



WEST OXFORDSHIRE  
DISTRICT COUNCIL

## WEST OXFORDSHIRE DISTRICT COUNCIL

Name and Date of Committee	<b>EXECUTIVE – 12 JUNE 2024</b>
Subject	<b>SALT CROSS GARDEN VILLAGE AREA ACTION PLAN (AAP)</b>
Wards Affected	ALL
Accountable Member	Councillor Charlie Maynard – Executive Member for Planning and Sustainable Development. Email: <a href="mailto:charlie.maynard@westoxon.gov.uk">charlie.maynard@westoxon.gov.uk</a>
Accountable Officer	Charlie Jackson – Assistant Director, Planning and Sustainability. Email: <a href="mailto:charlie.jackson@publicagroup.uk">charlie.jackson@publicagroup.uk</a>
Report Author	Chris Hargraves – Planning Policy Manager. Email: <a href="mailto:chris.hargraves@westoxon.gov.uk">chris.hargraves@westoxon.gov.uk</a>
Purpose	To provide an update on the Salt Cross Garden Village Area Action Plan (AAP).
Annexes	Annex A – Salt Cross AAP Written Judgement (20 February 2024) Annex B – Letter from the Planning Inspector (22 April 2024) Annex C – Letter to the Planning Inspector (8 May 2024)
Recommendation	That the Executive resolves to: <ol style="list-style-type: none"><li>I. Note the contents of the report.</li></ol>
Corporate Priorities	<ul style="list-style-type: none"><li>• Putting Residents First</li><li>• A Good Quality of Life for All</li><li>• A Better Environment for People and Wildlife</li><li>• Responding to the Climate and Ecological Emergency</li><li>• Working Together for West Oxfordshire</li></ul>
Key Decision	NO
Exempt	NO
Consultees/ Consultation	The Salt Cross Garden Village AAP has been the subject of extensive previous consultation. The re-opening of the examination will involve

	further stakeholder engagement.
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## **1. INTRODUCTION**

- 1.1** Salt Cross is a planned new garden village community to the north of the A40 near Eynsham. The area is identified in the adopted Local Plan as a strategic location for growth and is expected to include around 2,200 homes, a 40-hectare science and technology park along with schools, open space and other community facilities.
- 1.2** To guide the future delivery of Salt Cross, the District Council is preparing a new Area Action Plan (AAP). Once adopted, the AAP will form part of the statutory development plan alongside the West Oxfordshire Local Plan 2031.
- 1.3** The purpose of this report is to provide an update on the current timetable for taking the AAP through to formal adoption following a third-party legal challenge last year.

## **2. BACKGROUND**

- 2.1** Following extensive public consultation, the draft AAP was formally submitted for examination in February 2021, with examination hearing sessions conducted by Mr Darren McCreery MA BA (Hons) MRTPI in June/July 2021.
- 2.2** The examination was subsequently paused to enable the Council to undertake some additional work on the phasing of infrastructure. Mr David Spencer BA (Hons) MRTPI was appointed as joint Inspector with effect from 2 February 2022.
- 2.3** Following public consultation on the additional infrastructure phasing work which closed on 6 April 2022, the Inspectors wrote to the Council on 26 May 2022 to confirm that the examination was able to progress to the Main Modifications stage.
- 2.4** Consultation on those proposed Main Modifications took place from 23 September to 4 November 2022 and the Inspectors' final report was received on 1 March 2023.
- 2.5** However, shortly afterwards, a legal challenge was submitted by Leigh Day on behalf of Rights Community Action (RCA) which challenged the legality of the Inspectors' conclusions regarding AAP Policy 2 – Net Zero Carbon Development by way of a judicial review.
- 2.6** The case was heard in the High Court in November 2023 and the written judgement was handed down on the 20 February 2024. A copy of the judgement is attached to this report at Annex A.
- 2.7** The subsequent order of 4 March 2024 confirmed that the claim for judicial review is allowed and that the Inspectors' report into the Salt Cross Area Action Plan dated 1 March 2023 and the Inspectors' proposed Main Modifications to the Salt Cross Area Action Plan are quashed, insofar as they relate to Policy 2 of the said Plan.
- 2.8** As a result, the District Council is now unable to proceed with the formal adoption of the AAP.
- 2.9** Having taken legal advice on the matter, Officers wrote to the Planning Inspectorate on 2 April to suggest that the examination be re-opened on a focused basis to re-consider Policy 2 and that a new Inspector should be appointed.

### **3. RE-OPENING OF THE AAP EXAMINATION**

- 3.1** On 22 April 2024, the Planning Inspectorate confirmed that the examination has been re-opened and that a new Inspector - Helen Hockenhull BA(Hons) B.PI MRTPI has been appointed.
- 3.2** The Inspector wrote to the Council on the same day and a copy of her letter is attached at Annex B. It has also been published on the garden village examination web page.
- 3.3** In summary, the Inspector's letter confirms that:
- The AAP examination has been re-opened;
  - The scope of the examination is constrained by the Order of the Court and will only consider Policy 2 and any other consequential revisions to the plan;
  - The starting point for the re-opened examination is Policy 2 as originally submitted in February 2020;
  - Policy 2 will need to be considered in light of the legal challenge and the Government's Local Energy Efficiency Standards Update in the Written Ministerial Statement (WMS) dated 13 December 2023;
- 3.4** The letter helpfully outlines the work that is anticipated to be needed from the Council including:
- Main Modifications to Policy 2 (as originally submitted);
  - Any consequential modifications to the AAP;
  - Evidence to address the criteria in the WMS including viability and consideration of the impact on housing supply and affordability;
  - Updated Sustainability Appraisal (SA)
- 3.5** It also highlights the need to appoint a Programme Officer to help administer the examination process, as well as the creation of a new examination web page.

### **4. NEXT STEPS**

- 4.1** On 8 May, Officers wrote to the Planning Inspector to confirm the anticipated scope of work and provide an approximate timetable. A copy of the letter is attached at Annex 3.
- 4.2** In terms of timescales, the letter indicates that the Council will need around 3-4 months to undertake the necessary work requested by the Inspector (i.e. the period May – July/August) after which point it will be submitted for her consideration.

4.3 Timings beyond this will depend on a number of factors but the overall process could be as set out below (although clearly this will be expedited wherever possible).

Stage	Indicative Timings
Appointment of Programme Officer and web page updates	May 2024
Preparation of Main Modifications and supporting evidence	May – July/August 2024 (3-4 months)
Submission to Inspector	August 2024
Inspector prepares and publishes Matters, Issues and Questions (MIQs)	August – September 2024
Hearing session/s	October 2024
Potential consultation on any further Main Modifications	November/December 2024
Inspector’s Report	February/March 2025
Adoption of AAP	April 2025

**5. ALTERNATIVE OPTIONS**

5.1 The District Council could choose not to further progress the AAP but in the absence of a formally agreed planning framework, it would then find it difficult to approve any current or future planning applications for the site, leading to further delay in the delivery of new homes and jobs.

**6. FINANCIAL IMPLICATIONS**

6.1 The re-opening of the examination raises a number of financial implications with additional costs now expected to be incurred in relation to the preparation of additional evidence, the appointment of a Programme Officer as well as legal support and the fees of the Planning Inspectorate.

6.2 These additional costs are however able to be met through existing budgets.

## **7. LEGAL IMPLICATIONS**

**7.1** The re-opened examination is a direct result of the successful legal challenge which was heard in 2023. This report itself however raises no direct legal implications.

## **8. RISK ASSESSMENT**

**8.1** The report presents no significant risks.

## **9. EQUALITIES IMPACT**

**9.1** The extent to which the Council had met its obligations under the Equalities Act 2010 and Public Sector Equality Duty was considered by the Inspector and set out in his final report of March 2023.

## **10. CLIMATE AND ECOLOGICAL EMERGENCIES IMPLICATIONS**

**10.1** The re-opened examination provides the District Council with a second opportunity to make the case for delivering net zero carbon development at Salt Cross Garden Village.

## **11. BACKGROUND PAPERS**

**11.1** None.