular, does it wish to comment on the representations made by:

- *Mr Simonson and Mrs Simonson (Representations 1 and 2);*
- *South Oxfordshire District Council; and*
- *Morrells Farming Limited?*

Representations response:

The Parish Council has the following comments to make on the representations made to the Plan:

Mr Simonson and Mrs Simonson:

Policies Map inset 1 intends to show the village green existing around the church in blue. The unshaded area which remains brown on the map is agreed not to scale however the map is not claiming to designate the bridleway, merely to indicate its existence. Possibly the cut out of the blue shading could be removed completely if the examiner thinks it should be amended, with a dotted line indicating the existence of the bridleway if deemed necessary.

The second map referred to within the Settlements and Designations section is a diagram and not representing itself to be a scale drawing. All of the routes used for vehicular traffic, of which the bridleway is one, are drawn at exactly the same width.

The Neighbourhood Plan cannot, does not and will not attempt to designate the width of the bridleway that passes between Mr and Mrs Simonson's house and the village church. The Parish Council considers that it is not reasonable to suppose that these two diagrams could be used by anyone to assert that the bridleway was wider than in fact it is, which seems to be the basis of the Simonsons' representation.

South Oxfordshire District Council

For ease of reference, the Parish Council has responded to each of the comments in bold red text in the attached document.

Oxfordshire County Council

The Parish Council accepts the suggested modifications in relation to Archaeology and Minerals and Waste and would be happy to agree a modification in that regard.

Morrells Farming Limited

As per CUL2 response above.