



WEST OXFORDSHIRE  
DISTRICT COUNCIL

## WEST OXFORDSHIRE DISTRICT COUNCIL

Name and date of Committee	<b>EXECUTIVE – 8 MARCH 2023</b>
Subject	<b>WEST EYNHAM SDA MASTERPLAN ADDENDUM</b>
Wards affected	Eynsham
Accountable member	Cllr Carl Rylett Executive Member for Planning and Sustainable Development Email: <a href="mailto:carl.rylett@westoxon.gov.uk">carl.rylett@westoxon.gov.uk</a>
Accountable officer	Andy Barge, Assistant Director Communities Email: <a href="mailto:andy.barge@publicagroup.uk">andy.barge@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>
Summary/Purpose	To consider an addendum to the West Eynsham SDA masterplan which has been produced by the four main landowner/developers in response to further engagement with third party landowners.
Annexes	Annex A – West Eynsham SDA masterplan addendum
Recommendation(s)	That the Executive resolves to: a) Note the content of the report; and b) Agree to approve the West Eynsham SDA masterplan addendum attached at Annex A as a material planning consideration for any current or future planning applications that come forward in relation to the West Eynsham SDA.
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></ul>
Key Decision	No
Exempt	No

Consultees/ Consultation	<p>The original West Eynsham SDA masterplan was subject to a process of stakeholder engagement from August 2021 including the establishment of a dedicated liaison group, a community newsletter delivered to all Eynsham households, a dedicated website and virtual and face to face exhibitions held in November 2021.</p> <p>The masterplan addendum document has been subject to more focused consultation with a number of third party landowners that were not engaged when the original masterplan document was prepared. Further discussions have also taken place with Eynsham Parish Council.</p>
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## **1. INTRODUCTION**

- 1.1** Members will be aware that the land to the west of Eynsham is allocated as a strategic development area (SDA) in the Local Plan 2031 and is anticipated to deliver about 1,000 homes.
- 1.2** In June 2021, the four main SDA landowners began work on a masterplan for the SDA to ensure a co-ordinated approach to delivery and a high quality, sustainable development.
- 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.
- 1.4** Subsequent to the decision of Cabinet, 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.
- 1.5** As an outcome of legal advice and discussions that followed, in July 2022, Cabinet agreed that the four main landowners/developers responsible for the masterplan should be invited to engage with all third party landowners within the SDA, with any updates/consequential amendments to the masterplan to be reconsidered at a future meeting of the Cabinet.
- 1.6** The purpose of this report is to summarise the process and outcomes of that focused, third party engagement.

## **2. BACKGROUND**

- 2.1** The West Oxfordshire Local Plan 2031 allocates the land to the west of Eynsham as one of a number of strategic development areas (SDAs) with the site expected to deliver about 1,000 homes. Of these, 237 have already been completed or are under construction and there is a current outline planning application for 180 homes in the northern part of the site. Planning applications for the rest of the SDA are expected to come forward later this year.
- 2.2** To ensure a co-ordinated approach to delivery and a high quality development, Policy EW2 of the Local Plan requires '*comprehensive development to be led by an agreed masterplan*'.
- 2.3** To fulfil this policy requirement, in June 2021, the four main SDA landowner/developers (Jansons, Berkeley Homes, Oxfordshire County Council Property and Facilities and Blenheim Strategic Partners) assembled a technical team to prepare a masterplan for the SDA.
- 2.4** Further to ongoing stakeholder engagement during the second half of 2021, the final draft masterplan document was submitted to the District Council in February 2022. Having first been considered at a Joint Climate & Environment and Economic & Social Overview and Scrutiny Committee on 14 March 2022, the masterplan was subsequently agreed as a material planning consideration at a meeting of Cabinet held on 16 March 2022.

- 2.5 However, following that decision 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. 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.
- 2.6 The District Council subsequently took its own legal advice and 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.
- 2.7 In light of the correspondence received and the existence of other third parties which had not been involved in the process, in July 2022, Cabinet agreed that the four main landowners/developers should be invited to engage with all other third party landowners within the SDA boundary with any updates/consequential amendments to the masterplan to be reconsidered at a future meeting of the Cabinet.

### 3. MASTERPLAN ADDENDUM

- 3.1 Following the decision of Cabinet in July 2022, the four main landowners/developers, through their consultants Chess Engage, began a process of engagement with the relevant third parties who own land within the SDA boundary – specifically to seek views on the content of the masterplan document.
- 3.2 Hard copies of the masterplan were sent on 29 August 2022, requesting comments to be returned by 23 September 2022.
- 3.3 The comments received were considered by the main developer/landowner team and reflected in a number of proposed updates/amendments as set out in a masterplan addendum document.
- 3.4 The addendum was shared with the third party landowners in December 2022/January 2023 and also with Eynsham Parish Council and WODC Officers. The final version was submitted to the District Council on 2 February 2023 and is attached to this report at Annex A.
- 3.5 As can be seen, the addendum is concise at just 23 pages long. The main changes to the original masterplan document can be summarised as follows:
- **The land ownership plan** (Figure 1 in the addendum, Figure 12 in the original masterplan) has been updated to more clearly indicate which parcels of land are within the control of the four main landowners/developers and which parcels are owned by other 'third parties' or is unregistered land;
  - **Ecology and biodiversity** – the text has been amended to clarify that the former orchard, west of Fruitlands in the north of the site, is partially covered by a Tree Preservation Order (TPO) and is designated as a priority habitat (Deciduous Woodland);
  - **Existing Green Infrastructure and ecology plan** (Figure 2 in the addendum, Figure 21 in the original masterplan) has been updated to show the confirmed extent of the

Fruitlands Tree Preservation Order (TPO) and to show the updated Natural England designations within the Natural England Priority Habitat Inventory mapping for Deciduous Woodland. The plan has also been updated to show the Local Green Spaces designated in the Eynsham Neighbourhood Plan. An inset map has been provided to show these amendments at a closer scale;

- **Site constraints and opportunities plan** (Figure 3 in the addendum, Figure 26 in the original masterplan) has been updated to reflect the confirmed extent of the Fruitlands TPO, the areas of National Forest Inventory and Natural England Priority Habitat Inventory - Deciduous Woodland and Local Greenspace Designation 'LGS 6 - Fruitlands Wood', as set out in the Eynsham Neighbourhood Plan. The opportunities plan has been updated to show less additional woodland in the northern part of the site and a reduction in the extent of the proposed linear park in the eastern part of the site;
- **Masterplan** (Figure 5 in the addendum, Figure 27 in the original masterplan) has been updated to illustrate third party land in the north and east of the site as *potential development land* (although possible land uses are not indicated) subject to any subsequent planning application being assessed against the Local Plan and other material considerations. This supersedes the previous Figure 27 of the masterplan which retained these areas in their current land use.
- **Land-Use Strategy plan** (Figure 6 in the addendum, Figure 28 in the original masterplan) has been updated in line with the amendments to Figure 5/27 referred to above;
- **Landscape Strategy plan** (Figure 7 in the addendum, Figure 29 in the original masterplan) has been updated to clarify the area of retained woodland proposed within the masterplan area and the confirmed extent of the Fruitlands TPO. Also updated to show the areas of *potential development land* referred to above with the supporting text amended to clarify that any such third party land has been treated separately for the purposes of establishing landscaping quantum for the four main landowners/developers;
- **Indicative Phasing Strategy plan** (Figure 8 in the addendum, Figure 61 in the original masterplan) has been updated to illustrate third party land in the north and east of the site as *potential development land* (possible land uses not indicated) subject to any subsequent planning application being assessed against the Local Plan and other material considerations.

## **4. SUMMARY**

- 4.1** Following the decision of Cabinet in July 2022, the four main landowners/developers have engaged with all third party landowners within the SDA boundary in order to ensure that their views have been properly taken into account in the masterplan.
- 4.2** That process of engagement has resulted in a number of relatively minor amendments to the masterplan as set out in the addendum document attached at Annex A and summarised in Section 3 above.
- 4.3** Perhaps the most notable amendment is the delineation of two small parcels of land in the north and east of the SDA as *potential development land*. The addendum does not refer to what type of development, if any, may be forthcoming in these locations. Rather it is intended to allow for the possibility of something coming forward at a future point in time, subject to relevant local plan policies and other material considerations. This is in contrast to the original masterplan document which showed them as being retained in their existing use.
- 4.4** It is of course relevant to note that even if the masterplan were to remain unaltered in this respect, the two parcels of land in question fall within the SDA boundary as defined in the Local Plan and those landowners could still bring forward development proposals which would need to be considered on their own merits.
- 4.5** In overall terms, Officers are therefore comfortable with the relatively minor amendments which have been made to the masterplan and are of the view that the addendum document should be supported.

## **5. NEXT STEPS**

- 5.1** Subject to the approval of Members, the masterplan addendum will become a material planning consideration updating a number of aspects of the original masterplan document which was approved in March 2022, with both documents then being used to help determine any current or future planning applications that come forward in relation to the West Eynsham SDA.

## **6. ALTERNATIVE OPTIONS**

- 6.1** Although Policy EW2 of the Local Plan requires development of the West Eynsham SDA to be led by a comprehensive masterplan, it does not stipulate that any such masterplan should be approved by the District Council.
- 6.2** As such, Cabinet could choose not to approve the addendum document attached at Annex A.
- 6.3** However, given that Cabinet approved the original masterplan document in March 2022, if it chooses to not approve the addendum document, there may be a risk of further legal challenge from any third party landowner who considers that their views have not been properly taken into account.

## **7. FINANCIAL IMPLICATIONS**

7.1 The report raises no direct financial implications although there is an indirect risk of expenditure having to be incurred by the District Council should any further legal action be taken.

## **8. LEGAL IMPLICATIONS**

8.1 Cabinet's decision in March 2022 to approve the original masterplan document was the subject of a subsequent threat of legal challenge. The proposed course of action which was subsequently agreed led to that claim being discontinued.

8.2 As outlined above, should Cabinet choose not to approve the addendum document which has been prepared in direct response to discussions with third party landowners, there may be a risk of further legal challenge from those third parties.

## **9. RISK ASSESSMENT**

9.1 In the absence of an agreed masterplan for the West Eynsham SDA, there is a risk to delivery in terms of housing land supply, place-making objectives and the provision of supporting infrastructure to support the development of the site as a whole.

## **10. EQUALITIES IMPACT**

10.1 The report raises no specific equality implications for any specific group/protected characteristic.

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

11.1 The masterplan addendum addresses a number of issues relating to the climate and ecological emergencies including ecology and biodiversity, greenspace and woodland provision and landscaping.

## **12. BACKGROUND PAPERS**

12.1 None.

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