

CHRIS HARGRAVES

Planning Policy Manager

Tel: 01993 861686

Email: chris.hargraves@westoxon.gov.uk

Council Offices

Woodgreen

WITNEY

Oxfordshire OX28 1NB

Tel: 01993 861000

www.westoxon.gov.uk



**WEST OXFORDSHIRE
DISTRICT COUNCIL**

2 April 2024

Matthew Giles
Plans Team
The Planning Inspectorate
Temple Quay House
2 The Square
Temple Quay
Bristol
BS1 6PN

Dear Matthew

Salt Cross Garden Village Area Action Plan (AAP) Legal Challenge

I write in relation to the above, in particular to seek an agreed way forward in light of the recent written judgement of Mrs Justice Lieven handed down on 20 February 2024 and her subsequent order dated 4 March 2024.

As you will be aware, the Salt Cross Garden Village AAP was formally submitted for examination in February 2021, with examination hearing sessions conducted by Mr Darren McCreery MA BA (Hons) MRTPI in June/July 2021.

The examination was subsequently paused to enable the Council to undertake some additional work on the phasing of infrastructure. Mr David Spencer BA (Hons) MRTPI was appointed as joint Inspector with effect from 2 February 2022.

Following public consultation on the additional infrastructure phasing work which closed on 6 April 2022, the Inspectors wrote to the Council on 26 May 2022 to confirm that the examination was able to progress to the Main Modifications stage.

Consultation on those proposed Main Modifications took place from 23 September to 4 November 2022 and the Inspectors' final report was received on 1 March 2023.

However, shortly afterwards, a legal challenge was submitted by Leigh Day on behalf of Rights Community Action (RCA) which challenged the legality of the Inspectors' conclusions regarding AAP Policy 2 – Net Zero Carbon Development by way of a judicial review.

The case was heard in the High Court in November 2023 and the written judgement was handed down on the 20 February 2024.

Council Offices

Woodgreen
WITNEY
Oxfordshire OX28 1NB
Tel: 01993 861000
www.westoxon.gov.uk



**WEST OXFORDSHIRE
DISTRICT COUNCIL**

The subsequent order of 4 March 2024 confirms that the claim for judicial review is allowed and that the Inspectors' report into the Salt Cross Area Action Plan dated 1 March 2023 and the Inspectors' proposed Main Modifications to the Salt Cross Area Action Plan are quashed, insofar as they relate to Policy 2 of the said Plan.

As a result, the District Council is now unable to proceed with the formal adoption of the AAP and having taken legal advice on the matter, we believe that the most appropriate way forward would be for the examination to now be re-opened to consider the submission draft version of Policy 2 in light of the legal challenge and also the Government's Local Energy Efficiency Standards Update Written Ministerial Statement of 13 December 2023.

This would enable the District Council to suggest Main Modifications to Policy 2 to ensure accordance with the recent ministerial statement and to provide any further evidence base as appropriate.

As you will no doubt be aware, there has been considerable stakeholder interest in the Inspectors' Report and subsequent legal challenge and an opportunity needs to be given to enable those stakeholders to have an input into the process.

We would therefore suggest that a timetable needs to be agreed between the Council and PINS to provide for the following:

- The Council to produce suggested main modifications for Policy 2, and, if appropriate, any additional evidence base necessary to justify these. The Council will need approximately 3 months to do this;
- The Inspector to produce MIQs in relation to Policy 2;
- An opportunity for all stakeholders to provide their response to the Inspector's MIQs;
- A short 1 or 2-day oral hearing to consider Policy 2;
- Production by the Inspector of a short report containing conclusions on Policy 2.

The council hopes that this timetable can be agreed quickly as we are naturally keen to take the AAP through to formal adoption as soon as possible.

We would also request that a new Inspector is appointed to consider Policy 2 in order to provide a fresh perspective and to avoid any concerns from stakeholders over the Inspector having any pre-conceived ideas in relation to it.

Council Offices
Woodgreen
WITNEY
Oxfordshire OX28 1NB
Tel: 01993 861000
www.westoxon.gov.uk



**WEST OXFORDSHIRE
DISTRICT COUNCIL**

I look forward to hearing from you at your earliest convenience in relation to the Council's suggestions.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Hargraves'.

Chris Hargraves
Planning Policy Manager