

*Response to:*

**Proposed Main Modifications to the Submission Draft Salt Cross Garden Village Area Action Plan (AAP) (CD7)**

*From:*



**Introduction: general remarks**

Except in a few positive cases, such as the new text relating to Tilgarsley, the overall effect of the more significant Main Modifications to the AAP is consistently and damagingly negative. The Inspectors have repeatedly replaced clarity with ambiguity, and precision with a vagueness that favours manipulation by the most financially powerful parties to the Plan, to the detriment of local people. Again and again, they have diluted and weakened the text, making the achievement of high standards for an ‘exemplar’ development far more difficult.

The AAP in its final form will be a legal document. Like badly drafted parliamentary legislation, the Main Modifications – in their current form – will create confusion, disputed interpretations and opportunities for abnegation of responsibility. Above all, they will lead to failure in adequately addressing the climate and ecological crises, and can therefore be said to have made the AAP unsound, ineffective and at odds with government policy and commitments. They give the *impression* of abject capitulation to the pressure and interests of the developers, land agents and the Eynsham Land Pool Trust/OCC, particularly the institutional landowners.

Here are the further amendments necessary to return the AAP to soundness – and the reasons for them.

**MM2/Core Objective GV3**

The deletion of “100%” (use of low and zero-carbon energy) and insertion of “wherever possible” (in relation to no reliance on fossil fuels) flies in the face of government commitments to net zero emissions. Particularly worrying is the inclusion in the “100%” deletion of the use of *low* as well as *zero-* carbon energy. The door has therefore been left wide open for developers to decide the extent of their carbon-reducing construction, meaning that “viability considerations” (ie, expected

profit margins) will likely limit it considerably. The Inspectors seem to be oblivious to the absurdity of “achieving net zero-carbon development”, clearly stated in the Core Objective, by removing the means of ensuring it can be achieved.

**Verdict:** MM2 is unsound.

**Remedy:** Revert to the original text.

#### **MM4/ Policy 2 – Net Zero Carbon Development**

In a similar vein, the de-specification of standards in this Main Modification, and the removal of Key Performance Indicators, undermines WODC’s laudable requirement for net zero carbon development. To reduce the Policy to “an ambitious approach” is to introduce an unhelpful vagueness that will allow too much leeway for avoidance of the requirement. Likewise, in the new text, “Alignment with the District Council’s ambition for achieving net zero carbon” is equally vague because the bar has already been lowered to an unknown degree. (And of course, MM54/Policy 30 – see below – further undermines Policy 2.)

**Verdict:** MM4 is unsound.

**Remedy:** Revert to the original text.

#### **MM9/Policy 6 – Providing Opportunities for Healthy Active Play, etc**

Changing “in accordance with” to “paying appropriate regard to” Sport England’s Active Design Principles once again weakens the standards sought for this ‘exemplar’ development by introducing a get-out clause. Why would you do this?

**Verdict:** MM9 is unsound.

**Remedy:** Revert to the original text.

#### **MM12/Policy 7 – Green Infrastructure (GI)**

The survival of a 50% provision of green and blue infrastructure is welcome. However, the other changes to Policy 7 make it less likely to be achieved. The insertion of “around” before 50% weakens the requirement and leaves the door wide open for less GI. The inclusion of “private gardens” in the 50% is unhelpful because there is no guarantee that owners will not pave them over, or put down artificial

grass, or otherwise remove vegetation. The inclusion of “green roofs” needs to be watched, because it may be better to prioritise rooftop solar.

The deletion of “Building with Nature standards” removes an independent and objective mechanism for checking that the requirements of this and other Policies are met. As such, its deletion is unacceptable and all references to Building with Nature standards should be reinstated.

**Verdict:** MM12 is unsound.

**Remedy:** Delete “around”. Change “private gardens” to “communal gardens”. Add a rider to “green roofs” along the lines of “ensuring an optimum balance between them and rooftop solar for both renewable energy and GI purposes”. Reinststate the original text about Building with Nature.

### **MM15/Policy 9 – Biodiversity Net Gain (BNG)**

There is danger inherent in this Policy that is highlighted by MM15, with its reference to a *future* measurement of BNG using the latest DEFRA Biodiversity Metric. Whether intentionally or not, a change of land management in the past two years or so has led to a severe degrading of biodiversity in the Eynsham Land Pool Trust fields that formerly belonged to Corpus Christi College. To measure biodiversity now or in the future, without a period of regenerative land management, would be a travesty; the area in question was previously awash with wildlife, while being farmed organically and in an actively nature-friendly way.

**Verdict and Remedy:** Additional text is vital to make MM15 sound, along the following lines: “At no point before development gets under way will attempts be made, or bad management be allowed, to degrade the landscape and habitat, leading to an artificially low baseline for measuring biodiversity, and making it easier to achieve 25% BNG.”

Otherwise . . .

#### ***Bye-bye Biodiversity***

In a ditch dry after drought a mystery  
of apples strewn about, but without a tree.  
A field of broken stalks blackened, without fire,

and matted dregs of herbicidal desire.  
Rare double hedgerows where wildlife could prevail  
ravaged, decapitated by random flail.  
Promises on which approval will depend  
prove false: this is the beginning of the end.

### **MM17/Policy 9 – Biodiversity Net Gain (BNG)**

The replacement of “any application” to be supported by a BNG Strategy, etc, by “applications for major development” is dangerous, because it runs the risk of encouraging the piecemeal development of plots small enough to avoid the requirement.

By contrast, MM27 (Policy 17 – Road Connectivity and Access) specifies that “*All* planning applications [my italics] submitted for the Garden Village must include a Construction & Logistics Plan with commercial uses to be supported by a Delivery and Servicing Plan. Planning conditions/planning obligations will be used to secure any agreed measures/targets.” Why is it not the equivalent for *all* applications in relation to BNG and Environmental Assets (see MM22 below)?

**Verdict:** MM17 is unsound.

**Remedy:** Revert to the original text so that it refers to “any application”, and reinstate all of the requirements that have been lost in the deletion.

As the Dasgupta Review says, “Our economies, livelihoods and well-being all depend on our most precious asset: Nature.”

### **MM18/Policy 10 – Water Environment**

The removal of Building with Nature standards is unacceptable, because it weakens the “ambitious approach to the water environment” by removing an independent and objective mechanism for checking that ambitious standards are being met.

**Verdict:** MM18 is unsound.

**Remedy:** Reinstate the reference to Building with Nature.

### **MM22/Policy 11 – Environmental Assets**

Once again, by specifying “major development” only, the text has been badly weakened because of the loophole it has introduced. It should apply to *all* development on the garden village site. All of the reports listed are as important for smaller blocks of development as they are for major ones. For example, given the considerable presence of Grade 2 and 3a best and most versatile agricultural land, a minor development will be just as likely to require proper soil management. Noise will be an issue for any small, as well as large, development close to the aggregate recycling facility or to the main roads. And so on.

**Verdict:** MM18 is unsound.

**Remedy:** Replace “major development” with “all development on the garden village site”.

### **MM24/Policy 14 – Active and Healthy Travel**

Two comments on this. The first concerns “A spine road design that ensures a safe and attractive environment for walking and cycling and minimises severance of the site.” For reasons that I enlarge upon below under MM27, the word “minimises” is too weak and open-ended, and does not guarantee that the spine road will not cause significant severance of the site.

**Verdict:** MM24 is unsound.

**Remedy:** Replace “minimises” with “*avoids* both physical and psychological” severance of the site.

The second comment concerns “To facilitate the widening of the A40 in order to accommodate bus lanes and shared foot/cycle paths, any comprehensive masterplan prepared in accordance with AAP Policy 28, must make provision for land along the southern boundary of the Garden Village as necessary.”

**Verdict and remedy:** in order to make the text here sound, the following should be added at the end: “and for the establishment of bund and vegetation screening to avoid the air, noise and light pollution that will affect those living nearby”.

## MM27/Policy 17 – Road Connectivity and Access

Right from the start of this process in 2016, there has been an influential constituency in both the District and County Councils lobbying for a major new road through the garden village (and another through West Eynsham):

- Thus, at Grosvenor’s ‘Design Charrette’ of May 2019, an OCC transport official said openly that one purpose of the spine road through the garden village was “to take traffic off the A40” (possibly in the knowledge that the A40 ‘improvements’ might prove expensively inadequate).
- WODC’s original Expression of Interest in 2016 had in its list of transport infrastructure a “Spine road through Garden Village linking Park and Ride, Cuckoo Lane with Lower Road, likely to be developer funded” (paragraph 8.5).
- The Local Plan 2031, adopted in 2018, was even clearer, mentioning a “potential northern link road connecting the A40 with Cuckoo Lane and Lower Road” (paragraph 7.53). (Similarly, the “major urban extension” in West Eynsham was seen as an opportunity to provide an “additional journey choice” for motorists via another spine road (paragraph 9.5.65).)

Since then, WODC has tried to row back from this aberration of an ‘exemplar’ garden village built around a busy bypass. Policy 17 wanted the spine road to be future-proofed to enable it to be bisected at a later date, allowing for pedestrian, cycle and bus access only. The Planning Inspectors have deleted this paragraph.

Worse still, they have added this: “The spine road will need to be completed at an early phase of development as access via Cuckoo Lane to the Garden Village will be limited in later phases.” There is real danger here, and it is twofold:

- Early completion runs the risk of its being built to suit the convenience of the developer and contractors (who are funding it), both in its route and in its size.
- It runs the risk of becoming the fait-accompli bypass that the road lobbyists always wanted, not least because it will be difficult and expensive to re-design and re-route it later.

And why does it have to be a through route from the start? There will be access to the site from the east via the new junction in Lower Road. On the western side, there will be access from the new 'Western Development Roundabout' and across Cuckoo Lane. The latter may be closed to through traffic, north to south (see MM24/Policy 14), but Grosvenor's illustrative masterplan shows two roads crossing Cuckoo Lane, and WODC's AAP shows one. Either way, separate access from both east and west in effect means that a continuous through road is not necessary *at any stage*, let alone early on (except for pedestrians, cyclists and buses).

In addressing the nature of the spine road, I would like to draw the attention of WODC, OCC and, in particular, the Planning Inspectors to how the American writer Wendell Berry, in 1968, described the difference between a path and a road. Over 50 years later, it is highly relevant to the AAP:

"A path is little more than a habit that comes with knowledge of a place. It is a sort of ritual of familiarity. As a form, it is a form of contact with a known landscape. It is not destructive. It is the perfect adaptation, through experience and familiarity, of movement and place; it obeys natural contours; such obstacles as it meets it goes around.

A road, on the other hand, even the most primitive road, embodies a resistance to the landscape. Its reason is not simply the necessity for movement, but haste. Its wish is to *avoid* contact with the landscape; it seeks so far as possible to go over the country, rather than through it; its aspiration, as we see clearly in the example of our modern freeways, is to be a bridge; its tendency is to translate place into space in order to traverse it with the least effort. It is destructive, seeking to remove or destroy all obstacles in its way. The primitive road advanced by the destruction of the forest; modern roads advance by the destruction of topography."

I beseech you: make the 'spine road' as path-like and as little road-like as possible. Let it be woven into the fabric of the garden village in such a way that residents feel it is as pleasant to be on as a path or bridleway. Let it be swathed in continual and varied vegetation. From the moment that it starts to be constructed, let it take the twists and turns that are envisaged to be its final shape, as suggested for example in the Grosvenor illustrated masterplan in their outline planning application.

The design of the garden village is meant to be 'landscape-led'. So let the 'spine road' meander, going around natural obstacles such as hedgerows, trees, ponds and ditches, and keeping distant from existing public rights of way. Let it "obey natural contours". A spine road that does not do this, because it is accepting through traffic as an "additional journey choice", will "translate place into space" to get through with "haste", thereby severely undermining WODC's aspirations for placemaking. It will destroy local topography.

**Verdict:** those parts of MM27 that relate to the spine road make much of the AAP, not just this section, unsound.

**Remedy:** delete the new bullet point about the spine road and add new text that specifies that *at no point* will it become an established continuous through route for all traffic, but will be used for that purpose by pedestrians, cyclists and buses only. Failure to do this will sully the design and atmosphere of the garden village and impoverish the quality of life of those living there.

### **MM35/Policy 22 – Housing Delivery**

Why has the expected demonstration of "exemplary design standards" been deleted here? This was one of the priorities of local people (see AAP, page 32). The Main Modifications have a number of instances of casual disregard for local opinion.

**Verdict:** MM35 is unsound.

**Remedy:** reinstate the reference to exemplary design standards.

### **MM37/Policy 23 – Housing Mix**

I can see that the original wording – "genuine affordability" – is vague and hard to define, but its deletion does not bode well for local people and their budgets. The Planning Inspectors seem to have had no reluctance to introduce vague language elsewhere. Will the other 12 references to genuine affordability also be deleted?

### **MM40/Policy 25 – Custom and Self-Build Housing**

Unjustified weakening of language: instead of serviced plots being "expected to be provided", they will now simply be "encouraged . . . as an indicative guide". In



other words, they may end up being fewer in number than the demand for them. After all, the reference to “having regard to demand” has also been deleted.

**Verdict:** MM40 is unsound.

**Remedy:** reinstate the original text.

### **MM41/Policy 25 – Custom and Self-Build Housing**

Once again, weakened language: a range of Custom and Self Build delivery models will no longer be “supported”, but merely “considered”.

**Verdict:** MM41 is unsound.

**Remedy:** reinstate the original text.

### **MM 44, 45 and 46/Policy 26 – Specialist Housing Needs**

Some weakening of language in these Main Modifications as well.

### **MM47/Policy 27 – Key Development Principles**

44, 45 an

Please reassure us that the deletion of this Policy is simply to avoid repetition, and that no babies have been thrown out with this bathwater.

### **MM48/Policy 28 – Land Uses and Layout – the Spatial Framework**

**Question:** will we be given the opportunity and time to comment on the “comprehensive masterplan”?

### **MM51/Policy 29 – Design Requirements**

Why have the references to Building for a (Healthy) Life been deleted? BHL is another independent checking and enforcement mechanism that is being removed, thereby weakening the standards. Will the mentions of BHL in the body of the text also be deleted?

**Verdict:** MM51 is unsound.

**Remedy:** reinstate the tenth paragraph of the Policy.

### **MM52/Policy 30 – Provision of Supporting Infrastructure**

The site-specific IDP will now only “include consideration of”, and not “be based on”, the identified requirements set out in the Eynsham Area IDP. This not only weakens the text but suggests a tendency, evident elsewhere, to move away from local priorities.

**Verdict:** MM52 is unsound.

**Remedy:** reinstate “be based on”.

The additional text about inclusion of a “phasing plan” is welcome, but . . .

### **MM54/Policy 30 – Provision of Supporting Infrastructure**

. . . of all the Main Modifications, the new fourth paragraph is the most egregious introduction of ambiguity, vagueness, and open-endedness in developers’ favour – the extra sting in the tail. What are the viability criteria? Who will define them? Are we talking here about financial viability only, or other types of viability as well? If so, what are they? The public have a right to know the answers to these questions.

If it is only financial viability that is being referred to, then for whom is this the deciding factor, and at what point will these “cumulative effects” be triggered?

- For developers, does unviability kick in when (a) they start making a loss; (b) break even; (c) with single-digit profit; or (d) anything less than 20% profit?
- For landowners, does unviability kick in when their net income falls by (a) £10,000; (b) £100,000; or (c) £1,000,000?

WODC *and the public* deserve to have answers to these questions, and access to open accounting to ensure that they are not being taken for a ride. All these policies, as originally drafted, are deliverable with sufficient political will.

**Verdict:** MM54 is unsound.

**Remedy:** Delete the new fourth paragraph. It can be replaced with a paragraph that establishes open accounting, to ensure that developers, too, are protected.

## **AAP SA Addendum Report Main Modifications**

While preparing my comments on CD7, and until prompted by a friend, I had not thought of paying too much attention to the SA Addendum Report. It was a shock to read its summary of updated findings and its conclusions.

One hopes that its 'official' status will not mean that it carries disproportionate weight in relation to the comments of local people and organisations. It is the latter who know the area best and who, collectively, have spent untold hours – unpaid – helping WODC to come up with the best outcome, in the circumstances, following the original misguided decision to locate a garden village on greenfield land right next to the problematic A40, just a stone's throw away from Eynsham, and alongside a "major urban extension" to the west of Eynsham (not to mention a possible new sand and gravel quarry to the east).

**Paragraph 1.24** says that most of the Main Modifications are intended to correct factual errors (fair enough) or to provide improved clarification. Therefore they will not affect the "overall meaning" of the AAP policies or their "likely effects on the SA objectives". This claim is in direct contradiction to my and others' assessment and, indeed, to common sense. Many of the changes *reduce* clarification and will have a considerable effect on the SA objectives.

I wondered at first whether the authors of the SA Report had switched off their critical faculties when looking at the language that the Inspectors have used in their changes. This language is often nuanced and apparently subtle, but it will have far-reaching consequences. But I then noticed that the SA acknowledges the "less onerous" requirements or policies five times in the Report. So they know what's going on and how strongly it favours the developers, but they seem to think that's OK for an 'exemplar' garden village at a time of climate and ecological emergency, and that, counterintuitively, it doesn't alter the conclusions of their August 2020 Report.

**Paragraph 1.26** mentions the deletion of Policy 27 and its associated effects, both positive and negative. I suggest that the deletion of the Policy needs to be looked at again.

**Paragraph 1.27** (unless I am reading it incorrectly) claims that Table 3 shows that “a similar number of changes improve the sustainability effects of policies as adversely affect them. How can this be the case when, even with the SA’s very lenient marks, six of the nine Policies in Table 3 are less positive than they were before (and the others are “no change” or deleted)? And to claim that there are “*no new significant effects*” is a highly subjective judgement with which I and others strongly disagree, particularly for Policy 2, for which even the query-negative mark has been deleted.

**Paragraph 1.37** of the SA says, “Taking into account the proposed changes set out in the Main Modifications, the AAP has been found to have a wide range of positive effects on the SA objectives, although *some significant negative effects remain.*” So why does Table 3 on page 60 contain no negatives at all in the “updated effect” column?

The paragraph goes on to claim that “considered in the round” the proposed Main Modifications do not significantly alter the conclusions of the August 2020 SA. This consideration in the round seems to come from so distant a planet that it manages to gloss over the very real and damaging points of detail that undermine the soundness of the AAP. The *significant negative effects* have been airbrushed out.

In its **Guidance Note** for this consultation, WODC wrote: “The proposed changes are supported by a Sustainability Appraisal (SA) Report.” The interesting word there is “supported”. Exactly. The support has been uncritically provided by:

- Skating superficially through all the Main Modifications, rather than seriously challenging some of them.
- Ignoring ‘significant’ internal inconsistencies in the analysis.
- Obliging enabling smooth passage through the final hurdle of this part of planning process.
- Retaining the Main Modifications’ wide margin of uncertainty and leeway – so helpful for developers – and therefore open house for token gestures.
- Making enough changes to the marks in Table 3 for appearance’s sake, but no more; and above all making sure that none of the marks slips into minor or major negative.
- Adapting the conclusions to the parallel world of The Planning Inspectorate, rather than to reality.

18 October 2022

**From:** [REDACTED]  
**To:** [Planning Consultation \(WODC\)](#)  
**Cc:** [REDACTED]  
**Subject:** Supplementary Response to AAP Main Modifications consultation  
**Date:** 30 October 2022 16:25:03

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Dear Chris and Colleagues,

I read last week in *The Witney Gazette* about the proposed railway route that will run through Salt Cross, which apparently has the backing of Grosvenor and the landowners.

This is an interesting proposal, but one that raises very large questions about the development of Salt Cross, in terms of phasing and land use. I do not, for example, believe that the rail route would "not result in any loss of the land that is available for development". Is it one track or two? How much more of Eynsham Wood would have to be cut down? What happens to the PRoWs and A40 pedestrian crossings? Or is the route going to be on stilts or underground? It's got to cross the A40: how is it going to do that? Will it be at ground level as it goes through the flood warning area around the Evenlode and Eynsham Mill? How does this proposal dovetail with OCC's feasibility study?

I note, too, that witneyoxfordtransport.org say that as a result of the railway, house prices are likely to increase by 20% (c. £80,000 per house). What kind of effect will that have on "viability considerations" and the Inspectors' Main Modifications? Will they be able to withdraw some of the MMs given the extra cash the railway brings and return the AAP to real soundness rather than the Inspectors' fantasy soundness?

I hope that WODC will keep us all up to date with the latest information about the rail proposal and its impact on the Salt Cross comprehensive masterplan.

Yours sincerely,

[REDACTED]