

Policy and Programmes

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**Culham Neighbourhood Development Plan – Comments under Regulation 16
of the Neighbourhood Planning (General) Regulations 2012 (As Amended)**

South Oxfordshire District Council has worked to support Culham Parish Council in the preparation of their neighbourhood plan and compliments them on the submission of their comprehensive plan.

In order to fulfil our duty to guide and assist, required by paragraph 3 of Schedule 4B to the Town and Country Planning Act 1990 (as amended), the council commented on the emerging Culham Neighbourhood Development Plan (NDP) during the pre-submission consultation.

We are committed to helping this plan succeed. To achieve this, we offer constructive comments on issues that are considered to require further consideration. To communicate these in a simple and positive manner, we produced a table containing an identification number for each comment, a description of the relevant section/policy of the NDP, our comments and, where possible, a recommendation.

Our comments at this stage are merely a constructive contribution to the process and should not be interpreted as the Council's formal view on whether the draft plan meets the basic conditions.

[REDACTED]
Planning Policy Officer (Neighbourhood)

Ref.	Section/Policy	Comment/Recommendation
1	Paragraph 1.4 <i>“Once approved at a referendum, the Plan becomes a statutory part of the development plan for the area and will carry significant weight in how planning applications are decided”</i>	The Plan will carry full weight once approved at referendum. To ensure clarity we recommend this sentence is amended to recognise this. The Parish Council accepts the suggested modifications and would be happy to agree a modification in that regard.
2	Paragraph 1.5 As per Ref 1 above	This paragraph sets out the basic conditions. However, the bullet points do not accurately reflect the basic conditions and we would recommend the bullet points are replaced with the following: <i>“- Does the Plan have regard to national planning policy and guidance? - Is the Plan in general conformity with the strategic policies contained in the development plan? - Does the Plan contribute to the achievement of sustainable development? - The making of the Plan does not breach, or is otherwise compatible with, EU obligations as incorporated into UK law? - Prescribed conditions are met in relation to the Plan and prescribed matters have been complied with.”</i>
3	Page 22 and 23- Oxfordshire Plan As per Ref 1 above	The Neighbourhood Plan refers to the Oxfordshire Plan 2050 when setting out the planning policy context. This should be removed now that the Oxfordshire Plan 2050 work programme has ended. This has been confirmed by the Joint Statement from the leaders of the district and city councils, available here .
4	Policy CUL3	Clause B of the policy should be removed as it is overly restrictive. It is not appropriate or proportionate to safeguard land for a use in the event that an existing use on an alternative site cease. As set out in paragraph 57 of the NPPF (from Regulation 122(3) of the Community

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	<p>Policy CUL3</p> <p>The Parish Council recognises that Policy STRAT9 will be required to mitigate its own impact but remains concerned that no specific provision has been made for this Class E use which no longer falls within the educational Class F1 use. It is only likely to become an issue if existing provision ceases and the Parish Council therefore seeks to retain Clause B.</p>	<p>Infrastructure Levy Regulations 2010), planning obligations must only be sought where they meet all the following tests:</p> <ul style="list-style-type: none"> • necessary to make the development acceptable in planning terms; • directly related to the development; and • fairly and reasonably related in scale and kind to the development. <p>We do not consider that this part of the policy would be meet the tests as it is not directly related to the development and is not necessary to make the development acceptable in planning terms.</p> <p>The development allocated through Policy STRAT9 will be required to mitigate its own impact. The Local Plan policy sets out the design principles for the strategic allocation and states that sufficient additional educational capacity will be expected to be provided by the development.</p>
5	<p>Policy CUL4</p> <p>The Parish Council has noted the District Council's comments and will take these forward in its day-to-day operations.</p>	<p>Conservation Specialists comments:</p> <p>We fully support this policy. The research and content produced for the design code in Appendix B are a strong foundation for a Conservation Area Appraisal Review. Should you wish to explore this outside of the Neighbourhood Planning process please do contact the Council's Conservation Officers or the Neighbourhood Planning Team.</p>
6	<p>Paragraph 5.22</p> <p>As per Ref 1 above</p>	<p>We recommend this paragraph is updated removing references to the South Oxfordshire Design Guide which has now been replaced by the adopted Joint Design Guide.</p>
7	<p>Policy CUL6</p> <p>The Parish Council has noted the District Council's comments and will take these forward in its day-to-day operations.</p>	<p>Conservation Specialists comments:</p> <p>We fully support this policy. The list provided of Local Heritage Assets (Non-Designated Heritage Asset) is acceptable though the supporting information provided in Appendix B is variable in detail. Historic England guidance recommends that specific justification is given for why a building should be included or 'listed' as a Non-Designated Heritage Asset. A short sentence with reasoning e.g "Included for contribution to special architectural /</p>

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		<p>aesthetic / communal / archaeological / historical / group value" wording based on the content of the associated supporting text should suffice.</p> <p>Should an appraisal follow, further justification and statements of significance can be added to those Non-Designated Heritage Asset's within the conservation area.</p>
8	<p>Policy CUL7</p> <p>As per Ref 1 above</p>	<p>Landscape Specialist comments:</p> <p>This policy could result in landscape schemes which accord with the opportunities as set out on the CUL 7 policy map but may be in conflict with key landscape characteristics. For example, woodland planting in the flat floodplain pasture character area could be at odds with the dominant pastoral character.</p> <p>We recommend adding to end of item C:</p> <p><i>'...and with key local landscape characteristics as set out in the latest SODC landscape character assessment.'</i></p>
9	<p>Policy CUL9</p> <p>The Parish Council has responded to these points in its response to the examiner's clarification note.</p>	<p>As we stated in our comments on the pre-submission version of the plan, we fully support the objectives of promoting zero carbon through your neighbourhood plan, the climate and ecological crises are the greatest challenges facing our society.</p> <p>However, the Planning and Energy Act 2008 only allows the council to include policies requiring development in their area to comply with energy efficiency standards that exceed the energy requirements of building regulations within development plan documents. Neighbourhood Plans are not development plan documents but form part of the district's development plan once made.</p> <p>Following further discussions after the pre-submission consultation period, it was our understanding that the intention of the policy was to seek to encourage rather than require development proposals to be in accordance with the energy efficiency requirements set out within it. As currently worded, we consider</p>

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		<p>the policy and the supporting text still requires the energy efficiency standards to be met.</p> <p>The policy and supporting text should be updated to recognise that this policy is an encouraging policy. Wording such as ‘must be’ and ‘will be required’ is unlikely to have a place in an encouraging policy or supporting text as it implies an obligation in all circumstances. It should be amended to wording such as ‘should’ and ‘are encouraged to’.</p> <p>Part A of the policy states:</p> <p>“All development must 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.”</p> <p>We recommend this is amended to:</p> <p><i>“All development is encouraged 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.”</i></p> <p>Part B of the policy states:</p> <p>“Wherever feasible, all buildings should be certified to a Passivhaus or equivalent standard with a space heating demand of less than 15KWh/m2/year.”</p> <p>We recommend this is amended to;</p> <p><i>“Wherever feasible, all buildings are encouraged to be certified to a Passivhaus or equivalent standard with a space heating demand of less than 15KWh/m2/year.”</i></p> <p>The requirements of Clause C are very prescriptive and potentially onerous for both the applicant and LPA. Taking enforcement action after a development has been built and occupied is also relatively more difficult. There is also potential for conflict with the compliance and monitoring requirements of</p>

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		<p>Policy DES10. We therefore recommend that Clause C is deleted.</p> <p>We propose that Clause D is amended to state:</p> <p><i>“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 life.”</i></p> <p>Clause E duplicates the requirements provided by Policy DES10 in the South Oxfordshire Local Plan. It would be more appropriate to link the policy more closely with DES10 as this requires an energy statement to be submitted setting out the energy performance in terms of the Design Emission Rate (DER). Information on how this is calculated is set out in the Policy DES10 Advice Note. There is no need to duplicate this requirement as the energy statement required by DES10 will allow the District Council to understand how the energy performance of any proposed schemes will be achieved and monitored.</p> <p>The supporting text should be amended to reflect alterations made to the policy.</p>
10	<p>Policy CUL10</p> <p>The Parish Council has responded to these points in its response to the examiner's clarification note.</p>	<p>In order to make this policy more detailed and effective we recommend it is amended in accordance with the Examiner's recommendations on a similar policy in the Shiplake Neighbourhood Plan.</p> <p>We recommend that part A of the policy is amended to state:</p> <p><i>“Development proposals should conserve and enhance relative tranquillity in relation to light pollution and dark night skies. Development proposals should also demonstrate that they meet or exceed the Institute of Lighting Professionals guidance and other relevant standards or guidance (CIE</i></p>

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		<p><i>150:2003 Guide on the Limitation of the Effects of Obtrusive Light from Outdoor Lighting Installations), or any equivalent replacement/ updated guidance for lighting within environmental zones.</i></p> <p><i>Development proposals should have regard to the following hierarchy:</i></p> <ul style="list-style-type: none"> <i>a. The installation of lighting is avoided;</i> <i>b. If lighting is installed it is necessary for its intended purpose or use and any adverse impacts are avoided; and</i> <i>c. If it is demonstrated that (a) or (b) is not achievable, then adverse impacts are appropriately mitigated.”</i> <p>Part B of the policy should be amended to state:</p> <p><i>“Development proposals which include lighting should ensure that:</i></p> <ul style="list-style-type: none"> <i>a. The measured and observed sky quality in the surrounding area is not reduced;</i> <i>b. Lighting is not unnecessarily visible in nearby designated and key habitats;</i> <i>c. The visibility of lighting from the surrounding landscape is avoided; and</i> <i>d. Building designs should avoid large areas of glazing which would result in light spillage into rural and unlit areas.”</i>
11	Page 55 – Rye Farm Car Park As per Ref 1 above	The car park is managed by vale of White Horse District Council. It has recently changed parking rules and there is now one-hour free parking. This section should be updated to recognise this.
12	Appendix B Noted	Just to note that in regard to Landscape Character, particularly referred to in section 4, that there are plans to update SODC Landscape Character Assessment.