

By email to nationalcasework@dft.gov.uk

20 March 2023

2023.0320 Sec of State Transport Casework Team (HIF1)

The Secretary of State for Transport
Department for Transport National Transport Casework Team
Tyneside House, Skinnerburn Road
Newcastle Business Park
Newcastle upon Tyne
NE4 7AR

Dear Sir or Madam

OBJECTION TO CPOs, RELATED SROs, PLANS AND BRIDGE SCHEME

Highways Act 1980 and Acquisition of Land Act 1981

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) COMPULSORY PURCHASE ORDER 2022

THE OXFORDSHIRE COUNTY COUNCIL (DIDCOT TO CULHAM THAMES BRIDGE) SCHEME 2022

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 2022.

Oxford County Council ref **132861.001** (planning application ref. **R3.0138/21**)

I write on behalf of Appleford Parish Council to lodge an objection to the various CPOs, Bridge Scheme and SROs above, and ask the Secretary of State to reject the Orders.

Appleford Parish Council is not a landowner, but it represents the interest of the local community who will be damaged by the scheme's (needless) proximity to the village. Its position on this scheme has been validated by a village survey and confirmed with the local community at village assemblies. This scheme will have as great an impact on the local community (400 people) as it will have on landowners who will have their land compulsorily acquired to facilitate this development.

The basis of our objection is the Orders (CPOs etc) and Joint Statement of Reasons (JSOR) **fail to demonstrate a compelling case in the public interest** for the HIF1 scheme.

To determine what is in the 'public interest' we are guided by legislation passed by Parliament and other government guidance, namely; Climate Policy and targets enshrined in legislation; National Planning Policy Framework (NPPF); Local Plans including Oxfordshire's

Local Transport & Connectivity Plan (LTCP); and Funding Availability and Risk (a Table 2 Principle JSOR).

Compelling Case in the Public Interest – Local Interest

Appleford is concerned with the River Crossing element, related orders and plans in Section C (segments 8 – 13 on the key plan). However, this scheme will have such a detrimental impact on the local community we object to all elements.

In addition, the five Parish Councils along the length of the scheme, namely, Appleford, Sutton Courtenay, Culham, Clifton Hampden / Burcot and Nuneham Courtenay have formed a Neighbouring Parish Council Joint Committee (NPC-JC). All¹ object to this scheme.

Appleford has submitted comments on Health and Wellbeing; Air Quality and the objections noted below through the NPC-JC:-

- NPC-JC Interim Objection 13062022 (with Appendices)
- NPC-Joint Committee – Further objection 20.01.23 (plus Addendum and Appendices)

These documents can be accessed on Oxfordshire County Council's ePlanning Portal or <https://applefordpc.org.uk/hif1-relief-road-2023-update/>

Of particular concern to Appleford is the proximity of the elevated road and flyover over private rail sidings close to residences at lower Main Road. This 10m / 30-foot high elevated road within 70m of the nearest residences is an unacceptable imposition on the local community. The adverse visual impact on the local landscape and noise will impact the entire village.

The road will cause pollution in terms of noise and emissions damaging to local health and well-being. Air Quality levels at Main Road Appleford are already in excess of WHO limits. No evidence other than computer predicted values of air quality is provided and no analysis of the distribution of NO₂, PM₁₀ or PM_{2.5} is available in the Environmental Statement.

Building an elevated road at such height and proximity cannot be in the public interest. The Planning Team at the Vale of White Horse DC have asked that consideration is given to moving the road further west. Our local MP, RH David Johnston said in Parliament that Appleford have a compelling case. Further OCC officials acknowledged that the route originally proposed by Appleford PC circa 250m to the west and away from village residences is technically feasible.

Appleford level crossing and sidings is a 'Noise Important Area' area (Defra RI_564) and an elevated road will exacerbate noise issues – traffic noise and bridge vibration (ref. Addendum A). Noise measurement is inadequate (i.e. on local roads) and there is no

¹ Appleford 400, Sutton Courtenay 3,000, Culham 500, Clifton Hampden & Burcot 650, Nuneham Courtenay 200.

analysis of vehicle type or routing. Currently 100 HGVs per day access the commercial sites and all of these plus many more commercial vehicles (induced traffic from the A34) will pass close to Appleford on the elevated road.

Local Engagement

The third item listed in "The Principles" (ref. 1.10 JSOR) is the '*consultation process and consideration of third-party interests*'. Oxfordshire Co. Co. (OCC) has failed to engage meaningfully with Appleford, and the other four Parish Councils who all complain about poor and inadequate consultation.

Appleford shares the concerns of Sutton Courtenay, that justification for a roundabout and T junction (segments 11 & 12 on Key Plan) has not been provided despite many requests for traffic data. The current plans mean young children from Appleford attending school in Sutton Courtenay (the local primary school) will have to cross a busy road at rush hour with traffic traveling at 50 mph.

At local level there is no case in the public interest to justify approval of the scheme.

Compelling Case in the Public Interest – Wider Interest

There is also no compelling case in the wider public interest to justify this scheme. We are greatly concerned that a number of key statements in the JSOR are flawed and in error.

1. Climate Change

The scheme is incompatible with national climate policies and obligations enshrined in legislation. Climate damage from CO₂ emissions on the construction (154,000 tonnes) and operation (15,000 tonnes² annually) of a major arterial road development, linked to a national highways route, counter any claim to be in the public interest. Major road schemes DO NOT reduce traffic congestion. All available evidence points to the contrary.

The premise that the scheme will have a minimal impact on the climate and environment is untrue. It is misleading to claim that a major road building project such as HIF1 costing £296m will have a minimal effect on the climate.

The scheme also has a negative impact on biodiversity³ (contrary to NPPF). It will take the equivalent of circa 197 football pitches (114 hectares) out of the natural environment to make space for this road. Note comments below on green belt and openness relevant the river crossing.

² To put this in context all of OCC's activities generate 13,000 tonnes annually.

³ Environment Agency objection dated 23 March 2023

2. Traffic and Congestion

OCCs traffic assessment is fundamentally flawed. It fails to consider '**induced demand**' nor does it measure the impact of traffic on local roads. The latter has been scoped out of the traffic assessment and thus fails to prove reduced congestion in local villages.

The traffic model assessment ignores traffic from housing developments (18,000 houses) and is further flawed.

Please refer to Appendix 1 Professor Phil Goodwin's comments below. He notes the unrealistic assumption that traffic levels are the same with and without the scheme thereby overstating the benefits.

Further information that illustrates climate impact can be found in the HIF1 OxFOE Objection attached.

3. National Planning Policy Framework (NPPF) and Local Policies.

NPPF has not been followed in many instances including:-

- No health assessment impact (HIA) has been carried out (contrary to LTCP policy 27).
- The scheme fails to contribute to Climate Change mitigation (NPPF para 157) and the Climate Position Statements does not meet the requirements of LTCP (policy 27).
- Bridge Design is contrary to NPPF (paras 126, 130 & 131).
- The Conservations Officer (SODC) concludes the scheme conflicts with NPPF (para 199 & 200).
- The Green Belt breach conflicts with NPPF (para 150). Openness which is required to be maintained is lost and mitigation is not a sufficient response. (the loss should be categorised as "large adverse").
- Noise - the scheme fails to comply with NPPF (para 185) and SODC policies ENV12(3) & DE26 and VWH DC Development Policies 23 & 25.
- Air Quality - HIF1 fails to comply with NPPF guidance on air quality.

The above list is indicative of general non-compliance on this large development and is not exhaustive.

4. Local Transport and Connectivity Plans (LTCP).

In July 2022, Oxfordshire Co. Co. adopted the LTCP plan as the statutory Local Transport Plan and pathway to net zero for Oxfordshire.

LTCP provides for a reduction of 1 in 4 car journeys by 2030 and 1 in 3 car journeys and net zero by 2040. The Scheme (Orders) run entirely contrary to this plan and thus fails to demonstrate a compelling case in the public interest. It will not address 4 of the 5 key problems outlined in the JSOR as indicated below;

- Existing Highway Network Performance
- Active Travel
- Public Transport
- Network Resilience and Safety Improvements

Active travel proposals are not sufficient to achieve meaningful modal shift and public transport plans are aspirational. Government policy on housing targets have changed and HIF1 is not necessary to deliver the housing in local plans. The Vale of White Horse DC already has an existing 5-year housing supply.

Deliverability and Availability of Funding (a Table 2 Principle)

Serious questions have been raised over the adequacy of funding for this scheme which is the largest project undertake by Oxfordshire Co. Co.

The scheme was originally estimated to require **£234 million**, funded by Homes England £218 million, with £16 million from Developers (S106). However, in 2021 funding was reassessed with additional funding of £60 million required, comprising; £22 million additional funding from Homes England; £30 million from Oxfordshire Co. Co; and £10 million from Oxfordshire Local Enterprise Partnership. Total funding provision is now **£296 million** based on Sept-21 estimates. OCCs proposal to re-scope the project with a value engineering review after planning suggests recognition by OCC of inadequate funding.

Application of the WebTAG (Dept. of Transport guidance) to HIF1 shows a 75% chance that it will overrun the £296 million funding provision by at least £32 million (totalling £328 million). In addition, with much of the project expenditure back loaded to later years (2025 & 2026) there is a tail risk (10% chance) of an overrun by as much as £118 million. These are significant sums that will fall on the taxpayers of Oxfordshire (public interest?).

Underfunding will lead to a partly delivered scheme which will be poor value for money. This would not be in the public interest as Sections A (Milton), B (Science Bridge), C (Didcot to Culham) & D (Clifton Hampden bypass) are interrelated.

The most challenging element is Section C (est. £160M / 54% – OCC Cabinet Papers) for a 3-mile section with an elevated road & rail bridge; a section over land fill (circa 1 mile along the 90 acre site); and a viaduct over floodplain and river bridge. The technical and cost risk involved is apparent.

OCC needs to update the cost estimates to demonstrate it has sufficient funding to deliver this project in full, otherwise the Vicarage Field decision (Case Ref: APP/PCU/CPOP/Z5060/3278231 4 Oct 2022) may be relevant to this scheme.

Table 2 Principles

The development (Orders) fails to meet the Scheme Objectives set out in Table 2 Joint Statement of Reasons (JSOR).

- Objective 3 – the impact of additional housing on the transport network is not acceptable or satisfied. This car centric road proposal and lack of public transport is incompatible with climate policies and therefore is not in the public interest.
- Objective 4 – the impact of employment growth on the transport network is not acceptable and it is not in the (wider) public interest in the manner proposed (road capacity).
- Objective 6 - the scheme is not future proofed and will lead to more congestion and the need for more road construction. We note the design of the three bridges have all been future proofed to accommodate dual carriageway loadings, which is further evidence of its ultimate goal to repurpose it as an arterial link to the M40.
- Objectives 7 – fails to minimise car travel and promote sustainable alternatives adequately. The (welcome) footpaths and cycle paths could be satisfied by cheaper off road and more direct alignments. The modal shift required to reduce car usage (e.g. 1 in 4 car trips by 2030) is simply not attainable.
- Objective 8 – fails to minimise CO2 and is clearly inconsistent with national and county climate policies and obligations.

Misstatements in the Joint Statement of Reasons

The misstatements in the JSOR are a concern:-

- a) The claim in the JSOR that the scheme will have a minimal impact on the climate by reducing congestion is unrealistic and misleading.
- b) The scheme will not reduce car usage and dependence (para 2.5). It is totally at variance with the LTCP approved by OCC in July 2022.
- c) The scheme will not reduce congestion on the B4015 (Oxford Road). The road ends at the B4015 Oxford Road (a narrow rural road) near Nuneham Courtenay delivering increased volumes of traffic to an already heavily congested area.
- d) The route will bring (more) traffic past the Europa School and will not ease congestion on the A415 towards Abingdon particularly at rush hour.
- e) Para 2.6 states the Highway Network has failed to keep pace but is the 'public transport infrastructure' that has not kept pace.
- f) With high levels of inflation in the construction sector the scheme will run over budget and is unlikely to be delivered in full within the funding provision available.

A number of justifications in the JSOR are flawed and are misleading. The scheme fundamentally undermines OCCs climate policies and targets and is contrary to the public interest.

The scheme fails to meet the high standard required to demonstrate a compelling case in the public interest. We urge you to consider and recognise these irreconcilable objectives and reject this application.

Please acknowledge receipt of this letter.

Yours faithfully

Graham Warrington (Parish Clerk)
Appleford-on-Thames Parish Council
Email. Applefordpc@googlemail.com

Appendix 1 Comments by Professor Phil Goodwin 10 March 2023

The comments below were made by Professor Phil Goodwin on the AECOM Transport Assessment Sept. 2021 (Ref 0606782) and the NSC Lavalin / Atkins Report dated 15 February 2023.

- The Atkins 'review' does not tackle the most important weak point in the Aecom estimates of carbon impacts. This is that the traffic forecasts assume that the same amount of traffic will arise in the 'with scheme' case are the same as the 'without' case, called the 'do-minimum'. It also implies that the number of walking, cycling and public transport trips will be the same in the two cases. This omits a well-established feature of travel choices, namely that if the traffic conditions are bad, some of the traffic will be deterred, diverted or suppressed; and if the traffic conditions are improved, some additional traffic will be induced or generated.
- Taken together, this means that without the scheme, an unrealistically high amount of traffic will be forecast to travel, at unrealistically low speeds. With the scheme, an unrealistically low amount of traffic will be forecast to travel, at unrealistically high speeds. The benefits of the scheme are then treated as the difference between the 'with' case and the 'without' case. The effect is to exaggerate the travel time benefits of the scheme, and underestimate the additional carbon emitted.
- It may also have the effect of misleading public expectations, which could affect the financial viability of the development and the popularity of the road, so there is a reputational risk as well as reducing the value for money of the investment.
- I note that some of the traffic statistics and methodological assumptions are already rather out of date.