



WEST OXFORDSHIRE
DISTRICT COUNCIL

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Name and date of Committee	CABINET – 13 JULY 2022
Report Number	AGENDA ITEM No 9
Subject	WEST EYNHAM MASTERPLAN
Wards affected	Eynsham
Accountable member	Cllr Carl Rylett, Cabinet Member for Planning and Sustainable Development Email: carl.rylett@westoxon.gov.uk
Accountable officer	Chris Hargraves, Planning Policy Manager Tel: 01993 861686 Email: chris.hargraves@westoxon.gov.uk
Summary/Purpose	To provide an update in relation to the West Eynsham Strategic Development Area (SDA) Masterplan which was approved as a material planning consideration by Cabinet on 16 March 2022 but subject to a subsequent legal challenge.
Annexes	
Recommendation/s	<i>a) To note the content of the report;</i> <i>b) To agree that Officers should invite the four main landowners/developers responsible for the preparation of the masterplan to engage with all other third party landowners within the SDA boundary; and</i> <i>c) To agree that any updates/consequential amendments to the masterplan arising from that process of further engagement be reconsidered at a future meeting of the Cabinet.</i>
Corporate priorities	Successful delivery of the West Eynsham SDA supports a number of key objectives set out in the Council Plan 2020 – 2024 including housing land supply and delivery, the provision of a range of new housing opportunities to meet identified needs including affordable housing, healthy place-shaping, net biodiversity gain, economic growth and high-quality place-making.
Key Decision	NO
Exempt	NO
Consultees/ Consultation	The West Eynsham SDA Masterplan has been subject to previous stakeholder engagement but this excluded a small number of landowners. As a result, a legal challenge from one of those landowners was received following the approval of the masterplan by Cabinet in March 2022. Subject to agreement of the recommendations above, Officers are now proposing to invite the four

	main landowners/ developers to engage with those interested parties prior to reconsideration of the masterplan by Cabinet.
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1. INTRODUCTION

- 1.1.** Members will be aware that land to the west of Eynsham is allocated as one of five strategic housing sites in the West Oxfordshire Local Plan 2031 with the relevant policy (EW1) requiring comprehensive development to be led by an agreed masterplan.
- 1.2.** To fulfil that policy requirement and to facilitate the delivery of the site, the main land controlling interests within the SDA have recently prepared a masterplan which was submitted to the District Council for consideration in late February 2022.
- 1.3.** The masterplan was considered at a Joint Climate & Environment and Economic & Social Overview and Scrutiny Committee on 14 March 2022 and subsequently at a meeting of the Council's Cabinet on 16 March 2022 where it was formally agreed as a material planning consideration.

2. LEGAL CHALLENGE

- 2.1.** Subsequent to this, the District Council received correspondence on behalf of a landowner whose land falls within the boundary of the SDA, but who had not been engaged in the preparation of the masterplan document.
- 2.2.** The correspondence related to the Council's decision to approve the masterplan and took the form of a letter before claim in accordance with the judicial review pre-action protocol.
- 2.3.** The District Council subsequently took its own legal advice and as part of that process it was agreed that the Council would reconsider the masterplan having first given the claimant and any other landowners who were not involved in its preparation, the opportunity to submit representations to the Council by 23 June 2022.

3. REPRESENTATIONS RECEIVED

- 3.1.** In line with the steps outlined above, Officers sought to engage with the claimant and a meeting was held on 20 June 2022. In parallel to those discussions, Officers also sought to contact other landowners (where known) and to ascertain other land ownerships (where not known) with a view to inviting further representations on the masterplan.
- 3.2.** This resulted in correspondence from the claimant and two neighbouring landowners as well as from Polar Technology whose engineering site is located in the southern part of the SDA.
- 3.3.** A further separate parcel of land is shown as 'third party land' in the masterplan, but Officers were not able to ascertain the ownership and invite representations from that landowner ahead of the agreed date of 23 June 2022.

4. SUGGESTED WAY FORWARD

- 4.1.** In light of the correspondence which has been received and the fact that there remains other third party land likely to have an interest in the masterplan document, Officers propose to invite the main landowners/developers responsible for preparing the masterplan to actively engage with any landowners that were not originally involved in the process, so that their views can be considered.
- 4.2.** A further report will then be brought back to Cabinet, setting out the outcome of that further engagement, including where necessary, any consequential amendments/ updates to the masterplan.

5. LEGAL IMPLICATIONS

- 5.1.** As set out in the report, the decision of Cabinet on 16 March 2022 to formally approve the masterplan was the subject of a subsequent legal challenge. As a result, of the agreed steps outlined above in Sections 2 and 3, that claim is now discontinued.

6. RISK ASSESSMENT

- 6.1.** If the suggested way forward outlined in Section 4 above is not followed, there is a risk of further legal challenge.

7. EQUALITIES IMPACT

- 7.1.** The report raises no direct implications with regard to the Public Sector Equality Duty.

8. CLIMATE CHANGE IMPLICATIONS

- 8.1.** Although the masterplan addresses a number of issues regarding climate change, this report which focuses on procedure rather than content, raises no specific implications.

9. ALTERNATIVE OPTIONS

- 9.1.** One alternative option would be to revoke the Cabinet's previous decision of 16 March 2022, however this is likely to lead to a delay in the delivery of the SDA in light of the policy requirement for comprehensive development led by an agreed masterplan.
- 9.2.** A second alternative option would be to not reconsider the masterplan and for it to remain in its current form, however, as set out in Section 6 above, this would create a risk of further legal challenge.

10. BACKGROUND PAPERS

- 10.1.** None.