

CHRIS HARGRAVES

Head of Planning

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**

4 February 2025

Inspector Helen Hockenhull BA (Hons) B.PI MRTPI

Dear Ms Hockenhull

Examination of the Remitted Part of the Salt Cross Village Area Action Plan (AAP)

I am writing in response to your letter dated 7 January 2025. I apologise for the delay in replying, which I explain further below.

Your letter provides valuable clarification on several key points, particularly regarding the examination of the remitted Policy 2 in light of the previous legal challenge by RCA, the December 2023 Written Ministerial Statement (WMS), and the National Planning Policy Framework (NPPF).

Regarding the NPPF, we note with interest that the updated version, published in December, underscores the planning system's role in supporting the transition to net zero by 2050. This shift in national policy aligns with and strengthens our net zero carbon ambitions for Salt Cross Garden Village.

Your letter also confirms that the Council should submit a single set of proposed amendments to Policy 2 - those necessary for soundness - rather than presenting two alternative policy options. This guidance is helpful, and we will proceed accordingly.

However, at this stage, we are still unable to determine whether our proposed changes should follow our preferred energy metrics-based approach or an alternative approach aligned with Part L of the Building Regulations.

As we previously outlined, there remains significant inconsistency in how this issue is being addressed in Local Plan examinations. For example, Lancaster City Council, in adopting its Local Plan Partial Review (Climate Emergency), was required to amend Policy DM30a Sustainable Design and Construction to align with Part L, using Target Emission Rates (TERs).

Conversely, Merton Borough Council, in its climate-focused Local Plan update adopted in November 2024, successfully included Policy CC2.2 Minimising Energy Use.

Merton's policy mandates that all new residential developments disclose their anticipated Energy Use Intensity (EUI) at both design and pre-occupation stages, while also demonstrating compliance with specific fabric energy efficiency standards.

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The supporting text highlights that these measures more effectively capture energy efficiency improvements through building form and fabric specifications than a percentage improvement against Building Regulations.

Furthermore, it notes that:

- The current Part L methodology fails to accurately reflect real-world operational performance due to its reliance on carbon emissions as a primary metric.
- There is a significant performance gap between estimated and actual energy use under the existing methodology, which must be addressed to achieve genuine net zero carbon buildings.
- The 2021 Building Regulations do not account for unregulated emissions from cooking, white goods, and other equipment, which can constitute up to 50% of a building's operational emissions.

These conclusions align closely with those reached by our consultant team in their work to date.

Merton's approach also establishes specific EUI targets for different land uses, requiring developers to make commercially prudent efforts to meet them, in line with Policy CC2.3.

While I appreciate that your remit is limited to the Salt Cross Area Action Plan (AAP), I trust these examples illustrate the challenges we face and reinforce our concerns regarding the consistency of the Planning Inspectorate's approach in relation to the December 2023 WMS.

Following our letter of 19 November, we wrote to the Department for Levelling Up, Housing, and Communities (DLUHC) on 6 December, seeking clarity on three key issues:

1. Consistency of approach within the Planning Inspectorate.
2. The extent to which the 2023 WMS precludes the use of alternative energy-based metrics.
3. Whether the Government intends to review, withdraw, or replace the 2023 WMS in the near future.

Unfortunately, we have yet to receive a response, which leaves us unable to determine the appropriate approach for revising Policy 2 and its supporting evidence base.

Your letter reasonably requests clarity on our intended timetable; however, given the outstanding issues, I cannot provide precise dates at this time. I assure you that we remain committed to advancing the AAP to adoption as soon as possible, and I appreciate your understanding of our position.

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We have now followed up on our previous letter to Government and hope to receive a response within the next three weeks (by 25 February 2025). We estimate that we would then require an additional three weeks to finalise and submit our proposed modifications to Policy 2 and the supporting evidence i.e. by 18 March 2025.

In the interests of expediency, we will look to submit on or before this date irrespective of whether we have received a response from Government in relation to the WMS.

I hope this update is helpful. Please do not hesitate to contact me if I can be of further assistance.

Yours sincerely

A handwritten signature in black ink that reads "Hargraves".

Chris Hargraves
Head of Planning