

## Planning and Strategic Housing

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Mr Darren McCreery MA BA (Hons) MRTPI  
Mr David Spencer BA (Hons) MRTPI

Your Ref:  
Our Ref:  
Date: 13 October 2022

Dear Sirs

### **Salt Cross Area Action Plan (AAP) – Consultation on Proposed Main Modifications**

I write in relation to the above and with specific regard to the Main Modifications which are being proposed to the Salt Cross AAP Policy 2 – Net Zero Carbon.

Whilst we welcome your overall conclusion that the AAP can be made sound through a number of Main Modifications, we are extremely disappointed at the preliminary view reached that Policy 2 is neither consistent with national policy nor justified.

This sense of disappointment has been further exacerbated by the fact that very similar policies appear to have been accepted, albeit with some relatively minor changes, through recent development plan examinations in Cornwall and Bath and North East Somerset.

As you know, Salt Cross was identified by central Government in January 2017 as one of a number of garden communities under the Locally-Led Garden Villages, Towns and Cities Programme.

The prospectus issued at the time was clear that the Government were not looking to support places which merely use 'garden' as a convenient label but rather local areas that embed key garden city principles to develop communities that 'stand out from the ordinary'.

Furthermore, that local areas should adopt 'innovative approaches and solutions to creating great places rather than following a set of rules', including the use of quality design with 'cutting edge technology' (my emphasis).

These expectations are reflected in the West Oxfordshire Local Plan 2031 which identifies the garden village as a strategic location for growth and stipulates that development must be taken forward in accordance with key Garden Village principles including a strong emphasis on community engagement.

Preparation of the AAP has provided the District Council with the opportunity to work closely with the local community and other stakeholders to work through and define what those key principles should look like for Salt Cross.

The outcome of those conversations is a document which ultimately places the climate and ecological emergency at its core, forming a golden thread that runs through the entire document, underpinning the overall vision, objectives and the majority of policies.

The community-led view is helpfully summarised at page 32 of the submission draft AAP as follows:

***‘Climate change is the single most important issue for all of us to deal with and this must underpin the development and delivery of the garden village. There should be no reliance on fossil fuels with 100% use of renewable energy. All buildings should be zero-carbon or energy positive...’***

The aim of the AAP is therefore very clear – responding not only to the local community voice but also to the Government’s aspirations for garden communities. We are looking for an innovative and ambitious approach that sets a benchmark for other garden villages and new communities to follow in terms of deep green design principles that embed climate change mitigation and resilience.

The AAP is equally clear about what we are trying to avoid, which is a basic ‘do minimum’ approach which simply rolls forward past ideas and technologies in an unimaginative and unambitious manner.

In this respect, Policy 2 – Net Zero Carbon is seen by many, including the District Council, as something of a ‘flagship’ policy for the AAP, with many other local authorities keenly following its progress through examination.

We believe we have made a strong case to support the policy both in the way it is framed and the evidence base which underpins it. As such, we are disappointed that you do not appear to share our view that net zero operational carbon on-site and 100% renewable energy generation should be a requirement of future development at Salt Cross.

We understand from your letter of 26 May 2022 (INSP 17) that your concerns are twofold – firstly that the policy is not consistent with national policy and secondly that the policy is not justified.

In terms of national policy, we believe AAP Policy 2 as submitted for examination, will help to deliver the broader objectives of the Government’s Net Zero Strategy: Build Back Greener (October 2021) and is consistent with the NPPF.

Paragraph 152 of the NPPF emphasises that the planning system should help to shape places in ways that contribute to radical reductions in greenhouse gas emissions, with paragraph 153 emphasising the need for plans to take a proactive approach to mitigating and adapting to climate change in line with the objectives and provisions of the Climate Change Act 2008 and the Planning and Energy Act 2008.

We assume that your concerns may lie in paragraph 154 (d) of the NPPF which states that ‘any local requirements for the sustainability of buildings should reflect the Government’s policy for national technical standards’. And also possibly in paragraph 12 of the Government’s Climate Change Planning Practice Guide which states that, local planning authorities can set energy performance standards for new housing that are higher than the building regulations, ‘but only up to the equivalent of Level 4 of the Code for Sustainable Homes’.

On the first of these issues, as you will recall from our hearing statement for Matter 7 (paragraphs 7.11 and 7.12), the Council is of the firm view that it is not restricted in its ability to require energy efficiency standards above Building Regulations and has the power to set its own local energy efficiency standards for new homes.

Given the similar nature of policies being examined, clarification on this issue was recently sought from central Government by Bath and North East Somerset Council as part of the examination of their Local Plan Partial Update.

Notably, Jonathan Mullard at the Department for Business, Energy and Industrial Strategy subsequently confirmed the following key points in writing:

- *The recent 2021 uplift to the Building Regulations will deliver a meaningful reduction in carbon emissions, while ensuring high-quality homes that are in line with our broader housing commitments.*
- ***Plan-makers may continue to set energy efficiency standards at the local level which go beyond national Building Regulations standards if they wish.***
- *Local planning authorities have the power to set local energy efficiency standards through the Planning and Energy Act 2008.*
- *In January 2021, we clarified in the Future Homes Standard consultation response that in the immediate term we will not amend the Planning and Energy Act 2008, which means that local planning authorities still retain these powers.*

On the second of these issues, we respectfully question whether paragraph 12 of the Climate Change Planning Practice Guidance (which was updated in 2019) remains of any current relevance, given that Code Level 4 was the equivalent of a 19% CO<sub>2</sub> reduction from Part L 2013 and has now been superseded by the new Part L 2021 requirement for new homes which requires a 31% CO<sub>2</sub> reduction.

In short, we are not aware of anything in national policy that prevents the AAP from being able to stipulate specific local standards to achieve net zero carbon. Indeed, we feel it is incumbent upon the AAP to do so for the reasons set out above.

The second concern set out in your letter of 26 May is that Policy 2 is not justified, by which we assume to mean not appropriate taking account of reasonable alternatives and not based on proportionate evidence.

Again, we are disappointed by this conclusion and feel we have a strong evidence base, including technical and viability studies which fully supports and justifies the approach being proposed through Policy 2.

We are aware that very similar policies are being taken successfully through examination at Bath and North East Somerset and Cornwall, supported by evidence prepared by the same consultants that we have used – Etude. It is therefore difficult to see how or why it can be concluded that our approach as set out in Policy 2 – Net Zero Carbon is not justified.

Policy 2 as submitted for examination is clear and concise and most importantly measurable and enforceable. In contrast, the proposed Main Modifications which have been agreed for the purposes of public consultation have made the policy much looser, open to a greater degree of interpretation and therefore much less effective, contrary to the requirements of the NPPF.

I trust you find this letter helpful and understand why the District Council felt it had to take the slightly unusual step of responding to the consultation. We anticipate that given the level of interest in both the AAP and the zero carbon agenda more generally that a large number of representations on this issue are likely to be received.

We would respectfully urge you to carefully consider these representations along with our own in forming a final view on the soundness of Policy 2 as originally submitted and will await your final report with much interest.

Yours sincerely

Chris Hargraves

**Planning Policy Manager  
West Oxfordshire District Council**