

STATEMENT OF CASE FOR POETS. PROPOSED CONSTRUCTION OF ROADS AND BRIDGES ETC BY OXFORDSHIRE COUNTY COUNCIL

Planning Inspectorate Ref. Application APP/U3100/V/23/3326625, Oxfordshire
County Council Ref. R.00138.

Procedural Matters

Please Note - The matters in this part of the formal Statement of Case for POETS do not form part of this Case but are attached for information in the interests of procedural fairness.

POETS contend that the Environmental Statement (ES) accompanying the application before the Secretary of State is fundamentally flawed for two reasons and are asking the Inspector to consider this procedural point as early as possible in the progress of this case. POETS are therefore formally requesting that the Inspector issues a Direction under Regulation 25 of the 2017 EIA Regulations to the Applicant, requiring additional information on these two points in order to enable for there to be a complete and valid ES before the Inquiry. The two matters we contend are absent from the ES are: -

- i. There is no assessment of the significant effects of the proposed HIF1 road on the town of Abingdon to the west of the application site, and on the A4074 Oxford – Reading road, particularly the settlements of Nuneham Courtenay and those along the B4015 and the A329 to the east, all of which inevitably will be significantly affected by this road proposal, both in terms of its construction and use; and
- ii. There is no satisfactory consideration of reasonable alternatives to this or a very similar road scheme, as required by the Regulations.

POETS will be writing to the Inspector before 9 November 2023 to set out detailed grounds for this request.

POETS also wish to draw the Inspector's attention to the actions of the County Council as Local Planning Authority which have had a detrimental effect on our ability to produce this Statement of Case. The announcement of the call-in of the HIF1 application on 25 July 2023 meant POETS knew from that date (as did the LPA) the application would be determined following a Local Inquiry, at that time timetabled to commence in December. But the County Council did not issue the notice of decision for the application following the Planning and Regulation Committee of 17 & 18 July, which had decided to refuse permission. Nor did they issue any minutes for that meeting until shortly before the next meeting of that Committee

on 4 September. But, on 27 September, a further meeting of the Committee then decided to agree a new approach to the application, which was described as “neutral”. No explanation or clarification of that term was forthcoming so that no-one, outside the County Council as Applicant and LPA, knew what to expect from the LPA. Only Draft Minutes are available for both this and the Meeting of 4 September 2023. This remains the situation as at the date when POETS’ Statements of Case is due to be submitted, 3 November.

Because POETS does not know the form or content of the LPA’s Statement of Case, we have been seriously disadvantaged in preparing our case against permission. That being so, POETS reserves the right to add to or amend or retract any part of its Statement of Case once we have been able to see and understand the case, not only for the Applicant, but also for the LPA.

(Minutes of the County Council Planning & Regulation Committee, 17 and 18 July 2023 (All) and associated video link; Draft Minutes of 4 September 2023 (Minute 3/23 and associated video link); Draft Minutes of Meeting of 27 September 2023 (All and associated video link)

THE CASE FOR POETS (Planning Oxfordshire’s Environment and Transport Sustainably)

Introduction

POETS will argue that the application before the Secretary of State appears to be expressed as if it is in accordance with the development plan, the NPPF and other material considerations. POETS will say that is not the case because it is fundamentally flawed and this arises from the fact that it is a legacy scheme, by the County Council’s own admission, and based on outdated environmental and transport policies and proposals which have been discredited and which have been overtaken by urgent imperatives. Yet the Applicant fails to follow its own transport planning policy adopted in Its LTCP 5 Policy of February 2022, so the HIF1 proposal instead promotes even greater private car use. This application will inevitably perpetuate a very tired and outdated approach to transport planning in the Didcot area, focussing on providing for the unrestrained growth of private car use.

The Secretary of State’s Provisional List of Matters

In terms of the provisional matters on which he wishes to be informed, contained in paragraph 7 of his letter of 25 July 2023 to the Local Planning Authority, POETS will submit that the application fails to be consistent with matters (a) to (d), and that it will reserve its arguments and submissions on matter (e) once the Inspector has informed the Case Management Conference and/or the Inquiry of any matters which she considers are relevant to this application.

(Letter from MHC&LG, Ref PCU/RTI/U3100/3326455, dated 25 July 2023)

In terms of the consistency of this application with matter (a) [Government policies for delivering a sufficient supply of homes]

POETS will argue that a comparison of the justification for this proposed development with Chapter 5 of the NPPF 2023 demonstrates that the application has no cogent basis for delivering a sufficient supply of homes.

(NPPF Chapter 5, Paragraphs 73, 76, 77; Building Car Dependency, Transport for New Homes, 2022)

In terms of the consistency of this application with matter (b) [Government policies for building a strong, competitive economy]

POETS will contend that a comparison of the justification for the proposed development with Chapter 6 of the NPPF 2023 shows that the application has no cogent basis for supporting the building of a strong, competitive national economy within this important area for the development of a knowledge-based economy.

(NPPF Chapter 6, paragraphs 81 – 83, paragraph 85)

In terms of (c) the extent to which the proposed development is consistent with the development plan for the area

POETS will acknowledge that the Local Plan for each local planning authority covering the area of the application includes a proposal to build a road very similar to that which this application proposes. But we shall argue that this allocation has been overtaken by recent changes in Government policy and local transport policy and is now outweighed by other material considerations of far greater significance and wider extent. To this degree, any consistency with the relevant development plans should be afforded substantially lesser importance and weight.

(South Oxfordshire Local Plan 2035, Vale of White Horse District Local Plan 2031, Oxfordshire Minerals and Waste Local Plan 2017)

POETS' Detailed Case Against Permission

A. National Policy

NPPF September 2023

POETS will show that this new version of the Government's planning policy guidance, introduced on 5 September this year by the Secretary of State, promotes a new approach to both policy making and decision taking by local planning authorities (LPAs) when promoting and considering applications for large scale infrastructure, housing and business development. This guidance should therefore be taken into account by LPAs in all cases. POETS will argue that in this case, any argument that the

application should be considered as a “legacy scheme”, and should be considered as if it was an appeal against a decision by the LPA, is completely false and without foundation. This is because the calling-in of the application by the Secretary of State for his decision under S77 of the 1990 Act means that the proposal is now before him as if it had been made to him in the first instance. Accordingly, POETS would argue further that the Secretary of State is bound to follow his new policy in the NPPF when determining this application.

(NPPF paras 48, 49, 104(c) and (d), 105, 110(a) and (d), 112(a), 152, 153)

POETS will show that other Government Departments and Agencies have also developed new policies similar those in the current version of the NPPF. We will argue that these new policy approaches are similarly bound to be followed in the decision on this application because they are unequivocally Government policy.

(Decarbonising Transport, 2021, Department of Transport, 2021, Foreword by the Secretary of State for Transport, “Active Travel England; About us”, Executive Agency within the Department of Transport, September 2023, website on Gov.uk, accessed 28.10.2023)

POETS will also show that the greatest weight in terms of decision-taking by a Government Minister on this application is the Climate Change Act 2008. That is statute which therefore Government and its Ministers are bound in law to follow. Although it is not a Government Department or Agency, the Climate Change Committee (CCC) was established by Parliament to monitor and recommend to Government progress on the aims and implementation of the 2008 Act. POETS will show that the CCC now recommends more urgent action by Government (including local government) to take more a proactive role in pursuing policies and action in furtherance of combatting climate change.

(CCC – Progress Report to Parliament 2023, June 2023, Recommendation R2023 - 148)

B. Local Policy

South Oxfordshire District Local Plan 2035 (SODLP)

POETS will demonstrate that, although this Plan, which significantly was adopted by Direction of the Secretary of State in December 2020, and is arguably fairly well up to date, circumstances have changed significantly since then. POETS will argue that the application fails to satisfy several important relevant policies which reflect early recognition and promotion of new national policy aims.

(SODLP: Para 11.2, Policies TRANS 1b, TRANS 2, TRANS 3, Didcot Garden Town principles – Transport and movement)

Vale of White Horse District Local Plan 2031 (VoWHLP)

POETS will argue that this Plan as a whole is out of date in NPPF terms, because Part 1, Strategic Sites and Policies, which was adopted in 2016, set the context for Part 2, Detailed Sites and Policies, which was adopted in 2019. This has been exacerbated by the effect of changes in approach and direction of national planning policies referred to above.

However, POETS will also maintain that two policies in Part 1 of the Local Plan foreshadow the recent radical change in national planning policy, and that this Local Plan policy should be borne in mind because it remains part of the adopted development plan for this part of the application site. Similarly, in Part 2 of the Local Plan, there are Policies which POETS support and believes that they should also be borne in mind when considering this application.

(VoWHLP Part 1, Strategic Sites and Policies, Core Policy 33, Promoting Sustainable Transport and Accessibility, and Core Policy 35, Promoting Public Transport, Cycling and Walking, Part 2, Detailed Sites and Policies, Policy DP16b, Didcot Garden Town, and Diagrams 2.7 and 2.8, Policy DP17, Transport Plans and Travel Plans)

Joint South Oxfordshire and Vale of White Horse Draft Local Plan 2041

POETS will note that, although this Draft Local Plan is at an early stage in its existence, it significantly and importantly recognises and acknowledges the radical change in recent national planning policy. Accordingly, POETS will request that, given the agreed timetable for progressing this plan to adoption expected in 2025, increasing weight should be given to its provisions as known at the date of the Inquiry, in the Inspector's Report and the Secretary of State's decision, as appropriate. As the current VoWHLP becomes increasingly outdated, and the SODCLP becomes outdated, the emerging Joint Local Plan should be given similar or greater weight than either those Local Plans, according to the state of progress of the Draft Joint Local Plan.

(Joint South and Vale Draft Local Plan 2041, VoWH website, Joint Local Plan 2041, "Our Priorities for the Joint Local Plan 2041", "The focus of the Local Plan will be different from the last Local Plan", reference to 'Guiding Principles for Good Growth' in the Oxfordshire Strategic Vision 2050)

Oxfordshire Minerals and Waste Local Plan – Core Strategy, adopted 2017 (OMWLP)

POETS will draw attention to two policies in this Local Plan which would overcome harmful effects on the environment of other policies in the OMMWLP. Therefore, it will be argued that the aims of these two policies should be given priority and weight in consideration of the application.

(OMWLP – Core Strategy 2017, Policies C1 and C2)

C. Other Local Plans and Policies

Oxfordshire Local Transport and Connectivity Plan 2022 (LTCP)

POETS will argue that this road proposal is in clear conflict with the aims of policies the County Council adopted barely 18 months ago in the LTCP. This plan, approved unanimously by full Council in February 2022, sets out substantial targets for traffic reductions across the County, and the adoption of a “Decide and Provide” approach to transport planning. LTCP builds on the earlier, adopted Local Transport Plan 4. (LTP4) The new, current strategy aims firstly to establish the kind of transport network the County Council wishes to see, and then sets out the measures necessary to achieve this network. POETS will show that, within the Central Oxfordshire Travel Plan area, the aim of the LTCP is to constrain traffic movements in order to incentivise the use of active travel modes and public transport. Opportunities, in particular stemming from reduced commuting trips following the Covid epidemic, are to be grasped for the travel patterns necessarily reshaped for today’s movement, health and climate priorities. This evidence will show that, by promoting the HIF1 road proposal, the County Council is adopting precisely the opposite approach to transport planning in the Didcot area, which would cause huge harm to the environment, to human health and to the urgent need to combat climate change. HIF1 would also involve huge and disproportionate cost which would achieve little if any short-term benefit, which would be lost within about ten years as traffic growth, caused by the induced demand generated by this proposal, returns to current levels of congestion and causing harm to those living in settlements beyond the actual site of the road itself both to west and east.

(LTCP Policy 36 and Policy for Demand and Provide, LTP4 OCC, TRICS Guidance on Decide and Provide, OECD Report on Net Zero Transport Systems By Design, Central Oxfordshire Travel Plan, 2022)

D. Traffic Modelling

POETS will bring evidence to show that the traffic modelling on which the HIF1 proposal is based is deeply flawed, because it is based on outdated and discredited premises and assumptions. The proposal therefore does not provide a sound or compelling analysis of the significant environmental impacts of the road. POETS will challenge the Applicant’s assertions that the accompanying Environmental Statement is robust and comprehensive, because it is not supported by compelling traffic modelling. We shall also show that no comprehensive balanced transport strategy exists for Oxfordshire, aimed at achieving the essential engendering modal shift to combat climate change and environmental improvement.

E. The Realistic Alternative to HIF1

POETS does not wish to be solely negative, despite the deeply flawed application before the Secretary of State. Accordingly, the following paragraphs outline a realistic, reasonable and credible alternative. It is not a blueprint, but is based on Government and County Council policy changes to transport planning during the past year or so. POETS will show how this new, radical approach to the transport planning

issues in the Didcot area reflects not only policy changes in the UK, but also reflect how other countries in Europe with not dissimilar transport problems to the Didcot area are implementing similar radical transport approaches.

(Building Car Dependency, Transport for New Homes, Working Group Report 2022)

POETS will demonstrate that the Didcot area is an ideal location for implementing a radical, people- and environment-friendly and human-scale form of development because of the opportunities it offers. The adopted and emerging Local Plans define the Science Vale area concept where world-leading science and knowledge-based clean industries and enterprises are already based. The Science Vale is anchored by two major developments, the Culham Science Centre, recognised as an international centre for scientific research and development, and the Harwell Science and Innovation Campus west of the A34 which is equally important in both national and international fields of innovation. Both these developments employ large numbers of staff, the majority of whom live within a few miles. Similarly, the established Milton Park enterprise park immediately west of Didcot, is an example of how a large, previously developed site can be redeveloped in a sensitive and attractive manner. But all are harmed by the car-dominated transport system of southern Oxfordshire, which is overloaded, chaotic and not fit for purpose.

POETS will agree with the County Council that this system urgently requires to be modernised. But it is clear that additional road space for private cars simply exacerbates congestion in a downward circle of more roads = more traffic = more congestion. POETS argument is that HIF1 is no solution to the Didcot/Science Vale traffic problems. With the right approach, most of the existing car trips can be undertaken by sustainable modes and active travel, breaking the downward spiral of traffic congestion and its inevitable side-effects. This approach would instead create a virtuous circle of improved public transport services and less car dependency across the whole area.

(Building Car Dependency, Transport for New Homes, Working Group Report 2022)

POETS will also point to the additional, related opportunity offered by the designation of Didcot as a Garden Town by Government in 2015. The policies and principles in both adopted Local Plans for its development are laudable and deserve support, and the statement by the leaders of both Districts Councils in the foreword to the emerging Joint Local Plan 2041 is encouraging. The designated area for the Garden Town and its indicative Zone of Influence covers most of the area in which the HIF1 road would be built, if approved. But POETS will argue this would be counterproductive and irrational in the face of the overwhelming evidence against more road building as a panacea for congestion. There is, for example, an opportunity here instead to build on the presence of not just one, but three, fully operational rail stations, one of which has an electrified main line service to London, Bristol and Cardiff, namely Didcot Parkway, plus Appleford and Culham. These three stations could rapidly develop into hubs for a framework of high frequency, rapid

transit corridors linking key destinations across the Science Vale – Culham Science Centre, Didcot town centre, Milton Park and Harwell Science and Innovation Campus – and later beyond to Abingdon, Wallingford, Wantage and Oxford itself. The linking sections should develop dedicated busways with priority measures at junctions and with attractive, almost wholly segregated, cycleways and footways as appropriate, in some cases replacing roads and in other cases augmenting them.

POETS will maintain that this network could be complemented by regular smaller buses serving residential areas and the more dispersed settlements, so that both residents and employers would have easy access to an integrated public transport system and active travel resource. This vision was set out in the County Council's Local Transport Plan 4, but has never been implemented; the policies of the current LTCP demand such implementation. A package of this kind, especially if it includes Travel Plans, many of which already exist, would encourage employees to leave their cars at home and would be good for the environment, would combat climate change and improve public health. It would also avoid extensive land acquisition for highway schemes and almost certainly cost substantially less than the present application. POETS will use two examples of how this approach is logical and would result, if reproduced at Didcot, in a genuinely world-leading form of transport and land use planning fit for the future, complementing the innovative, forward-looking role of the Science Vale. The first example is of the university-led, science-based development in the Sophia-Antipolis Agglomeration, north of Antibes, Provence, which shows that this kind of development has already been implemented in France in an area where serious traffic congestion, overbuilding of roads and a very high car ownership has led to severe congestion in and around the Agglomeration. The second example is of how this approach could be implemented in England, following newly published research by Create Streets.

POETS will argue that these examples show that there is a viable, reasonable and affordable alternative to HIF1 (in both monetary and environmental terms) which would and should be allowed to work in and around Didcot. This alternative reinforces the arguments against permission for the HIF1 application, which should be refused.

LIST OF WITNESSES

Richard Tamplin, BA (Hons) MRTPI (Retired) Dip Cons Studies, on behalf of POETS, former Planning Inspector, who may present their case and who will give evidence on the effects of the development on Abingdon and westward to the A34(T)

Roger Williams, C Eng MICE, former Head of Transport with Oxfordshire County Council, who will give evidence on conflicts with transport policies, and the imposition of non-financial costs elsewhere, particularly eastward of the scheme

POETS expect to call one or two additional witnesses on transport planning, but are unable to name them pending the receipt of the Statement of Case and Agreed Statement of Common Ground of the Applicant and the LPA, plus the outcome of the Case Management Conference. Only then would we be able to confirm their ability to attend, and the particular areas to be covered by their evidence.

DOCUMENTS LIST

POETS have assumed that:

- a. All documents in the public domain listed on the Oxfordshire County Council planning application web site for this application have been listed in the case questionnaire submitted by the authority as both Highway Authority (the Applicant) and as Local Planning Authority (LPA) to PINS and will be supplied by both if requested; and
- b. All Council Local Plans, adopted and emerging, the Minerals and Waste Plan Core Strategy, and the County Council's LTP4 and the LTCP will be available for reference

Because we do not have sight of either the Applicant's or the LPA's Statements of Case, we reserve the right to access documents from the County Council's website for the Inquiry and to submit further documents from that website should they prove to be pertinent to our case.

National Planning Policy, Case Law and Statutory Guidance

Climate Change Act 2008 (2008 c27 as amended), Part 2, Section 36

Climate Change Committee, Annual Report to Parliament, June 2023, "Our key messages are:", bullet point 2, paragraph 2.

Levelling-Up and Regeneration Act 2023

National Planning Policy Framework 2023

Reply to FoI request to DLUH&C by Department for Energy Security & Net Zero, 21 July 2023

Department for Levelling-Up, Housing and Communities, Featured, "Long Term Plan for Housing", 24 July 2023

Garden City Standards for the Twenty-First Century: Practical Guides for Creating Successful New Communities, Guide 13, 'Sustainable Transport'. TCPA 2020.

Didcot Garden Town Delivery Plan 2017, South Oxfordshire and Vale of White Horse District Councils.

Press Release, 'New garden towns to create thousands of new homes', on Gov.uk website, MHCLG, 2015

Didcot Garden Town Housing Infrastructure Fund Consultation on the Preferred Options,
OCC Cabinet Meeting 57, Agenda and Decisions, 21/07/2020

Letter from LPA to Applicant, "Further information required to support planning application
and under Regulation 25 of the Town and Country Planning (Environmental Impact
Assessment) Regulations 2017", 26 April 2022

Centre for Research into Energy Demand Solutions (CREDS) blog, "e-bikes could slash
emissions and get Britons back to work", 18 May 2020

"Moving Towards Growth, Why it's time to build on Britain's Roadbelt", David Milner, Create
Streets, September 2023

www.Sophia-Antipolis.fr>en Retrieved 3.11.2023, and Sophia Antipolis > Public Transport, on
en.wikipedia.org/wiki/Sophia_Antipolis, accessed 3.11.2023