

**WEST OXFORDSHIRE DISTRICT COUNCIL****Examination of Salt Cross Garden Village Area Action Plan (AAP)****Inspector:** D.R McCreery MA BA (Hons) MRTPI**Programme Officer:** Rosemary Morton**Programme Officer Address** - c/o Planning and Strategic Housing, Elmfield, New Yatt Road, Witney, OX28 1PB**Tel:** 01628 672181**Email:** rosemary.morton@publicagroup.uk**INSPECTOR'S MATTERS, ISSUES AND QUESTIONS****Matter 1 – Procedural and legal requirements****Issue**

Whether the Council has complied with the relevant procedural and legal requirements.

**Questions***Plan preparation*

1. Has the AAP been prepared in accordance with the Local Development Scheme?
2. Have notification, consultation, publication and submission requirements been met?
3. Has the preparation of the AAP complied with the Statement of Community Involvement?

*Sustainability Appraisal (SA)*

4. How has the SA informed the preparation of the AAP? How have options been considered? What are the conclusions of the SA and how are those conclusions reflected in the AAP?
5. How has the SA been reported?
6. Has the methodology for the SA been appropriate?
7. Have any concerns been raised about the SA and what is the Council's response to these?
8. Have the requirements for Strategic Environmental Assessment been met?
9. Overall, does the SA meet all the requirements?

*Habitats Regulations Assessment (HRA)*

10. How was the HRA carried out and was the methodology appropriate? Are the European sites identified for inclusion in the HRA correctly listed?
11. What potential impacts of the AAP were considered?
12. What were the conclusions of the HRA and how have they informed the preparation of the AAP? Are the Screening Findings in the HRA justified? Are the air pollution effects on the Oxford Meadows SAC appropriately assessed?
13. Have any concerns been raised about the Council's approach? How has Natural England been involved?
14. Overall, does the HRA meet all the requirements?

*Other matters*

15. Does the AAP include policies in relation to the mitigation of and adaption to climate change?
16. Has the Council had regard to the other relevant specific matters set out in s19 of the Planning and Compulsory Purchase Act 2004 (2004 Act) and Regulation 10 of the Town and Country Planning (Local Planning) Regulations 2012?
17. How have equality issues been addressed?

## **Matter 2 – Duty to co-operate (the Duty)**

### **Issue**

Whether the Council has complied with the Duty in the preparation of the AAP.

### **Questions**

#### *Meeting Oxford City's identified housing needs*

1. How has meeting Oxford City's identified housing needs been addressed through co-operation and what has been the outcome? How has that co-operation affected the policies in the AAP, including policies regarding affordable homes and their allocation?
2. Does the Memorandum of Operation dated 15 December 2020 represent an agreed position between Oxford City Council and West Oxfordshire District Council? Are there any other issues that should be addressed?
3. Has the engagement been active and ongoing since the adoption of the West Oxfordshire Local Plan? How has engagement been documented/evidenced?

#### *Other matters*

4. Are there any other genuinely strategic matters as defined by s33A(4) of the 2004 Act?
5. If so, how have they been addressed through co-operation and what has been the outcome? How has that affected the policies in the AAP?
6. Taken as a whole, does the Council's co-operation in the preparation of the AAP amount to engaging constructively, actively and on an ongoing basis?

### **Matter 3 – AAP scope, boundary, vision and core themes, and purpose**

#### **Issue**

Whether the AAP scope, boundary, vision and core themes, and purpose are justified, effective, and consistent with national policy.

#### **Questions**

##### *Scope*

1. Does the AAP include any policies that amend strategic policies?
2. Are the policies covered by the AAP consistent with the requirements of Policy EW1 of the West Oxfordshire Local Plan? Are any matters outlined in EW1 not included in the AAP? If so, why?
3. How does the AAP take account of other relevant plans and strategies for the area?

##### *Boundary*

4. Is the AAP site boundary sufficiently clear? What is the purpose and effect of extension of the boundary to the north? Has the boundary changed in any other ways since adoption of the West Oxfordshire Local Plan? Taken as a whole, is the boundary justified?

##### *Vison and core themes*

5. How has the vision for Salt Cross in paragraph 4.3 been arrived at? Is it justified?
6. How have the seven core themes in the AAP been arrived at and how do they relate to the vision? Are the core themes the right ones to focus on and do they cover all the necessary issues?
7. To what degree have the Town and Country Planning Association Garden City Definition and Principles influenced the approach in the AAP and is it appropriate and justified?

##### *Purpose*

8. Is the intended purpose and operation of the AAP sufficiently clear? Is it mainly aimed at addressing a single planning application for development of the whole site?
9. Are the policies flexible enough to respond to different scenarios, for example to manage multiple planning applications for individual parcels of land or situations where sites become available at a later date or to deal with proposals that follow the initial development of the garden village?
10. Are the policies intended to apply to all types of development, including minor development, unless indicated in the policy?

## **Matter 4 – Meeting current and future housing needs**

### **Issue**

Whether the policies on meeting current and future housing needs have been positively prepared and whether they are justified, effective, and consistent with national policy.

### **Relevant Policies – 22-26**

### **Questions**

1. Taking each policy in turn, what are the specific sources of evidence that support the chosen policy approach? What alternative approaches were considered and why were they discounted?
2. Do the policies serve a clear purpose and avoid unnecessary duplication?
3. Is the indicative delivery trajectory set out in figure 10.1 realistic? What are the effects of being unable to meet the delivery trajectory set out in the West Oxfordshire Local Plan? What assumptions have been made about time scales, phasing and the relationship with infrastructure provision?

#### *Policy 22*

4. Is the flexibility that allows delivery of 2200 homes to be exceeded justified by the evidence and consistent with Policy EW1 of the West Oxfordshire Local Plan?
5. Do the requirements relating to provision of supporting infrastructure and exemplary design repeat other policies in the AAP? Is modification needed to remove these requirements?
6. Are any other modifications necessary for soundness?

#### *Policy 23*

7. Is the indicative approach to market and affordable housing effective and justified, including the accommodation mixes? Does the approach reflect the needs of Oxford City identified through ongoing co-operation and is modification needed to also refer to Oxford City's Housing Register?
8. Is the requirement to demonstrate 'genuine affordability' justified and consistent with national policy?
9. Are any other modifications necessary for soundness?

#### *Policy 24*

10. Are there any modifications necessary for soundness?

#### *Policy 25*

11. Is the requirement for at least 5% of the total number of homes to be set aside as serviced plots justified by the evidence, including registers kept under the Self Build and Custom Housebuilding Act 2015?
12. Does the policy include sufficient certainty on what should happen if plots are not taken up?
13. Are any modifications necessary for soundness?

*Policy 26*

14. Is the requirement to provide for a non-exhaustive list of specialist housing needs as part of the overall housing mix justified and will it be effective? Is delivery of any specialist housing need on Salt Cross essential to meeting the needs of the area as a whole, including those of Oxford City?
15. What consideration has been given to the opportunity to provide accommodation for Gypsies and Travellers as set out in paragraph 9.5.51 of the West Oxfordshire Local Plan?
16. Are any modifications necessary for soundness?

## **Matter 5 – Salt Cross Science and Technology Park and Small Scale Commercial Opportunities and Flexible Business Space**

### **Issue**

Whether the policies on the Salt Cross science and technology park and small scale commercial opportunities and flexible business space are justified, effective, and consistent with national policy.

### **Relevant Policies – 18, 19**

### **Questions**

1. Taking each policy in turn, what are the specific sources of evidence that support the chosen policy approach? What alternative approaches were considered and why were they discounted? Is the policy approach in the AAP based on a robust understanding of business needs?
2. Do the policies serve a clear purpose and avoid unnecessary duplication?
3. Is provision of the science and technology park on a single site a justified and effective approach? How were other options considered and discounted, including a more dispersed approach characterised by a collection of smaller employment clusters?
4. Is provision for safeguarding land needed for developing the science and technology park effective and justified? Will the Policy enable land to be safeguarded over the lifetime of the project?
5. What assessment has been made of any effects of a 'hub' that includes complementary uses under Policy 18 and small scale commercial opportunities under Policy 19 on the vitality and viability of other nearby services, including those in Eynsham?
6. Will recent and proposed changes to the Use Classes Order have an impact on the effectiveness of the policy?
7. Are any modifications to Policies 18 and 19 necessary for soundness?

## **Matter 6 – Movement and connectivity**

### **Issue**

Whether the policies on movement and connectivity are justified, effective, and consistent with national policy.

### **Relevant Policies – 13-17**

### **Questions**

#### *Transport infrastructure requirements*

1. Does the evidence base demonstrate a clear understanding of the transport infrastructure challenges and opportunities associated with delivery of the AAP?
2. Does Appendix 5 of the AAP clearly identify all the necessary transport infrastructure requirements, including those necessary to encourage walking and cycling? Is this list accurate, comprehensive and reflected in the policies?
3. Taking each transport infrastructure requirement in turn, what are the specific sources of evidence that support the need for it and the chosen policy approach? Is each requirement justified by the evidence, deliverable, appropriate in terms of when it is required and any phasing, with a source of financing identified? How have alternatives been considered?
4. How have shared transport infrastructure requirements arising from development under the AAP and of the West Eynsham Strategic Development Area (SDA) been considered? How have the cumulative effects of development of the SDA and AAP been considered?
5. How have the effects on the A34 been considered? How does the chosen approach in the AAP reflect engagement with Highways England?
6. Are any modifications necessary for soundness?

#### *A40 specific questions*

7. To what extent has the A40 Corridor Strategy influenced the proposals?
8. Are the necessary transport infrastructure requirements to the A40 sufficiently clear in the policies? Do policies 14, 15 and 17 repeat requirements, using different language without justification? Is modification required to remove repetition and improve clarity?
9. Is the requirement for an underpass between the Garden Village and Eynsham justified and deliverable? What alternatives were considered?
10. Is safeguarding of land along the southern boundary for the widening of the A40 justified?
11. Is the prohibition of additional junctions on the A40 justified?

#### *Hanborough station specific questions*

12. Will the policies achieve good connectivity between Salt Cross and Hanborough Station? How were options considered and discounted? Will the chosen policy approach be deliverable and effective?
13. How does policy in the AAP relate to the masterplan being developed for Hanborough Station?
14. Are the financial contributions towards the North Cotswold Line Transformation and development of Hanborough as a transport hub justified?

*Sustainable Transport Hub specific questions*

15. Will the chosen policy approach be successful in integrating the Hub in to the wider development of Salt Cross? How has connectivity to the wider Garden Village been considered?
16. Does the evidence consider the benefits and potential impacts of the Hub (in particular the park and ride), including effects linked to users from outside the Eynsham area?
17. Is expansion of the park and ride appropriately considered?

*Car and cycle parking specific questions*

18. Are the absolute maximum car parking standards in Policy 16 justified and consistent with local and national policy? How have the standards taken account of policy in Paragraph 105 of the Framework? Is modification required to ensure consistency with national policy?
19. Are the prescribed minimum standards for cycle parking in Policy 14 justified?

*Other questions*

20. Will the requirements of Policies 13-17, in combination with others, be successful in managing risks associated with rat running (including linked to schools)?
21. Are the requirements in Policy 17 preventing occupation of Salt Cross (unless car free) until completion of related infrastructure works, including the A40 bus lanes, justified and deliverable?
22. Do the policies serve a clear purpose and avoid unnecessary duplication?
23. Are any other modifications necessary to Policies 13-17 for soundness?

## **Matter 7 – Net Zero Carbon Development, Green Infrastructure, and Protecting and Enhancing Environmental Assets**

### **Relevant Policies – 2, 7, 9-12**

#### **Issue**

Whether the policies on net zero carbon development, green infrastructure, and protecting and enhancing environmental assets are justified, effective, and consistent with national policy.

#### **Questions**

1. Taking each policy in turn, what are the specific sources of evidence that support the chosen policy approach? What alternative approaches were considered and why were they discounted?
2. Do the policies serve a clear purpose and avoid unnecessary duplication?
3. Does the AAP clearly distinguish between the hierarchy of designated and non-designated sites that are relevant to the plan area and appropriately assess any impacts, including mitigation and opportunities for enhancement?
4. Will the policies, in combination with others, manage the air pollution effects on the Oxford Meadows SAC appropriately?
5. Have any effects on Eynsham Woods been properly considered and managed?

#### *Policy 2*

6. Does the policy adopt a clear definition of 'Net Zero Carbon'?
7. For effectiveness, are all aspects of the policy deliverable and based on evidence that takes account of any technical, financial or practical constraints, including overlapping regulatory requirements? Are the energy efficiency and carbon targets within the policy justified?
8. Does the policy take an appropriate approach to applying national standards and methodologies for assessing energy demands from buildings? Are any differences in approach justified and effective?
9. Are the potential energy demands of non-residential buildings appropriately considered?
10. How would the requirements relating to the provision of information, validation, and onwards monitoring and enforcement linked to the policy to be managed in practice and are they effective?
11. Are any modifications necessary for soundness?

#### *Policy 7*

12. How does the AAP ensure that green infrastructure would be appropriately connected to areas beyond the site boundary?
13. Is the requirement for 50% of the overall area to form the overall green infrastructure network justified and effective? What alternatives were considered? Is the requirement flexible enough to respond to changing circumstances?
14. Have management and maintenance costs and requirements been properly considered and evidenced and are they justified and deliverable?

15. Is prescribing the stage in the planning application process at which a Green Infrastructure Strategy and landscaping scheme should be submitted necessary and justified? Is modification required to allow some flexibility?
16. Is the requirement for full award accreditation using the Building with Nature Standards justified and effective? How would compliance with the requirement be assessed? Is modification required to remove duplication of the need for accreditation in Policy 7 and Policy 10?
17. Are any other modifications necessary for soundness?

#### *Policy 9*

18. Is the requirement for 25% overall net gain justified and consistent with national policy?
19. How would off site mitigation be delivered in practice?
20. Will the gains be measurable, genuine and demonstrable?
21. How does the Biodiversity Net Gain Strategy differ from the Biodiversity Mitigation, Compensation, Monitoring and Management Framework?
22. Are any modifications necessary for soundness?

#### *Policy 10*

23. Does the policy take full account of flood risk, including longer term implications? Has the latest Strategic Flood Risk Assessment (dated August 2020) been appropriately considered? Is the requirement to reduce surrounding flood risk justified – how would this be delivered in practice?
24. Are the requirements in relation to sustainable drainage systems effective? Has the advice of the Lead Local Flood Authority been taken into account? Is there any clear evidence that the requirements would not be appropriate?
25. Have issues relating to water demand, waste water, and water quality been adequately considered and are the policies relating to these issues justified and deliverable? Does the policy exceed the requirements of Local Plan Policy OS3? Does the updated Water Quality Impact Assessment (dated February 2021) suitably assess the environmental impacts on water quality and does the evidence indicate that permits would reasonably be achievable?
26. Is the repeat of the requirement for accreditation using the Building with Nature Standards in Policy 10 and Policy 7 justified? Is modification required to remove duplication?
27. Are any other modifications necessary for soundness?

#### *Policy 11*

28. Is prescribing the stage in the planning application process at which the prescribed reports should be submitted necessary and justified? Is modification required to allow some flexibility?
29. Are any other modifications necessary for soundness?

*Policy 12*

30. Does the AAP identify all the relevant known heritage assets? Will the policy, in combination with others, provide an appropriate basis for assessing the significance of the assets and considering any impacts? Is suitable provision made for unidentified heritage assets (i.e. archaeology)?
31. Does the policy, in combination with others, appropriately manage risks of physical and setting change associated with the Grade II listed buildings at City Farm?
32. Are any modifications necessary for soundness?

**Matter 8 – Viability****Issue**

Whether the AAP is supported by appropriate evidence of viability to demonstrate that the policies are justified, effective, and consistent with national policy.

1. Does the AAP clearly set out all the expected contributions from development?
2. Is the viability evidence underpinning the AAP a proportionate assessment? Is it suitably comprehensive, covering all the expected contributions? Is it robust, based on up to date information and evidence of need?
3. Does the viability evidence reflect the recommended approach in national planning guidance?
4. Overall, has the total cumulative cost of all relevant policies in the AAP been considered and will the cost not undermine deliverability of the plan?
5. Are any modifications necessary for soundness?

## **Matter 9 – Other Policies**

### **Issue**

Whether other policies in the AAP are justified, effective, and consistent with national policy.

### **Relevant Policies – 1,3,4,5,6,8,20,21,27,28,29,30,31**

#### *Policy 1*

1. Is the natural capital approach sufficiently clear? What information requirements would be necessary to demonstrate the adoption and demonstration of a natural capital approach?
2. Are any modifications necessary for soundness?

#### *Policy 3*

3. Is prescribing the stage in the planning application process at which a waste strategy should be submitted necessary and justified? Is modification required to allow some flexibility?
4. How would the requirement to consider the use of advanced waste collection systems be met in practice and is it justified?
5. Are any modifications necessary for soundness?

#### *Policy 4*

6. Is the requirement for a Health Impact Assessment justified, and how does it relate to the requirements of other policies, including the assessment required under Policy ENP3(a) of the Neighbourhood Plan? Would the requirement for alignment with the emerging Oxfordshire HIA be justified and effective?
7. Is prescribing the stage in the planning application process at which a HIA should be submitted necessary and justified? Is modification required to allow some flexibility?
8. Are any modifications necessary for soundness?

#### *Policy 5*

9. Is the requirement for the appointment and funding of a Community Development Officer justified by the evidence? How would it be delivered in practice?
10. Are any modifications necessary for soundness?

#### *Policy 6*

11. Are any modifications necessary for soundness?

#### *Policy 8*

12. Is prescribing the stage in the planning application process at which a food strategy should be submitted necessary and justified? Is modification required to allow some flexibility?
13. Are any other modifications necessary for soundness?

*Policy 20*

14. How will the requirement for every household and shared space to be enabled for the provision FttP broadband be delivered in practice? Will it be effective? How does this relate to the Ultrafast fibre and other similar requirements in Policy 16? Is modification required to avoid duplication?
15. Are any other modifications necessary for soundness?

*Policy 21*

16. Is prescribing the stage in the planning application process at which a CEP should be submitted necessary and justified? Is modification required to allow some flexibility?
17. Are any other modifications necessary for soundness?

*Policy 27*

18. What is the policy trying to achieve? Is repeating/summarising other policies in the AAP justified? Should this policy be removed to avoid unnecessary repetition?
19. Is modification to para 11.12 needed to ensure consistency with the Use Classes Order?
20. Are any modifications necessary for soundness?

*Policy 28*

21. Are each of the land uses set out covered by more detailed policies elsewhere in the AAP? Are any additional requirements justified by the evidence and deliverable?
22. Does the requirement to reflect the key elements of the illustrative Spatial Framework appropriately balance certainty around what the AAP should deliver with flexibility?
23. Are any modifications necessary for soundness?

*Policy 29*

24. Is the requirement for compliance with Building for Life 12 justified and consistent with national policy?
25. Are any modifications necessary for soundness?

*Policy 30*

26. What is the status of the Eynsham Area Infrastructure Delivery Plan and is it appropriate to base a site specific Delivery Plan on it?
27. Are any modifications necessary for soundness?

*Policy 31*

28. Does the evidence justify the stated preference for a Community Land Trust? Does the policy contain enough flexibility for other approaches to come forward? How will the policy be delivered in practice?
29. Are any modifications necessary for soundness?