

**Corridor between the A34 Milton Interchange and the B4015
north of Clifton Hampden.**

on behalf of the

NEIGHBOURING PARISH COUNCILS - JOINT COMMITTEE (NPC-JC)

PROOF OF EVIDENCE ON GREEN BELT (TOPIC 13)

ALAN JAMES BSc MA MLI (RETIRED)

1. My name is Alan James. I have a BSc Honours in Geography (University College London), an MA in Landscape Architecture (University of Sheffield) and am a retired chartered Member of the Landscape Institute (MLI). I have worked as a landscape architect since 1973, and from 1996 also worked as a consultant on sustainable transport. I have been an expert witness on both landscape and transport matters in over 20 public inquiries since 1996, including several major road schemes.
2. At this inquiry I am representing the Neighbouring Parish Councils Joint Committee (NPC-JC). I prepared evidence on Landscape, Green Belt, and alternatives to HIF1 for the HIF1 application, with reference to the sections from Didcot to Culham and from Culham to the end of the Clifton Hampden bypass. These reports were included in the objection to the scheme that was heard at the Planning and Regeneration Committee of Oxfordshire County Council (PRC) meeting on 17 and 18 July 2023. That committee heard the evidence both for and against the proposal, and its decision was a firm rejection of the application. Two of the grounds for refusal were (2) inappropriate development in the Green Belt and (6) unacceptable landscape impact. These two aspects are the subject of my two proofs of evidence to the inquiry: this proof covers Green Belt.
3. HIF1 was called in by the Secretary of State (SoS) after the PRC decision had been made but before a letter of notification had been issued by Oxfordshire County Council (OCC). It is not for me to question the legitimacy of the call-in, though it puzzles me somewhat: the decision was made by the PRC of OCC, and there was no mechanism for OCC to overturn the decision in the notification letter, so OCC's decision had in effect been made on 18 July. However, I accept that the call-in was not challenged at the time, so we are where we are.
4. What I do find unacceptable is the subsequent attempt by the Local Planning Authority (LPA) to erase or at least neutralise the PRC decision for the purposes of the inquiry, through the second PRC meeting in September 2023. The PRC decision in July was made and although it cannot now be *enacted* by OCC this does not mean that it was not *made*. The decision cannot be disinvited, no matter how much the LPA officers disagreed with it. The PRC members heard both sides of the argument at the July 2023 meeting and rejected HIF1. Whatever the reasons for the PRC

rowing back from some of the decisions in July 2023 at the meeting in September 2023, they do not alter the fact that the PRC had decided otherwise only two months earlier.

5. On Green Belt, the September PRC meeting resolved that the previous decision no longer held, presumably as a result of arguments presented by LPA officers and included in the LPA Statement of Case (SoC) to this inquiry. This is odd, as the case presented to the PRC in September 2023 and now incorporated into the SoC is almost entirely copied from the Officer Report to the July 2023 PRC meeting (OR). My argument in this proof is that no matter what its origins are the LPA SoC is very unconvincing. Therefore the original decision should still hold, that ***HIF1 is inappropriate development in the Green Belt and that very special circumstances to override its inappropriateness do not exist.***

Inappropriate development in the Green Belt

6. From September 2021, the date of the HIF1 Planning Statement (PS) in support of the HIF1 application, until 17 January 2024 (six days before the deadline for submission of proofs of evidence to the inquiry), there was consensus between OCC Highways as the HIF1 Applicant (OCC-A), OCC LPA, and NPC-JC that HIF1 constitutes inappropriate development in the Green Belt from the Thames bridge northwards.
7. The PS was prepared by AECOM and undertook a very detailed assessment (section 7.3) of the NPPF criteria relating to inappropriate development in the green belt. The PS set out the five purposes of green belt a-e (7.3.3), and the possible development types which might not be considered inappropriate subject to maintaining openness and not conflicting with green belt purposes (7.3.4). It then analysed each purpose, and the criteria for accepting local transport infrastructure as not being inappropriate development in the green belt (7.3.5 to 7.3.19). It then concluded (7.3.20) that:

"In summary, the Proposed Development will conflict Green Belt purposes C (encroachment into the countryside) and D (preserve the setting and character of historic towns) and will not fully preserve the openness of the Green Belt. As such the Proposed Development is considered inappropriate development and is by definition harmful to the Green Belt. Very Special Circumstances are therefore required to outweigh the harm to the Green Belt (NPPF Paragraphs 143-144¹)."

8. This was the settled position of OCC-A throughout the application period up to and including the OCC-A SoC in November 2023 (para 10.30). However, with six days to go before the 23 January deadline of proofs of evidence to the inquiry (since extended), OCC-A stated² that:

"OCC as Applicant/Acquiring Authority has recently received the draft proof of evidence of its planning witness, Bernard Greep, whose professional opinion, having analysed the proposal, is that the proposed development properly falls within NPPF paragraph 155(c) such that it is not inappropriate development. That is the case that OCC as Applicant/Acquiring Authority will now be advancing at the Inquiries."

9. In my view this is totally unacceptable in what is supposed to be a sequential planning process. A promoting authority should not be able to change its story two years on from its original version, solely on the basis of an interpretation of a policy document (NPPF) unless the policy

¹ The wording on green belts is largely unchanged between the 2021 NPPF referenced here, and the current version dated December 2023, but the paragraph numbers have changed.

² Correspondence to Programme Officer 17 January 2024

itself has changed. There is a well-known aphorism³ that ‘when the facts change, I change my mind’, but in this case the facts have not changed, and OCC-A should not be changing their mind at such a late stage on the basis of nothing more than opinion. If OCC-A wishes to pursue this change of course, they have to explain exactly why they are now rejecting AECOM’s advice.

10. In any case, the reason given for changing paragraph 10.30 of the SoC is based on nothing more than the notion that under paragraph 155c (2023 NPPF) HIF1 is “*local transport infrastructure which can demonstrate a requirement for a green belt location*”. Even in itself this is a circular and self-fulfilling argument. HIF1 only requires a green belt location if someone wants to build a road through that part of the green belt, and if the road is the only possible strategic option for the area’s transport needs.
11. This apart, the argument fails to mention the overarching proviso in paragraph 155 that such developments may not be inappropriate in a green belt “*provided they preserve its openness and do not conflict with the purposes of including land within it*”. The AECOM Planning Statement is very specific about the reasons why HIF1 does not maintain openness and conflicts with some of the purposes of green belt designation (see my para 7 above), and goes into great detail to reach this conclusion (PS 7.3.9, 7.3.10, and 7.3.15): the proposed change to SoC 10.30 is completely silent on these matters.
12. The text change goes on to state that “*the case of OCC as Applicant/Acquiring Authority will also be that, even if it were to be found that the proposed development is inappropriate development (contrary to its principal case), very special circumstances exist within the meaning of NPPF paragraphs 152-153*”. In other words, ‘very special circumstances’ are now a secondary argument to the ‘principal’ case that HIF1 is not inappropriate development in the green belt, which could imply that they should be accorded less weight. Evidence on very special circumstances is covered in the next section of this proof.
13. The OCC LPA SoC on Green Belt is mostly covered in paragraph 2.28, which in turn is mostly copied from the Officer Report (OR) to the PRC in July 2023, paragraphs 275 to 288. This means that the arguments presented in the SoC are no different from the arguments presented to the July 2023 PRC at which they were rejected. It is therefore not the case that any new evidence was put before the PRC subsequently that could have brought about a change of heart resulting in a reversal of the July 2023 decision.
14. OCC LPA do not claim that HIF1 is no longer regarded as inappropriate development in the green belt (SoC para 2.28). ***This means that OCC-A and OCC LPA now disagree in this respect, so the former’s ‘principal’ case is rejected by the planning authority.*** More detail is provided in the OR: “*given that openness in this case does have a visual as well as a spatial dimension, it is difficult to conclude other than that the road would fail to preserve openness, and this is a view shared by the applicant as well as many local residents and interested parties who object to the application.*” (OR 282) and “*local transport infrastructure developments that require a Green Belt location, should only be considered not inappropriate where they do not conflict with the purposes of including land within the Green Belt. The applicant’s own assessment, with which your officers agree, is that the proposed development would conflict with purposes c) to assist in safeguarding the countryside from encroachment and d) to preserve the setting and special character of historic towns.*” (OR 283)

³ attributed (possibly incorrectly) to John Maynard Keynes

15. The LPA officers' position could not be clearer, and could not be more different from the new position of OCC-A.
16. The LPA's case is that very special circumstances exist which outweigh inappropriateness, which is a balance between the weight of inappropriateness and that of the very special circumstances. The NPPF is clear that the degree of harm through inappropriate development is important:

"Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances." (NPPF Dec 2023 para 152); and "local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations" (NPPF Dec 2023 para 153).
17. It is therefore necessary to consider the degree of harm to the Green Belt, since the reference point for 'very special circumstances' is whether harm is outweighed by 'other considerations'. The LPA SoC has not done this. It merely states (SoC 2.28, OR 287) that the circumstances are very special: "*It was therefore the view of officers that very special circumstances do exist and that those circumstances clearly outweigh the harm that would be caused to the Green Belt through reasons of inappropriateness*". There is no attempt to assess the degree of benefit against the degree of harm, just an unsubstantiated opinion that the prizes are so great that they are bound to outweigh the downside. Once again, this view was put to the PRC in July 2023 and rejected.

18. The LPA also states (SoC 2.28, OR 287), that:

"notwithstanding that the application was originally advertised as a departure application, after detailed consideration of the proposed scheme, officers consider that the development would be in accordance with the NPPF policies on Green Belt and Policy STRAT6 of the SOLP.

The officers must have satisfied themselves that the application was a departure at the time it was submitted, so there is little if any point in harking back to it now. Whilst officers may legitimately conclude that in the final analysis HIF1 is or could be made to be in accordance with the development plan on green belt matters (and others may disagree, including the PRC in July 2023), the fact remains that it was initially regarded as a departure, indicating that it was not a clear-cut case at the time. In any case, the argument only holds if it is accepted that the 'very special circumstances' exist, which is not the case.

Very Special Circumstances

19. The LPA SoC rests its case that 'very special circumstances' exist, on two main arguments (SoC para 2.28, copied from OR 287):

- *"if planning permission were refused for the development, it is likely that planned growth for the Science Vale area would be prevented from, or would be substantially delayed, in coming forward,"*
- *"if growth were to come forward without the proposed development it would likely result in gridlock and severe harm to the local highway network"*

20. Considering the second of these first, it is classic 'predict and provide'. There may well be gridlock in future, but only if nothing is done to head it off, and the assumption here is that the only thing that will head it off is increased highway capacity. Yet it has been government policy since PPG13 in 1994 to use demand management to reduce road traffic, and to plan land use and transport

together to achieve a sustainable balance between development and the demand for mobility that goes with it.

21. It is now the adopted policy of OCC, through the Local Transport Connectivity Plan (LTCP), to replace ‘predict and provide’ with ‘decide and provide’, and in the process reduce car journeys by 25% by 2030. Instead of fixing an amount of development and predicting the amount of traffic that will be generated and hence the road capacity required to accommodate the increased traffic, the approach should now be:

- to assess the amount of development that can comfortably and sustainably be accommodated in a plan area (made easier by the recent changes in government housing policies)
- then to identify the mix of transport modes needed to meet mobility demands

22. It is arguable that HIF1 would exacerbate congestion in the medium to long term on the road network within the Green Belt, by opening the tap to significant increases in volumes of traffic crossing the Thames and putting more traffic onto the A415 in both directions from Culham. OCC is unable to counter this argument, as it has failed to model for induced traffic and has failed to model for traffic impacts in Abingdon and eastwards to the Golden Balls roundabout and beyond.

23. Interestingly, OCC made a similar tap-opening case in 2014, in its LTP3 Update section 17 ‘Science Vale Area Strategy’ (May 2014) para 15, which states that

“Improvements to the Culham and Clifton Hampden road river crossings or implementation of a new bridge are not identified projects within the Transport Strategy. This was discussed extensively at SODC’s Core Strategy examination and the arguments still stand. The Strategy to accommodate movement north/south is focussed on rail and the A34. Capacity problems are not only created by the bridges themselves but also by the surrounding road network and junctions. The capacity issue acts as a deterrent to some drivers and aids commuters to make a choice about how/when they travel”

24. The focus in the strategy that avoids construction of a new Thames crossing is that movement north/south is focused on rail and the A34. The HIF1 strategy makes next to no reference to rail, other than to dismiss a very weak version of a rail strategy in the optioneering stage (see PS section 2.3, ES chapter 3, and Science Vale Option Assessment Reports in 2018, 2019, and 2021). Given that the Oxford-Didcot rail line offers the only high quality Thames crossing between the A423 at Oxford and the A4130 at Wallingford, and that there is a station adjacent to Culham Science Centre⁴, it is difficult to understand, and in my view inexcusable, that OCC have never put forward a multi-modal rail-led option in its transport strategy for the area.

25. Turning to the Culham Science Centre⁵ (CSC), it is understandable that Members of the PRC might be concerned if its future development would be “prevented” (“delayed” is somewhat less serious, as many factors could lead independently to delay). However, the LPA SoC does not provide any evidence that development would be prevented, saying only that this is ‘likely’ (2.28). An unproven future scenario is not in my view a ‘very special circumstance’ that outweighs inappropriate development in a green belt.

26. CSC itself produced a Transport Assessment (TA), BSP Addendum Transport Assessment, latest version 24 November 2021, which casts doubt on many of the LPA SoC assertions. See in particular section 6, with many of the findings reported in section 7 ‘Conclusions’. The TA models

⁴ A factor also highlighted in the LTP Update para 14

⁵ Known as Culham Campus since December 2023, but Culham Science Centre is used in this proof as the main documents referenced are in the name of CSC

traffic flows across the network between Abingdon and the A4074 and including the existing Thames bridges. It models pre-HIF1 scenarios for 2021, 2024 with other committed development, and 2024 with committed development plus site development. These are also modelled for post-HIF1 with the addition of a 2034 scenario.

27. The CSC TA⁶ concludes that in general the CSC development has only marginal effects on capacity across the network. In the pre-HIF1 scenario, with the CSC development in place, the only junction that goes over capacity between 2021 and 2024 is the site entrance itself, and then only for traffic coming from the East on A415 at the AM peak (6.12). This occurs because the right-turn lane is too short for the predicted volume of right turning traffic (6.12). The TA suggests that if HIF1 were to be significantly delayed, the capacity problem could be solved either by providing a roundabout as for HIF1, or by installing traffic lights (6.15).
28. Other parts of the network that are over capacity in the 2024 scenarios were already over capacity in 2021, notably at the Clifton Hampden traffic lights (6.23) and in Abingdon. Whilst congestion in Clifton Hampden would be relieved by the HIF1 bypass, the alleviation of congestion at one set of traffic lights scarcely adds up to very special circumstances to outweigh harm to the green belt.
29. Perhaps surprisingly, the TA shows no capacity problems in the pre-HIF1 scenarios at Clifton Hampden bridge (6.32). Existing capacity problems in the AM peak at Tollgate (Culham) bridge are exacerbated (6.42 Table 9), but as with all modelling the predicted queue lengths and time delays are not realistic forecasts where the Ratio of Flow to Capacity (RFC) is above 1 (6.18), because suppressed demand - for example modal shift, peak spreading, route reassignment, changes in working patterns - kicks in as congestion increases.
30. The 2034 scenario assumes HIF1 to be in place, and concludes that the site access junction would be above capacity in the AM peak (6.18 and Table 7.2 in 6.16), subject to the note about unrealistic queue length predictions. In addition, further capacity upgrades would be necessary at places like Golden Balls roundabout, with or without the CSC development. However, the CSC TA makes interesting observations about forecasts decades into the future:
 - *"The flows used in the 2034 scenario are expected to be very robust. They include for all Local Plan allocations, and there is potential for double counting through the combination of using data from a Paramics model plus traffic surveys and the addition of committed development traffic manually. They do not account for any changes in modal split and more flexible working practices (such as increased working from home, increased peak spreading, more flexible working hours) that are anticipated to occur over the next 13 years, both at CSC and in general across the UK highway network. The extent of the effect of these positive changes on peak hour traffic flows is difficult to predict."* (6.19)
 - *"It should be noted that the effect of the proposed HIF1 bypass and river crossing infrastructure on traffic flows across the network is hypothetical at this stage, particularly in 2034."* (6.24)
31. The UKAEA has submitted a SoC to the inquiry in support of HIF1 for its assistance in the expansion of CSC. This is unsurprising, as UKAEA has nothing to lose by supporting the scheme. The SoC relies on standard assumptions that only a new road will address problems of congestion in the area and meet accessibility requirements for an expanded CSC. In the process, it sits uncomfortably alongside some of the more interesting transport observations in the CSC TA as discussed above, and in the Framework Masterplan of July 2022.

⁶ All paragraph references in this section are to the CSC TA.

32. The Framework Masterplan has a table of modal shift targets (p18), which indicate that UKAEA is taking sustainable transport and climate change targets very seriously. Some key targets are:

- Modal share of travel to CSC by car to reduce from 79% in 2022 to 70% by 2025 and to 35-50% by 2035
- Current modal share of travel by train to CSC is already a fairly high 10.4%, reflecting the locational advantage, and is targeted to rise to 12.5% by 2025 and 15% by 2035
- Active travel (mostly cycling) already has a respectable 7.8% modal share, targeted to rise to 10% by 2025 and 12.5% by 2035
- Travel to CSC by bus is currently very low (1.2% modal share), but a significant increase is programmed, to raise modal share to 7.5% by 2025 and 15-20% by 2035, by far the largest increase in modal share foreseen in the Masterplan.

33. These targets are part of a coherent strategy of UKAEA, expressed in its development objectives for CSC:

"The UKAEA wishes to address wider societal challenges as far as possible by also pursuing:

- *Low-carbon emissions and resource efficiency through a clean growth strategy*
- *Modern mobility strategies to improve sustainability in home-to-work and business-related transport"*

(Framework Masterplan para 2.2)

34. These overarching objectives chime well with OCC's LTCP, but there is a rather obvious disconnect with UKAEA's support for HIF1. It appears to be not well understood that a large new road will promote car use and hinder the targets for growth in sustainable transport modes. HIF1 will almost certainly put more traffic onto the road network north of the Thames, which will increase congestion in places like Abingdon making it ever more difficult to run the fast and reliable bus services on which much of the UKAEA target reduction in car use depends. Spurious claims are made that HIF1 improves provision for active travel modes, but these can be provided at much lower cost without building the road.

Concluding remarks

35. HIF1 constitutes inappropriate development in the Oxford Green Belt in the section north of the Thames. Oxfordshire County Council LPA officers agree. Oxfordshire County Council Highways, as Applicants for planning permission for HIF1, agreed for over two years, until a week ago when they changed their mind and attempted to argue the opposite. This argument does not withstand scrutiny.

36. Both sections of Oxfordshire County Council claim that there are 'very special circumstances' that outweigh inappropriate development in the green belt, based partly on an incorrect assessment that the road network cannot cope without HIF1 even in the short term, and on unreliable forecasts of traffic flows in the medium term. It is claimed that without HIF1, future development at Culham Science Centre/ Campus might be prevented, but the LPA SoC can say no more than that this is 'likely', while the UKAEA describes the threat of future congestion as 'hypothetical', neither of which adds up very special circumstances.

37. A combination of a concerted rail-led multi-modal strategy to reduce demand for travel by car, assists UKAEA in its objectives for clean growth and a modern mobility strategy, and furthers the Council's LTCP. Along with possible but much more targeted highway capacity interventions, this has every prospect of working rather better than a blockbuster road scheme that opens the floodgates to cross-Thames traffic.

38. It is therefore very difficult to sustain a case that the harm HIF1 causes to the green belt is outweighed by very special circumstances.

Additional documents

The following documents are submitted with this proof of evidence, should they not be amongst the core documents to the inquiry. If any further documents referenced in the proof need to be provided I shall do so.

LTP3 Update: section 17 Science Vale Area Strategy, OCC May 2014

Culham Science Centre Addendum Transport Assessment by BSP consulting, 21 November 2021

Culham Science Centre Framework Masterplan, UKAEA July 2022

PPG 13 2001 (the 1994 version is said to be not available online, but the 2001 version reiterates the 1994 objectives, see opening summary paragraph and para 4: I amy be able to find a hard copy of the 1994 version if required).

Note. Above sent for inclusion in Core Documents.

Alan James

January 2024