

Appeal reference is: APP/U3100/V/23/3326625

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The evidence which I have prepared and provide for this called-in planning application has been prepared and is given in accordance with the guidance of my professional institution and I confirm that the opinions expressed are my true and professional opinions.

1. Introduction

- 1.01 I have been working as a chartered planner in public, private and voluntary sectors for over 40 years. From 1975 to 1989 I was employed by the Vale of White Horse District Council. From 1989 to 2018 I was a planning adviser at a law firm (various name changes culminating as Blake Morgan) and throughout this period and to date I have given advice on a pro bono basis to environmental and housing NGOs.
- 1.02 I have run planning courses for lawyers and the public and write for the planning journals and general press.
- 1.03 I am currently a director and volunteer at One Planet Abingdon Climate Emergency Centre that is implementing the climate emergency declaration of the Abingdon on Thames town council.
- 1.04 During the course of the application now being considered by the Secretary of State I was told by Bill Cotton Corporate Director for Environment and Place that Rachel Wileman, Director of Planning, Environment and Climate Change would contact me about my concern to talk to officers who might be supporting the application in order to discuss the 'perfect storm' (a description given by Ms Wileman to the climate crisis) in order to understand the material planning grounds on which the application for building a new road could be supported. Further emails followed but no reply was received from the officer(s). The submissions made on the application were in the form of 'reasons for refusal' intended to demonstrate that the application could reasonably be

refused notwithstanding the inclusion of the road proposal in adopted development plans. Bearing in mind the climate emergency declared by all the Oxfordshire Councils, I was attempting to identify the related issues of 'material change in circumstances' and the reasons why the plans should be considered to be 'out of date' and be given reduced weight.

- 1.05 I fully understand why the building of the road was proposed and was included in the local plan and the Oxfordshire Transport and Connectivity Plan. However, I am also aware that transport is a major contributor to terrestrial carbon emissions and that neither carbon reduction budgets nor targets will be achieved at the current rate of reduction. *Res ipsa loquitur* translates to "the thing speaks for itself". This phrase is applied when an injury is so obviously the result of negligence that it doesn't require further explanation or proof. Those responsible for planning-making and decision-taking, willfully or not, have co-created urban forms that are generating completely unacceptable levels of GHGs. The planning application for the road prepared and supported by planning officers, and the fact that this inquiry is taking place, is evidence of denial that that there will have to be a paradigm shift if carbon reduction budgets and targets are to be met.
- 1.06 My understanding is that Homes England has come to that conclusion and no longer expect new roads to be provided to new housing. In fact they cite an appeal decision where an inspector came to the same conclusion.
- 1.07 My purpose in contributing to this inquiry is a logical continuation to what I contributed to the Council's dealing with the application. I would like to assist the Inspector and the Secretary of State in the exercise of deciding which 'expert evidence' (see Procedural Guide for Called-in applications issued by the Planning Inspectorate April 2022) should be relied on in deciding that the road would not exacerbate the position in respect of GHG emissions and contribute to overshooting budgets and targets.
- 1.08 In considering what I believe should be the determining factor in this application I am expecting the Secretary of State (with the assistance of

the Inspector and expert evidence) to fully account for the embedded or upfront carbon as well as the operational carbon. In doing so the weight given to both the certainty and timing of the upfront carbon would be greater than the weight given to any alleged and disputed savings of operational carbon in the medium and longer term. The significant upfront carbon will cause global warming whether or not there might be some easing of traffic congestion comprised of vehicles that will increasingly be neutral at the tail pipe. I have not yet seen an adequate or reliable assessment of these fundamental matters eg the impacts of lower speed limits, changes to vehicle technology, patterns of ownership, automation, modal-shift, working patterns (working from home and/or four day weeks).

1.09 I have now seen a letter from the Business Secretary (then Grant Shapps MP) requesting the calling-in of the application on the basis that the absence of the road would undermine the development of the Science Vale and in particular fusion research. This claim shows a similar lack of awareness of the changes that are occurring to the transport system. The Business and Net Zero Departments should be embracing and encouraging these changes rather than expecting the Communities Department to reinforce the elements of the transport system which are responsible for maintaining intolerable levels of carbon emissions.

2. What is “Expert evidence”

2.01 The definition of expert evidence relied on by the Inspectorate (and then the Secretary of State) is at Annexe H of the Planning Inspectorate guidance.

H.1 Who provides expert evidence?

H.1.1 Expert evidence is evidence that is given by a person who is qualified, by training and experience in a particular subject or subjects, to express an opinion. It is the duty of an expert to help an Inspector on matters within his or her expertise. This duty overrides any obligation to

the person from whom the expert has received instructions or by whom he or she is paid.

H.1.2 The evidence should be accurate, concise and complete as to relevant fact(s) within the expert's knowledge and should represent his or her honest and objective opinion. If a professional body has adopted a code of practice on professional conduct dealing with the giving of evidence, then a member of that body will be expected to comply with the provisions of the code in the preparation and presentation (written or in person) of the expert evidence.

- 2.02 The evidence or facts 'on the ground' show indisputably that the professionals operating the planning system over the recent past have been and are failing in this duty.
- 2.03 The Royal Town Planning Institute has a code of conduct applicable to its members:-

7.Members shall act competently, conscientiously and responsibly and to this end are expected to apply reasonable standards of skill, knowledge and care in the performance of all their work, with the understanding that Members have a duty to their employers, clients, colleagues and others.

8.Members must take all reasonable steps to update their skills, knowledge and expertise to maintain their professional competence throughout their career for the benefit of the public, their clients, the natural environment and the quality of the built environment. Members must therefore comply with any supplementary regulations on the requirements for continuous professional development (CPD).

10.Members must act within the scope of their professional competence in undertaking the professional planning services they are employed or commissioned to do. Members must therefore undertake to perform those services only when they, together with those whom they may

engage as employees or consultants are sufficiently qualified by education, training or experience in the specific areas involved.

12. Members must not make or subscribe to any statements or reports which are contrary to their own genuine professional opinions, nor knowingly enter into any contract or agreement which requires them to do so.

13. Members must base their professional advice on relevant, reliable and supportable evidence and present the results of data and analysis clearly and without improper manipulation.

2.04 The Institute was asked by the Committee on Climate Change to advise on how the planning system could assist in meeting carbon reduction targets and budgets.

2.05 To understand what is expected of professional planners the RTPI have expressed the following opinion. (RTPI Response to Committee on Climate Change 2020 Progress Report to Parliament July 2020)

Spatial planning will play a central role in reducing emissions across the sectors identified by the CCC. It achieves this by setting ambitious policies and standards to guide development and infrastructure decisions, and by directing investment to place-based solutions which have the support of local communities and deliver multiple benefits. Effective mechanisms for planning at the local and strategic scale, supported by the right powers, tools and resources, is needed to implement the CCC's recommendations to DfT, MHCLG, BEIS and Defra. As progress towards net zero carbon reshapes the built environment, planning can ensure that co-benefits are maximised and that the transition is just, leaving no one behind.

2.06 More detailed guidance to assist its membership is published as *The Climate Crisis – A Guide for Local Authorities on Planning for Climate Change* January 2023 Fourth Edition (Third October 2021) RTPI

“We have three shared messages for planners and the wider community:

1. Ensure that tackling the climate crisis is at the heart of the vision for the future of our communities.
2. Recognise how vital planning is to securing that vision – both directly, through facilitating the extension of renewable energy generation, and strategically, through practical nature-based solutions and design actions that can promote sustainable travel, urban cooling, or natural flood defence.
3. Finally, recognise how many of the actions necessary to tackle the climate crisis are also key in creating healthy, ecologically rich, prosperous and beautiful places for us and for future generations.

Climate change is the greatest challenge facing our society.

The science of climate change is now well understood, and we know that we must limit the global temperature increase to 1.5°C above pre-industrial levels if we are to avoid catastrophic climate impacts.”

In fact recent reports indicate that 1.5°C is no longer alive and planners should be giving even more weight to both mitigation and adaptation measures.

2.07 The guidance continues:

“If you only have five minutes . . .Addressing the climate challenge through the planning system can feel complicated and frustrating, so if you are just starting out as a planner or politician

and working with limited resources, keep in the back of your mind three rules of thumb:

- 1 Always seek development options that will result in the biggest carbon reductions.
- 2 In thinking about the risks that will affect development in the future, always apply a reasonable worst-case scenario in relation to climate impacts.
- 3 Always seek to achieve multiple benefits, being aware that action on climate change often delivers wider social and economic benefits, and these should be actively sought and promoted.

3.3 Policy approaches.

3.3.1 Ensuring that the plan has an overarching climate change policy priority... Successful solutions to the climate crisis require local planning policy to be based on a powerful overarching objective on mitigation and adaptation. This objective should inform the plan's overarching strategy, to reflect a spatial response to addressing climate change (for example through the location of development, mix of uses, densities, energy and transport strategies as well as technical requirements for buildings and design). This should be set within the wider objective of planning to secure sustainable development, based on the UN Sustainable Development Goals and Indicators. Plan-making and development management must fully support the transition to a net-zero and resilient future in a changing climate. To deliver on this objective, local planning authorities should

- Ensure that climate policy is embedded throughout the local plan policy narrative

3.4.7 Sustainable transport

Transport is the largest contributor to greenhouse gas emissions by sector (27% of the UK total in 2019), and very little progress has been made to effect reductions (although a significant reduction was recorded in 2020, as a result of the Covid-19 pandemic). Emissions from private vehicles make up 56% of the transport total...Well planned development can create opportunities for more sustainable transport choices to be made and healthy lifestyles to be adopted. Planning must also consider the technological transformation of transport systems, with the rapid introduction of electric vehicles, the use of autonomous vehicles, and radical changes in the nature of work and leisure, all of which may alter travel patterns. The Climate Change Committee advises that local development plans or transport plans should deliver a 33%-35% shift from cars to walking/cycling/public transport for shorter trips to meet net-zero targets, and cities can be even more ambitious than this.

4.1 Mitigating climate change

4.1.1 Delivering a low-carbon and climate-resilient future

- Increase the proportion of trips in the local area made by sustainable modes (particularly active travel modes), by:
 - giving comparative advantages to sustainable travel – for example by placing cycle parking closer to a main entrance than car parking (other than disabled parking);
 - implementing travel plans (unless the scale of the development is small) so as to reduce greenhouse gas emissions;
 - requiring safe and attractive walking and cycling opportunities for all new developments, including secure cycle parking and, where appropriate, showers and changing facilities;
 - managing the provision of car parking (including consideration of charging for use), so that it is consistent with cutting

greenhouse gas emissions, including the provision of electric vehicle charging infrastructure; and

- improving public transport and utilising a travel planning approach.

4.1.2 Greenhouse gas emissions as a material consideration.

There is no doubt that carbon dioxide emissions are a material consideration in planning decision-making. A decision made by the Secretary of State for Housing, Communities and Local Government in 2018 provides useful clarification on how government might expect these issues to be considered, including the importance of the cumulative effect of greenhouse gas emissions: ‘The Secretary of State has given careful consideration to the Inspector’s analysis at paras IRC112-C115. For the reasons given he agrees that greenhouse gas (GHG) emissions from the proposed development would adversely impact upon measures to limit climate change. He further agrees that most of the GHG emissions would be emitted in the short term, resulting in an adverse effect of substantial significance reducing to minor significance in the medium term; and that greenhouse emissions in the long term would be negligible, but that the effects of carbon in the atmosphere would have a cumulative effect in the long term (para. IRC115). Given that cumulative effect, and the importance to which the Government affords combating climate change, he concludes that overall the scheme would have an adverse effect on greenhouse gas emissions and climate change of very substantial significance, which he gives very considerable weight in the planning balance.’ See *HJ Banks & Co Ltd v Secretary of State for Housing Communities and Local Government* [2018] EWHC 3141 (Admin). Available at [https://unece.org/fileadmin/DAM/env/pp/compliance/C2018-156/Correspondence with the Party concerned/frPartyC156_22.10.2019/9 HJ Banks.pdf](https://unece.org/fileadmin/DAM/env/pp/compliance/C2018-156/Correspondence%20with%20the%20Party%20concerned/frPartyC156_22.10.2019/9%20HJ%20Banks.pdf)”

2.08 And in Conclusion:

“Addressing climate change must be a central priority of the planning system if we are to secure our future economic, environmental and social wellbeing. This guide sets out some of the ways that local authorities and communities can make a real difference in tackling the climate crisis. The threat of climate change is real, and time is running dangerously short. A resilient and sustainable future is achievable, but only if we act now.”

The urgency of this matter must affect the weight given to all historic and out of date plans and to applications that fall to be determined in accordance with S38(6) where overriding weight should be given to climate impacts.

3.0 The call-in

3.01 The Secretary of State has requested the following matters to be addressed by the inquiry and reported on by the Inspector.

- a) The extent to which the proposed development is consistent with Government policies for delivering a sufficient supply of homes as set out in the NPPF (Chapter 5); and
- b) The extent to which the proposed development is consistent with Government policies for building a strong, competitive economy as set out in the NPPF (Chapter 6); and
- c) The extent to which the proposed development is consistent with the development plan for the area; and
- d) Any other matters the Inspector considers relevant.

3.02 For the purposes of S 70 and S 38(6), all material considerations must be taken into account in deciding the application. This is a matter of law and not just the professional conduct of the planners involved in the process

or the priorities of a Secretary of State for Leveling-up, Housing and Communities. The County Council as both applicant and local planning authority has considered carbon emissions and climate impacts as relevant, even if the evidence base and analysis does not appear to be adequate to find that the harm from the building the road would be in accordance with the necessary achievement of carbon budgets and targets.

3.03 In so far as carbon emissions relate to the specific matters of interest identified by the Secretary of State it should be noted:

(a) that the absence of the road would not interfere with the delivery of houses consistent with legally agreed carbon reduction budgets (eg see up-to-date position of Homes England). All the new housing areas have existing road access and there are main line railway stations at Didcot and Culham which played a part in site allocation.

(b) the road would not be consistent with the growth of the 'green economy' that would instead be boosted by the need to support all the low and zero carbon alternatives to mass road transport.

(c) the extent to which the road is consistent with the development plan for the area must, under S38(6), be balanced with how the plan addresses and deals with the urgent need to reduce carbon emissions in line with more recently legally agreed budgets and targets.

4.0 Summary

4.01 The road being proposed in the local plan and being described in Council officers' reports as essential infrastructure for the development of new housing is a perfect example of a paradigm that has contributed to the collapse of the climate system obtaining at the time it was established. If a livable climate is to be maintained there will have to be a paradigm shift to different forms of built environment and development.

- 4.02 There is agreement that there will be significant ‘upfront carbon’ emitted in the building of new road which will make an immediate and lasting contribution to climate change. Whether the officers’ predicted reduction in congestion would reduce operational carbon would depend on many factors that are not covered by evidence to this inquiry. It is unlikely that sustainable urban forms will depend on mass personalized transport and in the emerging low carbon economy the road could be seen as an unnecessary addition to the road network if not a completely stranded asset.
- 4.03 In deciding the application in accordance with S 38(6) the Secretary of State will use their reasonable discretion in giving weight to the development plan and other material considerations. It is material that since the adoption of the local plan carbon emissions have continued to grow, as has evidence of climate instability if not collapse. In these circumstances it would be surprising if not perverse for road building to be given precedence over low carbon ways of maintaining accessibility across the local area and region.

Up date

Homes England

“Vision Led Provision - for Transport and Place Investment”
(AKA Vision and Validate” / “Decide and Provide” / “Manage and Monitor”)
–A new transport assessment approach for development

“It is not the purpose of planning policy to prioritise and protect the convenience of the car commuter” Jon Sandford (Senior Manager, Master Development and Design Team) Homes England

Induced demand

“ It is not possible for the UK to build its way out of congestion. Especially in urban areas, where most congestion occurs, new roads lead to new journeys, filling up the additional space. People take advantage of the new capacity to make different choices of where to live and work, and when to travel, rather than reducing congestion.”

National Infrastructure Commission report *Congestion, Capacity, Carbon: Priorities for national infrastructure 2017*

“Much has changed since the first Assessment in 2018. ... we have become more aware of the perils of climate change.” National Infrastructure Commission Second National Infrastructure Assessment Oct 2023

NIC also see support for road user charging if money goes into transport improvements (APPGI/ICE report)

And workplace parking levy?

Scientists for Global Responsibility 2023

- 10 targets for Fair Lifestyles in a carbon-constrained world

Signing up to all 10 would commit to an equal share of the global carbon budget necessary to keep close to the 1.5°C climate goal... A package of travel options by 2030 comprising or equivalent to:

- Zero car ownership
- Up to 950 km car travel (e.g. taxi, car club, lift-share), on average shared with one other person (**currently over 16,000 km?**)

Guardian 17 February 2024

February on course to be the hottest in human history, putting the world into uncharted territory

