

Emerging South Oxfordshire Local Plan Proposed Main Modifications Consultation

Part A - contact details

Q1. Are you responding as an:
Agent

Agent contact details

Q3. Due to statutory planning regulations, a name and means of contact is required for your representation to be considered. As you are acting on behalf of another organisation, you need to provide their details in the first box but your company name and contact details thereafter.	
Organisation representing	Ptarmigan Land
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Agent telephone number	-
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Part B - your comments

Q5. You can provide your comments on the Emerging South Oxfordshire Local Plan Proposed Main Modifications in this section. The list of documents you can comment on are: Schedule of Proposed Main Modifications as amended by Erratum Schedule of Policies Map Changes Sustainability Appraisal Addendum Habitats Regulations Assessment Addendum If you wish to provide comments on more than one proposed main modification or document, you will be given the option once you have completed this section. Please select the document you wish to comment on using the drop-down menu below:
Schedule of Proposed Main Modifications

Q6. Which Main Modification number or consultation document are you commenting on? If you are commenting on the Main Modification document, please provide the main modification number (for example MM1) in the box below. If you are unsure of the 'modification number', please click here to view the Schedule of Proposed Main Modifications. If you are commenting on any of the other consultation documents (for example the Sustainability Appraisal Addendum), please provide the relevant section, paragraph or page number in the box

MM13, MM14, MM27, MM71

Q7. Please provide your comments in the box below. If your comments are over 500 words it would be really helpful if you could also provide a summary of your comments using the text box in the next question. You will also be able to upload any supporting documents using the button below.

Please Refer to Cover Letter.

Q8. If your comments are more than 500 words long, please use the space below to provide a summary. You are not required to summarise your comments, but a summary would help us in our reporting.

Ptarmigan Land is the promoter of the Land at Berinsfield Garden Village (STRAT10i). We are supportive of the Main Modifications in the realm but have significant concerns with regards to the soundness of MM71 (DES11) which is not justified by appropriate evidence. The viability evidence that supports the Local Plan is clear that DES11 'should be kept under review' - this is not reflected in the drafting of the policy. We have also submitted suggested revised wording as it relates to STRAT10i in the way that the Concept Plan, Density, Transport Improvement and Biodiversity policies have been drafted. Please refer to our Cover Letter for a comprehensive response.

Q9. Please upload any supporting documents below:

- File: Main Modification Reps - October 2020 - Ptarmigan.pdf

Attachment 1

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South Oxfordshire District Council
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29th October 2020

By Email Only

Dear Sir / Madam,

SOUTH OXFORDSHIRE DISTRICT COUNCIL (SODC) LOCAL PLAN 2011 - 2035 – MAIN MODIFICATIONS CONSULTATION

CBRE Limited (CBRE) acts as planning consultants to Parmigan Ltd (hereafter Parmigan) in respect of Mount Farm which is identified as part of the strategic allocation at Land at Berinsfield Garden Village – STRAT10i. We have uploaded our comments via the online comments form and have also consolidated our comments within this covering letter for completeness.

We are fully supportive of the preliminary conclusions that have been reached by the Inspector in respect of Land at Berinsfield Garden Village and agree that the allocation will bring about transformational change.

Within this response we have highlighted the three principal revisions that remain necessary to ensure soundness of the wording of Policy STRAT10i. These relate to matters in respect of the Concept Plan, Density and Biodiversity and have been consistently raised through our Regulation 19 Submission, Hearing Statements and attendance at the virtual Examination in Public (EiP). We have also set out the main modifications that are necessary to ensure the soundness of MM71(Policy DES11).

In **Appendix A** we have set out a series of minor modifications that we consider are necessary to ensure the soundness of the text supporting the site allocation. This includes minor modifications that have been identified following a re-read of the track changed policy (rather than specifically modifications that are the subject of this consultation).

MM71 – DES11 (Carbon Reduction) (Page 211)

We are fully supportive of the need for new developments to contribute to meeting wider carbon reduction targets, however, this does not negate the need for policies to be justified. Revisions are required to DES11 to ensure that the policy is sound.



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To be justified, a policy needs to represent an appropriate strategy based on proportionate evidence. The suggested wording of MM71 remains unchanged since its drafting in May 2020 and, significantly, pre-dates the publication of the Aspinal Verdi Financial Viability Assessment (June 2020) (PSD52).

Paragraph 5.47 of PSD52 states:

*'the cost of low-carbon technology in 10 years' time is hard to predict, partly due to the economies of scale that should be experienced when demand for low-carbon technology increases i.e. by 2030, the technology required to achieve a 40% reduction will have decreased in costs, therefore a 100% reduction could be cheaper in 2030 than it would be to achieve a 100% reduction today. The ability of these sites to meet the full 100% carbon reduction requirement within DES11 **should therefore be kept under review.**'*

This is further highlighted in the context of Berinsfield and Northfield in which it is stated *'The initial 40% carbon reduction requirement is viable for Berinsfield and Bayswater, the viability of increasing this to 50% and then 100% should be kept under review.'*

The need for viability to be considered at the forefront of policies proposed for energy reduction is clearly set out in Planning Practice Guidance (PPG – Climate Change – 009) which states *'local requirements [referring to Energy Targets] should form part of a Local Plan following engagement with appropriate partners, and will need to be based on robust and credible evidence and pay careful attention to viability.'* We understand that a similar policy to DES11 has recently been found sound in the examination of the Oxford City Local Plan, however, to import the same policy to the SODC context does not constitute credible evidence and simplifies the viability considerations in SODC compared to Oxford City.

Ordinarily, one could assume that a Local Plan Review would be an appropriate time for the review of DES11 to occur. However, given the anticipated timescales and trajectories of the STRAT sites, it is highly likely that planning applications (and in turn the Energy Statements required by STRAT4 and DES11) will be submitted prior to a Local Plan Reviews and would be considered against the requirements of DES11. The policy wording includes no scope for review as established in the evidence that underpins it, simply stating that *'an Energy Statement will be submitted to demonstrate compliance with this policy for all new build residential developments.'*

In addition to not being justified, as drafted the policy is inconsistent with national planning policy and thus unsound. The Planning Practice Guidance (PPG Climate Change – 012) under the sub-heading *'Can a local planning authority set higher energy performance standards than the building regulations in their local plan?'* states:

'local planning authorities can set energy performance standards for new housing or the adaptation of buildings to provide dwellings, that are higher than the building regulations, but only up to the equivalent of Level 4 of the Code for Sustainable Homes.'

The text continues to state that Level 4 of the Code for Sustainable Homes is approximately 20% above current Building Regulations across the build mix). The policy should be redrafted to ensure consistency with the PPG.

MM14 – Concept Plan (Page 58)

The Inspector's response at Paragraph 48 of the Preliminary Conclusions Letter is clear that *'These [Concept Plans] are only valuable if they accurately reflect the realistic development plans of the site promoters as well as the Council and the County Council.'*

Whilst we are supportive of the approach of the revised Concept Plan insofar as it relates to the reduction in the amount of detail being pre-determined on them, the revised version for STRAT10i still fails to accurately reflect realistic development plans.

If Concept Plans are to be used it is imperative that they reflect the realistic development plans to provide clarity to the local community. Whilst it is acknowledged that the plans are referred to as being indicative only, they should be able to be understood by the local community/ those not familiar with the planning process in isolation and without reliance on the nuance of the supporting text/ policy.

The amendment or removal of the concept plan as necessary will ensure, in accordance with Paragraph 16(D) of the NPPF, that the policy is clear and unambiguous. Without this amendment the purpose of the concept plan is unclear and ambiguous, particularly for members of the local community that have been involved in the Community Investment Scheme. The SODC Local Plan should be readily accessible to all members of the local community and should not include nuances and assumptions on its weight/ status that would only be understood in a professional context. Policy STRAT10i and STRAT4 establishes a clear framework for the development of a masterplan that further negates the need for a Concept Plan.

Furthermore, PPG (007 – Design) states *'Care should be taken to ensure that masterplans...well understood by all involved and that graphic representations of what the development will look like do not mislead the public by showing inaccurate details or significant elements not yet decided upon.'*

Whilst we understand the desire for SODC to have a consistent approach to Concept Plans across all of the STRAT allocations, Land at Berinsfield Garden Village has its own unique context that justified its absence. The site allocation is contiguous to an existing village and Land at Berinsfield Garden Village also has, through the main modifications process, a 'higher tier' STRAT10 Berinsfield policy which provides a clear framework for the development of a masterplan in conjunction with the local community. For these reasons it is justified to exclude a Concept Plan for Berinsfield.

If it is concluded that a Concept Plan is required, it should reflect the plan produced by JTP which highlights a realistic development area for the delivery of the requirements set out in Policy STRAT10i. The amended plan by JTP is provided in **Appendix B**.

MM14 – 3iv [New] – Density

The Table below includes the revised wording that has been introduced to Policy STRAT10i through the Main Modifications process. We have included the amendments that we consider are necessary to ensure that the policy wording supporting the allocation is sound. Below we have set out our justification for the change.

SODC Proposed Change	Ptarmigan Revised Wording
<p>the delivery of higher density development (a minimum of 50 dph), along key transport corridors and adjacent to the local centre, gradually reducing the scale and density of development to provide a transition across the site towards the northern and eastern countryside edges where lower density development should be delivered, alongside a network of green infrastructure and planting to create a new permanent landscaped edge to protect the Oxford Green Belt, to deliver an overall site-wide average net density of 35-50 dph.</p>	<p>the delivery of higher density development (a minimum of 50 dph) where appropriate to do so and consistent with site wide masterplanning principles, along key transport corridors and adjacent to the local centre, gradually reducing the scale and density of development to provide a transition across the site towards the northern and eastern countryside edges where lower density development should be delivered, alongside a network of green infrastructure and planting to create a new permanent landscaped edge to protect the Oxford Green Belt, to deliver an overall site-wide average net density of 35-50 dph.</p>

Whilst the general principle of the amended text is supported, the text as drafted is overly prescriptive and pre-determines matters that would be more appropriately progressed through the development of the strategic masterplan.

In highlighting this point, dictating minimum densities along key transport corridors and areas adjacent to the local centre puts at risk the key design imperative for Land at Berinsfield Garden Village to integrate with the existing village of Berinsfield. As drafted, the approach to density would create abrupt step changes in approach between the new and existing community along key transport corridors and around the local centre. The revised wording improves the drafting of this policy to ensure that the overall objective of creating a comprehensive approach to the new and existing development is not compromised. The revision is consistent with Paragraph 9 of the NPPF (2019) which requires *‘Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.’*

MM14 – 3iv [New] - Biodiversity

The Table below includes the revised wording that has been introduced to Policy STRAT10i through the Main Modifications process. We have included the amendments that we consider are necessary to ensure that the policy wording supporting the allocation is sound. Below we have set out our justification for the change.

SODC Proposed Change	Ptarmigan Revised Wording
<p>a net gain in biodiversity delivered on site which includes extensive new woodland planting in the north and east of the site, significant new woodland buffers around the site boundaries and green linkages through the site.</p>	<p>a net gain in biodiversity delivered on site through the incorporation of biodiversity improvements in and around the site which includes extensive new woodland planting in the north and east of the site; significant new woodland buffers around the site boundaries and green linkages through the site.</p>

Ptarmigan is supportive of the need for the site to deliver a net gain in biodiversity, however, the mechanism to achieve this does not need to be pre-determined in the policy and can be progressed through the masterplanning process. The approach of the Main Modification as drafted concentrates biodiversity benefits to the peripheries of the site rather than looking at opportunities for a more integrated approach to this.

Part 3 (ii) of the STRAT10i Policy retains the need for green infrastructure including planting to contain the settlement edge and thus its deletion from 3iv does not result in this direction for the masterplan being lost. The suggested revised wording better reflects the principles included in Paragraph 175(c) of the NPPF without prejudicing the masterplanning process.

We would be grateful for confirmation that these representations (included **Appendix A and B**) have been received, and that they have been registered as duly made. We trust this submission is clear and helpful but should there be any queries in relation to any element of the above and attached, please do not hesitate to contact us.

Yours faithfully,



ALISON TERO
SENIOR DIRECTOR – PLANNING

CBRE Limited for and on behalf of Ptarmigan

Enclosed – Appendix A Modifications Table; Appendix B - JTP Concept Plan

Appendix A – South Oxfordshire Main Modification Response

MM REFERENCE	PARA/POLICY	TEXT IN MAIN MODIFICATIONS CONSULTATION	COMMENT	IF NECESSARY, PROPOSED AMENDMENT FOR SOUNDNESS
MM13	4.80	The expansion of Berinsfield is considered acceptable only if it will lead directly to the implementation of a masterplan for the regeneration of the village and the funding of the necessary entire cost of the regeneration package identified by the Council through the Community Investment Scheme, including the requirements set out in Policy Policies STRAT10 and STRAT 10I . The mix of housing should reflect the regeneration objectives of Berinsfield taking account of site specific evidence. The regeneration of Berinsfield has strong community support and this policy seeks to achieve a unique solution which could not otherwise be realised. The tenure mix delivered at Berinsfield should be informed by robust local evidence and should seek to address existing local need as well as rebalance the mix. It is likely that to achieve this the mix will include a higher proportion of units that meet the NPPF definition of 'other affordable routes to home ownership' such as shared ownership.	Paragraph 16(D) of the NPPF sets a requirement for policies to be clear and unambiguous. The reference to the Community Investment Scheme is potentially open ended and it is not the requirement of Policy STRAT10I to fund measures identified through the Community Investment Scheme but, instead, those identified through the Policy STRAT10I. The suggested revision includes express clarity on this element. In addition, clarity should be provided that mix in the final paragraph is referring to affordable housing.	The expansion of Berinsfield is considered acceptable only if it will lead directly to the implementation of a masterplan for the regeneration of the village and the funding of the necessary entire cost of the regeneration package identified by the Council through the Community Investment Scheme , including the requirements set out in Paragraph 4.82 and Policy Policies STRAT10 and STRAT 10I . The mix of housing should reflect the regeneration objectives of Berinsfield taking account of site specific evidence. The regeneration of Berinsfield has strong community support and this policy seeks to achieve a unique solution which could not otherwise be realised. The tenure mix delivered at Berinsfield should be informed by robust local evidence and should seek to address existing local need as well as rebalance the mix. It is likely that to achieve this the affordable housing tenure mix will include a higher proportion of units that meet the NPPF definition of 'other affordable routes to home ownership' such as shared ownership.
MM27	2 (ii)	iii) The Council will expect a tenure mix of 40% affordable rented, 35% social rented and 25% other affordable routes to home ownership with the exception of Land at Berinsfield Garden Village (see specific tenure considerations in Policy STRAT10G);	We support the proposed modification by the Council which is necessary for soundness.	N/A.
MM14	2 (i-iii)	affordable housing provision and mix in accordance with Policy H9 and a mix informed by robust local evidence that seeks to address existing local need as well as rebalance the mix of housing tenures across the Garden Village.	To ensure consistency and provide clear and unambiguous policies suggested minor amendment to make explicit reference to affordable housing.	affordable housing provision and mix in accordance with Policy H9 and an affordable housing mix informed by robust local evidence that seeks to address existing local need as well as rebalance the mix of housing tenures across the Garden Village;
MM14	N/A – Concept Plan Amendment	Refer to Cover Letter		

MM14	2 (iv – ix)	provision for excellent public transport facilities including pump priming a scheduled bus service, with a minimum of two buses per hour between Berinsfield, Culham and Abingdon, with options to extend or vary services to Chalgrove and Didcot	Paragraph 16(D) of the NPPF sets a requirement for policies to be clear and unambiguous. The reference to 'excellent' is not measurable for the purpose of the policy and should be amended. In addition, the provision of bus services often involves the requirement of 3 rd parties operators who may have other priorities that preclude the ability of the policy objective to be delivered. It is suggest that this is amended to reflect this.	provision for excellent-necessary public transport facilities including exploring opportunities for the pump priming a scheduled bus service, with a minimum of two buses per hour between Berinsfield, Culham and Abingdon, with options to extend or vary services to Chalgrove and Didcot
MM14	3iv	the delivery of higher density development (a minimum of 50 dph), along key transport corridors and adjacent to the local centre, gradually reducing the scale and density of development to provide a transition across the site towards the northern and eastern countryside edges where lower density development should be delivered, alongside a network of green infrastructure and planting to create a new permanent landscaped edge to protect the Oxford Green Belt, to deliver an overall site-wide average net density of 35-50 dph.		Refer to Cover Letter
MM14	3v	a net gain in biodiversity delivered on site which includes extensive new woodland planting in the north and east of the site, significant new woodland buffers around the site boundaries and green linkages through the site.		Refer to Cover Letter
MM71	New Policy DES11	Planning permission will only be granted where development proposals for: <ul style="list-style-type: none"> new build residential dwelling houses; or developments including 1,000m2 or more of C2 use (including student accommodation); or Houses in Multiple Occupation (C4 use or Sui Generis) 		Refer to Cover Letter

		achieve at least a 40% reduction in the carbon emissions from a code 2013 Building Regulations (or future equivalent legislation) compliant base case. This reduction is to be secured through on-site renewable energy and other low carbon technologies (this would broadly be equivalent to 25% of all energy used) and/ or energy efficiency measures. The requirement will increase from 31 March 2026 to at least a 50% reduction in carbon emissions and again from 31 March 2030 to a 100% reduction in carbon emissions (Zero Carbon).		
Additional	4.76	The village of Berinsfield is currently 'washed over' by the Green Belt. The Local Plan proposes to inset the built up area of the village and an area of greenfield land to the east of the village from the Green Belt.	The village is being released from the Green Belt in the Local Plan text should be amended or deleted as appropriate to reflect this.	The village of Berinsfield is currently 'washed over' by the Green Belt. The Local Plan proposes to inset the built up area of the village and an area of greenfield land to the east of the village from the Green Belt.
Additional	4.87	Policy STRAT10 requires any planning application to be supported by a comprehensive masterplan for the whole village. The masterplan must include extremely sensitive design; landscape planting and the maintenance of key views to important landmarks such as the Chiltern Hills and the Wittenham Clumps to mitigate any Green Belt harm as best as is possible.	Suggested that 'extremely' is removed as potentially subjective.	Policy STRAT10 requires any planning application to be supported by a comprehensive masterplan for the whole village. The masterplan must include extremely sensitive design; landscape planting and the maintenance of key views to important landmarks such as the Chiltern Hills and the Wittenham Clumps to mitigate any Green Belt harm as best as is possible.
Additional	2 (i – iii)	The proposals to develop land at Berinsfield will be expected to deliver...	Policy elsewhere refers to 'Berinsfield Garden Village.'	The proposals to develop Land at Berinsfield Garden Village will be expected to deliver...



Comment again, or finish?

Would you like to comment on another main modification or supporting document?

No, I'm ready to submit my comments now and finish the survey