

Burcot and Clifton Hampden Neighbourhood Development Order

Parish Council Response to Examiner's Clarification Note #1 (CN#1)

10th January 2024

| Serial | Location/Source of Comment | Summary of Question/Comment | Response/approach to develop response |
|--------|----------------------------|--|--|
| 1. | Examiner (CN #1) | Is there any information in other documents which advise about which purposes of the Green Belt applied to the sites addressed in the Order at the time that the Green Belt was originally identified? If necessary, I am happy for the District Council to assist in answering this question. | <p>The PC statement: The purposes of the Green Belt applied to Clifton Hampden have been reviewed in detail in a Local Green Belt Study for SODC Final Report September 2015. This report (called the Kirkham Report) was made by Kirkham Landscape Planning Ltd/ Terra Firma consultancy to assess the extent to which land within the Oxford Green Belt still meets the five purposes of the Green Belt as stated in para 80 of the NPPF in the context of the current need to identify additional land for housing in the District to meet local and Oxford-based demand.</p> <p>The Report details the history of Green Belt from 1947 (London only) 1955(other regions) 1975 Oxford Green Belt proposed to protect the special character of Oxford and its landscape setting. Support for The Green Belt albeit with insets (Berinsfield, Culham Science Park, Culham, Grenoble Road) was maintained in the 1982 Oxford Fringe Local Plan; 1984 Rural Areas Local Plan; 1992 Central Oxfordshire Local Plan; 2011 South Oxfordshire Local Plan and 2012 Core strategy and subsequent reports..</p> <p>In the Kirkham Report (2015) the character of Clifton Hampden was carefully scrutinised and each of its boundaries assessed to see whether a rural exception should be made to Green Belt rules. Clifton Hampden was considered to be suitable for</p> |

| Serial | Location/Source of Comment | Summary of Question/Comment | Response/approach to develop response |
|--------|----------------------------|-----------------------------|---|
| | | | <p>continuing as a Green Belt village because it was open in character:</p> <ul style="list-style-type: none"> · The surrounding open countryside extends into the heart of the built area <p>The built form is broken up by substantial areas of open space and/or medium to large gardens</p> <ul style="list-style-type: none"> · The village character is acknowledged as an important aspect of the character of the open countryside · There are several views out from the heart of the built form in to the wider landscape · The built form is located in a prominent location which is acknowledged as contributing to the character of the open countryside · The built form is of low density (very low by urban standards) · The built form is largely devoid of compact medium- to large-scale modern estate development and only includes minor infilling and small extensions which do not erode the general open character; and · The curtilages of the built form generally merge with the open countryside” <p>The Report states that Clifton Hampden and its open rural setting form “part of historic settlement pattern that</p> |

| Serial | Location/Source of Comment | Summary of Question/Comment | Response/approach to develop response |
|--------|----------------------------|--|--|
| | | | <p>contribute to the character of the setting of historic Oxford City. No rural exception sites were identified around Clifton Hampden.”</p> <p>The Report recommended that Clifton Hampden remained in the Green Belt. “Any new development should be designed and sited in such a way that its impact on the open nature, rural character and visual amenity of the Green Belt is minimised.”</p> <p>The Green Belt designation of Clifton Hampden and Burcot was reaffirmed in the SODC Local Plan 2035 which deemed the parish to be “washed over” Green Belt.</p> <p>27-01-2024 - The SODC advice has been supplied as a separate document called: “SODC Clifton Hampden - Green Belt Assessment”</p> |
| 2 | Examiner (CN #1) | <p>Surgery evidence (4 questions)</p> <p>It would be helpful if the Parish Council would advise on the following matters:</p> <ul style="list-style-type: none"> ● the current opening hours of the surgery in Watery Lane; ● the proposed opening hours of the new surgery; ● the level of services to be provided in the new surgery (both generally and in comparison, with the existing level of service); ● and the extent to which the proposed surgery will be providing medical services to people in the parish and to communities outside the neighbourhood area (as part of | <p>The surgery have provided the following response:</p> <p>The surgery is staffed from : 0800-1830 Monday to Friday. Consultations usually commence at 9am depending on the GP schedules for the day. The terms for opening are set out in the GMS contract so we would expect these to remain the same in the new premises.</p> <p>Regarding service levels, commissioning resources and decision making now rests with the Integrated Care Board cascading through the Primary Care Networks. Abingdon and District PCN</p> |

| Serial | Location/Source of Comment | Summary of Question/Comment | Response/approach to develop response |
|--------|----------------------------|--|---|
| | | <p>the wider operation of the Clifton Hampden Surgery) and consolidating the operation of other surgeries elsewhere.</p> | <p>(we are one of four Practices) serves over 30,000 patients. Schemes set nationally, such as the Additional Roles Reimbursement Scheme (ARRS) currently in place, are implemented by the PCN and are subject to change. However, in recent months, the Practice has had to decline the offer to diversify and to offer a range of appropriate support, e.g. podiatry due to lack of space.</p> <p>Since the proposal is for a purpose build at approximately twice the area of the current space, it would be reasonable to expect:</p> <ul style="list-style-type: none"> • An increase in the number of registered patients at Clifton Hampden (currently nearly 3600) resulting from new housing with the catchment area • Provision of services from allied health professionals as part of the ARRS scheme across the PCN area to be delivered from Clifton Hampden • Dispensing to qualifying patients to continue |
| 3 | Examiner (CN #1) | <p>The Assessment was submitted in draft format (and in November 2022). Is it intended to submit a final (and/or updated) version of the Assessment to inform the examination?</p> | <p>Yes. A Stage 3 Viability Assessment has been commissioned through the neighbourhood planning technical support programme. The earliest realistic timescale for completion is early January.</p> |
| 4 | Examiner (CN #1) | <p>Draft S106. Am I correct to assume that the references in the draft Agreement to a planning application should be to the Order</p> | <p>Yes.</p> |
| 5 | Examiner (CN #1) | <p>Draft S106 . Part 2.4 questions</p> <p>Q1. What is the current position of the surgery in terms of wider package?</p> | <p>We are unclear exactly what the Examiner is asking, and ask for clarification as to the exact nature of the information the Examiner is requesting.</p> |

| Serial | Location/Source of Comment | Summary of Question/Comment | Response/approach to develop response |
|--------|---------------------------------|--|---|
| | | <p>Q2 Is it anticipated that the Surgery will become directly engaged as a party to the order?</p> <p>Q3. If surgery is not constructed or occupied, would VSCs apply?</p> | <p>The PC considers it essential that the surgery partnership commits to equipping and using the surgery and that the ICB commits to paying the minimum rent reimbursement of £25,350 for 18 years (as agreed with the ICB's predecessor the CCG). The PC would seek to achieve this agreement via the S106 or other means.</p> <p>If surgery is not constructed or occupied as a surgery for any reason, the VSC relating to the surgery would not apply and the current NDO application would be withdrawn.</p> |
| 6 | Examiner (CN #1) | Objections – Please can the Parish Council provide a single response to the overlapping points in the various objections | We are working to provide a consolidated thematic response by the end of January. |
| 7 | Examiner (CN #1) | Please comment on CPRE representation | This will be addressed in the response to objections as per Ser 6. |
| 8 | Examiner (CN #1) | Please comment on OCC representation | See Ser 9 to Ser 23. |
| 9 | OCC (Response 88) Page 5 Para 1 | An archaeology field evaluation is required. . | We agree with this requirement. This work has been commissioned via our Development Partner. At the time of writing, no date for completion has been given. We do not expect the report to be available before the end of January. . |
| 10 | OCC Page 5 Para 2 | A 3.5m cyclepath is required both sides of A415. | PC: The Parish Council supports sustainable transport and supports efforts made by SODC to provide a much improved cycle path and footpath between Berinsfield and Culham as per SODC Local Plan and Local Transport and Connectivity Plan (LTCP). |

| Serial | Location/Source of Comment | Summary of Question/Comment | Response/approach to develop response |
|--------|----------------------------|--|---|
| | | | <p>However, the PC objects on the grounds that the cycle path is part of the Berinsfield development and should be paid for by it. The PC does not want to be left with the risk of a part-built cycle path that goes nowhere.</p> |
| 11 | OCC Page 5 Para 3 | Request revised water run off calculations | Attached. |
| 12 | OCC Page 5 Para 4 | Education contribution. | Waived. No response required |
| 13 | OCC Page 6 Para 5 | Waste Management Arrangements | We address this in our response to SODC comment, at Ser 28 |
| 14 | OCC Page 6, Para 6 | OCC have requested payment for legal fees to cover S106 negotiations, estimated at £6,500, | Locality have advised us that grants are not available to cover legal fees. We have therefore written to ask OCC to waive as this is a Community Led Plan Action. |
| 15 | OCC Page 7 | OCC have requested £19,261 as a section S106 Contribution for public transport | <p>Objection from NDO Steering Group. This is not agreed as it is not viable to pay this contribution. In any event the SODC CIL contribution should be used to pay this sum.</p> <p>The PC asked advice from the SODC to clarify this request and other requests from OCC. We have received a response from SODC, which is listed below in point 31.</p> |
| 16 | OCC Page 7 | OCC have requested under S278: Uncontrolled pedestrian crossing points. | Object. There is already a controlled crossing within 175 m of both sites and a further crossing point is not required given the low volume of pedestrian traffic generated by the proposed development. |
| 17 | OCC Page 7 | OCC have requested under S278: Provision of 2 bus shelters | <p>The PC agrees there should be two bus shelters.</p> <p>Objection from NDO Steering Group. It is not viable to provide this infrastructure, which in any event should be funded from</p> |

| Serial | Location/Source of Comment | Summary of Question/Comment | Response/approach to develop response |
|--------|----------------------------|---|--|
| | | | the SODC CIL payment. We would point out that there is already a bus shelter on the south side of the A415. |
| 18 | OCC Page 8 | Proposed Conditions. | <p>We agree to all proposed conditions apart from condition 2: not required as Electric Charging Points are a requirement of the 2021 Building Regulations.</p> <p>The PC has been informed the Electric Charging Points would be of the same standard regardless how it is mandated, this would add unnecessary costs and bureaucracy to add it as a condition as well.</p> |
| 19 | OCC Page 12 | Parking above requirement. | Object. We consider that a double garage and 2 further parking spaces is appropriate for the houses on the paddock site given their size and location. |
| 20 | OCC Page 13 | Footway layout on Paddock site – Extend into drive. | Object. This is not agreed given the small scale of the Paddocks development and that there will be very few pedestrians entering the site from the west. In addition, a footpath on both sides of this entrance will give an urban and dominant feel to this rural location. |
| 21 | OCC Page 14 | Mitigation p14 | The plans submitted propose improvements to footpath 171/1 and 171/2. Footpath 171/10 is outside of the boundary of the NDO site and given the low volume of pedestrian traffic generated by this development improvements to this footpath would be unreasonable. Any improvements need to be in keeping with the rural nature of these footpaths. |
| 22 | OCC Page 15 | Public Transport Contribution – Bus Shelters | See response at Ser 17. |

| Serial | Location/Source of Comment | Summary of Question/Comment | Response/approach to develop response |
|--------|----------------------------|--|--|
| 23 | OCC Page 16 | Public Transport Contribution - Financial | See response at Ser 15. |
| 24 | Examiner | Please response to the following SODC points: | |
| 25 | SODC (Response 96) | Please provide a BREEAM pre-assessment | A BREEAM assessment was not conducted previously as the surgery is to be built to Net Zero standards, which exceed BREEAM standards. However the PC acknowledges that it would be helpful to undertake the assessment, and have commissioned the work via the development partner. The report is attached. |
| | SODC | Please provide a full bio-diversity metric | Attached. |
| 26 | SODC | Please provide vehicle tracking for Parcel A | Vehicle tracking for parcel A is included in the Transport Strategy, Appendix J (Swept Path Analysis). BCHNDO-Transport-Statement-Submission-Version.pdf (southoxon.gov.uk) |
| 27 | SODC | Please provide a noise assessment | The submitted NDO documentation includes a Noise Assessment (document titled Acoustic Assessment). Clifton-Hampden-NDO-Acoustic-Statement.pdf (southoxon.gov.uk) |
| 28 | SODC | Please provide information on waste management arrangements. | Waste management arrangements, including arrangements for the 4 x 1 Bed flats and non-residential buildings are covered in the Design and Access Statement and supporting drawings. The waste management strategy is based on the SODC 2 bin collection system (recycling and non-recycling) plus food caddy, and bulk waste bins for the surgery (private collection). Bin collection areas for the houses are shown on plan 19112.003 and these are all within the Building Regulation drag distances. |

| Serial | Location/Source of Comment | Summary of Question/Comment | Response/approach to develop response |
|--------|----------------------------|---|--|
| | | | <p>The bin storage arrangement for plots 1-6 are shown on plan 19112.101.</p> <p>The bin storage arrangement for the surgery building is shown on plan 19112.201A</p> |
| 29 | Examiner | Please can the Parish Council advise about the timing of any ongoing work on the matters addressed in that [SODC] advice and when it will be available. | <p>The PC anticipate the information requested by the Examiner, SODC and OCC to be available as follows:</p> <p>Examiner’s Requests:</p> <ul style="list-style-type: none"> ● Green Belt History. See Series 1 above. Additional information to follow on receipt from SODC ● Surgery Evidence. See Serial 2. This is an area of active investigation from the PC see Serial 30. ● Stage 3 Viability Assessment. By early January 2024 ● Response to objectors’ representations. To follow by end of January 2024 <p>OCC</p> <ul style="list-style-type: none"> ● Archaeology Survey and Report. By End January 2024 ● Revised water run-off calculations. Attached. <p>SODC</p> <ul style="list-style-type: none"> ● BREEAM pre-assessment. Attached. ● Biodiversity metric. Attached ● <p>Other information that the PC intend to provide:</p> <ul style="list-style-type: none"> ● We have no comment currently on SODC Proposed Conditions. We anticipate Conditions will be the subject of a session at the public hearing. |

| Serial | Location/Source of Comment | Summary of Question/Comment | Response/approach to develop response |
|--------|----------------------------|--|---|
| | | | <ul style="list-style-type: none"> Updated S106 agreement. We understand the Section 106 Agreement will be updated as an integral element of the Examination, in collaboration with OCC and SODC legal teams. We are not in a position to suggest substantive revisions at this time, beyond those recommended at Serial 5 of this response. |
| 30 | | Parish Council unresolved concerns and risks | <p>The PC has a number of unresolved issues which we wish to consult with relevant 3rd parties to eliminate/reduce concerns and risks, for future submission to the examiner. Examples are:</p> <ul style="list-style-type: none"> Safeguarding of the surgery Appropriateness of the housing mix Extent to which the serious parking issues are being addressed Viability of the CLT Any further issues arising from the Objectors Responses |
| 31 | | <p>The PC wrote to SODC seeking advice regarding serial: 10, 15,16,17,18</p> <p>Question asked by the PC 11/11/2023:</p> <p>We have an OCC response to the 2nd consultation that the examiner has asked us to respond to - see attached. One of the requests on page 7, is:</p> <p>OCC have requested £19,261 as a section S106 Contribution for public transport</p> <p>The Steering Group have said on advice of the developer: " This is not agreed as it is not viable to pay this contribution.</p> | <p>Response received from SODC 14/12/2023:</p> <p>Thank you for your email. We have now discussed this matter with colleagues in development management who normally deal with the infrastructure demands of development.</p> <p>Regarding Transport Contributions, development is required to mitigate its own impact. S106 contributions are used to secure the infrastructure/services required to mitigate the impact of a development and/or to meet specific planning policy requirements. Please see the attached SODC Developer Contributions SPD, which is a formally adopted document. In this document, DEV3 - Transport states:</p> |

| Serial | Location/Source of Comment | Summary of Question/Comment | Response/approach to develop response |
|--------|----------------------------|---|--|
| | | <p>In any event the SODC CIL contribution should be used to pay this sum. "</p> <p>Whilst the PC supports any contribution that supports public transport – we have no idea if this is something a developer would normally pay, it is for the SODC CIL contribution or something else.</p> <p>There are other OCC items of a similar nature that the Steering Group object to on viability grounds [the email then listed serials 10,16,17,18]</p> | <p>‘Direct mitigation of individual site transport impacts (including roads, cycleways, footpaths, public rights of way, public transport and the monitoring of travel plans) will be secured through S106. Infrastructure may need to be delivered through the developer entering into a S278 agreement with the County Council’.</p> <p>The contributions you mention would be secured in a S106 agreement, like all normal developments. For further background detail, please also see South Oxfordshire Local Plan 2035 policies TRANS1b, TRANS2, TRANS3, TRANS4 and especially TRANS5 - Consideration of Development Proposals, which explains what development proposals need to provide.</p> <p>S106 obligations are used to secure infrastructure where it is:</p> <p>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> <p>These tests are set out as statutory tests in regulation 122* and as policy tests in the National Planning Policy Framework. These tests apply whether or not there is a levy charging schedule for the area.</p> <p>We believe the requested contributions for the NDO development meet these tests but this element will be tested through the examination.</p> |

| Serial | Location/Source of Comment | Summary of Question/Comment | Response/approach to develop response |
|--------|----------------------------|-----------------------------|---|
| | | | <p>It appears that there is no evidence that demonstrates the development is unviable. As the examiner has given the opportunity for a response, the Parish Council can now put evidence forward if they feel that the requirements are not within the scope of the development. It is 'normal' for Oxfordshire County Council to request conditions/contributions – this is what they consider necessary for the development.</p> <p>With regards to the specific need and design of proposals, the Parish Council will need to liaise with County Council highways officers, as they have assessed and specified what is required. This is likely to lead to some technical discussions and potentially a highway agreement (this is 'S278' referred to above). These are also 'normal'.</p> <p>Regarding SODC conditions, these are considered to be necessary on new development proposals.</p> |

BREEAM Pre-Assessment

Bio-diversity metric (.xlw)

Water Run Off Calculations (2 Docs)