

**PROOF OF EVIDENCE IN RESPECT OF THE ORDERS INQUIRY
SUBMITTED ON BEHAL OF THE TRUSTEES OF THE W E GALE TRUST**

Oxfordshire County Council (Didcot Garden Town Highways Infrastructure – A4130 Improvement (Milton Gate to Collett Roundabout), A4197 Didcot to Culham Link Road, and A415 Clifton Hampden Bypass) Compulsory Purchase Order 2022 (“the CPO”)

Oxfordshire County Council (Didcot to Culham Thames Bridge) Scheme 2022 and the Oxfordshire County Council (Didcot Garden Town Highways Infrastructure – A4130 Improvement (Milton Gate to Collett Roundabout), A4197 Didcot to Culham Link Road, and A415 Clifton Hampden Bypass) Side Roads Order (the SRO”)

PROOF OF EVIDENCE OF NICK DIMENT

FOR THE TRUSTEES OF THE WILLIAM EDWARD GALE TRUST (BEING MR PATRICK ROSSINGTON GALE, MRS ELIZABETH ANNE MASON, and MR EDWARD ROSSINGTON GALE (“the TRUSTEES”)

SUMMARY

I, Nick Diment, am a partner in Knight Frank’s Planning Team based in London. I have advised on a range of planning and development instructions on behalf of a variety of private and public sector clients. My work focuses on commercial mixed use development and investment across the UK including strategic development advice, co-ordination of major planning applications for town centre regeneration and industrial and logistics schemes and providing expert witness advice.

- 1 The Trustees own the freehold of title number ON316754 (“the Property”). Part of the Property is included in the Orders for permanent acquisition. The extent of the Property included within the CPO is as shown on the landowner plan at **P.01**. I understand that the land shaded pink on the plan at P.01 is required permanently for the scheme (“the Pink Land”). I understand that the land shown shaded green on the plan at **P.01** is land that is required for the scheme only temporarily to be used as a worksite during the construction of this part of the scheme works (“the Green Land”).

2 I am asked to provide evidence on:

- a. The development potential of the Trustees' Land to be Acquired by the Orders.
- b. The potential difficulties imposed on the development potential by the scheme; and
- c. The importance to the Trustees of limiting the land taken by the Council.

Development potential of the Property

- 3 Whilst the Property is not allocated in the current Local Plan for development, it is located immediately adjacent to the Didcot built-up area and is subject to several policy designations which encourage growth and development across the area, including:
 - a. The Science Vale UK;
 - b. Didcot Garden Town;
 - c. Housing Supply Ring Fence; and
 - d. Immediately adjacent to the Didcot Technology Park.
- 4 Whilst the Property is currently unallocated, I consider that employment uses could be considered acceptable in principle, including Use Classes E(g)(ii) (iii), B2 and B8.
- 5 The principle of new residential development at the Property could also be established given that the Property abuts the Didcot build-up area.
- 6 The Strategic Housing Land Availability Assessment (SHLAA) undertaken in 2014 concluded that the Property is developable for residential development.
- 7 The Housing and Economic Land Availability Assessment (HELAA) produced in 2017 concluded that the Property is suitable for further consideration, had been promoted for development, is therefore available and is deliverable/achievable.
- 8 My assessment is that the Property could achieve planning permission for both employment and residential uses.

Difficulties imposed on the development potential by the scheme

- 9 Existence of the Orders – this means that any proposals for the development of the Site must have regard to the provisions of the CPO and the Scheme.
- 10 Extent of the Land Take in the CPO – the inclusion of the Green Land in the CPO significantly reduces and limits the use and the development opportunities for the Trustees' retained land. It also has a significant negative impact upon the Trustees' ability to sell their retained land;
- 11 Break up of the Property – larger parcels of land are generally more attractive for development than smaller fragmented land parcels. The fact that the third party buyer in

negotiations with the Trustees is only interested in proceedings with a purchase if it is able to purchase the retained land and the Green Land together is an illustration of this point.

- 12 Inadequacy of new access and landlocking – the fact that the CPO includes the whole of the frontage of the Property with the A4130, the inadequacy of the PROPOSED NEW access from the A4130 and the lack of access to the Trustees' retained land, mean that the Trustees' retained land is effectively landlocked. It is therefore much less suitable for use, sale and development.
- 13 Alternative Access Proposed – the Trustees proposed an alternative access into the Property from the A4130 which would avoid the landlocking and which would replace the inadequate new access provided for in the CPO. However, the Council appear to have chosen not to incorporate the alternative access (or any variation of it) in the scheme.
- 14 CPO makes the Trustees' retained land (and Green Land) less suitable for develop – the unavailability of this land for development would seem to go against the aims of the Local Plan and the strategic plans for the Didcot Garden Town and Science Vale and the growth of the area generally.

Importance to the Trustees of limiting land take

- 15 The larger the parcel of land that the Trustees retain, the greater the opportunities are for development and sale of the remainder of the Property that is not acquired for the scheme.
- 16 This is illustrated by the circumstances of the third party buyer which is currently in detailed negotiations with the Trustees for the purchase of the Trustees' retained land and the Green Land together. The fact that the third party buyer is not interested in a purchase of the retained land on its own, provides very real evidence of the point and the importance of being able to hold onto the retained land and the Green Land together.

FULL PROOF OF EVIDENCE

- 17 I have been asked on behalf of the Trustees of the W E Gale Trust ("the Trustees") to provide evidence on the development potential of the Trustees' land in Didcot and the difficulties imposed on that development potential by the scheme, to help to demonstrate and explain the importance to the Trustees of limiting the land take by the Council.

The Property

- 18 The land owned by the Trustees is as shown on the registered title plan, a copy of which is annexed to this proof of evidence at Annex **ND1** (“the Property”).
- 19 The extent of the Property included within the CPO is as shown on the landowner plan at **P.01**. I understand that the land shaded pink on the plan at P.01 is required permanently for the scheme (“the Pink Land”). I understand that the land shown shaded green on the plan at **P.01** is land that is required for the scheme only temporarily to be used as a worksite during the construction of this part of the scheme works (“the Green Land”).

Trustees’ Main Objection to the CPO

- 20 As I understand it, the Trustees do not object to the principle of the acquisition of some of the Property in order to provide highway improvements and the delivery of the Didcot Science Bridge. However, they do object to the CPO on various grounds, including the following:
- a. 75% of the land to be acquired from the Trustees is land which is needed only for a temporary period and therefore permanent acquisition is not required; and
 - b. The new access into the Property from the A4130 to be provided once the existing access is stopped up, will not allow access to the Trustees’ retained land to the north of the Pink Land and the Green Land.

Location of the Property

- 21 The Property lies within the administrative boundary of Vale of the White Horse District Council Local Planning Authority (“VWHDC”). The Property measures approximately 8.5 hectares (21 acres) and is currently in agricultural use.
- 22 It is bounded by Appleford / Sutton Courtenay Landfill to the north, Didcot Power Station B to the west, an agricultural field to the east; and the A4130 to the south. The A4130 which bounds the Property to the south also forms the boundary between VWHDC and South Oxford District Council (“SODC”).

- 23 The Property is located approximately 1.5 miles south-east of Sutton Courtenay; 1 mile south of Appleford; and 1 mile north-west of Didcot Town Centre (located within SODC). The Property abuts the built-up area of Didcot.
- 24 The Property is within Flood Zone 1 and therefore is at low risk of flooding. It is not within a Conservation Area and does not contain any designated or non-designated heritage assets. There are no heritage assets withing close proximity of the Property.

Pre-existing Development Potential of the Property

- 25 I have set out below information which shows that the Property's development potential pre-existed the HIF1 scheme, and hence the development potential of the Property irrespective of the HIF1 improvements works scheme.

Surrounding Area

- 26 The immediate area surrounding the Property comprises a mix of commercial, industrial and agricultural uses.

Site Designations

"Historic Growth Area"

- 27 Didcot is described in the Didcot Garden Town HIF Programme Planning Statement annexed at **A.04** as a "*historic growth area in Oxfordshire, led by the growth and development of Didcot Parkway Railway Station*", and as an area that "*continues to rapidly expand whilst quickly becoming a destination in its own right*" (para 1.2.2 of **A.04**).

Didcot's award of Garden Town Status

- 28 The Planning Statement confirms that Didcot was awarded Garden Town status by the Government in December 2015 (paragraph 1.2.2 of **A.04**) based on a bid to build 15,000 homes and deliver 20,000 jobs by 2031. This award predates the introduction of the VWH Local Plan 2031 Part 1 (adopted in December 2016), Local Plan 2031 Part 2 (adopted on 9 October 2019) and the HIF1 Didcot Improvements Works scheme granted by Homes England in March 2019.

- 29 The Didcot Garden Town Delivery Plan does not specially allocate the Property for development but does identify the Property as an “*opportunity site*” within the masterplan for development, evidencing that VWHDC envisage the possibility of development at the Property.

Science Vale

- 30 The Property sits within the Science Vale UK, described on the area’s website (sciencevale.com) as a “*significant area of economic growth and is a global hotspot for enterprise and innovation*”. It was named as one of ten new “enterprise zones” in 2011 and has been in existence for many years, long before VWH Local Plan was adopted in December 2016, and before the Housing Infrastructure Fund was introduced in July 2017. Since the first enterprise zone in the Science Vale was awarded in 2011, a second enterprise zone – the Didcot Growth Accelerator – was announced in 2016.
- 31 One of the three strands to the Spatial Strategy of LLP1 is to focus sustainable growth and most of the District’s future development within the Science Vale area.

Housing Supply Ring Fence

- 32 The Property is also located within a Housing Supply Ring-Fence area which is identified as the ‘*core area*’ within the South East Vale and the Science Vale.
- 33 Core Policy 5 of LPP1 explains that the VWHDC will employ a ring-fence approach to housing delivery in the area representative of the planned growth in new jobs in this part of VWHDC. The Ring Fence Housing target during the plan period is set at 11,850 dwellings (593 homes per annum) in support of the 15,850 jobs planned in this sub-area.

Didcot Technology Park

- 34 The map at Figure 1 below shows that the Property is immediately adjacent to Didcot Technology Park, and its central location is within the enterprise zone areas.



FIGURE 1 – Enterprise Zones map at www.sciencevale.com

SHLAA and HELAA

- 35 The Strategic Housing Land Availability Assessment (SHLAA) undertaken in 2014, which is focused on sites for residential development, concluded that the Property is 'developable', subject to adequate mitigation.
- 36 When the VWHDC undertook a Call for Sites in 2016, a Housing and Economic Land Availability Assessment (HELAA) was produced in 2017 which sets out an audit of land within the district which may have been available for housing or economic development. In terms of the development potential of the Property, the HELAA concluded that the Property is suitable for further consideration, has been promoted for development, is therefore available, and is deliverable / achievable.

Property not included in safeguarding in the VWH Local Plan

- 37 It is suggested by the Council that the scheme is predominantly located on land safeguarded for the delivery of highways infrastructure as set out in the VWH Local Plan Core Policy 18, and within the Council's LTP4, supporting the principle of the Scheme.

However, the plans at Appendix E to the VWH Local Plan (**G.02.02**) and more particularly pages 65 and 69 of the VWH Local Plan (copies of which are at Figures 2 and 3 below) and the South East Vale Sub Area Adopted Policies map at Figure 4 below, all show that the Property was not included within the safeguarding in the Local Plan.

38 Therefore, development on the Property for the infrastructure improvements was not envisaged by the Local Plan. Accordingly, there can be no suggestion from the Council that the scheme itself created the development potential for the Property. The development potential of the Property appears to have existed prior to the HIF1 (not approved by the Government until March 2019) and prior to the VWH Local Plan, as evidenced above and as further evidenced below.

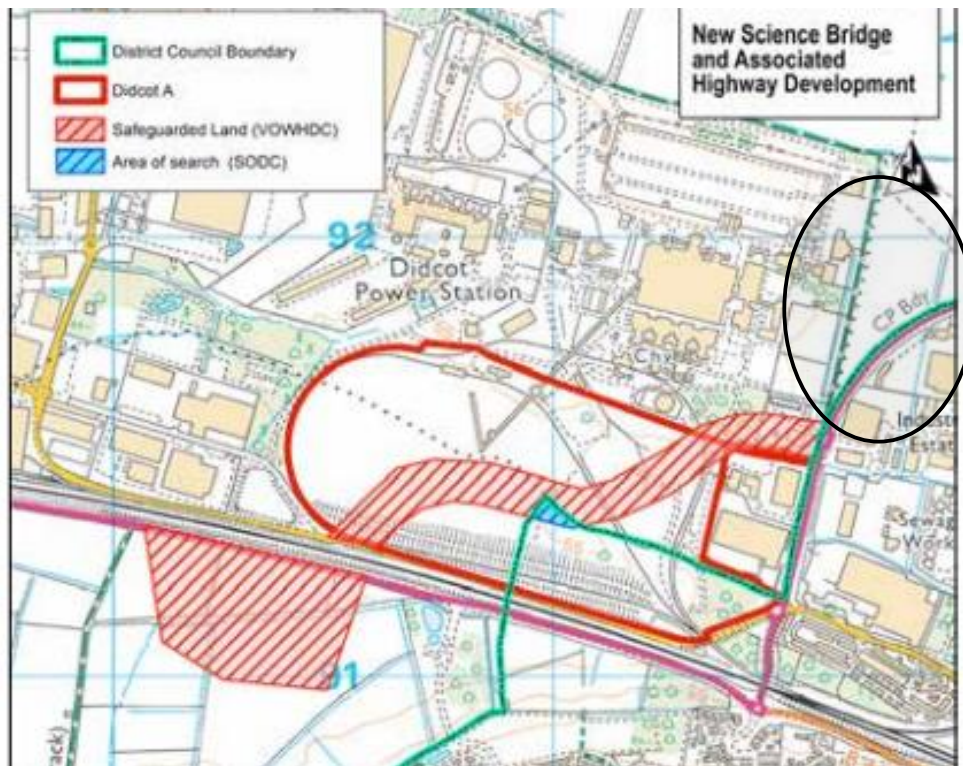


FIGURE 2 (page 65 of Appendices to VWH Local Plan)

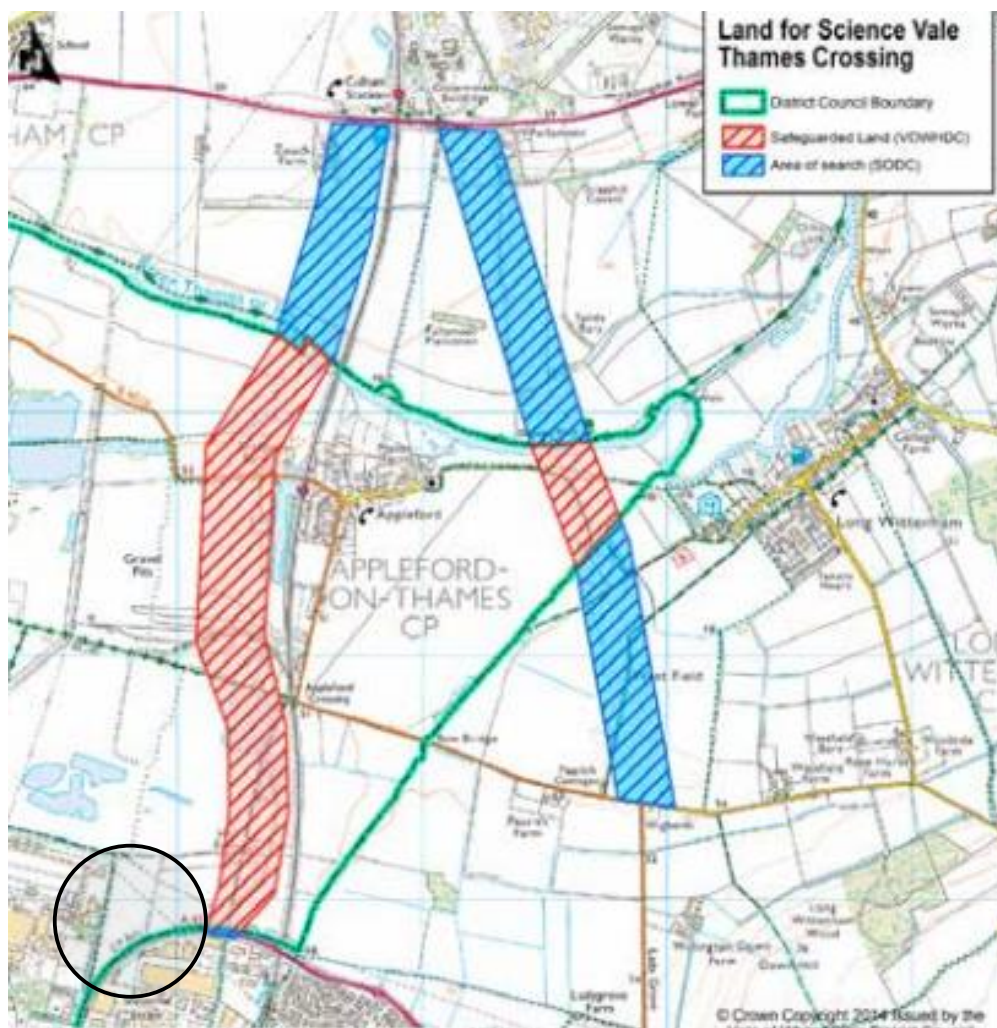


FIGURE 3 (page 69 of Appendices to VWH Local Plan)

39 More detail on the Site Designations for the Property is as set out in Annex **ND2** to this document.

Planning History

40 The immediate area surrounding the Property comprises a mix of commercial, industrial and agricultural uses.

41 From our review of the planning history, we can determine the following:

- a. A draft LDO for Didcot Technology Park is currently pending determination to the east of the Site comprising General Industrial (Use Class B2) and Data Centre / Battery Storage (Use Class B8) uses;

- b. Several planning applications for Data Centres (Use Class B8) and ancillary uses have been approved at Didcot Power Station to the west of the Site;
- c. Outline planning permission has been granted in the wider context for large residential developments (Use Class C3) at Land to the West of Great Western Park (Valley Park) and Land to the north east of Didcot. Reserved matters permission has subsequently been granted for the later with the former expected to come forward in due course.

42 The relevant planning history of the area surrounding the Property is as set out at **Annex ND3** to this proof of evidence. Much of the information at **ND3** is repeated at Appendix B to the Didcot Garden Town HIF Programme Planning Statement (commencing at page 76, **A.04**). The planning history suggests that subject to an appropriately full application, permission could be granted in respect of the Property for employment or residential purposes.

VWH Local Plan

43 A strategic aim of the Local Plan is to support economic growth, and meet the needs of businesses by ensuring suitable sites are available to meet employment growth. Therefore, given the Property's location on the edge of the Didcot built-up area, the principle of the development of the Property to provide employment uses could be established in accordance with the requirements of Core Policy 28.

Summary of Development Potential

44 Whilst not allocated in the Local Plan for development, the Property is located immediately adjacent to the Didcot built-up area and is subject to several policy designations which encourage growth and development across the area.

45 I consider that a range of employment uses including Use Classes E(g) (ii) (iii), B2 and B8 may be appropriate.

46 A use which demonstrates a clear link to supporting the science, technology and innovation of the Science Vale and contributes to the ambitions of the Science Vale to attract business and enterprise in the fields of science and technology is likely to be supported.

47 The principle of new residential development at the Property could be established given that the Property abuts the Didcot build-up.

48 In terms of housing need, the VWHDC are meeting and exceeding their identified housing needs and the Local Plan proposes to meet in full the LPA's own objectively assessed need for housing during the plan period inclusive of 1000 windfall units. The Property could form part of this windfall quantum.

49 Also new development is emerging immediately to the east of the Property.

50 Therefore, we consider there are several relevant designations within the Development Plan which support the principle of development.

51 The Property could achieve planning permission for both employment and/or residential uses.

Interest in the Property from Prospective Buyers

52 Aside from the positive planning appraisal set out in summary above, the Property has received interest from prospective buyers, irrespective of the fact that the Property does not currently benefit from planning permission.

53 In particular, I am aware that one such buyer is in advanced discussions with my colleagues at Knight Frank for the purchase of the Property and subject to needing certain assurances from the Council, would like to proceed with the purchase urgently.

54 This interest in the Property, and market activity, is evidence of the development opportunities for the Property and its attractiveness to purchasers.

Difficulties and limiting factors imposed by the scheme

Extent of Land Take in CPO

55 A significant limiting factor to the development opportunities for the Property is however the fact that any proposals for the development of the Site must have regard to the provisions of the CPO.

- 56 As referred to above the interested third party buyer, in ongoing discussions with the Trustees, is only interested in a purchase if it includes the Green Land as well as the Trustees' retained land. It will not purchase the retained land on its own.
- 57 Understandably, the third party buyer has concerns about the ability for the Council to rely on compulsorily purchase powers to acquire the whole of the Pink Land and the Green Land, in the future.
- 58 The risk of such a purchase is a limiting factor on the development potential for the Property as a whole, and certainty for the Trustees' ability to use, develop or sell its retained land.

Break up of the Property

- 59 The fact that the buyer is only interested in proceeding with a purchase if it is able to purchase the retained land AND the Green Land, shows the attractiveness of a larger development site, and also the marriage value of being able to sell or develop the two plots together.
- 60 The reduction in size from the area of the Property down to the extent of the retained land, from approximately 20 acres reduced to 13.54 acres, has a significant impact on the development potential and salability of the Trustees' land, as is evidenced by the Trustees' current position. There is marriage value in the Trustees owning the retained land and the Green Land in terms of its development potential. If the Green Land is permanently acquired, that marriage value is lost.
- 61 Generally, bigger sites offer greater opportunities for development because the site is not limited by size constraints and can, if required, deliver on site mitigation. Again, this is evidenced by the fact that the buyer is only interested in buying any part of the Property if it is able to acquire the Green Land with the Trustees' retained land.

Inadequacy of new access and landlocking

- 62 The fact that the CPO will acquire the whole of the Pink Land means that the Trustees' existing access into the Property will be permanently acquired from them and the Council will acquire 100% of the Property's road frontage. This is a severely limiting factor for the development potential of the Green Land and the retained land and serves to dramatically devalue the remainder of the Property.

63 The fact that the CPO does not provide for any route of access from the boundary of the Pink Land across the Green Land to the retained land means that the retained land is entirely landlocked by the scheme. This is a further limiting factor when it comes to the potential for sustainable development of the Trustees' retained land and limits the opportunities for sale also.

Alternative Access Proposed by the Trustees

64 In view of the HIF1 scheme and the highway improvements proposed by the Council, the Trustees commissioned a design for an alternative access into the Property from the A4130 to allow for the future development potential for the Property alongside the proposed scheme and to minimise the adverse effects of the scheme on the Trustees' retained land. The report was produced by HUB Transport Planning Limited. A copy of that report is produced at **ND4**.

65 I understand that an initial pre-application meeting was had between the Client and OCC in 2020 regarding the provision of improved access to the Property from the A4130. The subsequent advice note issued by OCC (December 2020) broadly accepted the principle of an improved access to the Site from the A4130 and recommended additional access from the north-east and the north-west. A copy of the pre-application advice is at **P.04**.

66 I further understand that the design and alternative access could have been incorporated into the scheme to allow for access to the Trustees' land and that would have facilitated the sustainable development of any parts of the Property not required permanently for the Scheme. However, the alternative access has not been accepted by the Council. This is disappointing when LPP1 Core Policy 33 (**G.02.01**) explains that VWHDC will work with the Council and others to actively seek to ensure that the impacts of new development on the strategic and local road network are minimised and ensure that developments are designed in a way to promote sustainable transport access both within new sites, and linking with surrounding facilities and employment.

67 On 18 July 2023, I submitted a planning statement to the Council Planning Committee again putting forward the case for the integration of the alternative design set out in the HUB Transport Planning report as a means of seeking to mitigate the adverse effects of the HIF1 scheme on the Property and hence mitigate the Trustee's claim for compensation (**P.05**). The following day it was announced that the planning application had been refused.

Importance to the Trustees of limiting the land take by the Council

68 The Trustees are well aware of the increased opportunities available to them, in retaining as much retained land as possible.

69 The larger the parcel of land that they retain, the greater the opportunities are for development and sale.

70 This is illustrated by the circumstances of the third party buyer which is in detailed discussions with the Trustees for the purchase of the Trustees; retained land and the Green Land. The fact that the buyer is not interested in acquiring any part of the Property if it does not comprise all of the Property (save for the Pink Land) shows the very real relevance of this point and the importance of being able to hold onto the freehold of the retained land and the Green Land together.

Statement of truth

I confirm that I have made clear which facts and matters referred to in this report are within my own knowledge and which are not. Those that are within my own knowledge I confirm to be true. The opinions I have expressed represent my true and complete professional opinions on the matters to which they refer. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

Declaration

I confirm that my report has drawn attention to all material facts which are relevant and have affected my professional opinion.

I confirm that I understand and have complied with my duty to the Inspector as an expert witness which overrides any duty to those instructing or paying me, that I have given my evidence impartially and objectively, and that I will continue to comply with that duty as required.

I confirm that I am not instructed under any conditional or other success-based fee arrangement.

I confirm that I have no conflicts of interest.

I confirm that in preparing my report I have had due regard to the Royal Town Planning Institute's (RTPI) Code of Professional Conduct (1 February 2023).

A handwritten signature in black ink, appearing to read 'Nick Diment', with a stylized, flowing script.

Signed:..... 30 January 2024

Nick Diment