

## EPIC /GreenTEA template for responding to the Salt Cross AAP ‘Main Modifications’

### Explanatory introduction

West Oxfordshire District Council’s consultation on the “Main Modifications”, which the Planning Inspectors have made to the Salt Cross Garden Village Area Action Plan, **closes on 4 November**. You can send your responses by email to [planning.consultation@westoxon.gov.uk](mailto:planning.consultation@westoxon.gov.uk).

Members of EPIC and GreenTEA have prepared a template that Eynsham residents and others might like to use or adapt as their own response to the consultation. See below.

The main document to respond to is CD7 [link]<sup>1</sup>. There are certain ways in which the Council would prefer you to respond, but as long as you quote the number of each of the “Main Modifications” you are responding to, that should be sufficient. They are numbered MM1 to MM55. Our template follows this approach, although we have made a general point at the beginning.

The Council also asks you to say whether or not you regard the Main Modifications you are responding to as “legally compliant” and “sound”, and explain your reasons. These terms are defined in the Guidance Note for examination [link]<sup>23</sup> It would seem that the Council has followed the legal procedure, in theory at least, although the fact that the Inspector has given no reasons relating to law nor policy behind what appears to be an unreasonable decision amounts to a legal flaw in the making of the Action Area Plan. The TCPA made it clear that their view on modifications to key Policy 2 was that “the decision by PINS to gut the net zero policy is plainly wrong and both irrational and unreasonable in terms of public law principles.”<sup>4</sup>

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<sup>1</sup> [CD7 - Schedule of Proposed Main Modifications - Salt Cross - Sept 2022 \(westoxon.gov.uk\)](#)

<sup>2</sup> [AAP Main Modifications Guidance Note - Salt Cross - Sept 2022 \(westoxon.gov.uk\)](#)

<sup>3</sup> <https://www.gov.uk/guidance/national-planning-policy-framework/3-plan-making> para 16. Plans should: (a) be prepared with the objective of contributing to the achievement of sustainable development <sup>11</sup>; (b) be prepared positively, in a way that is aspirational but deliverable; (c) be shaped by early, proportionate and effective engagement between plan-makers and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees; (d) contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals; (e) be accessible through the use of digital tools to assist public involvement and policy presentation; and (f) serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area (including policies in this Framework, where relevant).

<sup>4</sup> <https://tcpa.org.uk/pins-assault-on-an-exemplary-net-zero-planning-policy/>

We argue that the Main Modifications have made the Area Action Plan “unsound”. That is worth saying each time, if you agree.

In our template, we have concentrated on a few main points, but there are other points to make that may be more important to you personally. For example, if you are interested in sports facilities, you could write that you are unhappy about the change of language in MM9 (Policy 6), and you think it is now “unsound”. Here the language has been weakened, as it has throughout the Area Action Plan. Instead of facilities being provided “in accordance with” Sport England’s Active Design Principles, which is clear and precise, all that now needs to happen is that the Principles are paid “appropriate regard to”. That sounds like a get-out clause, meaning that the high standards that the Council wanted are less likely to be met.

Here is the template. You might like to ‘cut and paste’ into your response just those parts of it you agree with, or feel strongly about. If you do have additional comments to make, it would be good to put them at the top, where they are more likely to be noticed.

***Response to:***

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

***From: [Name and full contact details]***

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The Planning Inspectors’ Main Modifications to the Area Action Plan represent a massive missed opportunity to create a genuine ‘exemplar’ development and establish a high benchmark for all developments around the country to meet in future. The Plan, with the Inspectors’ changes, does not do nearly enough to address the climate and ecology crises. The Council had set out a Plan that would have gone some way to addressing these crises and inspired others to do the same. The Planning Inspectors have put an end to that and made the entire Plan **unsound**.

They have introduced additions, deletions and changes of language throughout that have greatly weakened the original text. They have lowered standards and introduced loopholes that will allow developers to make excuses for not meeting them. The Plan has become open house for token gestures. It is also inconsistent as the changes to Policy wording do not reflect the detailed arguments, evidence and aspirations set out elsewhere in the Plan.

**MM2/Core Objective GV3**

It is particularly concerning, in the midst of an accelerating climate crisis, that the means of achieving net zero-carbon development have been deleted from this Core Objective. How can it be achieved if you remove “100%” (use of low and zero-carbon energy) and introduce a term as loose as “wherever possible” (in relation to no reliance on fossil fuels)? This

change undermines the stated vision for the garden village: 'The Garden Village is an exemplar net zero carbon, energy positive development which meets the challenges of climate change head on.'<sup>5</sup> The NPPF requires a plan to "contain policies that are clearly written and unambiguous." The new wording is unclear and ambiguous and do not reflect the requirement for *80% carbon reduction by 2035 and net zero by 2050*.

MM2 is therefore now **unsound**.

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

Core Objective GV3 has been further weakened by the changes to Policy 2, which has been entirely rewritten without justification and is now inconsistent with the detailed arguments, evidence and aspirations set out elsewhere in the Plan and supporting documents. For instance it contradicts the recommendation for the zero carbon option as "the only scenario that achieves the level of energy efficiency and low- and zero-carbon energy generation required to meet climate change targets. It is also the only scenario that aligns with the aspirations of the Council and local communities."<sup>6</sup> The Council, local groups and residents, energy experts and others worked hard over a long period of time to get this right, but the Main Modification has taken the force and effectiveness out of the standards and removed the Key Performance Indicators. The TCPA has concluded that "the plan's net zero objective is clearly in line with government policy, supported by the Sixth Carbon Budget which is itself enshrined in law and entirely consistent with the climate duty in the 2004 Planning Act and the powerful enabling law in the Energy Act."<sup>7</sup> It is this net zero objective that has been removed.

The NPPF requires a plan to "contain policies that are clearly written and unambiguous." The new wording is reduced to a general aspiration and is thus unclear and ambiguous. The NPPF requires a plan "to be shaped by early, proportionate and effective engagement between plan-makers." This change and the lack of reasons for the change undermine the outcome of long and extensive public engagement. It no longer satisfies the NPPF requirement for a plan "be prepared positively, in a way that is aspirational but deliverable" as the means to deliver the net zero aspiration have been removed.

MM4 is therefore **unsound**.

#### **MM12/Policy 7 – Green Infrastructure**

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<sup>5</sup> AAP August 2020 para 5.42

<sup>6</sup> AAP August 2020 para 5.37, evidenced by EV17 Elementa "Assessing the trajectory for net-zero buildings for the Oxfordshire Cotswolds Garden Village" May 2020

<sup>7</sup> <https://tcpa.org.uk/pins-assault-on-an-exemplary-net-zero-planning-policy/>

The 50% provision of Green Infrastructure is likely to be unachievable if private gardens are included. They cannot be relied upon to stay green. Communal gardens can be included. The area of green roofs should be specified, so that they can be properly added to the total, and not left vague. Why have the Building with Nature standards been removed? This was a way of ensuring that 50% could be achieved. MM12 is therefore **unsound**.

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

The habitat in the Corpus Christi fields has been degraded since the land passed to a new manager. This may or may not be deliberate. Either way, it means that a future measurement of BNG will be from a much lower baseline than was the case just two or three years ago. A 25% increase in BNG will now be far less valuable than it would have been – unless the land is given time to regenerate naturally before the measurement is taken. If it isn't, MM15 is **unsound**.

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

This policy should apply to all development on the garden village site, not just major development. If it doesn't, MM22 is **unsound**.

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

The spine road should not just minimise severance of the site; it should avoid it altogether. Minimise is too vague a word and, in combination with MM27, makes MM24 **unsound**.

#### **MM27/Policy 17 – Road Connectivity and Access**

The spine road could easily become a permanent major through road and ruin the 'rural' and village atmosphere, particularly if the village is severed by it. It is therefore very disappointing to see the deletion of the intention to bisect it at a later date. It is also very hard to see why there has to be a through road at all (except for walkers, cyclists and buses), when there will be easy to access from both the east and the west. MM27 is therefore **unsound**.

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

Why has the reference to exemplary design standards been deleted from an 'exemplar' development? This makes MM35 **unsound**.

#### **MM40, 41, 44, 45 and 46 – on Custom and Self-Build Housing and Specialist Housing Needs**

The language for these Policies has been seriously weakened, despite strong community support, making the MMs **unsound**.

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

Last but not least, there is the bombshell of MM54, the new paragraph that subordinates everything in the Plan to the possibility – or likelihood – of renewed “viability assessment” as and when developers and landowners feel that their desired profit margins and income are under threat. Nobody expects developers to make a loss, or landowners to receive a pittance. It is right that they make a living, but *not* a killing. Viability is so vague a term in this context that it needs precise definition and public participation in its assessment. Without this, MM54 is **unsound**, as is the whole Plan.