

**IN THE MATTER OF A CALL-IN APPLICATION UNDER SECTION 77 OF THE
TOWN AND COUNTRY PLANNING ACT 1990**

PCU/RTI/U3100/3326455

**APPLICATION BY OXFORDSHIRE COUNTY COUNCIL FOR THE HIF1
SCHEME**

**CLOSING SUBMISSIONS
ON BEHALF OF
THE COUNCIL**

Introduction

1. This inquiry follows a planning application (the “Application”) made by Oxfordshire County Council (“OCC”) for the construction of highways infrastructure (“HIF1 scheme”) summarised as follows: dualling of the A4130 carriageway, construction of the Didcot Science Bridge, construction of a new road between Didcot and Culham including a road bridge over the Appleford railway sidings and road bridge over the river Thames, construction of the Clifton Hampden bypass and associated works (the “Development”). The Application was called-in by the Secretary of State by virtue of a letter dated 25th July 2023 before a formal decision on the Application was issued by the local planning authority.
2. The location is a linear site which traverses both Vale of White Horse District Council (“VWHDC”) and South Oxfordshire District Council (“SODC”). Most of the Development that would take place within VWHDC is on land that is allocated/safeguarded in the adopted development plan and in the emerging Local Plan.

3. As set out in its Statement of Case, VWHDC strongly supports the principle of development¹. The Council’s decision to support this scheme has not been an ad-hoc decision taken lightly or indeed under pressure (as is suggested by some objectors). There are a number of reasons why this contention is misplaced:
 - a. This scheme has had support for years. It is in the Council’s Local Plan Part 1² (“LPP1”) (dated 2016).
 - b. The Council’s housing and employment strategies embedded in the Local Plan Part 1 and Local Plan Part 2³ (“LPP2”) depend on and are underpinned by the HIF1 scheme.
 - c. The Council has supported the Application throughout this inquiry – it has called two witnesses and taken an active part.
 - d. Ms Baker told the inquiry⁴ she knows “*nothing at all*” about any pressure placed on VWHDC.
3. The HIF1 proposals run through the Development Plan of VWHDC like the writing on a stick of rock. This Development complies with local plan policies and is “*critical to the delivery of the VWHDC development plan spatial strategy for planned housing and employment supply*”⁵.
4. The adopted local plan and the emerging local plan include extensive consideration of the need for new homes in the District which also includes meeting some of the need of the neighbouring authority Oxford City Council.
5. It is worth mentioning the quality of the evidence provided on behalf of VWHDC. Both Emma Baker and Adrian Butler are qualified professionals. They have no ulterior motive in giving evidence to this inquiry. Their evidence was measured, impartial and provided from a background of enormous experience. Mr Butler’s involvement in

¹ Para 1.2 CD L.3

² CD G.02.01

³ CD G.02.07

⁴ Evidence in Chief (“EiC”)

⁵ Para 1.2 CD L.3

planning applications relating to sites 29⁶, 32⁷, 35⁸, 19⁹ (housing sites) 24¹⁰, 23¹¹, 25¹² and 45¹³ (employment sites)¹⁴ is directly relevant.

The Main Issues identified by the Secretary of State

The extent to which the proposed development is consistent with the development plan for the area (the Third Matter identified by the Secretary of State)

The statutory development plan and the weight to policies

6. Before turning to consistency with local plan policies, these submissions assess the weight to the Development Plan.
7. The National Planning Policy Framework (“the NPPF”)¹⁵ is guidance – the presumption in favour of the development plan still exists¹⁶.
8. There is no such thing as an out of date development plan¹⁷ and the starting point by virtue of s.38(6) of the Planning and Compulsory Purchase Act is the development plan. That does not change whether or not any policies attract reduced weight¹⁸ (not accepted). As there have been allegations regarding out of date policies, what is required is the exercise to be undertaken under para 225 NPPF¹⁹.

⁶ Valley Park for up to 4254 dwellings

⁷ Milton Heights – 458 dwellings

⁸ Land North of Grove Road, Harwell – 207 dwellings

⁹ Hobby Horse lane (refused by Committee and allowed on appeal) up to 175 dwellings

¹⁰ Milton Park – LDO made in 2012, revised LDO resolved to be adopted February 2023

¹¹ DTech LDO

¹² Didcot A Power Station - planning application for 190000m2 data centre

¹³ Retail development proposed by Mays Properties Milton Park, Enterprise Zone

¹⁴ INQ 03.02

¹⁵ CD G.20

¹⁶ *The Framework itself makes clear that as respects the determination of planning applications....it is no more than “guidance” and as such a “material consideration” for the purposes of section 70(2) of the 1990 Act....It cannot, and does not purport to, displace the primacy given by the statute and policy to the statutory development plan. It must be exercised consistently with, and not so as to displace or distort, the statutory scheme; Suffolk Coastal DC v Hopkins Homes Ltd; Richborough Estates Partnership LLP v Cheshire East Council [2017] UKSC 37*

¹⁷ *Peel Investments (North) Limited v SoSHCLG [2020] EWCA Civ 1175 para 55*

¹⁸ *See Monkhill Limited v SOSHCLG [2019] EWHC 1993 (Admin) para 45 – s.38(6) is to be applied “in any event”*

¹⁹ *Existing policies should not be considered out of date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency*

9. The proper interpretation of planning policy is ultimately a matter of law for the court²⁰. Policy statements should be interpreted objectively in accordance with the language used, read in its proper context²¹.
10. The policies are consistent, are recently adopted and the support for the HIF1 scheme from the Development Plan for this Local Planning Authority is overwhelming.
11. The NPPF sets out Government policy in a concise framework. Para 15 tells us that *“The planning system should be **genuinely plan-led**”* and that *“**up-to-date plans** should provide a positive vision for the future of each area; a framework for **meeting housing needs** and addressing other economic, social and environmental priorities; and a platform for local people to shape their surroundings”*. Under the heading “Plan Making”, the NPPF sets out that *“Strategic policies should set out an overall strategy for the pattern, scale and design quality of places....and make sufficient provision for (a) housing...employment, retail, leisure and other commercial development... ..”*
12. NPPF policy provides that the delivery of sustainable development should be through the preparation and implementation of plans²² and emphasises that development plans remain the starting point for decision making²³ and in determining whether a proposal is in fact a sustainable one
13. In this case, the development plan was made in the context of the NPPF and had taken fully into account the objective of significantly boosting the supply of housing, the importance of affordable housing and the various factors that inform sustainable development. It is the expression of a plan which was shaped by local people.
14. The national context of up to date local plans is well-known to be poor. This Council benefits from a recent development plan: Part 1 (setting out the spatial strategy,

with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)

²⁰ *Tesco Stores Ltd v Dundee City Council* [2012] PTSR 983

²¹ *Tesco v Dundee*, per Lord Reed JSC at [18].

²² Paras 8&9 NPPF

²³ Para 12 NPPF

strategic policies and locations for housing and employment) was adopted in December 2016²⁴ and Part 2²⁵ (sets out policies and further locations for housing) was adopted in October 2019.

The allegations that the Vale of White Horse District Council Local Plan is out of date

15. The allegations regarding certain policies or parts of the Local Plan have been misplaced²⁶.

The age of LPP1²⁷

16. On the face of it, LPP1 appears over 5 years old. However, Part 1 was subject of a review in 2021 under Regulation 10A of the Town and Country (Local Planning) (England) Regulations 2012 (as amended)²⁸ as confirmed by both Emma Baker and Adrian Butler²⁹ in their written and oral evidence³⁰. Ms Baker told the inquiry that the Review assessed whether the LPP1 remained relevant and whether it was consistent with national policy.

17. The Local Plan is therefore post NPPF, Part 1 has been reviewed within 5 years of adoption and Part 2 is less than 5 years old³¹. The contention by some objectors that the development plan for VWHDC is out of date is refuted³². Furthermore, together with South Oxfordshire District Council, VWHDC has also made considerable progress with a Joint Local Plan³³ (“JLP”) which has reached Regulation 18 stage. This is a proactive local planning authority ensuring that its development plan is up to date in every respect.

²⁴ CD G.02.01

²⁵ CD G.02.07

²⁶ Tamplin proof page 11 and Turnbull proof para 2.6

²⁷ See Tamplin PoE page 11

²⁸ *A local planning authority must review a local development document within the following time periods — (a) in respect of a local plan, the review must be completed every five years, starting from the date of adoption of the local plan, in accordance with section 23 of the Act (adoption of local development documents)’.*

²⁹ AB PoE para 3.3

³⁰ Para 4.3 SOC CD L.3 – Regulation 10A review completed and approved by the Council in December 2021

³¹ Accepted by Tamplin in XX

³² See Tamplin PoE page 11

³³ CD G.18

The housing requirement

18. There was an argument made that the housing requirement for VWHDC is out of date³⁴.

Ms Baker explained that this was ultimately set in LPP2 by CP4A so there is a combined requirement of 22,760 homes in VWHDC. Some of that relates to the unmet need of Oxford. Whilst the housing requirement was set prior to the standard method being introduced by NPPF, the change to the standard method actually meant that the need figure was lower than that in the plan. That is unusual but whilst the Council is monitoring against the standard method, it remains committed to supply the housing as required in the Local Plan. As Ms Baker told the inquiry: *“irrespective of monitoring, that is because of the Government objective to boost the supply of housing and by over-supplying we are being consistent with government policy”*.

19. The Emerging Local Plan does not de-allocate any of the current allocated sites and all the current supply in LPP1 and LPP2 is *“still envisaged to come forward”*.

4-year requirement?

20. Mr Turnbull refers to a 4-year requirement³⁵ but, as Ms Baker explained, this is based on a misunderstanding on housing land supply calculations for monitoring purposes. Para 77 NPPF provides for a relaxed four year housing land supply if NPPF para 226 applies. However, that does not and cannot alter the requirement in the Local Plan and cannot and does not amend the overall supply to meet need that the Council has planned for.

Policy CP17³⁶

21. Mr Turnbull had a particular issue with Policy CP17 of LPP1 which was particularised during his oral evidence³⁷. He alleged that it was out of date because it refers to Local

³⁴ See paras 6.1-6.2 Turnbull PoE

³⁵ Para 6.2 PoE

³⁶ CD G.02.01 page 91

³⁷ Para 2.6 PoE

Transport Plan 4³⁸ (“LTP4”) as opposed to the more recent Local Transport Connectivity Plan³⁹ (“LTCP”).

22. Ms Baker provided evidence that that the LTCP includes the components of HIF1 (see page 154-158 and SV2.6 and SV2.16) just as the LTP4 (see SV2.6 and SV2.16 on pages 43 and 45) does. There is no inconsistency on a proper assessment. Mr Butler further told the inquiry that CP17 was fully compliant with para 110 of the NPPF⁴⁰. He said that Policy CP17 identifies the components of the HIF1 scheme to deliver growth in the South East Sub Area of the district which includes land in the Science Vale and which in turn will accommodate large housing and employment growth.
23. His view was that whilst Policy CP17 may refer to the LTP4, it advises the package of highway infrastructure will be “refined” through development of LPT4 and LPP2. His opinion is that *“It recognises that highway infrastructure identified in LTP4 which included the HIF1 scheme could change. Whilst LTP4 was replaced with the LTCP, the LTCP still identifies the HIF1 scheme and there was, therefore, no need to revise policy CP17 through the LPP2”*. Whether the package is refined through LPT4 or LTCP or not at all – it makes no difference to the operation of this policy as both those plans contain the relevant components of HIF1.
24. Mr Turnbull also identified an inconsistency with para 116 NPPF in his oral evidence. In cross-examination (“XX”) he agreed that the inconsistency identified relates to is the *“priority first to pedestrian and cycle movements”*. He agreed that when the LPP1 was examined and adopted, NPPF 2012⁴¹ was relevant which included para 35: *“Plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people. Therefore, developments should be located and designed where practical to....give priority to pedestrian and cycle movements, and have access to high quality public transport facilities..”*

³⁸ G.05.0

³⁹ G.04.0

⁴⁰ *Planning policies should...c) identify and protect, where there is robust evidence, sites and routes which could be critical in developing infrastructure to widen transport choice and realise opportunities for large scale development.*

⁴¹ INQ-17

25. Both versions of national policy, whether 2012 or 2023, give priority to pedestrian and cycle movements. Mr Turnbull agreed that consistency with national policy would have been a matter for the Examination Inspector when assessing LPP1 for soundness and policy CP17 was not found to be inconsistent. Ms Baker could see nothing materially different in the intention of either versions of the NPPF⁴².

Para 115 NPPF

26. Mr Tamplin's complaint made when giving evidence orally is that the Plan is inconsistent with para 115 NPPF due to impacts of climate change. As Ms Bowerman told the inquiry (and with which Mr Butler agreed), para 115 relates to severe effects in relation to highways and has nothing to do with climate change.

27. If his argument was accepted, then any new highways infrastructure provided for in a Local Plan (in accordance with para 110 NPPF) would conflict with para 115 NPPF.

Overall weight to the Development Plan

Weight to the emerging Joint Local Plan (JLP)

28. Mr Tamplin gave the emerging plan moderate weight. Mr Turnbull gave it limited weight. It is not clear how or why there is a difference between parties jointly represented but Ms Baker undertook a proper assessment in her evidence-in-chief under NPPF para 48.

29. Both Mr Tamplin and Mr Turnbull agreed that NPPF para 48 was relevant to assessing the weight to the JLP:

Local planning authorities may give weight to relevant policies in emerging plans according to:

a) The stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);

⁴² Oral evidence EIC

- b) *The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
- c) *The degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).*

30. It was agreed that the stage of preparation was early, it was agreed that, as the consultation had only just closed, unresolved objections were unknown. This was further explained by Emma Baker who gave up to date evidence to the inquiry that the consultation had recently concluded so, whilst it is clear there are “*hundreds of objections*” it is not clear to what extent. In terms of para 48(c) she explained that the Councils hope that the policies are fully consistent but there needs to be a review of stakeholder feedback.

31. In summary, it makes little difference whether little or moderate weight is given to the JLP because, in terms of HIF1, the JLP has the same focus on development in the Science Vale area and Policy SP1⁴³ continued to focus on the Science Vale and garden communities and relies on the housing and employment land supply as allocated. The Emerging Plan⁴⁴ safeguards the transport schemes which include the components of HIF1 at IN3⁴⁵.

Weight to the Development Plan

32. The Sutton Courtenay Neighbourhood Plan has now passed the referendum stage (11th April 2024) and it must therefore be made by VWHDC within 8 weeks of the referendum. The neighbourhood plan is in force as part of the statutory development plan from the passing of the referendum and will have full legal effect when made by the LPA⁴⁶. This makes no difference to the strategy of LPP1 and LPP2 or the weight to the Development Plan overall.

⁴³ Page 105

⁴⁴ G.18

⁴⁵ Page 501

⁴⁶ PPG Paragraph: 080 Reference ID: 41-080-20180222 - <https://www.gov.uk/guidance/neighbourhood-planning--2#the-neighbourhood-planning-referendum>

33. The LPP1 and LPP2 plans set out a clear spatial strategy identifying, in particular, where homes and jobs are to be provided and makes provision for the infrastructure needed to support them. The strategy and the policies were examined and the plans LPP1 and LPP2 were found sound i.e. in accordance with para 35 of the NPPF.
34. This is a relatively recent spatial strategy, which has been reviewed and which is being taken forward in the emerging plan⁴⁷. It deserves full weight in the planning balance and it is significant that the HIF1 scheme is required to deliver it. As Mr Butler told the inquiry – the most important policies for determining the Application should be given full weight.

Compliance with policy

Principle of Development

35. Policy CP17 of the LPP1⁴⁸ - *Delivery of Strategic Highway Improvements within the South-East Vale Sub-Area*- identifies the HIF1 components needed to mitigate the impact of growth across the South East Vale Sub Area. Policies CP18 LPP1⁴⁹ - *Safeguarding of Land for Transport Schemes in the South East Vale Sub-Area* - and CP18a⁵⁰ - *Safeguarding Land for Strategic Highway Improvements within the South East Vale Sub Area* - safeguard land for HIF1. The proposal is compliant with CP17, CP18 and CP18a and HIF1 is Plan led as required by paragraphs 15 and 114 of the NPPF⁵¹.

⁴⁷ Joint Local Plan Preferred Options Consultation (Regulation 18 Part 2) CD G.18

⁴⁸ CD G02.01 page 91

⁴⁹ Page 92

⁵⁰ CD G02.07

⁵¹ Paras 4.1-4.4 PoE Adrian Butler

36. Policy CP33⁵³ – *Promoting Sustainable Transport and Accessibility* - is the relevant overarching policy engaged. The policy identifies six criteria that the Council will seek to achieve:

- i) actively seek to ensure that the impacts of new development on the strategic and local road network are minimised*
- ii) ensure that developments are designed in a way to promote sustainable transport access both within new sites, and linking with surrounding facilities and employment*
- iii) support measures identified in the Local Transport Plan for the district, including within the relevant local area strategies*
- iv) support improvements for accessing Oxford*
- v) ensure that transport improvements are designed to minimise any effects on the amenities, character and special qualities of the surrounding area, and*
- vi) promote and support improvements to the transport network that increase safety, improve air quality and/or make our towns and villages more attractive.”*

37. Mr Butler’s evidence is that the HIF1 scheme is supported by criteria i), ii), iii), iv) and vi). He had initially thought that criterion iv) was irrelevant but in his evidence in chief (“EiC”) he told the inquiry that he had now considered the representation of Mr Marion of the Oxford Bus Company⁵⁴:

This package of bus service represents one of the most ambitious public transport network interventions anywhere in the County, or, for that matter, in Southern England. They would transform the options for current and future residents of Didcot and wider South Oxfordshire to reach key employment destinations at Culham Science Centre, ARC Oxford, Oxford Science Park and the East Oxford research hospitals. Equally, in the opposite sense, the new bus routes that the scheme would facilitate would provide

⁵² AB PoE paras 4.5-4.8

⁵³ CD GO2.01 page 124

⁵⁴ CD N.07

crucial connectivity from large parts of Oxford including the key knowledge and research sites mentioned above, to other parts of the Science Vale UK cluster, helping to facilitate the agglomeration benefits of the cluster in a radically more sustainable manner”.

38. He concluded that the letter indicates the proposals will support improvements for accessing Oxford in accordance with criterion iv).
39. In terms of the other criteria, Mr Butler’s written evidence is that the proposals seek to improve the local road network by providing additional capacity to accommodate traffic flows from planned development. The proposals provide for bus services together with pedestrian and cycle paths. These connect with existing and planned housing and with commercial developments providing residents and employees with options for sustainable travel rather than being reliant on the private motor vehicle. Examples provided are improved and sustainable transport links from new housing permitted and planned south of the A4130 (Valley Park – site 29⁵⁵) with commercial developments existing and/or planned at the Didcot A site and Milton Park and Culham Science Park. In turn, increased use of active travel improves health and increased use of public transport can contribute to the improvement of air quality and reducing congestion. No safety issues have been raised and Mr Butler, in cross-examination, was satisfied that OCC would not be promoting accident prone routes.
40. Policy CP35 – *Promoting Public Transport, Cycling and Walking*⁵⁶ - is a District Wide Policy which supports the Council working with OCC and others to promote “*the use of public transport, walking, cycling and efficient car use...⁵⁷”*. Mr Butler confirms that 5 out of the 7 criteria are relevant and the proposals comply with all because the provision of sustainable modes of transport can encourage a modal shift and the new footways, cycleways and public transport opportunities provide accessible and sustainable links between existing and planned housing and commercial developments.

⁵⁵ INQ-03.2

⁵⁶ CD 02.01 page 126

⁵⁷ Para 6.73 supporting text page 126

41. This inquiry has heard a great deal from objectors about how new highways infrastructure will simply encourage more car use. There has been a failure to comprehend that this is not just infrastructure for vehicles. New highways infrastructure will lead to improvements in speed and reliability of bus services, encouraging use and patronage. The infrastructure includes new footpaths and cycle paths which will encourage active travel leading to the knock on benefits identified. This is wholly compliant with Development Plan policy.

*Landscape Character and Appearance*⁵⁸

42. Policy CP44⁵⁹ provides that “*key features that contribute to the nature and quality of the...landscape will be protected from harmful development and where possible enhanced...*”. Whilst Mr Butler does identify conflict with Part 1 of policy CP44 and SC3⁶⁰ of the Sutton Courtney Neighbourhood Plan (“SCNP”), and he gives moderate weight⁶¹ to the harm to views 7 and 13 in the SCNP, he does qualify this conflict.

43. Firstly, as he told the inquiry, this is not all beautiful, unspoiled, pristine, open countryside and there are no designations affecting the countryside located within VWHDC.

44. Secondly, the environment specific to VWHDC is relevant. The HIF1 proposals largely pass through urban areas and part of the route passes through land identified as an Enterprise Zone and on which the council is pursuing a Local Development Order (D-Tech LDO site 23⁶² “The LDO”). The LDO is at an advanced stage of preparation⁶³ and envisages a data centre and battery storage and buildings of up to 21m in height⁶⁴.

45. The site is not in a designated landscape as it passes through the Vale and there are no important landscape settings to villages in this part of the Vale. The ‘rural’ area between

⁵⁸ AB PoE paras 4.9-4.21

⁵⁹ CD 02.01 page 139

⁶⁰ CD G.09.01 page 39

⁶¹ In response to a question from the Inspector

⁶² INQ 03.2

⁶³ Para 4.11 PoE AB

⁶⁴ AB EiC

site 23⁶⁵ and the River Thames already accommodates a railway, rail siding, landfill and mineral extraction works and haul road to them.

46. Mr Butler also recognises that, as LPP1 and LPP2 safeguard land for the development, the fact that there is potential for landscape and visual impacts has already been considered and been found to be acceptable and/or necessary given that the policies were found sound and are part of the adopted local plan. As a consequence, he confirms at para 4.10 of his proof⁶⁶ that this development is acceptable in principle and it is relevant to consider the measures proposed to integrate the development.
47. It is accepted that, due to the nature of the proposals, it is unlikely that landscape mitigation can hide the development or prevent any landscape or visual harm. This was also accepted by the landscape expert, Ms Ash, who gave evidence on behalf of OCC. Whilst the scale of effects are not agreed between the main parties, Mr Butler is of the view that planning conditions (e.g. 3, 22, 23, 24, 32) can secure landscaping including replacement trees and tree protection to assist in reducing the landscape and visual impacts. And conditions 6 and 7 could ensure that elements of the scheme such as lighting and noise barriers are designed to reduce landscape and visual effects. In terms of tree loss, Mr Butler has considered conditions 5, 9, 12, 17 and 18 relating to tree planting, a CEMP, LEMP, landscaping scheme and tree survey. He has suggested colours, transparent panels to be considered on acoustic barriers, climbing plants, vertical planting and general planting.
48. There is residual harm but this is to be expected and can be minimised. Mr Butler has listened to the evidence given on this topic throughout this inquiry and he carefully considered the extent of the harm to be weighed in the planning balance.

⁶⁵ INQ 03.2

⁶⁶ See paras 4.9 – 4.21 on Landscape in PoE AB

Noise⁶⁷

49. Initially Mr Butler had identified conflict with policies DP23⁶⁸ - *Impact of Development on Amenity* - and DP25⁶⁹ - *Noise Pollution* - and some conflict with criterion v) CP33 of LPP1⁷⁰.
50. However, Mr Butler has now reflected on the evidence provided and heard at this inquiry and has modified his opinion. As he said, the only expert noise evidence provided to this inquiry was from Mr Pagett who concludes at para 4.17⁷¹ that: “adequate mitigation has been provided to avoid significant adverse effects, mitigate and minimise adverse effects, and contribute to the improvement of health and quality of life.”
51. Mr Butler notes that he is not an expert on noise matters and places weight on the conclusion at paragraph 4.18 of Mr Pagett’s proof of evidence, that the proposals comply with policies DP23 and DP25 of the LPP2. In the absence of any contrary technical evidence on noise including any evidence of his own, he revised his opinion and now concludes that the scheme is compliant with policies DP23, DP25 and criterion v) of CP33⁷².

Design⁷³

52. Policy CP37⁷⁴ – *Design and Local Distinctiveness* – and policy CP16b LPP2⁷⁵ – *Didcot Garden Town* – are both relevant. CP37 seeks high quality design and policy CP16b requires proposals in the Didcot Garden Town Masterplan area to demonstrate how they proactively contribute to the Masterplan principles which include design, local character, density and tenure, transport and movement, heritage, landscape, green infrastructure and social and community benefits.

⁶⁷ AB PoE paras 4.22-4.26

⁶⁸ CD G02.07 page 100

⁶⁹ CD g02.07 page 103

⁷⁰ See para 4.26 PoE

⁷¹ Page 37 OCC Proofs O1

⁷² CD G.02.01 page 124

⁷³ See paras 4.25-4.27 PoE AB

⁷⁴ CD G.0201 page 130

⁷⁵ CD G02.07 – page 54

53. The Didcot Garden Town Masterplan is non-statutory and is not adopted policy. Mr Butler places only limited weight on the DGTDP (unchallenged)⁷⁶.
54. In short, the Council notes that the DGTDP encourages pioneering architecture and it had been hoped that the Science Bridge could be a landmark feature. Mr Butler's opinion is that the design is not "pioneering". However, he told the inquiry that he had listened carefully to the evidence of both Mr Blanchard and Mr Chan and he fully understood the construction constraints including cost constraints and complex engineering constraints. He noted that a revised routing was considered but was rejected and he does not challenge that course further.
55. The highest that the Council puts this is that it is disappointing but it is understood. Furthermore, Mr Butler is of the view that appearance could be improved via condition in order to ensure landscaping on approaches, hedge or shrub planting added to embankments (hawthorn and blackthorn are seen on many road embankments), consideration given to colour, texture, cladding, green walls, public art, are all possible. Mr Butler does not dismiss the possibility that the Science Bridge could still be an attractive landmark⁷⁷ and he considers that the proposals can, with conditions, comply with policy CP37 and policy CP16b.

*Biodiversity*⁷⁸

56. The Council is satisfied that biodiversity net gain ("BNG") of at least 10% can be achieved. There is no adverse harm to designated sites or protected species identified. The proposals are compliant with CP46⁷⁹ LPP1 (Conservation and Improvement Biodiversity) and SC6 SCNP⁸⁰.

⁷⁶ Para 4.26 PoE AB

⁷⁷ Para 4.27 PoE AB

⁷⁸ Paras 4.28-4.30 PoE AB

⁷⁹ CD G.02.01 page 143

⁸⁰ CD G09.01 page 54

*Heritage*⁸¹

57. Policies DP36, DP37, DP38, DP39 address heritage assets. The Council’s conservation officer has identified no impacts on any heritage assets and archaeology interest can be mitigated through conditions (21, 22). The proposals comply with the relevant policies.

*Other matters*⁸²

58. In relation to other matters such as flooding, drainage, air quality, contamination, watercourses, public rights of way, Mr Butler confirmed that he had not read or heard any technical evidence to persuade him that there are any other impacts that should justify refusal of the scheme.

Conclusion on compliance with Development Plan

59. As Mr Butler concluded in his oral evidence (unchallenged), when the Development Plan is read as a whole, the proposals comply with it and are in accordance with policies which are up to date and should be given full weight.

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) (The First Matter identified by the Secretary of State)

Need for the scheme

60. The Spatial Strategy of the Local Plan is “*the need to support the delivery of new housing and jobs to be complemented by new services, facilities and infrastructure*”⁸³. There are three Sub-Area Strategies to give “*spatial expression to the strategy*”⁸⁴ including South East Vale which includes much of the Science Vale area as well as significant employment sites at Harwell Campus, Milton Park and Didcot A Power

⁸¹ Para 4.31 PoE AB

⁸² Para 4.32 PoE AB

⁸³ CD G.02.01 page 37 para 4.1

⁸⁴ Para 4.3

Station. The strategy will support the delivery of sustainable growth through three key strands as explained by Ms Baker: Focusing sustainable growth within the Science Vale area, Reinforcing the service centre roles of the main settlements and promoting thriving villages and rural communities. In order to deliver sustainable growth, Figure 4.1⁸⁵ shows that there needs to be “*a comprehensive package of strategic and local infrastructure and services alongside the housing and employment growth*” and that the “*delivery of high quality development across Science Vale*” includes “*the provision of enabling infrastructure*”.

61. The spatial strategy is underpinned by 5 core policies of which Core Policy 4 of LPP1 and Core Policy 4a LPP2 set a combined housing requirement of at least 22,760 homes for the District and cross boundary needs. Total housing supply in Core Policy 4a is 25,359 dwellings and, if not completed, the same allocations (and more) exist in the JLP. Science Vale is a “*nationally and globally important hotspot for enterprise and innovation*”⁸⁶. Overall, approximately 70% of the predicted jobs and 75% of the strategic housing are to be delivered within the Science Vale ringfenced area⁸⁷. LPP1 para 4.44 states that “*Essential strategic highway infrastructure has been identified to support the identified growth across Science Vale*”.
62. Core Policy 15 LPP1 provides for 9,055 dwellings to be delivered through strategic allocations. Ms Baker explained that there are significant allocations in VWHDC linked to HIF1: Valley Park was allocated for 2,550 dwellings but there is an outline planning permission for up to 4254 homes, North West Valley Park is allocated for 800, Milton Heights was allocated for 400 and 458 homes have been permitted, West of Harwell Village was allocated for 200 homes and 207 have been permitted and completed, East of Sutton Courtenay (Hobby Horse Lane site) was allocated for 220 and planning permission was granted on appeal in December 2023 for 175 homes. All these developments are in Science Vale.
63. These allocations have been found sound to meet the housing need of VWHDC which complies with the Government objective of boosting the supply of housing. This

⁸⁵ Page 39 LPP1

⁸⁶ Para 5.14 SOC CD L.3

⁸⁷ LPP1 Para 4.44

development is already completed or underway. The Examination Inspector found in November 2016⁸⁸ that the Transport Impacts Study undertaken was not rebutted by any evidence to demonstrate that it was anything other than “robust” and that “the ‘starting point’ situation for the Vale is as a district which very much suffers from traffic congestion”.

64. That was before housing was allocated, granted planning permission or built.
65. The need for housing is demonstrated through an up to date local plan found sound and adopted. The need for HIF1 is required to support that housing and the strategy which is an integral plank of the Local Plan. Without HIF1, Mr Butler told the inquiry that the issues would be as follows:
 - a. The planned enhancements for cycling, walking and public transport would not be forthcoming;
 - b. The likelihood with growth already permitted is that more journeys would be undertaken by car.
 - c. For developments already permitted in the area e.g 4,254 dwellings at Valley Park and 175 dwellings at Hobby Horse Lane (sites 29 & 19 respectively), the developments would continue and likely add more congestion to the existing road network resulting in gridlock.
 - d. Congestion would further delay public transport.
 - e. With the limited cycle and walking connections these modes of travel would not be attractive and the anticipated modal shift would be highly unlikely.
 - f. Reduced bus patronage would likely reduce service frequency.
 - g. Increased congestion would add to the causes of climate change and increased pollution.
66. Furthermore, for planning decisions, it is likely that OCC as highway authority would object to proposed developments in the area including those allocated in the Local Plan and which have yet to be permitted e.g. NW Valley Park (site 28) and there is a risk these developments may not proceed. The housing, including affordable homes may not be realised.

⁸⁸ CD G2.07 page 39 paras 143-145

67. Such a situation could also put the Vale in a position whereby it cannot show a 5-year housing land supply which then risks unplanned housing growth in the district. That would be contrary to its plan and contrary to NPPF para 15 which seeks to ensure that development is “genuinely plan-led”.
68. As Mr Butler said, the council would still need to decide applications against its adopted housing strategy and balance harm against benefits and consequently, the council could still permit if it considered benefits outweigh the harm, housing on sites such as NW Valley Park, even though such development could continue to add traffic to a severely congested road network.
69. These outcomes foreseen by Mr Butler are not consistent with Government policies for delivering a sufficient supply of homes as set out in the NPPF risking either non-delivery, unplanned delivery or housing without supporting infrastructure.

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) (The Second Matter identified by the Secretary of State)

70. The strategy in the VWHDC Development Plan for building a strong, competitive economy in accordance with NPPF Chapter 6 is similar to and entwined with that for housing growth. It is focussed on Science Vale and with the new housing growth to complement the economic strategy, the jobs creation was forecast.
71. Core Policy 15 LPP1 sets out an employment provision of 208 acres for South-East Vale with much of this being within Science Vale. LPP1 explains that about 15,830 of 23,000 new jobs⁸⁹ are located in the South East Vale area with a number of significant centres of employment, including several sites in the Science Vale area including Harwell Campus and Milton Park, designated as an Enterprise Zone in 2011⁹⁰.

⁸⁹ Para 5.52

⁹⁰ Para 5.53

72. Science Vale is “one of the key growth areas set out within the Oxfordshire Strategic Economic Plan and is the focus of significant investment⁹¹”. Core Policy 17 LPP1 lists the HIF1 scheme specifically as necessary to mitigate the impact of planned growth across Science Vale to secure the future economic viability of the area.

73. Ms Baker told the inquiry that para 85 NPPF is “very relevant...to justify the HIF1 scheme” and underpins how the strategy for VWHDC Local Plans respond to this part of the NPPF. She said that the strategy for VWHDC encapsulates para 85 seeking planning policies that “help create the conditions in which businesses can invest, expand and adapt”. Her evidence is that the Development Plan sets a strategy to bring about these conditions.

Conclusions

74. Mr Butler undertook the planning balance both in writing and in Evidence in Chief. Whilst he notes some harms, these are limited and would have been recognised at the time that the Local Plan safeguarded land for this infrastructure.

75. The Council’s position is that the proposals fully comply with the Development Plan as a whole and there are no material considerations indicating otherwise. Indeed, the proposals also comply with NPPF paras 8, 15, 60, 63, 74, 85, 110, 115, 116, 180(d). But to the extent that there may be any conflict with the Development Plan, or other harm arising from this development, it is submitted that this is more than outweighed by its benefits which include:

- a. Delivery of a significant amount of development meeting objectively assessed housing need allocated in the development plan and identified commercial land;
- b. Housing and employment opportunities;
- c. Investment in the local and wider economy through construction works;
- d. New residents and employees bringing economic benefits;
- e. Housing, including much needed affordable housing;
- f. Sustainable travel links by public transport, cycling and walking between housing and commercial areas;

⁹¹ Para 5.54

- g. Potential to reduce congestion by providing the sustainable, safer and more attractive travel links between commercial sites and housing, to schools and between villages encouraging less reliance on cars for journeys;
- h. Opportunity for less congestion and reliable bus services, for bus services to grow and a modal shift to sustainable travel which then benefits air quality and fewer carbon emissions;
- i. Opportunity to reduce traffic through villages;
- j. Reduced noise for numerous local residents;
- k. New planting and biodiversity net gain;
- l. Much needed improvement to Didcot avoiding development moratoriums, enduring traffic pressures and poor connectivity.

76. The benefits are, in the opinion of the Council’s planning witness, Mr Butler, “substantial”⁹². Importantly, not providing the proposals would exacerbate road congestion for permitted housing and employment in the Vale of White Horse district⁹³ and jeopardise future housing development and commercial development such as D-Tech LDO (site 23) in the Enterprise Zone. As Ms Baker sets out⁹⁴, a calculation undertaken in 2020 demonstrated that HIF1 would underpin at least 19,319 homes directly within South Oxfordshire and Vale of White Horse districts. That figure is now likely to be higher.

77. Many interested parties who have spoken at the inquiry have realised the need for highways infrastructure: Mr Peacock told the inquiry that “*road infrastructure is woeful at the moment..and needs to be improved...*”; David Prior said that “*HIF addresses three key road blocks...our..ancient travel infrastructure is choked*”; Jonathan Alcantara from the Culham Bus Club gave powerful evidence about how his attempts to introduce more sustainable travel for the Europa school is still met sometimes with children on the bus for 2 hours instead of in education; James Barlow said that the district “*absolutely needs better infrastructure*”.

⁹² Para 5.3 PoE AB

⁹³ Para 6.3 PoE AB

⁹⁴ Para 17 PoE EB

78. Indeed, it has been obvious that even objectors recognise that housing and employment growth are needed and that a solution must be found.
79. They do not support HIF1 as the solution but provide no credible alternatives. Even if they had provided credible alternatives, given the policy support for the proposals, they are irrelevant and it has not been demonstrated that there is any real possibility of any suggested alternatives of coming about ⁹⁵– they do no more than cast doubt. The arguments are further weakened by the lack of any real answer as to how alternatives would be funded in the absence of the housing infrastructure funding which, as Ms Baker understands, was for this scheme only.
80. The Council “*stresses*” that there is a “*significant strategic need and multiple benefits of the HIF1 scheme*” and “*there is a relationship between significant levels of identified housing and employment in adopted and emerging Local Plans that are dependent on the delivery of the HIF1 scheme*”⁹⁶. Furthermore, the strategy for housing and economic growth in the JLP also relies on HIF1.
81. In short, it is “*critical*”⁹⁷ to housing and employment in the area and to the future of economic growth at Science Vale and in maintaining public confidence in a plan-led system.
82. For all those reasons, in due course, the Secretary of State is respectfully invited to grant planning permission.

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⁹⁵ *R. (Mount Cook Land Ltd) v Westminster City Council* [2003] EWCA Civ 1346, [2017] P.T.S.R. 1166 [30].

⁹⁶ Para 63 PoE EB

⁹⁷ Adrian Butler EiC