

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

THE CALLED-IN PLANNING APPLICATION BY OXFORDSHIRE COUNTY COUNCIL FOR THE DUALLING OF THE A4130 CARRIAGEWAY, CONSTRUCTION OF THE DIDCOT SCIENCE BRIDGE, ROAD BRIDGE OVER THE APPLEFORD RAILWAY SIDINGS AND ROAD BRIDGE OVER THE RIVER THAMES, AND ASSOCIATED WORKS BETWEEN THE A34 MILTON INTERCHANGE AND THE B4015 NORTH OF CLIFTON HAMPDEN, OXFORDSHIRE (APPLICATION NO: R3.0138/21)

PLANNING INSPECTORATE REFERENCE:

APP/U3100/V/23/3326625 and NATTRAN/SE/HAO/286 (DPI/U3100/23/12)

Rebuttal proof of evidence of

ALEX MADDOX

Environmental Impact Assessment and

Health Impact Assessment

1 SCOPE OF EVIDENCE

1.1 This Rebuttal Proof of Evidence has been prepared regarding Environmental Impact Assessment and Health Impact Assessment and the matters raised by:

- Chris Hancock in his Proof of Evidence on noise, air quality, design, health and wellbeing, options appraisals and planning committee refusal, produced on behalf of NJP-JC;
- Dr Angela Jones in her Proof of Evidence on Health; and
- Richard Tamplin in his Proof of Evidence on the Environmental Statement, Policy and Alternative Sustainable Strategy.

1.2 The aim of this Rebuttal Proof of Evidence is to respond to a number of points that have not already been addressed in my main proof of evidence, to provide further clarification of my evidence or to correct misapprehensions within evidence presented by other parties. I have sought to avoid unnecessary repetition of matters already addressed at length, with the ultimate intention of assisting the Inquiries. Where I do not respond to a point raised by another party, my lack of response should not be construed nor interpreted as agreement, unless explicitly stated so within this Rebuttal Proof of Evidence.

2 Response to Richard Tamplin

Environmental Impact Assessment

- 2.1 Richard Tamplin states in paragraph 3.2, page 4, of his Proof of Evidence *“that the developer (in this case Highway Authority) is obliged to supply information that expressly addresses the significant effects of its project”*.
- 2.2 In this regard, the Environmental Statement (ES) has assessed the likely significant effects of the Scheme on the environment in accordance with the agreed scope of the Environmental Impact Assessment (EIA), as agreed with Oxfordshire County Council as LPA through the EIA Scoping process. The main documents that document the scope of the EIA include the Applicant’s Scoping Report and the County Council’s Scoping Opinion [CD A.17, Appendix 4.1]. The EIA includes an assessment of all of the relevant environmental factors required to be assessed, as defined in National Highway’s Design Manual for Roads and Bridges (DMRB) (see LA 105 to LA 114). The EIA also includes an assessment of the Scheme’s transport effects, as requested by the LPA in its Scoping Opinion – this includes an assessment of construction traffic flows, operational traffic flows, driver delay, accidents and safety, and public transport users. It should be noted that the Transport Assessment provides a more detailed assessment of the impacts of the Scheme on the surrounding highway network.
- 2.3 Richard Tamplin states in paragraph 3.2, page 4, that *“by failing to assess those effects on Abingdon town centre, the core of a town of similar size to Didcot (around 32,000 people), the ES is seriously deficient”*.
- 2.4 Whilst it is true that the ES does not specifically mention likely significant environmental effects on Abingdon Town Centre, this is because this area falls outside of the study areas used for the assessments of the various environmental factors that were scoped into the EIA. Where areas fall outside of the assessment study areas, this is because such areas would be unlikely to experience significant environmental effects associated with the Scheme. This is explained in paragraphs 2.37 to 2.40 of the Technical Note produced in response to POETS additional letter requesting a Regulation 25 Request be made [CD O.1].
- 2.5 It is my professional opinion that the ES, including the subsequent ES Addendums, provides a comprehensive assessment of the Scheme’s effects on the environment and is in accordance with the agreed scope of the EIA and the requirements of the Town and Country Planning (Environmental Impact Assessment) Regulations (2017) (as amended) (the **EIA Regulations 2017**). The lack of specific mention of Abingdon does not render the ES *“deficient”* - it is in fact a part of the EIA process to establish the extent of the assessment study areas (beyond which significant environmental effects would be unlikely occur) and to then undertake a detailed assessment of the effects on the environment within that area and to report these effects in the ES. Clearly it is not appropriate for the ES to list all locations outside of the defined study areas where significant effects would not be experienced.
- 2.6 At paragraph 3.4, page 5, Richard Tamplin states that *“no environmental assessment has been made of this substantially changed situation in the ES”* referring to a previous statement in paragraph 3.3 *“but additional traffic on this part of the A415 between Abingdon, Didcot and between Abingdon and Culham Campus would, in the event of HIF1 being permitted, be increased due to the traffic this new road would generate and induce to serve development of the proposed Culham housing site of 3,500 dwellings, the development of Culham Campus, and the substantial proposed new housing and employment sites in Didcot and Milton Park”*.
- 2.7 In short, it is my understanding that Richard Tamplin is stating that the ES has not considered the effects of traffic growth, derived from additional employment and housing growth, on the environment. This is factually incorrect. The assessments undertaken and reported in the ES in respect of air quality and noise and vibration modelling have used traffic data that includes forecast growth, including a range of employment and housing sites included within Vale of the

White Horse District Council's and South Oxfordshire District Council's Local Plans. This is confirmed in paragraph 2.48, page 15, of Claudia Currie's Proof of Evidence.

- 2.8 In paragraph 3.4, page 5, Richard Tamplin states that the indirect effects of the Scheme beyond *"its planned end north of Culham Campus, both towards and beyond the Golden Balls junction with the A4074 Oxford to Reading road"* has not been assessed in the ES.
- 2.9 During its operation the Scheme would change traffic flows, which would have potential direct effects on receptors, such as residential properties and listed buildings as any effects would be directly related to the operation of the Scheme. I do not consider that operational traffic would have indirect effects on residential receptors. Direct effects include, but are not limited to, increases and/or decreases in noise; changes in visual amenity and the setting of heritage assets; and increases and/or decreases in air pollutant levels (and resultant impacts upon ecological receptors).
- 2.10 Whilst the EIA has not mentioned likely significant effects of operational traffic on settlements such as Nuneham Courtenay, Abingdon, or others east of the Golden Balls junction, these settlements have been considered when defining the study areas for the assessment of environmental factors, for example noise and vibration (see CD O.1, paragraphs 2.37 to 2.40). In excluding these settlements from the study areas, as outlined in the ES, it is considered that significant, direct effects are not anticipated to occur and therefore, further assessment was not warranted. For clarity, the purpose of EIA is to consider 'significant' environmental effects to which a project is likely to give rise - this is established in the EIA Regulations 2017 Regulation 18(3)(b):

*"An environmental statement is a statement which includes at least – a description of the likely **significant** effects [emphasis added] of the proposed development on the environment"* and Schedule 4, Part 5 *"Information for inclusion in environmental statement – A description of the likely **significant** effects [emphasis added] of the development on the environment resulting from, inter alia"*.

Therefore, I disagree with Richard Tamplin's assertion that the *"application itself is unlawful and should be quashed"*.

- 2.11 In paragraph 3.5, page 6, Richard Tamplin states that the ES is unlawful as it has not assessed all alternatives studied by the Applicant to the same degree as the Scheme has been assessed; in particular he states *"in terms of Ruling 5 of Holohan, it is clear that the developer **must** (Richard Tamplin emphasis) supply information in relation to the environmental impact of both the chosen option and of all the main alternatives studied... This Ruling was, in effect, transposed into the UK 2017 EIA Regulations by Regulations 4 and 18(3) and Schedule 4... the conclusion I draw from the Applicant's failure to carry out an early and full assessment of the significant environmental effects of, not just HIF1, but also of all the alternatives studied during the analysis of the project... rendered the ES unlawful"*.
- 2.12 This is a clear misunderstanding of the EIA Regulations 2017. Regulations 4, 18(3) and Schedule 4, as quoted by Richard Tamplin, do not explicitly state the level of environmental assessment that must be applied to alternatives of the project. Regulation 18(3)(d) states that an ES must include:

"a description of the reasonable alternatives studied by the developer, which are relevant to the proposed development and its specific characteristics, and an indication of the main reasons for the option chosen, taking into account the effects of the development on the environment".

Schedule 4, Part 2, is similar, but states:

"A description of the reasonable alternatives (for example in terms of development design, technology, location, size and scale) studied by the developer, which are relevant to the

proposed project and its specific characteristics, and an indication of the main reasons for selecting the chosen option, including a comparison of the environmental effects”.

- 2.13 The EIA Regulations 2017 do not include a requirement for the assessment of alternatives to be at the same level of detail as that of the assessment of environmental effects undertaken for the chosen project, i.e., the assessment of alternatives does not need to identify the likely significant effects of the alternatives studied. Assessing alternatives to the same degree as the Scheme has been assessed would be wholly disproportionate.
- 2.14 The *Holohan* judgment, to which Richard Tamplin refers in his Proof of Evidence, states at paragraph 66, page 14 (see Appendix B to Richard Tamplin’s Proof):

*“Further, since, according to Article 5(3)(d) of the EIA Directive, only an outline of those alternatives must be supplied, it must be held that that provision **does not** [Alex Maddox emphasis] require the main alternatives studied to be subject to an impact assessment equivalent to that of the approved project”.*

Therefore, it is my professional view that Richard Tamplin’s assertion that the ES is unlawful on this basis is flawed. Moreover, as explained in the Technical Note produced in response to POETS additional letter requesting a Regulation 25 Request be made [CD O.1], the assessment of alternatives, presented in ES Chapter 3, was undertaken in accordance with the requirements of the EIA Regulations 2017 and the DMRB LA 104: Environmental Assessment and Monitoring, page 17, paragraphs 3.16 to 3.18.

3 Response to Dr Angela Jones

Route Alignment

- 3.1 Dr Jones states in paragraph 3 that “*detrimental effects could have been reduced by adopting the alternative route suggested to the applicant by local community representatives, prior to the planning application. This alternative route took the road further away from the most sensitive receptors in Appleford into the industrial zone (see Appendix 5). Unfortunately, the applicant declined to reroute the road as suggested*”.
- 3.2 The suggested route shown in Appendix 5 is very similar to that shown in Figure 13.13 and 13.14 of ES Chapter 3: Assessment of Alternatives [CD A.15]. The rationale for not choosing to adopt this route as suggested by Appleford Parish Council is set out in ES Chapter 3, paragraphs 3.6.29 to 3.6.32. Appleford Parish Council was made aware of the reasons why this route would not be adopted during the production of the ES, as discussed in the aforementioned paragraphs of ES Chapter 3: Assessment of Alternatives.
- 3.3 The first image that appears in Appendix 5 of Dr Jones’ Proof does not show the correct Scheme alignment, and the associated distances between the alignment and properties in Appleford are, therefore, incorrect. This is not a drawing that has been published by the Applicant and it is unclear who created this drawing or for what purpose it was created.

Health Impact Assessment

- 3.4 Dr Jones states at paragraph 15, page 4 “*The applicant did not provide a Health Impact Assessment (HIA)*”.
- 3.5 Whilst it is correct to state that no standalone Health Impact Assessment was produced, human health is considered in the Environmental Statement (ES). As set out in Section 4 of my main Proof of Evidence, I consider the ES to include sufficient information for the impact of the Scheme on human health to be established, namely human health and human health determinants are considered in the following chapters of the ES:
- Chapter 13: Population and Human Health [CD A.15];
 - Chapter 6: Air Quality [CD A.15];
 - Chapter 8: Landscape and Visual Impacts [CD A.15]; and
 - Chapter 10: Noise and Vibration [CD C.1].

4 Response to Chris Hancock

The Assessment of Population and Human Health

- 4.1 In paragraph 4.3.5 of his Proof of Evidence, Chris Hancock states that ES Chapter 13: Population and Human Health [CD A.15] fails to meet the requirements of the EIA Scoping Opinion and states “*ES Chapter 13 Population and human health attempts to address the health issues, but fails to meet the requirements of the scoping opinion referenced in table 13.3 “The health and socio-economic impacts on residents. Adjoining the scheme... including Sutton Courtenay, Appleford, Culham and Clifton Hampden, this includes the impact of the development proposed on the Appleford Sidings including the proposed crossing of the railway line”.*
- 4.2 As set out in ES Chapter 13: Population and Human Health, this chapter includes an assessment of receptors in Sutton Courtenay, Appleford, Culham and Clifton Hampden, and the impact on Appleford Sidings, where appropriate, for example:
- 4.2.1 *Sutton Courtenay* –
- Construction impacts on public rights of way that provide access to and from Sutton Courtenay and Southmead Industrial Estate are set in paragraphs 13.10.36 to 13.10.38;
 - Construction impacts on public rights of way that provide access to and from Sutton Courtenay and Appleford are set out in paragraph 13.10.39; and
 - Construction impacts on access to the recreational facilities, Sutton Pits, Sutton Courtenay Old Pits and Appleford Gravel Pits are set out in paragraph 13.10.54.
- 4.2.2 *Appleford* –
- Construction impacts on the following community land assets in Appleford are set out in paragraphs 13.10.4 and 13.10.5:
 - Appleford Recreation Ground and Football Field;
 - Appleford Recreational Allotment;
 - Appleford Village Hall; and
 - St Peter & St Paul Church.
- 4.2.3 *Culham* –
- Construction impacts on community land assets at Culham Science Centre (CSC) are assessed in paragraph 13.10.6, and includes an assessment of impacts on CSC Playing Field and CSC Nursery and Preschool;
 - Construction impacts on the Thames National Trail, which extends from Culham to Clifton Hampden, are assessed in paragraph 13.10.40; and
 - Operational impacts on connectivity between Culham/ Culham Station/ Clifton Hampden and CSC are assessed in paragraphs 13.10.70 to 13.10.72.
- 4.2.4 *Clifton Hampden* –
- Construction impacts on the following community land assets in Clifton Hampden are set out in paragraphs 13.10.7 and 13.10.8:
 - Clifton Hampden Allotments;
 - The Recreation Ground;
 - Clifton Hampden CofE Primary School;
 - Clifton Hampden Village Hall;
 - Clifton Hampden Post Office;
 - St Michael and All Angels’ Church; and
 - Clifton Hampden Surgery.
 - Construction impacts on public rights of way to and from Clifton Hampden are set out in paragraphs 13.10.40 to 13.10.42.

- 4.2.5 *Appleford Sidings* –
- Assessment of construction impacts on this business is presented in paragraphs 13.10.12 to 13.10.14 and 13.10.17;
 - Assessment of construction impacts on public rights of way that lead to and from Appleford Sidings are assessed in paragraph 13.10.46.
- 4.3 In relation to human health, the assessment presented in ES Chapter 13: Population and Human Health synthesises information from Chapter 6: Air Quality [CD A.15]; Chapter 10: Noise and Vibration [CD C.1] and Chapter 8: Landscape and Visual Impact [CD A.15]. Receptors considered in these chapters located in Sutton Courtenay, Appleford, Culham and Clifton Hampden include the following:
- 4.3.1 Residential properties:
- see Figure 10.1: Noise Location Plan [CD A.16] which illustrates the residential properties included in the noise modelling;
 - see Figure 6.2: Air Quality Receptors – Operational Assessment [CD A.16] which illustrates the human receptors included in the air quality modelling; and
 - see Figure 8.15: Viewpoint Locations [CD A.16] which illustrates the landscape and visual impact study area and the location of representative viewpoints, which includes locations in Sutton Courtenay, Appleford, Culham and Clifton Hampden.
- 4.3.2 Paragraph 13.10.57 of ES Chapter 13: Population and Human Health states that Sutton Courtenay Environmental Education Centre, Europa School UK Culham, CSC Nursery and Preschool and Clifton Hampden C of E Primary School have been assessed in the air quality assessment.
- 4.3.3 Paragraph 13.10.59 of ES Chapter 13: Population and Human Health states that Culham Science Centre Nursery and Preschool has been assessed in the noise and vibration assessment. In addition, Figure 10.1: Noise Location Plan [CD A.16] shows the educational, community and open space facilities which have been included in the noise modelling.
- 4.3.4 With regards to the visual impact on public rights of way leading to and from the villages of Appleford, Sutton Courtenay, Culham and Clifton Hampden, Figure 8.7: Public Rights of Way [CD A.16] shows the network public rights of way in the study area, Figure 8.15: Viewpoint Locations, illustrates the location of representative viewpoints, including those along these routes, for example along the Thames National Trail.
- 4.4 In paragraph 4.3.6 of his Proof of Evidence, Mr Hancock states that the assessment of human health *“fails to recognise the strong dependence in Appleford on convenience access to these facilities in Sutton Courtenay and Abingdon. The HIF1 will impede existing convenient access along the B4016 Appleford Road by splitting this road with two junctions intercepting with the HIF1 Route. This HIF1 has a severe adverse effect on accessibility as a community health indicator”*.
- 4.5 Whilst it is correct that the Scheme will change the way in which residents in Appleford and Sutton Courtenay access these two villages by car, through the introduction of a priority T-junction and a roundabout along this route, walking and cycling facilities will be dramatically improved along the length of the Scheme. Currently there are no dedicated walking and cycling facilities located between Sutton Courtenay and Appleford – cyclists and walkers have to use the B4016, which is a narrow country road with rough, grassed verges.
- 4.6 The Scheme will provide a shared use walking and cycling facility along the B4016 out of Appleford (see the General Arrangement Drawing Sheet 11 [CD D.11]) which will join with the mainline of the Scheme where dedicated offline walking and cycling facilities will be provided along the current alignment of the B4016, taking walkers and cyclists away from traffic moving along the Scheme (see the General Arrangement Drawing Sheet 12 [CD D.12]). These facilities will take users north of the proposed Sutton Courtenay roundabout, where access across the highway will be via a Toucan crossing which will give priority to walkers and cyclists on demand.

Walking and cycling facilities to the north-west of the proposed Sutton Courtenay roundabout will include an offline shared use walkway/ cycleway.

- 4.7 In addition, a shared use walkway/ cycleway will be provided to the south and south-west of the Scheme and the Sutton Courtenay roundabout, with access taken via a pedestrian island on the mainline of the Scheme. Provision to the west of the Scheme will continue along the B4016. Walking and cycling provision for the remaining length of the B4016 between the Scheme's western edge and the nearest pavement in Sutton Courtenay (approximately 560m) could be improved in the future through other projects brought forward by Oxfordshire County Council.
- 4.8 Additionally, the Scheme will provide two new bus stops on the mainline of the Scheme, both with bus shelters and cycle stands. These facilities could be accessed by services travelling to and from the mainline of the Scheme and Sutton Courtenay, which would allow residents in both villages to use bus services that could be accessed by walking and cycling. Additional or amended bus services are not known at this time, and the bus operator would be responsible for any such changes, however, the Scheme will provide this infrastructure for the operator.
- 4.9 The Scheme, therefore, will enable residents in Appleford and Sutton Courtenay, travelling between the two villages, to make a modal shift from car use to walking or cycling, and possibly by bus, thereby improving access to healthier and more sustainable forms of travel.

5 STATEMENT OF TRUTH AND DECLARATION

- 2.1 I confirm that, insofar, as the facts stated in my rebuttal evidence are within my own knowledge, I have made clear what they are and I believe them to be true and that the opinion I have expressed represent my true and complete professional opinion.
- 2.2 I confirm that my rebuttal evidence includes all facts that I regard as being relevant to the opinions that I have expressed, and that attention is drawn to any matter which would affect the validity of those opinions.
- 2.3 I confirm that my duty to the Inquiry as an expert witness overrides any duty to those instructing or paying me, and I have understood this duty and complied with it in giving my evidence impartially and objectively, and I will continue to comply with that duty as required.
- 2.4 I confirm that, in preparing this rebuttal evidence, I have assumed that same duty that would apply to me when giving my expert opinion in a court of law under oath or affirmation. I confirm that this duty overrides any duty to those instructing or pay me, and I have understood this duty and complied with it in giving my evidence impartially and objectively, and I will continue to comply with that duty as required.
- 2.5 I confirm that I have no conflicts of interest of any kind other than those already disclosed in this rebuttal evidence.

ALEX MADDOX

9 February 2024