

B&CH PC Submission to Examiner

March 2024

Introduction

This document is in two sections: the Parish Council's (PC) responses to the submitted objectors' comments, and separately, any additional concerns that have resulted from the PC's review of the Neighbourhood Development Order (NDO) proposal since May 2023.

On 21 September 2023 the Examiner wrote to the PC asking the following question in relation to the proposed NDO:

"I would find it helpful if the Parish Council commented on the various objections made to the Order (27/34/43/44-48/50/51/53/54/58/60/62/63/67-69/70-76/78/79/85/86/94). Please can the Parish Council provide a single response to the overlapping points in the various objections."

An initial review of the objections mentioned by the Examiner and listed above showed that the 31 objections listed can be divided into various categories. Most of the objectors included more than one reason for their issues. We have divided the objections into a number of categories that cover almost all the points raised. These categories are:

- The Clifton Hampden Surgery.
- Housing, including design and mix.
- Parking, Traffic Issues.
- Land protected by national policy - Green Belt and Conservation Area.
- Viability assessment.
- Governance process and community involvement.
- Site selection.
- Environmental issues, including arsenic, pollution and drainage and flooding.

Other issues including revaluation of benefits and the Community Land Trust, are dealt with below in Section 2.

In this document each of the issues raised by the objectors during the consultation has been examined in detail. We have outlined our progress on addressing those issues that can be resolved by dialogue with interested parties, including the NDO Steering Group (which includes the landowners, their agent and the Developer) and NHS officials (Integrated Care Board (ICB), Primary Care Network (PCN)) and Surgery staff and principal.

Some issues are still unresolved, although we expect these may be resolved soon. Other issues are more intractable and we hope they will be considered during the rest of the Examination process, including the Public Hearing. We recognise that this is a highly complex scheme, with many variables. The proposed scheme has also been substantially modified since it was originally submitted to the Examiner. In overall terms, after considering all the points made by objectors, the PC believes that the NDO in its present form will need further substantial modification to satisfy all the requirements necessary for development in a Green Belt/Conservation Area.

The PC has sought to provide pathways to resolve these issues where possible, including considering a smaller, less impactful scheme. We have also tried to find ways to broaden out the scheme so that it is not presented to residents on a ‘take-it-or-leave-it’ binary basis. However, our efforts have been restricted due to the NDO-interested parties only being willing to consider modifications to the scheme under instruction from the Examiner. We remain committed to an open approach and are willing to answer any further questions posed by the Examiner.

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Section 1 : Parish Council response to Objectors

Summary

Over the past few months, Burcot and Clifton Hampden PC has carefully sought to address a myriad of concerns raised by objectors regarding the proposed Neighbourhood Development Order (NDO). Their detailed responses have been segmented into key areas of contention: the surgery, housing, parking, traffic, land protection policies (including Green Belt and Conservation Area considerations), governance and community involvement, site selection, and environmental concerns.

Surgery Concerns and Mitigations: The PC highlights the importance of the surgery's continued operation, whilst acknowledging objectors' worries about its long-term viability under the NDO. Despite financial limitations and uncertain commitments from the Integrated Care Board (ICB), the PC proposes several mitigations, including discussions with the Developer to ensure the surgery's future and the retention of community benefit status for the building. The proposed change in ownership arrangements for the Surgery since the original NDO was submitted in 2023 presents particular problems for ensuring the building's preservation for community benefit in perpetuity to satisfy Very Special Circumstances (VSCs).

Housing Issues: The PC notes significant concerns about whether the housing element of the NDO meets the village's needs and has commented on objector worries about social division, environmental sustainability, local availability, and accommodation for the elderly and disabled. The PC has sought to engage with the Developer and landowner - albeit without success - to align housing proposals more closely with community expectations and sustainable development standards. We believe it is possible that a different balance of housing could solve some of these issues.

Parking and Traffic: The PC notes the inadequacies of the current proposal to meet the village's parking needs and to mitigate potential traffic congestion. It suggests reassessing parking provisions and reconfiguring site plans to alleviate anticipated traffic increases and improve safety.

Land Policy and Environmental Concerns: The PC concurs with objectors on the importance of protecting Green Belt land and the Conservation Area, stressing that any development should prioritise environmental sustainability and respect the setting of the village's historical buildings and landscape. The PC believes the NDO proposers have not produced credible evidence of the VSCs needed to justify development in the Green Belt. The PC also seeks to ensure that any development does not set a precedent for future encroachment on protected lands.

Governance, Community Involvement, and Site Selection: Highlighting objectors' frustrations with the perceived lack of transparency and community engagement, the PC notes that there were shortcomings in the execution of the NDO process. The PC notes in particular the attempt by NDO supporters to fetter its actions with a Deed document. It advocates more open dialogue and community involvement in decision-making, especially in site selection, which has been criticised for lacking transparency and inadequate community consultation.

Environmental Risks: Concerns over arsenic contamination, pollution, drainage, and flooding are noted, with the PC urging a thorough review and action on environmental protection measures. The PC emphasises the need for sustainable development practices to mitigate potential environmental impacts and to achieve a net biodiversity gain.

In summary, while the PC has proposed several strategies to address the concerns raised, many unresolved issues remain, particularly regarding the surgery's future, housing provisions, parking and traffic management, environmental sustainability, and the inclusivity of the planning process. It is concerned that as things stand, residents will be presented with a binary choice for the NDO, without a mechanism for discussing different possibilities. The PC's response underlines a commitment to navigating these challenges thoughtfully, aiming for outcomes that align with community needs and expectations. The PC will need professional legal advice on contractual matters.

In Conclusion

The PC supports many of the objections raised by a substantial number of respondents but notes that many parishioners are enthusiastic supporters of the scheme. We remain fully open to any measures that resolve the outstanding issues. In the interests of democracy, the PC wishes for the NDO to be fully examined at a public hearing. When the parishioners have been fully appraised of the costs and the benefits of the NDO, a referendum allows an informed decision to be made.

Introduction

On 21 September 2023 the Examiner wrote to the Parish Council asking the following question in relation to the proposed NDO:

“I would find it helpful if the Parish Council commented on the various objections made to the Order (27/34/43/44-48/50/51/53/54/58/60/62/63/67-69/70-76/78/79/85/86/94). Please can the Parish Council provide a single response to the overlapping points in the various objections.”

The PC has structured this Section of the document according to the subject area. Where progress on these issues has been made, the PC has referenced this in the PC comments sections.

1. Clifton Hampden Surgery

Summary of Objectors’ concerns

The PC notes that the continued existence of a thriving Surgery has been at the centre of most discussions on the NDO, whether by those who are for or against the proposals. It is the most significant element of the Very Special Circumstances (VSCs) that underlie the basis of the NDO. The VSC claim of provision of a new medical facility is an issue because alternative sites have not been fully investigated. Alternatives include development at the existing site; development elsewhere within the parish or within the catchment area; combination with the nearby surgery at Berinsfield; or transfer to a new medical facility to be built under Local Plan Strategy 9 at Culham and under Local Plan Strategy 10i outside the Green Belt. Many objectors’ concerns focus on whether or not the NDO will deliver a functioning Surgery in the medium- and long-term, given the inadequate commitments expressed in the S106. In this section, we draw the Examiner’s attention to the

changes to the Surgery proposals since the original NDO submission in 2023 and propose partial mitigations.

The NDO originally proposed:

“Once constructed, the Surgery building will either be purchased (at cost) by the practice, or as increasingly common, leased (having been sold at cost) from a 3rd party which may be the development partner or other investor. The freehold of the Surgery building and Surgery car park will pass into community ownership, via the Community Land Trust. The S106 agreement will include conditions for the future sale of the building, giving the community first option to purchase and a say in its future use, should it cease to be needed for the purpose for which it was built.”

In early post-submission conversations with the PC, the Sole Trader of the Surgery, [REDACTED], made it clear that he is not in a position to take ownership of the building. He also stated he would only be able to rent the building using the limited funds allocated by the ICB/NHS.

At a meeting with the PC in November 2023, the Integrated Care Board (ICB) stated that the reason for its low rent reimbursement level for the proposed new Surgery building - £25,350/annum, against an estimated commercial rental value of £73,000/annum - is that it will be cost neutral, i.e. it will cost no more than they are currently paying for the existing Surgery building, which is significantly smaller in size than the one proposed. The ICB said that it does not have spare funding and, strategically, rural practices such as Clifton Hampden are not a funding priority. The priority for the ICB is for much larger Surgeries/Medical Centres, currently averaging 12,000 patients.

In response to objectors’ concerns regarding the importance of the Surgery to justify the VSCs, the PC takes a view that, before the NDO is passed by the Examiner and SODC and presented to the residents in a referendum, we must be sure that the promised new Surgery building will indeed come to fruition and be occupied for the long-term, despite the rental constraints outlined above. Whatever happens, the community benefit status of the building must remain in perpetuity.

Following dialogue with the Developer, Thomas Homes agreed to consider options to meet these requirements. As a result, Thomas Homes now proposes to retain the ownership of the Freehold of the Surgery and is willing to deliver the Surgery building on the terms set out in the letter from the

CCG dated 24th November 2021. Thomas Homes has also written to the Parish Council (28th February 2024 – see Appendix 2) setting out the terms of their offer for ownership and transfer arrangements.

This represents a substantial departure from the terms set out in the [NDO Proposal](#), [Basic Conditions Statement](#) and the [current Draft S106](#). It significantly changes the planned contractual arrangements and control over the building's use. Whilst the PC acknowledges the Developer/landlord's offer to accept a lower rent in line with the ICB rent reimbursement, we recognise that this poses some financial risk for the Developer. In the interests of the community the PC would like to mitigate as suggested below.

PC Comment

The PC suggests the following mitigations:

1. The Sole Trader is near to retirement and is unlikely to continue in practice for more than some 3 to 4 years. The Surgery Practice is urgently seeking to recruit permanently employed doctors as potential partners for the future, and possibly including the purchase by the partnership of the building at some point during the next 18 years. It believes the provision of a new building with 7-8 consulting rooms may help to attract new doctors and achieve this goal.

In the first instance, the PC requests that the Examiner is satisfied that medical services will be provided at the proposed Surgery for at least the 18 years during which the ICB has agreed to provide a rent subsidy.

We propose that a suitable clause is included in the S106 Agreement which guarantees that the new Surgery Building, whatever happens, will remain a Community Benefit in perpetuity. We have been told that the Surgery is unwilling to be a signatory to the S106 agreement, and we ask the Examiner to clarify whether or not this is acceptable. At the very least the PC wishes to be reassured that the Surgery will commit to equipping and using the Surgery and that the ICB commits to paying the minimum rent reimbursement of £25,250

for 18 years, as previously agreed.

2. The PC believes the future use of the building would be safeguarded more effectively if the Freehold of the Surgery building is passed to the Community Land Trust (CLT) or a similar community body, as was originally proposed in the NDO. In this context, the property title should include restrictions that prevent any requested change of use of the building away from that of a general medical practice or some similar community benefit. The CLT should be offered first refusal, at a discounted rate, if the Developer chooses to sell the Freehold to anyone outside of the Surgery. The Developer's offer to pass on 30% of any profit from the future sale of the Surgery does not seem an attractive one to the PC, and would be an inadequate remedy regarding VSC considerations, particularly when historical costs have been included, the profit may be an insignificant amount.
3. The PC notes that a BREEAM Assessment has now been completed for the Surgery. The Developer says he intends to build the Surgery to "net zero carbon standards" which is higher than BREEM Excellent as it provides a 100% reduction in regulated CO2 emissions. The PC believes that the commitments made in the BREEAM Assessment document should be legally binding.

Other notes

The Surgery leasehold from the Developer will include six parking spaces (inc. two disabled). The NDO proposal states that the 16 car park spaces to the west of the Surgery building will be owned by the Parish Council but made available to the Surgery. However, it is also proposed that these spaces will be available for general parish use - and counted as one of the benefits of the NDO. The PC believes this is likely to be problematic as is explained in more detail in the Parking section below.

In summary, the PC has responded to the objectors' concerns about the long-term viability of the Surgery. The results of negotiations between the PC and the Developer as set out in a separate

letter from Thomas Homes, partially mitigate the community’s concerns over the Surgery. The intention of the Sole Trader and the Practice Manager to move to the new building is shown in their letter in Appendix [3].

The PC has proposed a number of additional mitigations, but notes that this does not resolve all the issues raised by objectors, such as viability against the nearby new surgeries included in the South Oxfordshire Local Plan 2011-2035 strategic Green Belt deallocations: STRATEGY 9 for Land Adjacent to Culham Science Centre proposes building 3,500 new homes and one new GP Surgery (page 49) and STRATEGY 10i for 1,700 new homes at Berinsfield includes “new premises for an expanded health centre or provision for a new health centre” (page 57).

2. Housing

Summary of Objectors’ concerns

The most important issue for most objectors, after the Surgery, is the housing offered under the scheme. Concerns were raised on the following topics:

- Whether or not the proposed scheme meets the housing requirements outlined in the 2015 Village Plan.
- Social division, with a geographical separation between large and small houses.
- Green credentials of the proposed buildings.
- Availability to local people.
- Lack of specific considerations for the needs of elderly and disabled residents.

Housing requirements.

At least a dozen properties have been built or are in progress since the 2011 Census within the Parish, most of which are 4-bedroom or larger. The requirement now is for a few smaller homes.

The following is extracted from the Housing Needs Assessment (HNA), which was conducted in August 2022, and which has had no apparent impact on the Housing Mix proposal within the NDO:

“The HNA notes that Burcot and Clifton Hampden’s dwelling mix is relatively imbalanced, with larger and less dense properties dominating the existing stock. In particular, the proportion of detached homes and homes with 4 or more bedrooms are both more than double the national average (2011 Census data). There are potential gaps in the markets for flats, terraces and homes with 2 bedrooms, although there are also lower proportions of 1- and 3-bedroom homes than wider averages. The parish also has a slightly lower proportion of bungalows than the wider district and country (2021 Valuation Office Agency data for a slightly wider area).”

Of 17 housing units proposed in the NDO, only 10 (possibly 8) are available to satisfy the Housing Need within the Parish. The others comprise 3 large houses on the ‘Paddock site’, and 4 to 6 Affordable (social) Housing units, depending on what the Examiner/SODC determine.

Additionally, one objector noted that the NDO proposal is contrary to SODC Local Plan Policy H8 and H16 specifically, noting that H8 states a need to demonstrate that the level of growth is commensurate with the scale and character of the village, and was expected to be around a 5-10% increase up to 2035. With 240 parish dwellings in the 2011 Census, a 10% increase would be 24 dwellings (through infill). The Neighbourhood Plan Area has already reached this level of growth with 5.4% (13 new houses) since 2011. The proposed NDO will significantly exceed this figure, increasing it to 12.5%, excluding any further developments between now and 2035.

Social division

Objectors noted that locating the larger houses on one site, and the 14 smaller and more closely-packed houses on the other, is socially divisive and old-fashioned, and does not reflect the existing housing configuration of the village.

Green credentials

The objectors noted that the NDO proposal states that the Surgery will be built to net-zero energy standards, but there is lack of specific detail for the Surgery and only an assurance from Thomas Homes that the housing will meet SODC environmental standards, raising concerns with the objectors about the environmental impact, both during construction and long-term use of the residential buildings.

Availability to local people

Objectors were concerned that there is no clear mechanism for ensuring local people and those with a close connection with parishioners or those working in the parish will have preferential first refusal for purchase of the properties.

Need of elderly and disabled residents

Several objectors noted that none of the house designs address the specific needs of elderly and/or disabled people.

PC Comments

In response to the objectors' concerns, we have raised these issues with the Developer and landowner. They have stated they are unwilling to make any changes to the number and mix of houses or their location, as the current design for the scheme follows a series of design iterations that considered multiple, often conflicting, factors, such as housing need, Surgery, parking, Green Belt openness and Conservation Area status. The Developer has stated that any changes would make the scheme unviable. He argues that the large houses are needed to ensure sufficient return on investment, given the cost of land and construction. The PC acknowledges the desire for commercial viability, but concurs with the concerns raised by objectors and questions whether the development of 4- and 5-bedroom houses would satisfy the requirement for VSCs.

The PC also questions whether it conforms with SODC Local Plan Policy H8, given there is no recognised demand in the Village Plan, Local Plan or the HNA document for such large houses.

In response to objectors' concerns regarding the eco-standards of the housing, the PC notes that the Developer says he proposes to build the houses to new regulations which require a greater than 30% improvement in CO2 emissions over the old regulations and this will include the use of air-source heat pumps. Solar panels are listed only as a possibility and remain an option to achieve the standards set out in national policy for energy efficiency. To ensure that the development is carried out in accordance with the South Oxfordshire Local Plan policy DES10: Carbon Reduction,

the PC propose to adopt the recommended planning condition set out in the NDO Energy Statement:

“The development hereby permitted shall not be occupied until written documentary evidence has been submitted to, and approved in writing by, the local planning authority demonstrating that the dwellings and doctors’ Surgery building hereby permitted, as built, have achieved a minimum 40% reduction in carbon emissions compared with a code 2013 building regulation compliant base case. Such evidence shall be in the form of an As Built Standard Assessment Procedure, produced by an accredited energy assessor.”

There is no clear mechanism for ensuring that the properties aimed at satisfying housing needs will be sold to local residents or those with connections to the village. To satisfy the explicit and stated purpose of the NDO, the PC proposes that every effort is made to ensure that the market houses are sold to people that have a local connection to the parish (by family connections to registered electors, employment, etc) who would like to move back into the village, to downsize, for children of electors who would like to settle in the village, etc., before they are put on sale to the wider market. We think it is likely that some residents would be willing to reserve units as soon as the plans are available but to date the Developer has not offered any formal mechanism to ensure priority for purchase to parishioners and those with a connection to the parish.

For the housing element of the VSC to be met, all houses should be subject to a covenant to ensure they are not sold as either second homes or buy-to-let properties.

Several objectors raised concerns over whether the design of the proposed housing adequately meets the needs of elderly and disabled people, who are likely to be amongst those wishing to downsize. The PC requested further information from the Developer on the proportion of houses that will be adapted to meet these mobility needs and he assured the PC that all houses will be built to Part M Standard (see pp24-25 of Access Statement).

Additionally, the PC proposes a clause in the S106 to ensure enough adapted houses are available to meet the downsizing needs of elderly or disabled residents of the Parish.

3. Parking

Summary of Objectors' concerns

Parking is currently a serious concern within Clifton Hampden. The NDO gives us an opportunity to properly address this issue. However, in the opinion of objectors, the current proposals both misrepresent current parking provision, and ultimately fail to deliver enough additional parking to meet future needs and cater for the additional parking needed to service the new development.

The allocated Parking in the NDO proposal is as follows:

Parking not available for general community use

- Proposed Surgery - dedicated parking: 6 spaces including 2 disabled parking places – whereas the current Surgery parking provision is 14 spaces for patients and staff at the front, with an additional 6 for staff parking at rear.
- Proposed Surgery - shared spaces: 16 spaces (priority for Surgery during work hours - currently weekdays 08:00 to 18:30, but might in future stay open later and include weekends).
- Residents' visitor parking - 5 spaces

Parking for general community use (with restrictions)

- 16 Shared spaces at the Surgery outside opening hours.
- Village hall and allotments - 14 spaces (9 allocated to VH and 5 for Allotments). Current village hall parking provision is stated as 12 in the NDO, but is regularly occupied by up to 18 cars.
- Burial ground - 18 spaces, except during funeral services.

PC Comments

The Parish Council concurs with the objector's concerns that the Barley Mow car park should not be designated as the Village Car Park on the following grounds:

- 1) It is too far from the centre of the village where all the amenities are situated, and the route is hazardous, particularly for families because it involves a stretch of road that has no footpath on a blind corner leading to the crossing of a single-lane bridge with very narrow pavements. As such, visitors to CH shun this car park, which is only used by people visiting the Barley Mow Pub or to access the far side of the river for walks, swimming, fishing, etc.
- 2) Parking should be designed to preserve the rural character of the village and be positioned near the centre of the village to support the school run, visitors, people - in particular residents from Burcot - accessing the amenities and for residents living along the Abingdon Road or upper part of the High Street, who have no allocated parking spaces. The ideal location for this would be the 'Allotment site' which could support sufficient parking as well as some EV charging points and cycle rack(s) if it were redesigned.

In response to objectors' concerns that the current parking provisions and the net increase represented in the NDO submission do not reflect the true parking behaviours and requirements within the village, the PC has considered the following recent letter from the Surgery to the PC:

"The Partnership is satisfied that the 6 parking places attached to the premises of the building plus the 16 spaces owned by the PC, that will be allocated to the Surgery will be sufficient for its long-term needs".

However, the PC's view is that the 22-spaces proposed in the NDO will provide only an additional 2 spaces for Surgery use, whilst demand for parking is certain to rise.

Specifically, the Surgery currently has 3,569 registered patients with 10 staff with cars working on-site, leaving 10 spaces for patients and deliveries etc. Whilst acknowledging the Surgery's remarks, the PC thinks that with an expected increase in Surgery size (c.50%) and facilities (four additional consulting rooms), and the staffing to support these, along with provision of the planned additional services (e.g. physiotherapy), and the larger patient base (projected to rise to 6,000-7,000 over the years, at least 90% of whom will be from outside the community and will therefore need to drive to an appointment) will inevitably mean a substantial increase in demand for parking. This will likely put pressure on parking elsewhere in the community, which will be further compounded by issues

of enforcement of restricted parking during Surgery hours, which has been noted as a concern by the Surgery. This is likely to be a cause of ongoing tension in the village.

Large numbers of cars arrive at Clifton Hampden Primary School during term time, to drop off (8-9am) and pick up (3-3.30pm) children. The school estimates that the peak requirement is for 30 spaces in the morning and sometimes in the region of 50 in the afternoon. Parents park where they can, including the Village Hall car park, and the Recreation Ground (some 4-5 minutes' walk away and requiring an access code to unlock the gate and the crossing of two main roads).

The NDO assumes that parents will be able to share the use of parking allocated to the Surgery, but the Sole Trader at the Surgery has indicated that, in accordance with the working hours as stated in the GMS contract, the Surgery will need to be operational on weekdays between 08:00 and 18:30 (and possibly later, including weekends). Therefore, the additional parking on the 'Allotment site' is insufficient to satisfy the needs of the school.

However, the school has indicated that the parents could find sufficient parking provided they have access to the 18 spaces allocated to the Cemetery on the 'Paddock site'. This is also around 4-5 minutes' walk but does not require crossing of roads. Whilst not ideal as a convenient parking location for parents, it can offer a partial solution if access to the Cemetery Car Park is planned and agreed by the parties concerned.

The PC therefore proposes that the Cemetery car park should be owned by the PC rather than the Diocese of Oxford, to ensure that there are no disputes over parking. This should be enshrined in the S106.

Most of the objectors' concerns over parking were centred on the village hall. This is presently used for a variety of purposes including: daytime and evening events in the village hall and on the recreation ground; school run morning and afternoon; dog walkers; river users; hikers; shop customers; churchgoers; those residents of Clifton Hampden without allocated parking; and visiting Burcot residents.

We note that the NDO proposal states there are currently 12 parking spaces at the village hall car park. This is disputed by objectors and the PC concur from our investigations that up to 18 cars occupy the car park on a regular basis. Readjusting the figures to accommodate these observations, the NDO results in a net loss of four spaces, rather than a net gain of two. According to the Village Hall Committee’s letter to the PC see Appendix [4] the proposed NDO arrangements are “*totally inadequate. In the evening, users of the hall would need to use other parking spaces in the vicinity.*”



Photos taken 3pm on 22nd February 2024, showing 18 cars parked in the village car park, and a further 5 parked in the bus layby and directly outside school.

The PC agrees with the Village Hall Committee and the objectors’ concerns that the parking arrangements proposed for the village hall are inadequate, particularly when considering that 5 of the 14 proposed spaces will be shared with the allotment’s users.

Due to a current lack of parking places, several residents living in the top and middle part of the High Street struggle to park their cars legally and find themselves competing for spaces with visitors to the river, church, school pickup/drop off and the shop. On the High Street there are approximately 11 parking spaces along the wharf. Several other parking spaces by the post office and further along the High Street are restricted; anyone parking there is doing so illegally for most of the day. Some residents have permission to park at the Village Hall at night. As one objector

states: *“any expansion of the Surgery (and school) will only exacerbate the parking problem. The parking needs of current villagers should take priority before any development, which adds further pressure to this, can begin to be considered”*.

OCC has stated in their response to the Reg 23 consultation that there may be too many parking spaces on the ‘Allotment site’ for the suggested number of housing units. However, this is not based on the wider requirements for a Village Car Park, but only on parking needs of residents within the development and the new amenities. The PC proposes that OCC and SODC should reassess the number of parking spaces based on the expressed need for more central village car parking.

4. Traffic Issues

Summary of Objectors’ concerns

The NDO Transport Strategy concludes that the proposals for highway safety are acceptable and will not have a severe impact on the road network. However, objectors highlight inadequacies in the traffic assessment report, which fails to address traffic conditions, particularly in the afternoons. They emphasise that the repurposed village hall site faces a shortage of parking spaces, leading to potential chaos and frustration for its various users. The anticipated increase in traffic to this site may worsen existing congestion problems at the Clifton Hampden crossroads. Additionally, objectors expressed doubts about the effectiveness of the proposed HIF1 bypass significantly to alleviate traffic issues, exacerbated by the high dependency on cars due to poor public transport links in the area.

Objectors have also expressed road safety concerns about the increased traffic and possible congestion due to the siting of the Surgery. At certain times it is likely that vehicles seeking to park there may create chaotic conditions. With two other entrance/exits onto the A415 from the ‘Paddock site’ side of the road and a busy new access road to the surgery, allotments and housing on the other, and all within 50 metres or so of the traffic lights and bus stop, this seems inevitable.

PC Comments

The PC believes there should be further discussion about road safety including the position of the cycle track, the lack of continuous pedestrian pathway along the north side of the A415 and the position of the crossings and signage all need further consideration.

5. Land protected by national policy – Green Belt and Conservation Area

Green Belt

Summary of Objectors' concerns

Many objectors make the point that the establishment of the Green Belt was rooted in the imperative to prevent ribbon development and to safeguard green spaces and biodiversity for future generations. Consequently, it is argued that any future development in Burcot & Clifton Hampden should be situated outside the Green Belt and Conservation Area.

Significant concerns have been voiced regarding the lack of justification for building on Green Belt land and the apparent disregard for the potential environmental repercussions. Objectors correctly note that the NDO breaches both national planning guidelines and local strategies, exacerbating anxieties over its impact on the environment, historical integrity, and overall sustainability of the area.

Of particular concern is the proposal to construct large houses on protected Green Belt and Conservation Area land, a move viewed as setting a perilous precedent for further development in Clifton Hampden. Furthermore, objectors assert that alternative sites, which may have had less detrimental environmental consequences, were not sufficiently explored.

The NDO is seen as posing a significant threat to the rural ambiance and historic allure of Clifton Hampden, with objectors questioning the underlying motivations, which they suspect prioritise profit for the landowner over genuine community needs. Amidst encroaching urban sprawl, there is a resounding call for the preservation of Clifton Hampden's distinctive rural and historical character. Some objectors testified to the 'Paddock site's' contribution to their well-being and happy childhood memories.

Adding to these concerns is the prospect of a bypass around the village, as part of the HIF1 scheme. Without matching traffic calming on the A415 the use of this road through Clifton Hampden and Burcot as a direct link with Berinsfield roundabout is unlikely to be reduced. In addition, traffic using the bridge will continue to pass through the village.

PC Comments

These points collectively highlight the concerns of some objectors regarding the proposed development and its potential impact on the environment, heritage and character of Clifton Hampden. The PC notes that development of housing on both sites would involve loss for ever of open spaces in the village. We also note that the scheme would have a serious impact on a variety of wildlife, although if the field north of the 'Allotments site' is dedicated as a natural refuge with increased biodiversity, this may offer some mitigation. Any loss of these spaces would alter the special character of the Conservation Area.

On the issues around the NDO potentially setting a precedent, SODC have clarified in an email to the PC that:

“the NDO will not change Green Belt boundaries, any new building/proposal as part of the NDO will remain within the Green Belt”. They add that “The NDO wouldn’t set a precedent. There will be no changes to the status of the Green Belt land within the parish as a result of this NDO. Any future planning applications/proposals would be considered on a case-by-case basis subject to the national and local policy considerations relating to Green Belt”.

Concerning the proposed Clifton Hampden bypass (HIF1), the PC notes that land around the edges of the village that borders the new road could be subject to development pressure. SODC have attempted to reassure residents that any changes to the Green Belt boundary will only be made where exceptional circumstances are fully evidenced and justified. However, while welcoming this reassurance, the PC believes that the new by-pass, if built, will alter the planning calculations around the village, creating a risk of Developers seeking to build on isolated parcels of land created by the road development.

Finally, the PC would like the Examiner to consider comments by objectors that destruction of Green Belt land within a Conservation Area to provide benefits that are included in neighbouring strategic developments (STRAT9 and STRAT10i) proposed in the SODC Local Plan where land has been strategically deallocated from the Green Belt for this purpose.

Conservation Area

Summary of Objectors' concerns

The protection of Clifton Hampden's Conservation Area status and its green spaces is a consistent theme raised by objectors. Comments referencing SODC Local Plan ENV6, ENV7 and ENV8 feature in many of the responses. The concerns centre around the very purpose of a Conservation Area in protecting the setting of the historical houses and the character of the village. The two sites selected for the NDO make up a significant proportion of the Conservation Area. Objectors also express concerns over such issues as housing style e.g. the 'made-to-look-old' farmhouse/barns, the crowded housing on the Allotments site and the contrasting modern, utilitarian Surgery building.

PC Comments

The NDO's Statement of Significance and Heritage Impact Assessment states that the NDO would not be unduly harmful to the significance of the heritage assets, but comments that the Paddock and Allotment fields do make a contribution of a limited nature to the character and appearance of the Conservation Area. The report goes on to state that both sites do not need development to enhance the visual contribution they make to the Conservation Area.

Whilst the PC notes the conclusions drawn in the Heritage Assessment document that the open spaces also contribute to the rural character of the historic village, we also note that it does not take into consideration the views of some residents who value the open space the two sites offer within the village boundary.

At the time of the Conservation Area designation, undoubtedly there would have been clear reasoning for the two sites' inclusion. However, surprisingly, the Heritage Assessment document notes that no Conservation Area Character Appraisal was available for Clifton Hampden to inform the NDO assessment. Therefore, the consultant relied entirely on the views of the applicants and their professional advisers. The PC is concerned that the omission of such an important appraisal document, as part of the assessment, risks undermining the value of the sites' significance within the Conservation Area.

Furthermore, the PC seeks assurances from SODC that this potential harm to the Conservation Area will not be a factor in any future boundary review that might take place.

6. Governance, process and community involvement

Summary of Objectors' concerns

A sense of frustration and division has emerged within the community concerning what is perceived as mismanagement and a failure of leadership in the NDO process. Key concerns raised by objectors encompass governance, process, and community involvement issues.

There are concerns regarding the lack of transparency and open discussion in the decision-making process. Controversy surrounds the governance and processes involving various stakeholders, including the PC, landowners, the Developer and interested parties. Objectors criticise the nature of the process and the exclusion of the local community from decision-making, suggesting that the NDO has been disproportionately influenced by individuals with conflicts of interest.

Amongst the criticisms raised by the objectors are the following:

- No minutes of the NP SG and NDO SG were published until after the community was presented with the NDO proposal.
- No dedicated open public meetings were conducted during the NDO planning phase.
- The majority of NDO SG members had a vested interest in the outcome.

Furthermore, accusations have been made regarding misleading interpretations of surveys and biased promotion of the NDO by its proponents, along with allegations of discrimination in the selection of members for the NDO steering group. For example, after the NDO was released to the community (December 2020), attempts by one resident to join the NDO SG were rejected. That resident felt rejected on unfair grounds - or at least on grounds that should have made the SG Chair's own involvement untenable for similar reasons.

PC Comments

In response to objectors' concerns of a perceived "closed-door" approach which has resulted in a pre-packaged plan with minimal community involvement in its development, the PC considers that the approach has resulted in the presentation of a detailed and complex scheme to the community as a simple binary choice. This poses a challenge when residents come to evaluate the merits of each element, given that the choice is to accept all or nothing.

However, regarding accusations of the NDO being Developer-led, while concerns about viability have been raised, the PC has seen no evidence to support the notion that the NDO is driven primarily by Developer interests.

7. Site Selection

Summary of Objectors' concerns

Objectors raised concerns about the transparency and adequacy of the site selection process. Allegations were made that the process was conducted by a small group without sufficient community involvement. Criticisms were made over the scoring process, adequacy of documentation related to each site, and the lack of consideration of alternative sites. Concerns were also raised about conflicts of interest among members of the steering group.

The PC notes that The Locality Guidance for Neighbourhood Plans states at p28 of the document "How to Assess and Allocate Sites for Development":

“It is important that the preferred site allocation(s) reflects the community’s shared ambition and that everyone has had a chance to have their say...The consultation material should clearly set out and show on maps all identified sites (the longlist), the preferred options (the shortlist), and the assessment outputs which led from the longlist to the shortlist. It could then show the opportunities and constraints for each of the options and ask for preferences, ideally capturing reasons behind the preferred option(s) ...Some stakeholders will leave their objections to the formal Regulation 14 or Regulation 16 stage. If the former you will be able to respond to these. If it is the latter, these comments will go straight to the external Examiner so it is better to engage with the community before this stage.”

Many objectors make the point that this recommended due process was not followed.

Overall, the key points highlight significant deficiencies and controversies surrounding the site selection process, raising doubts about its legitimacy and community representation. For a thorough overview of the issues around Site Selection we ask the Examiner to specifically consider the response from [responder 86](#) in Appendix 1.

PC Comments

The PC notes that there were serious issues connected with the original site selection and that the process was flawed and lacked transparency. We also note that an SODC official confirmed that the process of site selection could be raised with the Examiner.

With regard to the sites known as sites A-H, objectors have previously raised concerns over how the two sites A and B were selected. By the time the community was consulted, the NDO SG and the previous PC had made a decision to go with these two sites, both owned by the Gibbs Estate. In the PC’s view, the records and minutes relating to the selection of sites are inadequate.

There is an absence of documentary evidence by which the evaluation process can be assessed. We do not know, for example, why other sites besides sites A-H, were not considered. It is possible that the announcement by the Gibbs estate that it was intent on divesting itself of its land holdings in the parish and that two of the selection committee had conflicts of interest, may have been contributing factors.

The NDO SG claims sites A and B were chosen after receiving advice from SODC on 16th January 2019 that these sites were the only ones that stood a chance of meeting the ‘openness’ test once built on. However, importantly, a few months later, in July 2019, this was contradicted by SODC who stated that if the SG wanted to build on these sites the proposal would need to meet the VSC test.

In the PC’s view, it has not been established, for example, that sites A (‘Allotment’) and B (‘Paddock’) have any more advantage than, for example, site G, which is similar to site B. Furthermore, the Aecom report is inaccurate in describing the ‘Paddocks site’ as “enclosed and urbanised”. In fact, this is a very open and unspoilt site.

The openness question is just one aspect of many that the Community may have wished to explore. Other considerations mentioned by objectors include, for example: should the development be concentrated on two sites?; what is the impact of development on each site on existing residents’ homes?; what is the impact on traffic, pollution and safety?; what might different landowners have been prepared to offer the Community?, etc.

The NDO SG stated that it needed commercial confidentiality, hence the secrecy, when deciding on sites. However, had the options been publicised, other landowners may have been encouraged to offer better deals. The Community could have considered other options, including smaller development at multiple sites, for example, which may have had less impact on certain parts of the Community.

The site selection process should be assessed to ensure the Examiner and SODC are comfortable with it. The PC believes there are issues with the process, and although it is in the past and the NDO SG do not believe there is anything to revisit, we want to bring this matter to the Examiner’s attention as a matter of transparency and in case there are any legal proceedings, including Judicial Review, against the Parish Council/SODC.

8. Environmental issues

Arsenic

Summary of Objectors' concerns

Concerns over the level of arsenic on both sites were raised. The NDO Soil Report (February 2021) revealed “a potential risk to humans from contact with Arsenic contamination,” recorded within the topsoil in 50% of the samples tested. According to the Soil Report: “Arsenic exceeded the relevant Tier 1 SAC of 37mg/kg in nine samples with values ranging between 38mg/kg and 42mg/kg”.

The source of the arsenic is thought to be the local bedrock. This poses a potential risk, particularly on the ‘Paddock site’, as the migration pathways for arsenic include surface water run-off and spillage, etc.

PC comments

The PC concurs with the recommendation in the report that advice from the Local Authority’s Environmental Protection Officer be sought. We urge the Examiner to ensure this advice is properly reviewed and acted upon.

Pollution

Summary of Objectors' concerns

Objectors raised two main pollution concerns: first, sewage discharges into the river; and second, air and noise pollution from increases in traffic, particularly in the centre of the village. These specific issues are covered in other sections of this report.

The other pollution issue raised was the lighting for the development on the ‘Allotment site’, particularly the enhanced street lighting. As one objector stated: “*There are a number of resident*

bat species. Any development would lead to significant light pollution impacting on the behaviour of these species.”

PC Comments

The PC acknowledges these concerns and suggests that the whole drainage system is considered fully with Thames Water and that the whole of the development adopts methods to reduce light pollution to the maximum extent reasonable, including the use of time-limited, low intensity lighting.

Drainage and Flooding

Summary of Objectors’ concerns

Objectors raised concerns that the NDO proposal is contrary to Policy EP4 of the National Planning Policy Framework (NPPF), which aims to direct development away from flood-prone areas. The expansion proposed in the NDO appears to disregard this directive. While the selected sites may not be directly susceptible to flooding, both historical and recent events strongly indicate that much of the village is prone to flood risk from either runoff or seasonal high river levels. Overall growth of the population, and a reduction in land permeability on the NDO-selected sites, are likely to increase these risks. Although the gentle slope of the Allotments site is to the North and South East, the Drainage Report proposes surface drainage will flow to the West, even though the field to the West is subject to flooding.

PC comments

The PC notes that the NDO’s Flood Risk and Surface Water Drainage Strategy document claims that there is no flood risk from the river on either site. It also states that the risk of surface-water flooding will “continue to be negligible across the site”. It says surface water from both sites will eventually drain into an existing watercourse to the west of the ‘Paddock site’. However, this water course is not culverted and has recently flooded and therefore any extra burden from run-off is likely to exacerbate flood risk along the adjacent High Street.

In addition, SODC noted in its submissions: *“The proposed green-field run-off rate is wrong and incorrect Cvs have been used.”* It therefore appears that incorrect information has been used to assess the flood risk from the surface water generated by the development flowing to areas already subject to flooding.

The PC wishes to draw the Examiner’s attention to a number of areas of concern:

- From the maps within Appendix D of the Surface Water Drainage Strategy document regarding the proposed foul water design: A pumping system will move sewage from the ‘Paddock site’ to join the sewage flow of the ‘Allotment site’ and will the feed into the existing sewage system, where it will move downslope to the existing pumping station in the High Street before pumping to the Culham Sewage works. In 2023, the sewer storm overflow at Clifton Hampden spilled 32 times for a total of 509.50 hours, discharging into the Clifton Hampden Ditch according to Rivers Trust data.
- Recent bad weather (January-March 2024) resulted in serious and repeated surface water flooding in the village. This flooding caused serious damage and evacuation of three houses along the Oxford Road; damage to a further two properties in Courtiers Green, as well as flooding in Watery Lane, the Plough and elsewhere, including in Burcot. Additionally, flooding of the River Thames caused a road closure and sewage to rise from manholes in the High Street. During these floods, the two proposed NDO sites were not inundated, despite high water tables, but the field immediately adjacent on the west of the ‘Allotments site’ was flooded for more than two months. In March 2024 the trenches dug for the archaeological survey on the Allotments site also filled with water at a depth of about 25 cm from the surface. Despite the report suggesting drainage will be towards the West, the natural slope of the Allotments site would suggest drainage to the East and to Watery Lane, adding to flooding there.



Flooding in the High Street caused by field run-off in nearby fields

Thames Water’s response to the design states:

“On the information available to date we do not envisage infrastructure concerns regarding the water supply network or treatment works capacity in relation to this site/s. It is recommended that the Developer and the Local Planning Authority liaise with Thames Water at the earliest opportunity to advise of the developments phasing”.

Whilst we appreciate there is sequence within a planning process for the engagement of the relevant authorities before work begins, for the sake of those impacted by the recent floods and those concerned about increased risk as a result of the NDO proposal, the PC has a duty to residents to seek assurances that the NDO will not exacerbate long-term problems.

Given the lack of confirmed data on existing drainage assets and the inaccurate calculations in the report, the PC believes the Developer should pursue Thames Water’s invitation to enter into a Pre-Application Assessment process on wastewater and drainage requirements at the earliest opportunity and reconsider the adequacy of the proposed SuDS drainage system, and the suitability of the overspill into the natural waterway. For transparency, the resulting assessment report should be made available to the public prior to any public hearing.

9. Statutory Body Responses

CPRE Response

In April 2023, the South Oxfordshire Committee of the Campaign for the Protection of Rural England (CPRE) wrote to SODC to register its opposition to both the proposed Neighbourhood Plan and Neighbourhood Development Order for Burcot and Clifton Hampden, see appendix 6.

Not surprisingly, the main thrust of the CPRE response, underlying most of its comments, was that Green Belt land should not be sacrificed unless the proposed development is essential in the public interest and can only reasonably be satisfied on the particular site proposed if it conforms with Very Special Circumstances as set out in NPPF Para 141.

The CPRE response notes that the Counsel's Opinion obtained by the proposers of the NDO states that the NDO is compliant with "the spirit" of H8 of the SODC Local Plan, which it argues is a legal impossibility. "It is either compliant or not compliant", they argue.

Their response also notes that NDOs should demonstrate that the level of growth they are proposing should be commensurate with the scale and character of the village. CPRE notes that the parish has already complied with H8, without the need for an NDO.

They also note that large new housing developments proposed for both Culham and Berinsfield are already likely to have a substantial effect on the Green Belt. They say that neither the NP nor the NDO are in accordance with SODC STRAT 6 because they do not prove the VSCs needed to support development in the present circumstances.

They add that the NDO also contradicts government policies for conserving and enhancing the historic environment, as set out in ENV6, ENV7 and ENV8. DES8 is also violated, they say, as the NDO takes good agricultural land out of production.

The CPRE questions the five reasons given as supporting VSCs by the NDO proposers' Counsel and provides a detailed critique. Their submission ends by setting out the "harms" they believe will result from the NDO.

PC comments

Many of the points raised in the CPRE response echo those of the present Parish Council and by a substantial number of objectors. Like them, the PC has also been concerned by the failure of the scheme to provide credible VSCs that would justify such a development in a Conservation Area in the Green Belt.

Section Two: B&CH PC Additional Concerns

Summary

At the heart of the NDO debate is the balance between three forces: NDO viability, destruction of the Green Belt and benefits to the community. Most of the views articulated by objectors are based around the imbalance of these three forces and it is through this lens the PC is making its observations, suggestions and mitigations.

In reviewing the additional concerns brought to light during the assessment of the NDO and the responses from objectors, the Burcot and Clifton Hampden PC has documented its deliberations and efforts to address these concerns across several key areas. These issues were not specifically addressed by objectors because most have only come to light since the NDO was submitted. However, the PC believes that these are important issues that ought to figure in the discussions as the NDO process goes forward, particularly in any public hearings that are held.

Viability Assessment Updates: The examination process revealed gaps in the original viability assessment documentation, prompting the request for a comprehensive Stage 3 Viability Assessment. This new assessment reflects significant changes to the NDO, particularly regarding the surgery's ownership, and reveals a drastic reduction in the developer's profit margin due to a commitment to subsidise the surgery's rent. The PC expresses concern over the project's viability due to the projected low profit margin and suggests reassessment of land prices, houses and community benefits to enhance the scheme's feasibility.

Revaluation of Benefits and Community Assets: The PC disagrees with the representation of community benefits within the NDO, advocating for a revaluation of these benefits before they are presented to the public to more accurately reflect their value and suitability. Specific attention is given to the Village Hall extension, a bequest by Christopher Gibbs to the Recreation Ground, and the allocation of funds for Clifton Hampden Primary School. The PC also challenges as part of the

NDO benefits the inclusion of the Barley Mow Car Park and a proposed Long Wittenham-Clifton Hampden cycle path, arguing these lie outside the scope of the NDO.

Environmental and Site Suitability Concerns: Concerns about the environmental suitability of the proposed burial site and the functionality of new allotments are raised, with the PC emphasising the need for Environment Agency clearance for the burial site and adequate water supply for the allotments.

Community Land Trust (CLT) Concerns: The PC notes issues with the transparency and governance of the CLT, particularly its refusal to include a parish councillor on its Board of Trustees, nor provide to the PC the reasonably requested information required to undertake an evaluation of the CLT proposals contained within the NDO. This has raised concerns about the assessment of liabilities and financial risks associated with proposed community-owned assets like the shop/post office.

Deed Agreement and Governance Issues: A deed agreement drawn up at the behest of NDO supporters and aimed at ensuring support for the NDO raises questions about control and transparency. Although eventually withdrawn, its existence underscored concerns about the process's openness. Allegations of secret land deals and threats associated with rejecting the NDO were investigated by the PC and SODC, but no evidence was found to substantiate them.

Transparency and Community Engagement: In response to controversies over governance and community involvement, the current PC commits to promoting transparency and engagement. It has hosted parish meetings to discuss changes in the proposed plans and supports a public hearing to address issues raised by the NDO in a suitable forum.

In summary, while responding to these concerns, the PC emphasises the need for openness, proper valuation of community benefits, environmental suitability checks, and reassessment of the NDO's financial viability. The PC's approach reflects a commitment to ensuring that the NDO serves the community's best interests, with a focus on sustainable and viable development.

Introduction

During the PC's detailed assessment of the NDO and review of objectors responses several additional concerns have come to light. The following sections document these concerns and the dialogues undertaken to resolve them.

1. Viability Assessment

In the Viability Assessment submitted as part of the original NDO submission it was noted that the only document available was the Stage 2 Viability Assessment. This document is the third in a series of documents: Stage 1 Viability Assessment; the response from SODC's consultant to that Assessment; and the Stage 2 Viability Assessment. This latter document was only a response document to SODC's assessment and not a full Viability Assessment and did not include the important appendices, showing a breakdown of the financial calculations, which were needed for a proper understanding of the assessment.

As a result, the Examiner requested an updated complete Viability Assessment, which could also take into account recent changes in land and property prices. This was completed in February 2024, after changes had been made to the original NDO, specifically relating to the proposed ownership of the Surgery. It is now known as the Stage 3 Viability Assessment and is publicly available.

PC Comments

Having reviewed this document, the PC would make the following comments:

The latest Viability Assessment uses different calculations to determine the viability of the NDO.

Most importantly, the Developer will now become the Surgery freeholder and has agreed to subsidise its rent for 18 years to the tune of £50,000 per year.

As a result his company will suffer a reduction of some £900,000 in income over the 18-year period, leading to a significant downward revaluation of the new building and causing overall development profits to be substantially reduced to a stated £50,000. As the Viability Assessment notes:

“The Surgery moves from being a simple requirement for the development to being the largest single planning burden on the scheme.” The author adds: *“I recognise*

that this is unusual, and the Examination will need to satisfy itself that this is in fact the case.”

These new arrangements mean that the local community will no longer hold the freehold to the building which instead is proposed to become simply a contractual arrangement between the Surgery and the Developer/Freeholder.

Although the Developer has agreed to proceed with the development despite the severely reduced profit margin, the PC is concerned that any project with such a low margin may be vulnerable and less likely to come to fruition. Therefore, we would propose that the land price and/or the Community Benefits be reassessed in order to make the scheme more viable but still attractive enough to the Community to command a positive result in any referendum.

A contributing factor to the viability is the land value. The combined sites occupy 4.6 hectares and have been valued at £900,000 (ie £195,692 per hectare). Whilst we appreciate the assumptions made in the Viability Assessment, we would expect that the price of the land for a community scheme would be substantially below a multiple of ten times agricultural use value, because without the NDO the landowner would only be able to sell the land for agriculture, as it is in the Green Belt and in a Conservation Area. We understand that the landowner will not negotiate on this point.

However, we note that according to the Land Registry in 2021 the Gibbs Estate sold a plot of land (Site G within the selection process) with an estimated area of 1.4 ha adjoining the ‘Paddock site’ to the NGO SG chairman for £99,800. The PC notes that this value of £71k/ha could set a benchmark for a renegotiation of the price at which the land is made available for this Community NDO project. While it is over and above the market value of £20-25k/ha (as stated in the Viability Assessment) for agricultural land), this is a useful benchmark for what the Gibbs Estate should reasonably expect for the two sites, i.e £327,914 instead of £900,000, for the total 4.6 ha. A reduction in price along these lines would substantially change the viability of the overall scheme and potentially negate the need for the large houses on the ‘Paddock site’.

2. Revaluing of Benefits

The PC questions the way in which community benefits have been represented in the NDO.

According to the Viability Assessment, for example, the financial benefit of the NDO has been quoted as £1.3m.

1. There are a number of problems when attempting to value these benefits.
 - The Village Hall extension. The Village Hall Committee has indicated a need for several improvements to the building, but not as specified in the NDO. This benefit needs to be revalued in accordance with their requirements, as set out in Appendix [4].
 - A £50k bequest from ██████████ made to the community via the Clifton Hampden Village Charity Trust some years ago has to date been withheld until resolution of the NDO. The PC does not recognise that it has anything to do with the NDO and it should not be included when calculating financial benefits from the NDO.
 - The Parish Council proposes that the £150,000 allocated under the NDO to the Clifton Hampden Primary School for infrastructure improvements should go into a bank account under the PC's control as opposed to Oxford County Council. If this is not used by the school for this purpose within three years, the Parish Council should be able to reallocate the money, either to the school or for any other requirements within the community as needed and justified, rather than being returned to the donor, as proposed in the draft S106.
2. There are two further items that also should not be included as financial benefits as part of the NDO:
 - Barley Mow Car Park presently valued in the NDO at £50,000 (together with cycle path – see below). This should not be a part of the NDO calculation, as it lies outside the boundaries of the parish, nor is it not contained within the Clifton Hampden Neighbourhood Area and thus is a separate matter that should be dealt with outside of the NDO process. It has no value as a car park for village residents. While the

retained rights for visitors to use the Barley Mow car park may be useful, this car park should not be designated as a village car park.

- Cycle Path - In 2013, the late [REDACTED] sent an email to Long Wittenham Parish Council indicating an agreement to allow a strip of land across the front of the Barley Mow Car Park and adjoining field to be used as a Cycle Path/Footpath. Discussions to that effect were being conducted with the Gibbs Estate/Savills in autumn 2020. Subsequently, the Estate changed its position and decided to add the Cycle Path to the NDO. The Parish Council contends that the development of a cycle and footpath between Clifton Hampden and Long Wittenham should not be a part of the NDO.

3. Query on benefits from two sites:

- Burial site - We note that the land proposed for the burial ground is shown in the Ground Investigation Report (February 2021) to be on Gault clay of medium to high risk of shrink-swell and high levels of arsenic. The PC proposes that clearance from the Environment Agency is sought. Also, the land is being transferred to the Diocese of Oxford and therefore is not a direct financial benefit.
- New Allotments - The current allotments were abandoned due to the removal of the water source. Adequate water supply provision for the proposed allotments needs to be included as part of the overall site development.

4. The original NDO placed the freehold for the Surgery building into the hands of the community. However, this has now changed, and therefore it has ceased to be of any monetary value under the new arrangements, except in relation to any profit-share (if any) should it be sold by the Developer.

Considering all the points above the PC believes that the total value of the benefits has been overestimated by at least £100,000, possibly more.

3. Community Land Trust

Under the proposed NDO the CLT will own the shop/post office. However, the PC has not been able to make an informed assessment of the liabilities and financial risks to the CLT from the shop/post office because: (a) Redacted financials provided by the CLT Trustees do not detail the full income and expenditure profiles; and, (b) The unwillingness of lease signatories to provide the PC with the shop/post office lease means that the PC lacks information in a number of key areas, for example:

- The tenancy arrangement if the shop fails as a business,
- The status of the lease under the 1954 Landlord or Tenants Act.
- Whether or not the lease is on a Full Repairing and Insurance basis,
- The lease Term and Termination arrangements,
- Suitable arrangements if the building ceases to be lettable due to any changes, in regulations, such as on Energy Performance, Disability Access, etc.

The PC notes that the CLT itself was set up without consultation with the community and at present has only 3 Trustees and no community membership. The trustees, who include the chairman of the NDO SG, have declined to accept additional members. Unfortunately, the CLT Trustees have also declined the PC's request to add a councillor to the CLT's Board of Trustees *ex officio*, without providing a reason. This has caused serious concern to the PC as it prevents a transparent assessment of the suitability and viability of the proposed CLT arrangements.

4. Deed Agreement

At the request and agreement of the NDO Steering Group - as noted in their minutes (14/10/2022 and 16/12/2022) - solicitors acting for Thomas Homes drew-up an undated Deed which the previous PC Chairman, and the trustees of the estate selling the land, as well as a Thomas Homes director, each signed. This was prior to the change of control of the PC in May 2023. Its intent was to bind all parties into using "best endeavours to pursue and support the Neighbourhood Plan and Neighbourhood Development Order" and to support the NP and NDO beyond the referendum, should it pass. The incoming PC considered it to be an attempt to 'fetter' the PC.

After deep misgivings from members of the present PC – formed in May 2023 - the signed legal deed was eventually withdrawn by the signatories without being executed, for unknown reasons. The PC believes the deed was legally unenforceable and that it was a desperate attempt by the NDO SG to take control of the NP and NDO processes away from the PC as the Qualifying Body and prevent any meaningful dialogue to safeguard the viability and appropriateness of the scheme. This Agreement is attached as Appendix [5].

The PC also notes for transparency purposes, and in case of any legal proceedings against the PC, individual councillors, or a Judicial Review, the following:

- a) In response to allegations, the PC has seen no evidence of a secret land deal between the Chair of NDO Steering Group and the Landowner Trustee of the plot of land adjacent to the ‘Paddock site’ that had been considered for NDO development. The PC considers this matter closed.
- b) In response to allegations of threats associated with rejecting the NDO, the PC has seen no documented evidence of this behaviour. As expected, there has been plenty of door knocking, canvassing of opinion and presentation of the NDO from various perspectives. The PC considers this matter closed.

The PC notes that there has been much controversy over the governance, process and community involvement in the NDO. Going forward, the PC is striving to promote openness and transparency. Two Parish Meetings have already been held to update residents on the changes in the proposed plans and allow open discussion on specific points of clarification. The PC also welcomes a public hearing as part of the NDO process to address some of the issues raised in a public forum.

Appendix 1 - Summary of objector responses by category

The number in brackets refers to the specific comment from the consultation, where each respondent was given a number.

1. Surgery

- “The doctor’s Surgery may be a benefit, but it is not clear and the doctors have not signed any legally binding agreements with the NDO or parish council. We could be stuck with a white elephant.” (27)
- “I do question, due to the imminent departure of [REDACTED], and proposed new Surgery on the new Culham development, as well as a Surgery at Berinsfield, whether the proposed new Doctors’ Surgery is still viable and fit for purpose.” (33)
- “This alleged key community benefit and Very Special Circumstance promoted by the NDO, is not at all assured by this NDO proposal. Instead, it leaves the community at risk of voting for an NDO which will actually only ensure that all the unwanted, negative effects of housing development do occur, without absolute guarantees of this alleged benefit being delivered in return. Specifically, the S106 does not bind the NDO to have the Surgery built and occupied for operation prior to the housing development proceeding...Promoting an enlarged Surgery, and the directly associated additional road traffic (90%+ of which travels from outside of the Parish) is contrary to policy TRANS2.”... With Local Plan Strat 9 and Strat 10 catering for new and expanded Surgery facilities in Berinsfield and Culham, there is no need for a new and expanded facility in Clifton Hampden. (46)
- “The main driving force for the NDO is the proposed new Surgery so the Developers can claim Very Special Circumstances which is vital to enable any development in the Green Belt to go ahead. At the moment there does not seem to be any commitment or information available from the Surgery practice to provide us with confidence that the practice will ever occupy the proposed new premises.” (47)
- “A request was made for evidence of a firm commitment from the Partners, during these consultations and at Parish Council meetings. Finally, a letter appeared, undated and unsigned, written by the practice manager seemingly on behalf of one of the partners. This

letter in no way expresses commitment from the GP practice partners, only that Abingdon and District PCN network support it... The matter of the Surgery planning conditions was discussed in an NDO steering committee meeting in October 2022, where it states in the published minutes that: “7) S106. CB agreed that the completed S106 agreement needed to include Surgery partners as signatories. CB explained that the S106 agreement stipulated that the Surgery was to be complete and occupied before work could commence on houses, i.e. a condition of planning”. The submitted draft S106 contradicts both these points. The only reference to the Surgery is clause 2.4 (page 18), which almost implies in its wording that the Owners are not expecting the Clifton Hampden Surgery to commit upfront.” (48)

- “At present, in the existing Surgery, we have only one GP, who is over 60 years old now and has not yet stated publicly that he is intending to take up the lease on a new Surgery. At PC meetings we have asked continuously for updates on this matter, proof of intent or a signed contract between the GPs and the PC perhaps? Nothing has been forthcoming... We are in danger of building a 'White Elephant' that will lie empty, the carrot to tempt our community into accepting something we didn't need in the first place.” (50)
- “From the outset, the potential loss of the Surgery in the village has been used as a threat. Fail to support the NDO and you will lose the Surgery. Without the Surgery in the plan, the NDO fails as the Very Special Circumstances to outweigh the damage to the Green Belt no longer exist... At this late stage in the NDO process, how can the electorate make a proper judgement when we still do not know how the building will be financed and who will hold the freehold. All we have been told is that the land for the Surgery will be gifted by the Gibbs trusts.” (53)
- “It is hard to understand why Clifton Hampden should be burdened with providing for 6000 residents (10 times the village population) with a new Surgery.” (62)

2. Green Belt

- “The green belt was introduced for a reason, to protect our green and pleasant land for the benefit of future generations and wildlife. Britain is losing biodiversity at an astonishing rate,

therefore, any development in Clifton Hampden and Burcot should take place outside the green belt. Any build on green belt would be a very dangerous precedent to make.” (34)

- “The NDO is harmful to the conservation area in Clifton Hampden where biodiversity should be protected, especially in this time of climate change.” (43)
- “We object to this for several reasons, primarily that the development will be on green belt land for which there seems to be little to no justification under current legislation. Furthermore, there is no recompense to the environmental impact during and post development.” (44)
- “The NDO breaches both National Planning Framework Guidelines and SODC strategies. The claim for Very Special Circumstances is weak and does not support any encroachment on to the Green Belt and the Conservation Area in the parish of Clifton Hampden and Burcot... The NDO contravenes the Green Belt purposes as stated in NPPF para 138 because it fails to safeguard the countryside from encroachment, nor does it preserve the setting and special

character of the village.” (46)

- “Not only are the two development sites in the Green Belt but they are also in the Conservation area. I trust that the Parish Council knows that permission has not been granted for an NDO to develop in the Green Belt anywhere in the country. This would surely set a precedent.” (47)
- “The NDO conflicts with the SODC Local plan in regards to H1, H8, H9, H16, TRANS2, DES2, DES8, START 1, STRAT 6, ENV6, ENV7, ENV8.” (48)
- “This development appears to have ignored the requests (in that original survey) that consideration and priority be given to sites that were already developed, or part developed in favour of open space. The original responses in the survey intimated a desire for continued conservation, sustainability and affordability. This NDO appears to satisfy the needs for profit and return on investment. It cites VSC as justification for contravening Government policy to conserve and enhance the historic environment, (ENV 6, ENV7 and ENV8) as it seeks to build on a Conservation Area. It is also contrary to the policy (DES 8) of promoting sustainable design, in that it takes good agricultural land out of production.” ...,

Clifton Hampden lies in a Conservation Area. It has charm, character and has been deemed to be worthy of protection. This plan effectively harms the village from the inside, an 'own goal' that offers the Developers an opportunity they could not have gained by other means. We do not understand how it was possible to spend £100,000 of public money on this process that delivers so little to the community in return. Perhaps if this money had been directed towards community projects the allotments and burial site would have benefitted without the risk to the Green and Open Space that is so worthy of protection.” (50)

- “The Steering Committee has failed to follow the guidance contained in Locality’s publication for Neighbourhood Plans which states “It is important that the preferred site allocation(s) reflects the community’s shared ambition and that everyone has had a chance to have their say.” At no time during the period since the selection process have the residents been offered any detailed information on the nine sites apart from being presented with a scruffy photocopy of an A4 plan with the sites outlined in blue with no further explanation. The two selected sites were presented to the residents with a “take it or leave it” attitude. We were told that SODC’s advice was that only these two sites would pass the appropriate tests. It is more than coincidence that these two sites are the ones that the Gibbs Family Trusts are anxious to develop. There is no evidence that other landowners were approached.” (53)
- “Bearing in mind the process has been going on for some 10 years, I find it surprising that the process has not been brought to a halt to take stock of proposed developments surrounding Clifton Hampden: Housing developments at Culham, Berinsfield and Didcot, a quarry on the edge of Clifton Hampden, developments on the Culham Jet site including a new Fusion Demonstration Plant and battery storage facility, a solar farm between Clifton Hampden and Burcot. Those that have not yet been approved may still resurface. To give up a precious buffer between our village and the constant threat of encroaching development is to me a particularly short-sighted view.” (53)
- Damage to the Conservation Area should be taken into account when assessing the factors outweighing damage to the Green Belt. I cannot support the building of large houses on the Paddocks site. Very few people supported this and it goes no way to supporting a local

housing need. In addition, the residents are unlikely to send their children to the village school. (54)

- “If a decision to build on protected greenbelt/conservation area land is made, this will very likely lead to further applications for infill and neighbouring developments. The NDO overturning conservation protections will almost certainly be the watershed moment that emboldens council planners or Developers to further expand housing in Clifton Hampden. The NDO committee have stated that this scheme does not set a precedent for future planning, however, the fact that this scheme has got as far as it has, despite substantial community opposition, is evidence that protections are vulnerable.” (62)
- “Both sites chosen are in the Conservation Area and close to the majority of the 27 listed buildings in Clifton Hampden. Both the selected sites impact enormously on the openness of the Green Belt. Many alternative sites that could have been analysed would have impacted the openness less, but were not pursued.” (63)
- The green spaces within our village (including the Paddock and Allotment), and the commitment to this being a conservation area, characterise the core of the village’s rural character. To develop a village like ours is to destroy the very rural nature of the village which we love. (71)
- “The development is not in keeping with the existing look of the Conservation Area. The development of the Paddock field, which has never been developed will change the appearance from a wonderful paddock field to a set of large faux farmhouses. That doesn’t serve local need but exists entirely to provide profits for the builder and landowner.” (75)
- “Clifton Hampden is a unique, rural and historic village, which is why it has been designated a conservation village, and it should remain as such. These proposals, if they were to proceed, will change the village for ever. With the ever-increasing urban sprawl across South Oxfordshire and incursions into the Green Belt and in particular the new housing at Culham, Berinsfield and increasing enterprises on the Culham science site it is vital that Clifton Hampden stands as a beacon of a small unspoiled village.” (76)

3. Procedural

General

- “This has been a contentious issue throughout this process: members of the community fearful of the repercussions for expressing their opinions, lack of transparency and open discussion and democratic debate. Members were excluded from joining the NDO Steering group. Conflicts of interest amongst those in the NDO steering group.”... It is misleading to state that there is ‘Very Strong community support’ , this has not be substantiated at any point. (48)
- “As a resident of the parish, having attended many heated PC Meetings, it is clear that there is some controversy around governance and process between the Landowners, PC Committee, Developers and interested parties.” (50)
- “Process followed by the Clifton Hampden Parish Council - has been entirely undemocratic and has failed to include the local community. It has been 'Developer led' and run by individuals who have a conflict of interest and stand to benefit greatly from the NDO in its current form. These individuals have misled the community with their biased interpretations of the 'surveys' they have conducted and have failed to allow local residents a fair say or participation in the process. The landowners of the sites proposed to be developed have had an undue influence on the Parish Council. Overall, the entire NDO has been high-jacked by the Landowner and Developers who have made false claims as to its benefits and have threatened local residents (particularly the elderly) with 'retaliation' (e.g. closing down essential services such as the Post Office and Surgery). The concerns of Parishioners have been subjugated in order to maximise profit for the Landowner and Developers.” (58)
- “Whilst there was initial support for this NDO, that has waned over time, as demonstrated by the last consultation which showed by a majority of five to one that people were opposed. Only a handful of supporters could be bothered to register their opinions. This is in large part due to the secrecy of the NGO promoters who ensured that no-one with opposing views was allowed to take part in the process. It culminated in the entire PC - bar one - resigning and declining to stand for office in 2023. As of now, the new PC consists of people

who are opposed to the NDO. In this context I am concerned that some members of the old PC signed contracts with interested parties in an effort to thwart any attempt to improve or renegotiate the NDO.” (60)

- “This NDO does not feel community led; many questions and concerns have largely gone unanswered, results of previous surveys have been interpreted in a misleading way, meaningful debate shut down, some residents have been excluded.” (70)
- “Our community has been given a pre-packaged plan with absolutely no discussions about site selection options or what’s in the plan that was delivered during COVID lockdown. Their stated Village Plan history is a tweaking of community opinion by dropping feedback that doesn’t fit, exaggerating elements that do fit, putting out a false narrative to give the impressions this is what people asked for. They could have taken the residents with them on this journey and we could have ended up with something that is good for the parish. The conduct of a few members of the Parish Council and the NDO Steering Group have at times been disgraceful and I know that things have been said on both sides that people may regret on reflection. This state of affairs is a failure of THEIR leadership – this NDO and NP is their project and the frustration felt is a direct result of their mismanagement and failure to meaningfully engage with the whole community, but just the ones that agree with their plan. This failure to lead the community has led to a horrible division in the community where people are moving away from the parish or feel uncomfortable simply taking a walk in the village in fear of who they might bump into. This is the direct result of their leadership throughout this campaign.” (72)

“The proposers of the scheme are using a mixture of coercion and bribery of villagers to support a flawed plan which is divisive and will destroy more than it benefits the village.” (76)

- “I applied to become a member of the Steering Group which, according to its Terms of Reference at the time, was open to the community. There were a succession of responses from the Steering Group declining my application:

1. I lived in too big a house and that since the majority of the rest of the group also lived in big houses more representation was required from people in smaller houses;
2. I lived on the ‘wrong side of the village’ more representation was apparently required from the other ‘side’ of the village;
3. I needed to be ‘protected from gossip’;
4. That I lived in a property with a contiguous boundary to one of the proposed plots. I queried this last criterion with the Chair since he himself lives in a property with a contiguous boundary, he then noted that he may have to resign.

Finally I was told by the Chair that I could not be a member of this shaping committee since I shared a contiguous boundary and to quote him directly 'if we let you in, we'd have to let in all the others [contiguous owners] and we can't do that, we just can't.' (78)

4. Site Selection

- “The community were excluded from the site selection process and were merely presented with the final choices selected by the NDO steering, without opportunity to assess all sites including additional ones disregarded by the steering committee. This occurred without sufficient reason or evidence and stands in opposition to Locality Guidance for Neighbourhood Plan.” (46)
- “Improper and inadequate Site Selection process:
 - a. The site selection was not open and transparent, and did not allow for the fullest assessment of all possible alternative sites;
 - b. There are alternative sites to those proposed by the NDO that would be less harmful to the Green Belt and the Conservation Area, but these were not considered;
 - c. The community were excluded from the site selection process and were merely presented with the final choices selected by the NDO steering, without opportunity

to assess all sites including additional ones disregarded by the steering committee. This occurred without sufficient reason or evidence and stands in opposition to Locality Guidance for Neighbourhood Plans” (46)

- “At the beginning of this process all the sites submitted by local landowners were thrown out except the Allotments site which we were assured would be the only site with a chance of development. This was manifestly untrue. The owners of these sites were never given a chance to submit more plans or information. Although not illegal, it would have been prudent and beneficial if this was done. In the intervening years the Gibbs estate has gone forward on 3 (A, A+ and B) sites which is out of all proportion to what the village needs or what was originally proposed.” (47)
- “Both proposed sites are sited in green field and conservation areas – a broader range of sites was not fully considered and there has been a lack of transparency around the decisions of site selection.” (53)
- “The site selection process and elements of the Green Belt evaluation of sites is flawed and inherently biased towards the selected sites. Both sites chosen are in the Conservation Area and close to the majority of the 27 listed buildings in Clifton Hampden. Both the selected sites impact enormously on the openness of the Green Belt. Many alternative sites that could have been analysed would have impacted the openness less, but were not pursued. The site selection document itself states that the Allotment site is “partially open grassland to the south and west and allotments to the north of the Village Hall”, but ignores this when assessing the impact on openness of the development. This is currently an area which is used regularly by the community, and which is rich in flora and fauna.” (63)
- “With regard to site selection, we would propose an additional site to be considered just south of Site D and east of the Recreation Ground. It has similar characteristics to Site D and belongs to a farm on which SODC has recently considered but rejected a Solar Farm. A few

well appointed properties on this site would be well away from other properties, which is the concern of many residents whose properties adjoin the currently proposed developments, and would serve to convert the Recreation Ground into a Village Green in appearance. Whereas this site may intrude upon the openness of the Green Belt, this can be overcome by the planting of trees (which is a major objective of the Parish Council going forward) and some wild habitat.” (69)

- “Site Selection was done behind closed doors without community involvement, it did not look at alternative sites beyond the 9 sites. It did not think to engage with multiple landowners to drive the best deal for the community. This is against Locality Guidance for Neighbourhood Plans
 - There has been no exploration of alternatives of the NDO, such as could the current Surgery be used, could we use the Surgery at STRAT9/10i or elsewhere in the catchment area or a converted building or “do nothing”. This lack of exploration occurred within the NDO Promotors but also demonstrably never happened at all with the community.
 - As further evidence, following the 2019 workshop with SODC officers, the NDO Steering Group assumed a role in deciding what should be presented to the public rather than seeking the public’s views on the nine options and any other options that were considered (see above) whilst presenting the supporting technical evidence. Section 4.1 of the NDO states: “the Parish Council, with involvement of the Local planning Authority, conducted a site selection process, the outcome of which was that, given the Parish’s status as washed over Green Belt, only two sites had the potential for development of the scale envisaged. As a result, the Parish Council initiated the process of bringing forward an NDO, the responsibility for its execution being placed with a Neighbourhood Development Order Steering Group” This does raise serious concerns over the site selection process and consideration of alternatives.” (72)
- “Our community has been given a pre-packaged plan with absolutely no discussions about site selection options or what’s in the plan that was delivered during COVID lockdown. Their

stated Village Plan history is a tweaking of community opinion by dropping feedback that doesn't fit, exaggerating elements that do fit, putting out a false narrative to give the impressions this is what people asked for. They could have taken the residents with them on this journey and we could have ended up with something that is good for the parish. I have included at the bottom of this document a history of the NDO going back to the 2014/15 Village Plan to give some weight to the comments here.

- “Site Selection: this process excluded the village community and curiously would only consider sites for development from one landowner. Others who would / could have been part of the process were excluded”.
- “There have been many queries over the decision-making process regarding which sites would be chosen for development. The final decision was made with no due process in a small meeting between a group of three individuals members of the steering committee many with vested/conflicts of interest. There was no community involvement. Neither was there a proper explanation of why Conservation Area sites were chosen over other potential sites which had been offered but were refused for consideration. When questioned, there has never been a sensible response from the Chair of the Steering Group or associated members”.
- “There are/were other sites for consideration this issue should be revisited as a matter of priority. It has never been appropriately resolved. I advise the Examiner to review minutes from the site selection Steering Group minutes for details and am happy to provide further information on request.” (78)

Objector 86 specifically referenced in document

No 86

- “We believe that the PC has made the question of site selection highly relevant by claiming that it is a VSC that there are no alternative possible sites. This claim should in our view be closely scrutinised.

The Monitoring Officer at SODC and a planning officer at SODC also confirmed that the process of site selection could be raised with the Examiner.

With regard to the sites which the NDOSG considered, known as sites A-H, we have previously raised concerns we have with regard to the process by which the two sites A and B were selected.

The Community was not consulted over this selection. By the time the Community were consulted, the NDOSG and the PC had made a decision to go with only two sites, both owned by the Gibbs Estate. In our view, the records and minutes relating to the selection of sites are inadequate. There is also no evidence of the scoring process adopted and the minutes of the NDOSG are, we believe, poor and difficult to follow. We understand from anecdotal information that the process was very informal and vague and that there may have been very little difference between the scores for the sites.

There appears to be no documentary evidence by which the process can be assessed or tested. Further, the Chair of the NDOSG participated in the key selection meeting on 16 January 2019 but did not declare a conflict of interests in circumstances where his property sits directly next to one of the sites (site G) under consideration. He says that he saw no conflict because there is a high wall round his property and also that he did not score site G. We believe that there was a conflict of interests and that this should be judged objectively, not by reference to what the Chair personally thought. Further, not scoring site G does not cure the problem since the Chair was actively scoring all other sites on any basis.

The initial consultation and choice were made by only four individuals from the Community, two of whom in our view had a conflict of interests .

The NDOSG claims the choice was made because the two sites stood a chance of meeting the openness test once built on, and no other sites would. They say SODC advised them of this at the meeting on 16 January 2019. However, importantly, in July 2019 SODC then advised that the two sites would not meet the openness test once built on. Due to the fact that SODC did not approve

the two sites, the proposers of the development had to switch to a VSC application. We understand that the above is the true position but it is not the way it is put on the PC website.

In our view, it has not been established, for example, that if building is carried out on the Paddocks site this will be less offensive to openness than if building took place on site G.

The Aecom report is not accurate in our view in terms of the description of the Paddocks site as enclosed and urbanised . This does not reflect the very open and unspoilt nature of the Paddocks site. Equally, and again by way of example only, the Aecom report does not reflect the number of houses surrounding site G which is next to the house of the Chair of the NDOSG. We mention site G only as an example.

The Locality Guidance for Neighbourhood Plans states at p28 of the document “How to Assess and Allocate Sites for Development”:

“It is important that the preferred site allocation(s) reflects the community’s shared ambition and that everyone has had a chance to have their say.....The consultation material should clearly set out and show on maps all identified sites (the longlist), the preferred options (the shortlist), and the assessment outputs which led from the longlist to the shortlist. It could then show the opportunities and constraints for each of the options and ask for preferences, ideally capturing reasons behind the preferred option(s). Some stakeholders will leave their objections to the formal Regulation 14 or Regulation 16 stage. If the former you will be able to respond to these. If it is the latter, these comments will go straight to the external Examiner, so it is better to engage with the community before this stage.”

In this case the NDO proposers have prepared notes to support site selection but these just reiterate how the sites were selected by a very small group (four members of the Community, two conflicted in our view due to proximity of their houses), and the selections prepackaged with the landowner before the Community had any real chance to consider the matter. The approach taken was, in our view, the antithesis of what a community-led project should look like and in direct contravention of the Locality Guidance quoted above. We respectfully ask the Examiner to take this

into account in considering the VSC alleged that there is no other available site and that the NDO is Community led.

Further, it has been represented in a document on the PC's web site and in The Bridge Magazine by the Chair of the NDOSG that the two sites were selected on advice from SODC that they would not offend the openness test when built on. In fact, as above, SODC advised in July 2019 in the pre-application advice that any building on the two sites would offend openness, and that is why the proposers of the NDO moved to a VSC application.

The NDOSG suggested that they needed commercial confidentiality, hence the secrecy. We do not accept this. Had the options been publicised, other landowners could have competed and been encouraged to offer better deals; and the Community could have considered other options, including smaller development at multiple sites, for example, which may have impacted less certain parts of the Community.

The openness question may in our view have been only one aspect of the many aspects that the Community may have wished to explore: for example, should the development be concentrated on two sites; are two sites required; what is the impact of development on each site on existing residents' homes; what is the impact on traffic, pollution and safety, what might different landowners have been prepared to offer the Community etc ?

We are aware of one landowner, by way of example only, who, we understand, was prepared to use his land and build the Surgery (he is a builder), but the Community was not allowed the chance to consider this option. There may have been many other options, had the Community been involved.

If given the choice, the Community might have considered whether the downside of an enlarged Surgery is worth the destruction of the Green Belt and the extra traffic etc, given it will mainly benefit those outside the village and there will be a Surgery at both Culham and Berinsfield, which fact may not be widely appreciated.

Instead, the process of selection of sites, landowner and Developer appear to have been controlled throughout by a small group, to the apparent exclusion of the Community.

In terms of sites beyond A-H we have seen no evidence of what was considered and how. It is not clear how far non-Conservation Area sites were properly investigated and again the Community certainly does not appear to have been included in any such consideration.

The NDO proposers may say that the Referendum, should it take place, will give people a vote. However, the fact is that it will now be a binary vote for one option only. The narrative presented within the NDO is that if people do not vote “yes” the village’s amenities and identity may be lost to other less scrupulous Developers. As a result, people are being encouraged to fear a “no” vote.

It is not accepted that these concerns are justified. However, that is the narrative. As above the Community is then faced with one binary, pre-packaged option rather than being consulted from the beginning and having the opportunity to mould the options as the process progressed.

The Gibbs Estate has publicly declared that it is divesting itself of its assets in Clifton Hampden and this will happen whether or not the NDO goes through. However, it does not follow that the Community should only be presented with one option confined to land belonging to the Gibbs Estate (as is the case in relation to both sites).

The Community has been presented with one final solution in our view, rather than allowing the Community to comment on all options and come to a fully informed decision.

The alleged VSCs of alternative sites (and their weight against the harms caused and the breaches of policy/strategy etc) should in our view be judged with all of the above points in mind. In our view, it is arguable that the Community has been deprived of the opportunity to consider options other than the two sites now put forward.

We are able to provide more detail and documents should the Examiner consider this necessary and would also be happy to discuss the issues if appropriate.

5. Housing

- “The design has some unsavoury features such as luxury houses on one side and less luxurious ones on the old side, quite an old-fashioned idea.” (42)
- “What are the eco credentials of each unit? Where is the assurance that they will be fitted with solar panels, loft and wall insulation? No specifications have been provided.” (43)
- “Any additional housing needs are better met by the planned developments in larger villages such as nearby Berinsfield and Culham, where many services may be accessed on foot. There is not a demonstrable need for additional housing on this scale within the parish. The number of affordable houses proposed is less than the number recommended under this policy. The affordable housing is separated from the luxury houses and differentiated by size. (45)
- “The proposed NDO sites are outside of the present settlement boundary of Clifton Hampden, and so unquestionably are in the countryside and outside of the village for the purposes of policy STRAT 1 which is at odds with the NDO’s Basic Conditions Statement...The NDO development fails H9, because the proposed scheme does not provide 40% affordable housing - and does not offer credible evidence to justify that outcome (indeed the NDO conflicts with the mix identified in its own housing needs assessment) and thus removes any claim to it being a Very Special Circumstances.” (46)
- “The Village Plan 2015 expressed a view that 79% of respondents opposed the development of larger (5-bed+) houses, and only 11% considered large developments of 10 or more houses to be appropriate: these do not represent ‘Strong Community Support’.” (46)
- “The proposal is contrary to SODC LP Policy H8 and H16. H8 states the need to demonstrate that the level of growth they are planning is commensurate to the scale and character of their village and is expected to be around 5 – 10% increase. In 2011 census 660 houses, a 10% increase will be 22 houses (through infill). The Neighbourhood Area already has reached 5.8% (14 new houses) of the maximum. The proposed NDO will exceed this. The housing assessment concludes housing need as follows: 11.1% 1 bedroom; 40.8% 2

bedroom; 48.2% 3 bedroom; 0% 4 bedroom; 0% 5+ bedroom. However, the proposed mix is: 24% 1 bedroom; 47% 2 bedroom; 12% 3 bedroom; 12% 4 bedroom; 1% 5+ bedroom.”

(48)

- “The housing mix in the latest version of the plan (and indeed in earlier versions) does not accord with the preferences expressed by the parishioners or the Steering Group’s own housing need assessment report. Therefore, the housing provision in the NDO cannot amount to a Very Special Circumstance. There is insufficient affordable housing (should be 6.8 according to the formula and only 4 planned) and the proposed larger houses on the Paddock are totally irrelevant to the community’s perceived housing needs. They cannot therefore be seen to constitute a Very Special Circumstance. They are included in the plan merely to generate additional profit to finance the “baubles” designed to sway opinion.” (53)
- “I have seen no evidence that this NDO will assist local people in obtaining cheap housing. In fact, it seems geared to maximising the profits of the landowner and the Developer. The housing is also socially divided, with expensive housing on one part of the development and cheaper properties on the other. Such divisive policies should not be encouraged. Nor is there any detail on the energy efficient of the housing. I attended PC meetings where we were given assurances that all the housing would be energy neutral, but there is no evidence of this. Nor is there any evidence that any of the housing will be suitable or adapted for disabled people. Considering that the initial impetus for the NDO was said to be a need to satisfy local housing demand, particularly for people at the bottom of the housing ladder, this seems to be a major failure of the NDO.” (60)
- “These proposals relate solely to housing and community benefits for the residents of Clifton Hampden, while there has been no consideration for the other half of the community (Burcot). In fact, the Parish Council have actively refused applications from qualified Burcot residents to fill vacancies on the Parish Council. Meanwhile, Burcot has more than done its bit in achieving more than a 5% new housing infill over the past decade and is certainly the “poor neighbour” when it comes to community anything.” (67)
- “None of these houses are carbon neutral.” (68)

- “The NDO plans for 3 large houses on the Paddocks site, none of which are needed as is clear from this paragraph from the Housing Needs Assessment conducted in August 2022... The houses to be built should comply with CO2 reductions, including heating systems, EV charging, Solar Panels where appropriate, insulation standards, cycle parking, etc.” (69)
- “The scheme does not and cannot ensure the new housing will be purchased and occupied by residents wanting to downsize or resident first-time buyers, they will go on the open market. Therefore, it fails to meet VSC on this point.” (70)
- “There is no compelling argument that 17 houses (none of them affordable for most people, most especially given the current economic crisis we are in) must be built here, because they are needed here. Indeed, as the 2014/18 survey of villagers confirms, we have stated that we did not want a large development, nor did we want 17 houses in a single development.” (71)
- “None of the houses have any green features, moreover, the Developers chosen by the Steering Group have no experience in building eco-friendly. This further demonstrates a lack of effort to even try and fulfil this basic condition of achieving sustainable development in the village. In addition, the houses do not fulfil the desire for 'affordable' housing, despite the Parish Council's claims - the houses on Plot B are 'luxury' homes with several bedrooms. This is very disappointing. Also disappointing is the disruption of village character that the NDO proposes given the discordant architecture of the new housing.” (73)
- “The Developer has no prior experience in ecologically sound builds and the new housing planning proposals show a lack of renewable energy features which must certainly require review in this current state of energy crises and climate change. Any new build proposals should by default be required to demonstrate a net zero carbon footprint the proposals provided by the NDO Steering Committee have failed to demonstrate this. This therefore breaches the basic condition of sustainable development.” (78)
- “There was no due process in the selection of the building partner Thomas Homes. In neighbouring villages, a beauty parade of viable Developers was conducted by the village but not in this village. The Chair of the Steering Group has been unable to supply any

reasonable analytics or evaluations with regard to the selection process as there does not appear to have been one.” (78)

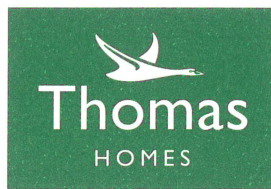
6. Traffic and pollution

- “The parish is not suited to expansion because it is rural, with high car dependency and inadequate public transport, although a highly subsidised, hourly service in the day has recently been introduced. More parking will be needed to cater for the extra housing and reduction of existing car parking. Primary and nursery school children whilst waiting several minutes at the traffic lights are currently exposed to large amounts of pollution emitted from cars. Continuing drop-off which involves major road crossing will continue this harm. And the increased traffic generated by an enlarged Surgery will add to the pollution.” (45)
- “NPPF states that development in the Green Belt should only occur in locations well-served by public transport, but this is not the case for B&CH. The very significant increase in traffic flow to the present village hall site will likely compound the already severe issues noted by many, at the traffic lights on the Clifton Hampden crossroads... The wholly inadequate Traffic Assessment report submitted as part of the NDO does not even make an assessment of traffic in the afternoon hours - reporting only on morning traffic!” (46)
- “There seems to be an assumption that traffic, road safety, pollution etc. will be not made worse by the NDO developments even though they centralise housing, village hall, GP Surgery, burial ground and school drop-off parking and traffic all in a single area, located at the busiest and most dangerous spot in the village. Moreover, there is an assumption that the planned bypass will mitigate traffic issues even though there are doubts about the budget, timing and delivery of the bypass and certainly not within the timescales of the NDO development.” (63)
- “Car Parking is one of the biggest problems in Clifton Hampden and the NDO is missing a, perhaps, once in a lifetime opportunity to address the problem. There should be a substantial amount of parking on the allotments site, carried out in a manner that is sensitive to appearance as well as providing EV Charging Points and Cycle Racks. As this site

is across the road from the school, it will solve the school parking problem during drop off and pick up times. In the current plans there are too few parking places provided on this site and parents are asked to drop their kids off and leave within five minutes, possibly relying on others to get the children safely across the main road... The allocation of the Barley Mow Car Park as the main village car park is inadequate and inconvenient and the route across the bridge is difficult and potentially unsafe when crossing with young children.” (68)

- “As a community we have recently been prevented from parking where, for decades, we have been parking in the village (a situation about which the Parish Council is aware). As it stands, villagers themselves are struggling to find places to park their cars. The proposed expansion to the Surgery and possible expansion of the school fails to take this into consideration. Indeed, any expansion of the Surgery (and school) will only exacerbate the parking problem. The parking needs of current villagers should take priority before any development which adds further pressure to this can begin to be considered.” (71)
- “All this plan does is create traffic, more noise and upheaval so a few landowners can generate income from selling some houses and enrich themselves.” (79)

Appendix 2 - Thomas Homes letter (February 2024)



Arlington House, Curridge, Thatcham, Berkshire RG18 9EF
Tel: 01635 247950 Fax: 01635 247955
www.thomashomes.co.uk

Glenn Pereira
Clifton Hampden & Burcot Parish Council

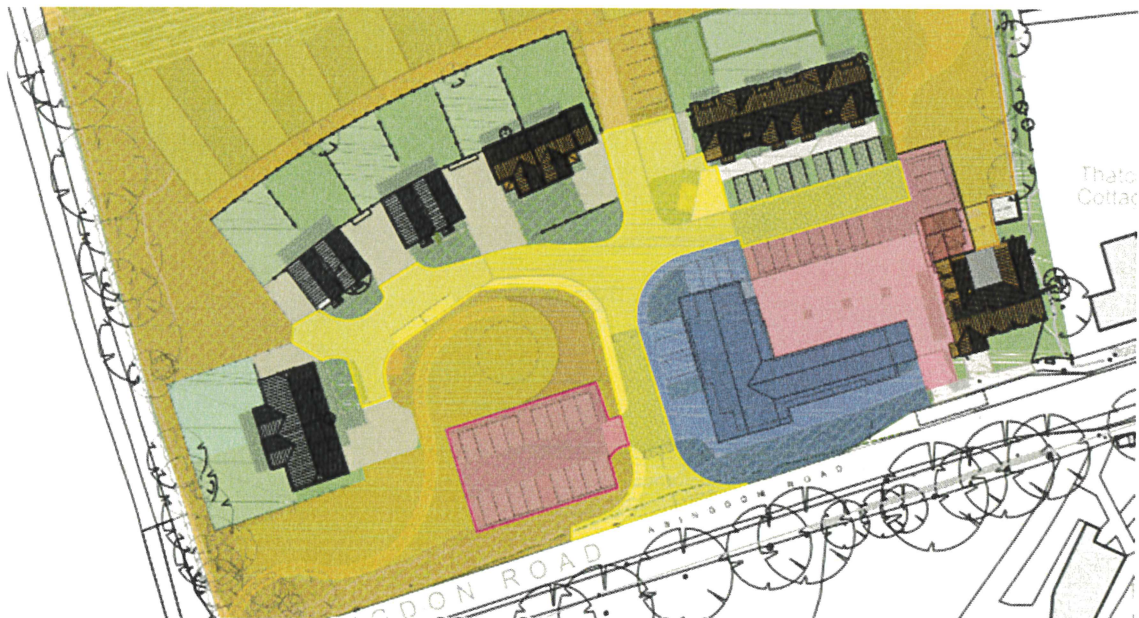
By Email

28th February 2024

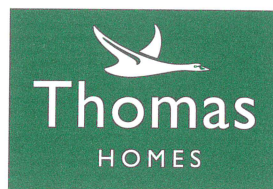
Dear Glenn
CLIFTON HAMPDEN SURGERY
Subject to Contract

Following our recent meetings concerning the Examiner's request for clarification on future ownership and transfer arrangements for the surgery, I am writing to confirm the terms of the Thomas Homes offer.

1. **Building Ownership** - The Development Partner, Thomas Homes, will retain ownership of the freehold of the Surgery building and six parking spaces adjacent to the Surgery building (in the image below outlined in purple).



2. **Rent Level** - The Surgery Building and dedicated parking within the grounds of the freehold will be leased to the Surgery Sole Trader/Practice for a period of 18 years at the level of rent agreed with the Integrated Care Board (ICB, taken over from the CCG). The CCG wrote in November 2021 (included as part of the NDO submission to the examiner: <https://www.southoxon.gov.uk/wp-content/uploads/sites/2/2023/02/SURGERI.pdf>) confirming that the ICB will provide rent reimbursement at a level of £25,350 (VAT inclusive) per annum, plus collar of 1% and cap of 2.5%, for a period of 18 years, or in any event whatever the ICB



determines. This is on the basis that the Surgery Practice will provide services at the new development for at least 18 years.

3. **Termination Clause** - The rental agreement will include a tenant-only option for a 6-month lease-termination clause, available from 3-5 years of the lease onward.
4. **Sale of Premises** - Should Thomas Homes sell the Surgery building to an investor the lease agreement will survive the sale on the same terms, as is normally the case with an active lease. In other words, the new owner will be bound by the same lease terms.
5. **Surgery Vacate** – Thomas Homes' position is that commercial arrangements relating to the future of the surgery should the Surgery Sole Trader/Practice vacate at any time are a commercial matter between landlord and future tenant, not a planning matter. However, to enable the Examination process to move forward, Thomas Homes have proposed the following guiding principles:
 - a. A 6-month grace period from point of notice for another NHS-funded general medical practice to take over the Surgery building with a new lease on the same terms as the original lease - this would include rent at the same level of the ICB reimbursement for the remainder of the 18-year lease term.
 - b. If no NHS-funded general medical practice takes over the building within the grace period, (as per point 5a) then the continuity of the building will be for community use and benefit on commercial terms (i.e. charging a market rent). This would mean leasing to a suitable new tenant or selling to an investor with constraints as to change of use to community benefit in accordance with planning policies in force at the time. If Thomas Homes or any new investor were to apply for a change of use via a planning application, they would, in keeping with good pre-application practices, consult the community on change of use proposals. However, Thomas Homes could not be bound by any wishes indicated by the community in that engagement. The planning decision would rest with the Local Planning Authority.
6. **Decision to sell.** If Thomas Homes decide to sell the surgery freehold at any time, we propose that 30% of any profit from the sale of the surgery building will be passed over to the community, either via the Parish Council or Community Land Trust, for use within the Community. 'Profit' would be calculated as 30% of the sale price minus the index-linked build cost (build cost plus the index increase/decrease in costs between build date and sale date) and sale costs.
7. **Section 106 - Thomas Homes** agree to a modification of the draft S106 to ensure that no building work will commence until the Agreement for Lease for the new surgery building is signed by Thomas Homes and the Surgery Sole Trader/Practice. Also, all points above, where deemed necessary by the Examiner to meet the Basic Conditions, will be reflected in the s106 Agreement prior to referendum.



8. **Heads of Terms** - A discussion between Thomas Homes and the Surgery Sole Trader/Practice is due to take place in order to ratify heads of terms based on the points above. A copy of these will be sent to the PC and the Examiner as soon as they are ready.

The offer above means that Thomas Homes will be delivering the surgery at a considerable financial loss, some £0.85 million over 18 years when comparing development value against build cost. As a result, Thomas Homes will be delivering the entire NDO broadly at cost, i.e. no profit, for an investment of around £9 million. We are doing this because we believe in community, and the health of community. We have a strong track record in delivering community projects, for example the new community centre at Marcham, and the proposed new school and community centre at Long Wittenham as part of their Neighbourhood Plan. The NDO is an excellent scheme which will deliver considerable financial and non-financial benefits to the residents of Burcot and Clifton Hampden, and to members of other communities that use the surgery and other parish amenities, and one that we are proud to make the investment needed for it to be realised.

Yours sincerely



C.A.S. Brotherton
Director

Appendix 3 - Surgery letter (March 2024)

To: The Burcot and Clifton Hampden Parish Council

This is a letter of confirmation that the Clifton Hampden Surgery Partnership (currently trading as a Sole Trader) is prepared to move into the new Surgery Building, as proposed in the NDO application of February 2023, under the terms as specified in the letter of 28th February 2024 from Thomas Homes except that this letter replaces the requirement to provide Heads of Terms in advance of the NDO referendum.

The Surgery Partnership (currently trading as a Sole Trader) is committed to the long term provision of a surgery in Clifton Hampden and will use all means available to secure the surgery's future by engaging in various activities to recruit salaried GPs who would be interested in becoming partners and thus providing continuity when [REDACTED] retires.

As agreed with Thomas Homes, the Partnership will sign an Agreement for Lease before any building work commences. The legal process to construct this agreement will begin if and when the Referendum to adopt the NDO has a positive outcome and Planning Permission for the new Surgery Building is secured.

The Partnership has the resources, with the promised ICB funding reflected in the letter from the CCG of 21st November 2021, to fund the move and purchase additional equipment where necessary.

The Partnership is satisfied that the 6 parking places attached to the premises of the Building plus the 16 spaces owned by the PC, that will be allocated to the Surgery, will be sufficient for its long term needs provided that suitable measures are taken to ensure that the Surgery has sole rights to using the 16 spaces during working hours as specified by the GMS. It is anticipated that this may include Saturdays and Sundays in future years.

For Agreement:

Dated: 16th March 2024

[REDACTED]
Sole Trader

[REDACTED]
Practice Manager

Appendix 4 - VHC letter

The Village Hall Committee met to discuss the proposal for an extension to the hall. We were all agreed that the extension is in keeping with the existing building and provides an answer to two long standing problems – the need for a disabled friendly entrance and a disabled toilet. The new entrance facing the existing car park resolves a number of practical difficulties.

However, we have a few reservations and comments to make.

1. We question the need for an additional room as at the moment we can identify only one regular user (a monthly booking) who could be accommodated in the room. We feel that a smaller extension accommodating the disabled toilet would suffice. The entrance lobby could then be used on occasions where the main hall is not in use.
2. The plan shows the new parking for the hall to the rear of the building on what is now the allotments. We understand that there will be 14 spaces. At present the hall has 12 to 14 spaces and on many occasions, especially during the daytime, this is totally inadequate. In the evening, users of the hall would need to use other parking spaces in the vicinity.
3. The area in front of the proposed new entrance appears to be gravelled – this goes against the committee's earlier discussions when we were considering the practicality of a disabled friendly entrance. We don't think gravel in front of the hall would be appropriate as it could result in damage to the floor as it can be picked up on people's shoes. In addition, pushing a wheelchair on gravel would be a nightmare!
4. We have concerns about the electrics following a report we commissioned a few years ago. The hall was rewired about 30 years ago and the report stated that minor alterations and add-ons have compromised the installation and a further extension could give rise to problems. An extension might require a complete rewiring of the building.
5. We would wish to be consulted on the front gardens which need to be minimum maintenance. It is clear that the plan deals with the front garden - it appears to be grass with some trees. Who would be responsible for maintenance?
6. The urinals in the gents desperately need replacement as they are in a very poor condition. Assuming the extension goes ahead, we probably have sufficient funds, possibly with some help from the Parish Council, to resolve the problem. However there a number of other items which require attention such as double glazing units.

If a sum of £75,000 is to be allocated to the hall, we feel the priority items should be the disabled friendly entrance and toilets and replacement of the windows, particularly at the front of the hall, which are UPVC and not in keeping with the character of the hall. Other items which need attention would be financed from the hall's funds, possibly with assistance from the Parish Council. We would welcome a

meeting with either the Steering Group or the Parish Council to discuss our comments.

Appendix 5 - Deed agreement

THIS DEED is made on the _____ day of _____ Two
Thousand and Twenty-Three

BETWEEN:

- (1) **BURCOT AND CLIFTON HAMPDEN PARISH COUNCIL** (“the Parish Council”)
- (2) **DCL GIBBS CHILDREN’S SETTLEMENT** (“First Owner”)
- (3) **DCL GIBBS WILL TRUST** (“Second Owner”)
- (4) [REDACTED] (“Additional Landowners”)
- (5) **THOMAS HOMES LIMITED** (“the Developer”)

Interpretation

In this Deed:

- 1.1 “Additional Land” means the land shown edged brown and numbered ‘8’ on the Plan 2 and the land coloured light blue and numbered ‘9’ on Plan 2
- 1.2 “Additional Land Owner” means [REDACTED] of [REDACTED] [REDACTED] and care of Savills LLP Wytham Court, 11 West Way, Oxford OX2 0QL and care of Lee Bolton Monier- Williams LLP, 1 The Sanctuary, London SW1P 3JT and [REDACTED] [REDACTED] [REDACTED] and care of Savills LLP Wytham Court, 11 West Way, Oxford OX20QL and care of Lee Bolton Monier-Williams LLP, 1 The Sanctuary, London SW1P 3JT.
- 1.3 “Developer” means Thomas Homes Limited (company registration number: 04676886) whose registered office is at Arlington House, Arlington Grange, Curridge Road, Curridge, Thatcham RG18 9AB
- 1.4 “District Council” means South Oxfordshire District Council of 135 Eastern Avenue Milton Park Milton Abingdon OX14 4SB and any successor to its statutory functions and any duly appointed employee or agent of South Oxfordshire District Council or such successor

- 1.5 “the Development” means residential development of up to 17 dwellings associated open space, doctors surgery, allotment land, village hall extension and improvements, cemetery and other infrastructure on the Site
- 1.6 “First Owner” means Rupert Michael Fleming of Stonewall Park, Chiddingstone Hoath, Edenbridge, TN8 7DG and Christopher Thomas Bremner Purvis of 4 Queensborough Studios, London W2 3SQ and care of Savills, Wytham Court, 11 West Way, Oxford OX2 0QL as the trustees of the DCL Gibbs Children’s Settlement and its successors in title and assigns
- 1.7 “including” means including without limitation or prejudice to the generality of any preceding description, word, term or phrase or otherwise and ‘include’ shall be construed accordingly
- 1.8 “the Neighbourhood Plan” means the policy document explaining the vision, objectives, land use policy and the plan to implement these for the Parish
- 1.9 “the Neighbourhood Development Order” means planning permission granted or confirmed (as the case may be) pursuant to the Planning Application
- 1.10 “the Owners” means together the First Owner and the Second Owner
- 1.11 “the Parish” means the parish of Burcot and Clifton Hampden
- 1.12 “the Planning Application” means the application to be submitted by the Parish Council and procured by the Developer for a Community Right to Build Order pursuant to the Neighbourhood Planning (General) Regulations 2012 for planning permission for the Development and submitted to the District Council
- 1.13 “Plan 1” means the plan attached to this Agreement and marked ‘Plan 1’
- 1.14 “Plan 2” means the plan attached to this Agreement and marked ‘Plan 2’
- 1.15 “Second Owner” means [REDACTED]
[REDACTED]
and [REDACTED]
[REDACTED] as the trustees of the **DCL Gibbs Will Trust** and its successors in title and assigns
- 1.16 “the Site” means the land to the north and south of Abingdon Road, Oxfordshire as shown edged red on Plan 1 but excluding the Additional Land being the land edged red and numbered ‘1’ and the land edged orange and numbered ‘2’ on Plan 2
- 1.17 Any reference to an enactment includes any amendments to or modifications of it and the version of it for the time being in force shall apply
- 1.18 Headings in this Deed are for convenience only and shall not be taken into account in its construction and interpretation

- 1.19 References to clauses sub-clauses and schedules are references to clauses sub-clauses and schedules in this Deed
- 1.20 Where the context so requires:
- 1.20.1 the singular includes the plural and vice versa
 - 1.20.2 the masculine includes the feminine and vice versa
 - 1.20.3 persons includes bodies corporate associations and partnerships and vice versa
- 1.21 Where a party comprises more than one person the obligations and liabilities of that party shall be joint and several obligations and liabilities of those persons
- 1.22 Where more than one party enters into any obligation or liability those parties are jointly and severally liable
- 1.23 Words denoting an obligation on a party to do any act matter or thing include an obligation to procure that it is done and words placing a party under a restriction include an obligation not to cause permit or allow infringement of this restriction

2. **Preliminary**

- 2.1 The First Owner is the owner of the freehold of the part of the Site with absolute title under title number ON93631
- 2.2 The Second Owner is the owner of the part of the site with absolute title under title number ON294248
- 2.3 The Parish Council has with the consent of the Developer, the Owners and the Additional Land Owner submitted the Planning Application to the District Council for the grant of the Neighbourhood Development Order and has separately for the past eight years been a key driver behind the Neighbourhood Plan
- 2.4 The covenants in this Deed shall come into effect on the date of this Deed.

3. **Covenants**

The parties to this Deed covenant with each other as follows:

- 3.1 to use best endeavours to pursue and support the Neighbourhood Plan and Neighbourhood Development Order;
- 3.2 where the independent examiner is minded to recommend the Neighbourhood Plan and/or the Neighbourhood Development Order such Neighbourhood Plan and Neighbourhood Development Order as approved by

the independent examiner shall proceed to referendum and the result of such referendum shall be respected; and not to do anything which might prejudice the efforts to secure the Neighbourhood Plan and Neighbourhood Development Order.

4. **Parties to Act Reasonably**

Where a matter falls within a party's discretion that party shall exercise such discretion in a reasonable and expeditious manner and shall give any requisite notice of that decision and any other notice provided for by this Deed without undue delay.

5. **Notice**

Any notice or notification to be given under this Deed shall be sent to that party at the aforementioned address or to such other person at such address as they shall notify in writing from time to time

9. **Third Party Rights**

This Deed gives no rights under the Contracts (Rights of Third Parties) Act 1999, but this does not affect any rights which are available apart from that Act and it may be enforced by the successors in title of the parties and by any successor to the Parish Council's statutory functions

10. **Release**

In the event that the Neighbourhood Plan and/or the Neighbourhood Development Order goes to a referendum if the referendum result is to reject either or both the Neighbourhood Plan and/or the Neighbourhood Development Order then the parties shall be released from the terms of this Deed.

11. **Jurisdiction**

This Deed is governed by and interpreted in accordance with the law of England and Wales and the parties submit to the exclusive jurisdiction of the courts of England and Wales

12. **Delivery**

The provisions of this Deed shall be of no effect until this Deed has been dated

THE COMMON SEAL of THE)

BURCOT AND CLIFTON HAMPDEN PARISH COUNCIL)

was affixed to this Deed)

in the presence of:-)

[Redacted]

[Redacted]

Designated Officer

EXECUTED AS A DEED by THOMAS HOMES LIMITED

acting by [a director and its secretary] [two directors]

Name *✱* [Redacted]
Signature of Director: *✱* [Redacted]

Name *✱* [Redacted]
Signature of [Secretary][Director]: *✱* [Redacted]

Executed as a Deed by *✱* [Redacted]
in the presence of: [Redacted]

.....
Signature [Redacted]
Signature of Witness: [Redacted]

Witness Name: *✱* [Redacted]

Witness Address: *✱* [Redacted]

Witness Occupation: *✱* [Redacted]

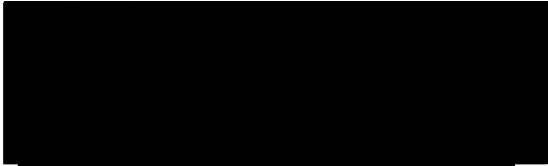
**Executed as a Deed by
JUSTIN GEOFFREY GIBBS**

In his capacity as both Additional
Landowner and Second Owner
in the presence of:



.....

.....
Signature



Signature of Witness:

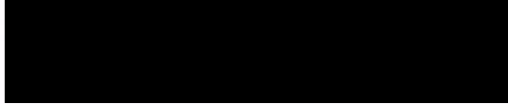
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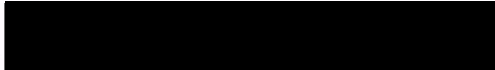
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Witness Occupation:

[Handwritten mark]



Executed as a Deed by

.....

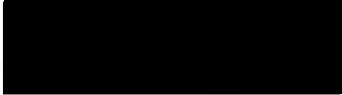
in the presence of:



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.....

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Signature



Signature of Witness:

[Handwritten mark]

Witness Name:

[Handwritten mark]



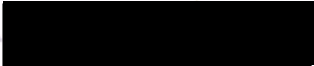
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Witness Occupation:

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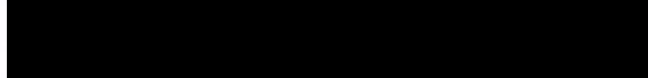
Executed as a Deed by
CHRISTOPHER THOMAS BREMNER PURVIS.....
in the presence of:



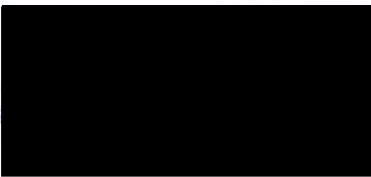
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Signature

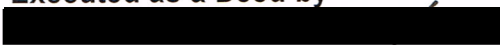
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Witness Name:  


Witness Address:  

Witness Occupation:  


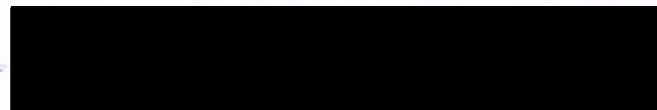


Executed as a Deed by
.....
in the presence of:

.....
Signature

Signature of Witness:  

Witness Name:  

Witness Address:  

Witness Occupation: 

Plan 1



Client / Project

Project Address

Thomas Homes Ltd.

SITES at CLIFTON HAMPDEN

Drawing Title

PLAN 1

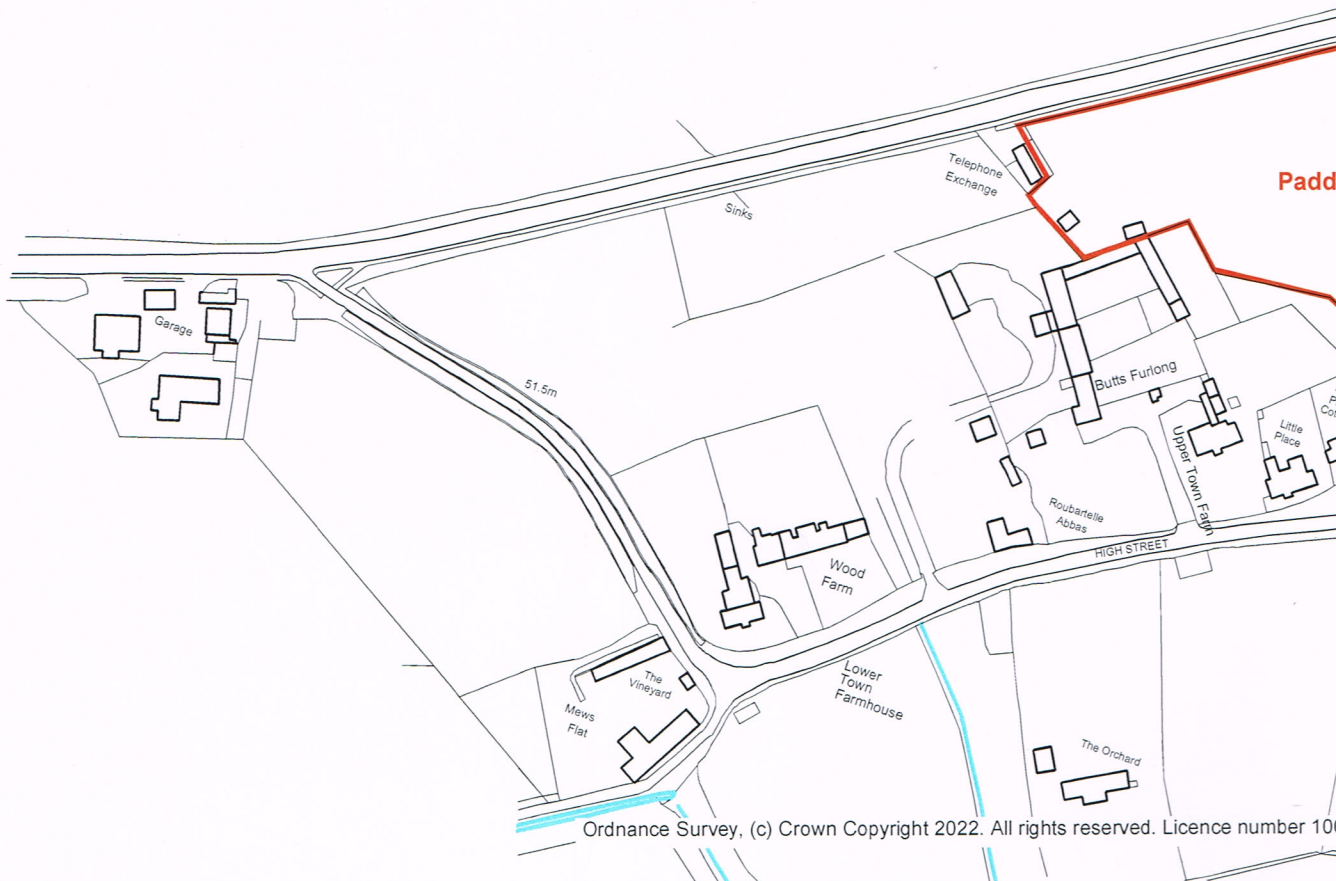
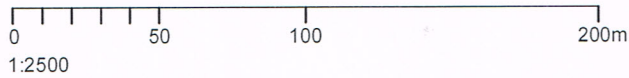
Date	Drawn	Scale / Page	Drawing ref.	Rev.
06.03.2023	KJB	1:2500 @ A3	19112.P1	©

arlinton house . arlington grange . curridge road . west berkshire . rg18 9ab

☎ 01635 247 100 ☎ 01635 247 070 ✉ mail@woodfieldbrady.co.uk www.woodfieldbrady.co.uk

All dimensions to be checked on site prior to construction. Do not scale except for planning purposes.
Any discrepancy between this drawing and other information to be referred to the architects.

Issued for:





Allotments Site

ABINGDON ROAD

COURTIERS GREEN

Clifton Hampden

Clifton Hampden Church of England Primary School

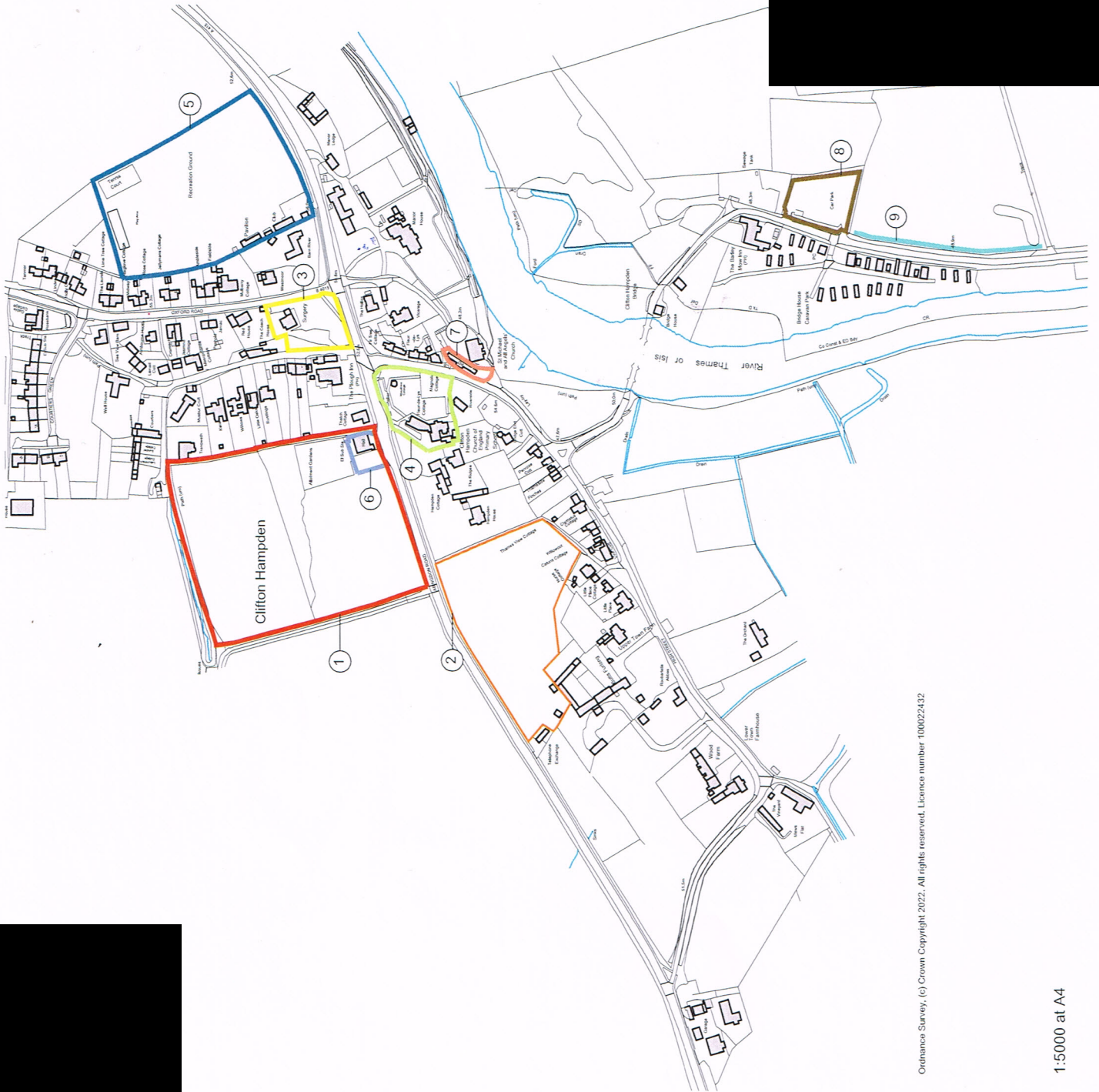
St Michael and All Angels' Church

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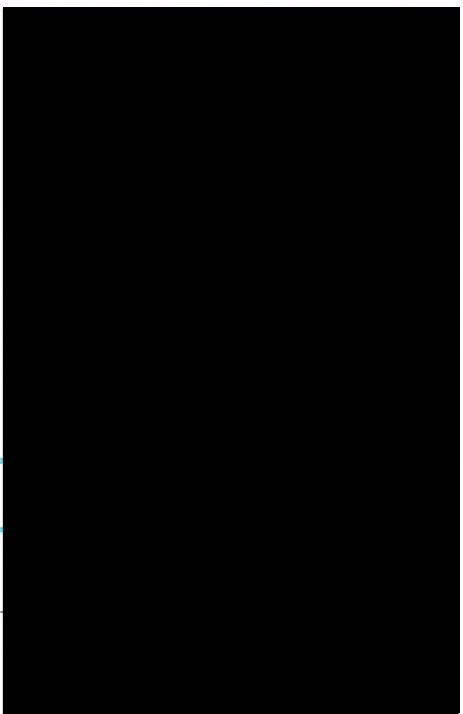
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Plan 2



- 1 - Allotments Site
- 2 - Paddock Site
- 3 - Current GP Surgery
- 4 - Village Primary School
- 5 - Recreation Ground and Facilities
- 6 - Village Hall
- 7 - Village Shop and Post Office
- 8 - Barley Mow Carpark
- 9 - Proposed Footpath to Long Wittenham



Appendix 6 – CPRE response



The countryside charity
Oxfordshire

Campaigning to protect our rural county

Planning Policy Dept
South Oxfordshire District Council
Via email: planning@southandvale.gov.uk

CPRE South Oxfordshire District
c/o CPRE Oxfordshire
20 High Street
Watlington
Oxfordshire OX49 5PY

Tel: 01491 612079
campaign@cpreoxon.org.uk
cpreoxon.org.uk

11 April 2023

Response to:

- Clifton Hampden Neighbourhood Plan
- Clifton Hampden Neighbourhood Development Plan

Objection

The Campaign to Protect Rural England Oxfordshire works to improve, protect and preserve the landscape of Oxfordshire and its towns and villages for the benefit of everyone.

CPRE policy is that Green Belt land should not be sacrificed unless the development proposed is clearly essential in the public interest AND can only reasonably be satisfied **on the particular site** proposed.

The NPPF puts this in a different and less succinct way at para 141 where it says:

141. Before concluding that exceptional circumstances exist to justify changes to Green Belt boundaries, the strategic policy-making authority should be able to demonstrate that it has examined fully all other reasonable options for meeting its identified need for development. This will be assessed through the examination of its strategic policies, which will take into account the preceding paragraph, and whether the strategy:

- (a) makes as much use as possible of suitable brownfield sites and underutilised land;
- (b) optimises the density of development in line with the policies in [chapter 11](#) of this Framework, including whether policies promote a significant uplift in minimum density standards in town and city centres and other locations well served by public transport; and
- (c) has been informed by discussions with neighbouring authorities about whether they could accommodate some of the identified need for development, as demonstrated through the statement of common ground.

This is the process the Neighbourhood Plan should have gone through. It should have explained why the developments proposed were essential (rather than just desirable) and if so, why they could only be reasonably located on the land earmarked, including examining alternatives in other authorities like Culham and Berinsfield.

In fact, the legal opinion that the “NDO is compliant with ‘the spirit’ of H8 of the SO Local Plan” cannot be sustained – it is either compliant or not compliant. Even if it could, the NDO would still fail the VSC (very special circumstances) test. Point 2 of H8 states:

“Those Neighbourhood Development Plans will need to demonstrate that the level of growth they are planning for is commensurate to the scale and character of their village, and this is expected to be around a 5% to 10% increase in dwellings above the number of dwellings in the village in the 2011 census (minus any completions since 1 April 2011).” In looking at the SODC planning website there have been 14 net new dwellings granted since



the 2011 Census which recorded 240 dwellings in the parish – which is a net increase of **5.8%** so the parish has **complied with H8 in any case without the NDO.**

More medical facilities and houses are in the general public interest (if there is a proven shortage) but the Local Plan has already removed “protected” Green Belt land to construct 3,500 and 1,700 new homes in Culham and Berinsfield, which will greatly add to coalescence of villages in the Green Belt within a one-mile radius of the parish and will harm the openness of the Green Belt (NPPF Para 148). Additional new GP practice capacity is provided in the Local Plan, with the 600+ residents of the Clifton Hampden parish already provided for in their local facility.

The fundamental problem with the NP and the NDO is para 141 quoted above and our own more succinct version of what it conveys. The NP **MUST** be in accordance with National Policy and with SODC STRAT 6. The NP is not in accordance because it does not *prove* the special circumstances for the development proposed to be both necessary and only reasonably accommodated on Green Belt land in Clifton Hampden. The NDO also contradicts government policy of conserving and enhancing the historic environment, (ENV 6, ENV7 and ENV8) as it seeks to build on a conservation area. It is also contrary to the policy (DES 8) of promoting sustainable design, in that it takes good agricultural land out of production.

A summary of concerns on the five reasons given by the NDO Counsel’s opinion as supporting VSCs:

VSC1 1) Meeting housing need. This is not relevant in terms of district council policy. Nor does the proposed development meet the affordable housing target of 40%.

VSC 2) Doctor’s surgery. The doctor’s surgery may be a benefit, but it is not clear and the doctors have not signed any legally binding agreements.

VSC 3) Absence of alternatives. The lack of alternative sites is a matter for the examiner and SODC on the evidence.

VSC 4) Community Land Trust. Even if the NDO is led by the PC, how is this of itself a distinct benefit which can attract positive weight in the planning balance as an “other consideration under NPPF para148.”

VSC 5) Very strong community support. This is “very open to question,” especially in light of the level of objections received in the reg.21 consultation. As events in the parish over the last year have confirmed, there is substantial opposition to the NDO.

Our concerns on the Very Special Circumstances (VSC) claims in detail:

On VSC 1, is a spurious argument that the proposals will provide new housing within the parish to meet its needs. The scheme is not delivering enough affordable housing, nor is there a demonstrable need for housing. The proposed mix is not in line with what is proposed in the applicant’s own housing need assessment report. It therefore cannot be argued to be providing housing in a way that amounts to a VSC. The scheme does not provide that the affordable units are only to be occupied by local people and nor can they be nominated to local people. Therefore, the affordable and market units are nothing more than a developer-designed scheme that maximises profitability.

On VSC2, that the NDO will deliver a much-needed surgery, there is still great uncertainty about the attitude of the doctors involved. There is a danger the community will be left with an empty building. (This worry is specifically reflected in the Parish Council & #39’s own NDO Steering Group minutes - <https://cliftonhampden.org.uk/wp-content/uploads/2023/01/Development-Steering-Committee-minutes-meeting-held-over-14-October-and-16-December-2022-Approved-Version.pdf> - see point 13. Section J).

A firm and binding commitment from the GPs is lacking. Nor is there any evidence that healthcare provision will be significantly improved as a result of the NDO.



On VSC3, that there are no alternative sites, the planning expert says that the residents of the parish were not allowed to examine this issue. It was all decided behind closed doors. Perhaps many residents would have been happy if the surgery was relocated to Berinsfield or Culham or alternative sites bordering the village to prevent further traffic into the centre of the village.

On VSC5, that there is “very strong” community support, that whilst there is evidence of support, there is also strong evidence of opposition, especially during the last consultation.

The Neighbourhood Plan ignores the needs of the residents of Burcot (whose participation has been resisted) and therefore does not consider the wishes of the larger group of the two communities in the parish.

In conclusion, the openness of our parish will be harmed by the NDO. In fact, NPPF para 148 says Substantial Weight is to be given to any harm to the GB. **This has not happened.** The ‘harms’ that will result from the NDO include:

- a) “Definitional harm” by reason of the inappropriateness of the development in the GB.
- b) Harm to the openness of the GB
- c) Harm arising from conflict with the purposes of including land within the GB.
- d) The extent of each of these harms is a matter of judgement for the examiner and SODC.
- e) Weight to be given to harms to the GB is dictated by national policy (NPPF para 148), noting that “substantial weight” should be given to harms to the GB.
- f) Examiner/SODC must also take into account “any other harms”, e.g. harms to the character and appearance of the area.
- g) It is accepted that there will be harm to the CH Conservation Area – another “harm” to be factored into the VSC balance, where it carries “considerable importance and weight.”

Finally, due to the unique nature of this NDO (as highlighted by the SODC planning officer), which is believed to be the first of its kind in the country, it is important that SODC request a Public Hearing with the inspector so that residents and other concerned bodies may participate in an open and transparent manner.

Yours sincerely

The Committee of South Oxfordshire District of CPRE