



WEST OXFORDSHIRE
DISTRICT COUNCIL

Salt Cross Garden Village Area Action Plan (AAP)
Statement of compliance in relation to
the Duty to Co-Operate



August 2020

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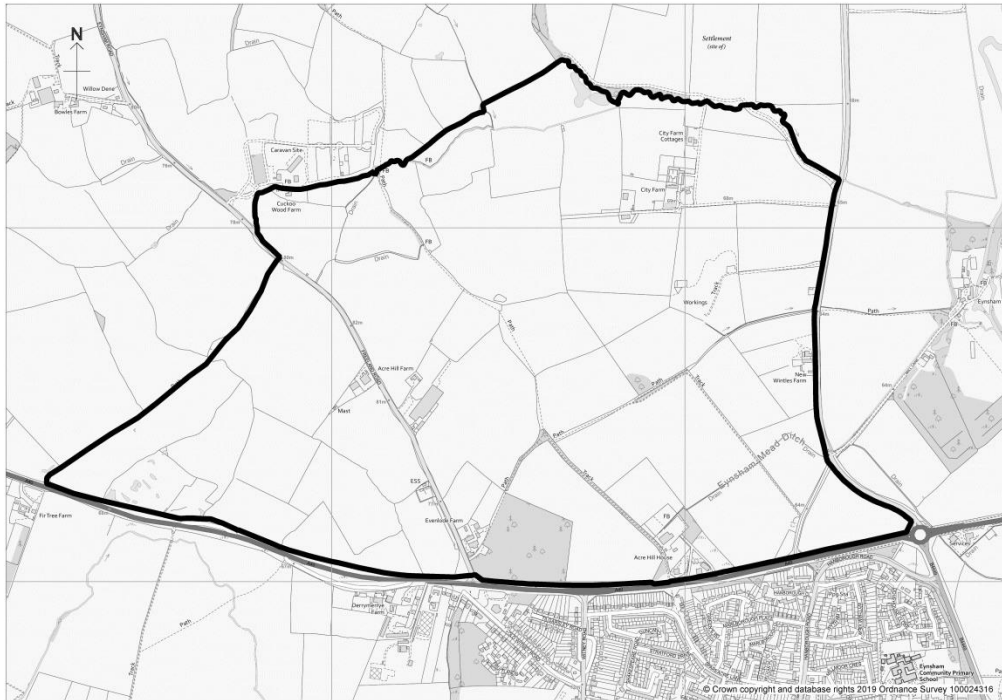
1. Introduction

- 1.1 The Localism Act (2011) introduced a ‘duty to co-operate’ which requires local planning authorities, County Councils in England and other prescribed public bodies to engage constructively, actively and on an ongoing basis in relation to strategic, cross-boundary planning matters such as housing, transport and infrastructure provision.
- 1.2 The purpose of the duty is to maximise the effectiveness of plan preparation in the context of strategic, cross-boundary matters. Importantly, when the Salt Cross Garden Village AAP is submitted for independent examination, the appointed Inspector will consider whether or not it has been prepared in accordance with all the relevant legislative requirements, including the duty to co-operate.
- 1.3 The purpose of this ‘statement of compliance’ is to demonstrate that the AAP has been prepared in accordance with the duty to co-operate with evidence provided as appropriate throughout.
- 1.4 This statement should be read in conjunction with the submission draft AAP and other supporting documents including the statement of consultation which have been formally published for a statutory period of 8-weeks from 28 September – 23 October 2020.
- 1.5 This duty to cooperate statement may be amended following the statutory 6-week publication period, prior to submission to the Secretary of State.

2. Background and context

- 2.1 West Oxfordshire District Council is in the process of preparing an Area Action Plan (AAP) in respect of Salt Cross Garden Village which is located to the north of the A40, near Eynsham (see map below).

Figure 2.1 - Salt Cross AAP boundary



- 2.2 The Garden Village site is allocated for around 2,200 homes plus business land and a range of other supporting services and facilities under Policy EW1 of the adopted West Oxfordshire Local Plan 2031.
- 2.3 The site is strategically located along the A40, around half way between Witney and Oxford and was included in the Local Plan to help meet West Oxfordshire's agreed share of 'unmet' housing need arising from Oxford City.
- 2.4 Importantly, Policy EW1 stipulates that the development of the Garden Village will be led by an Area Action Plan (AAP). Work on the AAP began in 2018 with an initial 'issues' consultation which was followed by a 'preferred options' consultation in 2019 and the final submission draft AAP which was published in August 2020. Each stage has been augmented with ongoing engagement and discussions with key stakeholders.

What is the Duty to Co-operate?

- 2.5 The duty to co-operate is a legal duty placed on local planning authorities, county councils in England and other prescribed public bodies to engage constructively, actively and on an ongoing basis in relation to matters of strategic, cross-boundary importance.
- 2.6 Specifically this includes matters that are likely to have an effect on at least two planning areas as well as ‘county matters’ such as minerals and waste development.
- 2.7 It should be noted that the duty to co-operate is not a duty to agree but instead requires local planning authorities to make every effort to secure the necessary co-operation on strategic cross-boundary matters before they submit their plans for examination.

Who does the duty apply to?

- 2.8 In addition to local planning authorities and county councils in England, the duty to cooperate applies to a number of other ‘prescribed’ public bodies. These include:
- The Environment Agency
 - Historic England
 - Natural England
 - The Mayor of London
 - The Civil Aviation Authority
 - The Homes and Communities Agency (now Homes England)
 - Clinical Commissioning Groups
 - The National Health Service Commissioning Board
 - The Office of Rail Regulation
 - Transport for London
 - Integrated Transport Authorities
 - Highway Authorities
 - The Marine Management Organisation
- 2.9 These organisations are required to cooperate with local planning authorities and county councils as well as with each other in discharging their obligations under the duty.
- 2.10 It should be noted that although the duty to co-operate does not apply to Local Enterprise Partnerships and Local Nature Partnerships, local planning authorities and the prescribed bodies listed above must cooperate with them and have regard to relevant activities when they are preparing their plans.

What sort of issues does the duty relate to?

- 2.11 The Localism Act (2011) stipulates that the duty to co-operate relates to:
1. The sustainable development or use of land that has or would have a significant impact on at least two local planning areas including (in particular) sustainable development or use of land for or in connection with infrastructure that is strategic and has or would have a significant impact on at least two planning areas; and
 2. The sustainable development or use of land in a two-tier area (such as Oxfordshire) if the development or use is a county matter, or would have a significant impact on a county matter (e.g. minerals and waste development).
- 2.12 The specific matters affected by the duty to cooperate will vary from place to place but are likely to include issues such as housing, employment, retail, leisure, infrastructure climate change and the natural and historic environment.
- 2.13 Not all of these issues will be relevant to all areas and conversely, there may be issues not listed above that are of particular relevance. Once the key issues have been identified, local planning authorities should work collaboratively with other bodies to ensure that strategic priorities across local boundaries are properly coordinated and clearly reflected in individual plans.

Why is the duty to co-operate important?

- 2.14 Important planning issues such as housing, employment and transport do not respect administrative boundaries and can often only be effectively addressed at a 'larger than local scale'. This is because people and businesses do not confine their activities to one Council area.
- 2.15 Examples include:
- Someone living in one area but working in another;
 - Waste generated in one area being disposed of somewhere else;
 - Construction materials for new development being imported from elsewhere;
 - Tourist attractions that attract visitors from far afield;
 - People choosing to shop or use leisure facilities in other areas; and
 - Drainage and flood risk with rivers and streams often running through several different areas.

3. Strategic Cross-Boundary Issues of Relevance to the Salt Cross AAP

- 3.1 Unlike the West Oxfordshire Local Plan which covers the whole District, the Salt Cross AAP relates to a much more specific, smaller area of land covering around 220 hectares to the north of the A40 near Eynsham.
- 3.2 Notwithstanding this, the garden village is a strategically significant area of planned growth and as such, raises a number of issues which require consideration on a cross-boundary basis.
- 3.3 These issues include:
- Meeting identified housing needs
 - Employment
 - Transport
 - Minerals and waste
 - The natural environment
 - Climate change mitigation and adaptation
 - Health and well-being
 - Infrastructure
- 3.4 The remainder of this section explains each of these issues in more detail and outlines the ongoing engagement which the Council has undertaken with relevant local authorities and other statutory bodies in accordance with the duty to co-operate.

Meeting identified housing needs

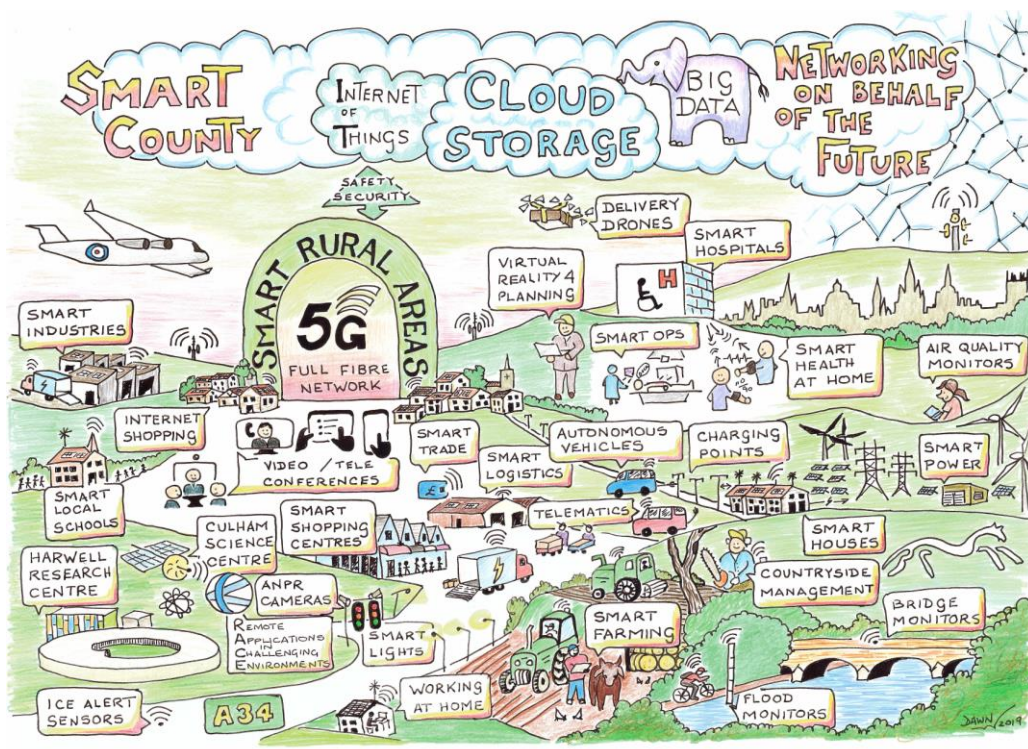
- 3.5 As part of the preparation of its adopted Local Plan it was agreed that West Oxfordshire would accommodate an additional 2,750 homes as a proportion of the overall unmet housing need arising from Oxford City, with the remainder being met in Cherwell, South Oxfordshire and the Vale of White Horse Districts.
- 3.6 The Local Plan outlines that the majority of these new homes will be provided at the Garden Village (2,200 homes) with the remainder (550 homes) being provided as part of the West Eynsham Strategic Development Area (SDA) which is allocated in the Local Plan for around 1,000 homes.
- 3.7 Given that the garden village was identified in response to Oxford's identified housing needs, there is a clear inter-relationship between the two local authorities.
- 3.8 The [housing strategy](#) that sits alongside the AAP has been prepared in this context including the provision of 'mainstream' market and affordable housing, as well as the potential for graduate and employer-linked housing and housing

for post-graduate students and academic staff as a result of the proximity of the garden village site to Oxford and its universities.

- 3.9 The submission draft AAP seeks to provide a balanced mix of new homes with a 50/50 split between market and affordable housing subject to viability. Based on an analysis of the existing housing offer, market dynamics, demographic changes, the nature of employment growth and the inter-relationship between housing demand in Eynsham and what is being built in Oxford City, the AAP housing strategy recommends the following mix of market housing:
- 1-bed 5–10%
 - 2-bed 20–25%
 - 3-bed 40–45%
 - 4+bed 25–30%
- 3.10 In terms of the type of affordable housing needed, the AAP housing strategy suggests a 60/40 split between rented affordable products and affordable home ownership subject to viability meaning that if 50% of the new homes provided at Salt Cross are affordable (c. 1,100 homes) 30% would be rented affordable housing (c. 660 units) and 20% affordable home ownership (c. 440 units).
- 3.11 Of the 30% rented element, the strategy suggests that, subject to viability, the evidence of affordable housing need justifies a split of rented provision such as 50/50 between social rent and affordable rent to improve affordability. Of the 20% affordable home ownership element, the strategy suggests that the priority should be for shared-ownership properties.
- 3.12 Positive discussions remain ongoing with Oxford City in light of the AAP housing strategy, including the most appropriate way in which the Garden Village can help to meet identified affordable housing needs and the mechanisms to be used to allocate new affordable homes to those in identified need.
- 3.13 A memorandum of understanding is currently in the process of being prepared between the two authorities and this will be provided as part of the overall package of documents when the AAP is submitted for examination.
- 3.14 As one of a number of Garden Villages being supported by central Government, the District Council has also been continually engaged with Homes England throughout the preparation of the AAP.

Employment

- 3.15 The submission draft AAP makes provision for a new science and technology park of around 40 hectares including up to around 80,000 sqm of floorspace. Employment provision of this scale has cross-boundary implications in part because of potential commuting patterns but also in respect of the overall 'offer' and value of the Oxfordshire economy.
- 3.16 Discussions between the District Council and the Oxfordshire Local Enterprise Partnership (OxLEP) have been ongoing since the Garden Village was first identified as a potential development opportunity in 2016 and OxLEP is highly supportive of the concept of a new science and technology park in this location.
- 3.17 This is reflected in the Oxfordshire Local Industrial Strategy (LIS) which identifies the Garden Village as one of a number of strategically important opportunities for new business growth within Oxfordshire.
- 3.18 The District Council has been working closely with OxLEP and the Innovation team at Oxfordshire County Council in respect of promoting smart living/the living lab concept at the Garden Village including in relation to issues such as transport and health.



- 3.19 The Council has also been engaged in ongoing discussions with OxLEP regarding the use of a Community Employment Plan (CEP) to provide training and job opportunities for local people through apprenticeships to provide new skills such as construction. This is embedded as a requirement of development in the submission draft AAP.

Transport

- 3.20 The A40 is a strategically important corridor connecting the west Oxfordshire settlements of Eynsham, Witney and Burford to Oxford and beyond, joining the M40 to the east of Oxford. The A40 also provides connections to Gloucester, Cheltenham and the M5.
- 3.21 The section of the A40 abutting the Garden Village and the West Eynsham SDA is a single carriageway road and, on the section between Witney and Oxford, between 23,000 and 32,000 vehicles currently use it each day, which is above the road's capacity.
- 3.22 In recognition of the need for improvements to the A40, Oxfordshire County Council have secured funding through the Government's Local Growth Fund (LGF) to deliver a new park and ride to the north of Eynsham (the location of which falls within the AAP boundary) supported by eastbound bus priority along the A40. Funding has also been secured through the Government's Homes from Infrastructure Fund (HIF) to support a number of other improvements to the A40 including additional dualling between Witney and Eynsham, westbound bus priority and various other supporting measures.
- 3.23 Given the scale of the Garden Village proposal its proximity to the A40, the District Council has been engaged with Oxfordshire County Council (OCC) as the local highway authority to ensure maximum alignment and benefit between the proposed improvements to the A40 and the development of Salt Cross.
- 3.24 This has involved the joint commissioning of a range of supporting technical evidence and consistent input from OCC in terms of the content and policies of the submission draft AAP ensuring that issues of strategic importance are robustly addressed including the potential impact of development at the Wolvercote junction on the edge of Oxford, including the A34 – a concern raised through engagement with Highways England.
- 3.25 In support of the AAP, a Habitat Regulations Assessment (HRA) report has been prepared by independent consultants LUC and focuses in particular on the potential air quality impact associated with additional traffic from the Garden Village travelling along the A40 past Oxford Meadows – a site of European significance. As part of the preparation of the HRA and AAP more generally, Natural England have been continuously engaged.

Minerals and waste

- 3.26 The District Council has also worked closely with OCC in respect of mineral and waste planning issues. This is of particular relevance to the Salt Cross Garden Village site which includes an existing aggregate recycling facility which is safeguarded under the adopted Oxfordshire Minerals and Waste Core Strategy.
- 3.27 The Garden Village site also contains some sand and gravel resources, with the eastern part falling within a Strategic Resource Area (SRA) for the Thames, Lower Windrush and Evenlode Valleys and the Mineral Safeguarding Area for Sharp Sand and Gravel.
- 3.28 The outcome of these discussions has been that, in respect of the waste facility, the Garden Village provides an opportunity to consider a replacement facility within the wider garden village or beyond. This could be for a facility that would be more compatible and better linked to the other uses on the site.
- 3.29 In respect of minerals, OCC accepts that as the Garden Village site has been allocated for housing, that the need for housing outweighs the need for the mineral resource in this case and as such they would not require the mineral to be extracted prior to the development, but recommend that it is considered.

The natural environment

- 3.30 The Garden Village site benefits from a rich natural environment and the District Council has been engaged with a number of relevant partners throughout the preparation of the AAP including the Environment Agency in respect of various issues including flood risk, biodiversity net gain and Green Infrastructure (GI).
- 3.31 Natural England has been similarly engaged in respect of biodiversity net gain and GI as well as the supporting Habitat Regulations Assessment (HRA) of the AAP as outlined above.
- 3.32 Oxfordshire County Council have also been continuously engaged as Lead Local Flood Authority as well as in respect of various other environmental matters including GI and biodiversity net gain.
- 3.33 A range of other groups and organisations have also been engaged including the Berks, Bucks and Oxon Wildlife Trust (BBOWT) and TVERC – the Thames Valley Environmental Records Centre.

Climate change mitigation and adaptation

- 3.34 West Oxfordshire has declared a climate and ecological emergency and this forms a key corporate priority within the Council Plan. Within the submission draft AAP, climate action forms a golden thread which runs through the whole document and linking to a number of issues including building design, renewable energy, biodiversity, transport and the water environment.
- 3.35 Throughout the preparation of the AAP the District Council has engaged with a number of relevant organisations including Oxfordshire County Council, the Environment Agency, Natural England to ensure that the policies and proposals contained therein, provide a suitably robust response to the challenges presented by climate change.

Health and well-being

- 3.36 In addition to climate action, a further core theme of the submission draft AAP is healthy place shaping. This has become a central tenet of plan-making in Oxfordshire and in this respect, the District Council has been closely engaged with relevant partners including Oxfordshire County Council and the other Oxfordshire local authorities including Cherwell District to ensure that the AAP sets out a suitably robust and co-ordinated response including alignment with an emerging Oxfordshire wide methodology for Health Impact Assessments (HIA).
- 3.37 The District Council has also been engaged with the Oxfordshire Clinical Commissioning Group (OCCG) in respect of the various options for dealing with future capacity increases needed for primary care provision in the Eynsham area as a result of planned growth at the Garden Village and also at the West Eynsham Strategic Development Area (SDA). Those discussions will remain ongoing as both sites come forward.

Infrastructure

- 3.38 A core theme raised through consultation on the AAP to date has been the need to ensure that the Garden Village is supported by appropriate investment in new and enhanced infrastructure including transport, education, community facilities, green space and so on.
- 3.39 In this respect, the submission draft AAP is supported by a separate Infrastructure Delivery Plan (IDP) which considers the various forms of infrastructure needed to support planned growth and the mechanisms through which they will be brought forward.

3.40 Preparation of the AAP and IDP has therefore involved continuous engagement with a number of infrastructure providers including in particular Oxfordshire County Council in respect of transport, education, cultural services (libraries, museums etc.) as well as engagement with other bodies including the Environment Agency in respect of drainage and flood risk mitigation and the clinical commissioning group in respect of health care provision.

4. Next Steps

4.1 The submission draft AAP has been formally published for an 8-week period of consultation from 28 August – 23 October 2020, in accordance with Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

4.2 In accordance with the duty to co-operate, the relevant prescribed bodies identified in the regulations will be engaged along with other specific and general consultees and invited to provide formal representations.

4.3 All representations will be carefully considered by the Council before a decision is made on whether to submit the AAP for independent examination. If any significant issues arise that warrant further direct engagement with relevant parties in relation to cross-boundary issues of strategic importance, further dialogue will take place prior to submission of the AAP for examination and this statement will be updated accordingly to provide an accurate record.

4.4 In short, the District Council remains committed to continuous and active engagement with relevant parties through the preparation of the AAP up until and beyond the point of adoption.