

**CORRIDOR BETWEEN THE A34 MILTON INTERCHANGE AND THE B4015 NORTH OF  
CLIFTON HAMPDEN: “THE HIF1 SCHEME”**

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**CLOSING SUBMISSIONS**

**SOUTH OXFORDSHIRE DISTRICT COUNCIL**

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**INTRODUCTION**

1. In his statement to the inquiry Councillor David Rouane, the Leader of SODC, described the HIF1 scheme as “a fundamental part of our local plan”. He said that during the examination of the plan it was made clear to SODC that without it “our local plan would fail because so many housing sites, planned and existing, need this road in order to be viable settlements”.<sup>1</sup>
2. It is therefore no surprise that the South Oxfordshire Local Plan (‘SOLP’) explicitly supports the delivery of the HIF1 scheme, in policy TRANS 1b.<sup>2</sup> The land needed to deliver the road is safeguarded in policy TRANS 3 and appendix 5.<sup>3</sup> The relevant strategic housing policies emphasise the need for this infrastructure. The SOLP provides strong support for the principle of the development.
3. Although there were many objections to the SOLP, “that battle has finished”.<sup>4</sup> The plan is adopted, and it now needs to be delivered. That includes the HIF1 scheme, which is key to delivering existing and planned growth.

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<sup>1</sup> See **INQ 32**

<sup>2</sup> See paragraphs 1(i) and (vii) p. 148 **CD G.1**

<sup>3</sup> p. 151 and 263, 264, 266

<sup>4</sup> Cllr Rouane, **INQ 32**

4. SODC strongly supports this planning application. The HIF1 scheme is plan-led development, which is needed to support large-scale plan led housing and employment growth. It will deliver huge benefits. It is essential that permission is granted without delay so that those benefits can be realised.
5. These submissions address matters (a)-(c) identified by the Secretary of State in his letter dated 25 July 2023, in which he confirmed that he was exercising his power to call in the application for his own determination. They also address most (but not all) of the main issues identified by the Inspector in her letter of 12 January 2024.

#### **NEED FOR THE SCHEME - *Inspector's main issue 1***

##### **Delivering planned housing growth**

6. The spatial strategy of the SOLP includes “focusing major new development in Science Vale ... so that this area can play an enhanced role in providing homes, jobs and services with improved transport connectivity” and providing other strategic allocations including at Berinsfield with “necessary infrastructure and community facilities”.<sup>5</sup>
7. To implement that strategy, the SOLP makes several strategic allocations, including those in policies STRAT 3 and H2, STRAT 9 and STRAT 10i. Together these policies allocate land for 10,199 new homes within the current plan period. To put that figure into context, it is close to half the minimum housing requirement for the entire plan period,<sup>6</sup> and a third of the total housing supply identified in the plan.<sup>7</sup>
8. Some of the Didcot allocations have already been consented and/or delivered - despite HIF1 not being in place to mitigate their impact. That is in addition to several very large developments which are committed or delivered around Didcot in neighbouring Vale of the White Horse. But 1,400 homes are yet to be built on

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<sup>5</sup> **CD G.01** p.22 policy STRAT1

<sup>6</sup> **CD G.01** p.28 policy STRAT2 sets a minimum requirement of 23,550

<sup>7</sup> **CD G.01** p.88 table 4c identifies a total supply of 30,056

sites around Didcot in SODC's area.<sup>8</sup> All of the planned development at Culham (3,500 homes) and Berinsfield (1,700 homes) is still to come.

9. The Inspector who examined the SOLP concluded that the HIF1 scheme was necessary to support the new housing planned around Didcot and at Culham and Berinsfield. His report identifies that the HIF1 scheme “must be delivered prior to any significant development at Culham”,<sup>9</sup> that it “needs to be in place prior to the commencement of development at Berinsfield”<sup>10</sup> and that it “will enable infrastructure to support key development sites in and around Didcot”.<sup>11</sup>
10. The position is confirmed by the adopted policy wording, which expressly links the delivery of the houses to the provision of planned infrastructure, including HIF1:
  - a. Policy STRAT 3, paragraph 3 refers to the “significant infrastructure improvements” committed to under Policy TRANS1b and states that “infrastructure will need to be in place to enable sites allocated in the Local Plan in and around Didcot to be delivered”.<sup>12</sup>
  - b. Policy STRAT 9, paragraph 2(vi) requires development to deliver necessary infrastructure, including the HIF1 scheme. Paragraph 6 states that “the number and phasing of homes to be permitted and the timing of housing delivery linked to the planned infrastructure needs to be informed by further evidence .... This will be agreed, (and potentially conditioned) through the planning application process”.<sup>13</sup>

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<sup>8</sup> Emma Baker confirmed that of the allocations made in Policy H2, Didcot North East, Great Western Park, Hadden Hill and Land South of A4130 had been completed. Ladygrove East has outline planning permission for 750 homes, 500 of which are affected by a HIF1-related occupancy restriction. The other three allocations (each for 300 homes) have no permission yet. 500 + 900 = 1,400

<sup>9</sup> Examination report p29 para 121 **CD G 1.8**

<sup>10</sup> p31 para 136

<sup>11</sup> p40 para 182

<sup>12</sup> SOLP p.33 **CD G.1**

<sup>13</sup> SOLP p.50, 52

- c. Policy STRAT 10i contains identical wording to STRAT 9 in paragraphs 2(vi)(a) and 4.<sup>14</sup>

11. More broadly, the HIF1 scheme was included as part of the planned highway mitigation for planned housing and employment growth in the traffic modelling supporting the soundness of the SOLP. The July 2020 Evaluation of Transport Impacts: Stage 3 report tested the transport impacts of an additional 30,168 dwellings in SODC's area over the plan period (the final housing supply in the adopted plan was 30,056 homes)<sup>15</sup>. Each of the elements of the HIF1 scheme were included as part of the highways mitigation within the model.<sup>16</sup> Thus the transport evidence base supporting the planned growth in SODC's area is based on the assumption that HIF1 will come forward.

12. Emma Baker explained further that, during the examination of the SOLP, the Inspector requested further information about the housing coming forward in the Didcot Garden Town ('DGT') area. OCC produced a note confirming that 19,319 houses had been included in the modelling for the DGT area of influence (plus Berinsfield).<sup>17</sup> This includes land within both South Oxfordshire and Vale of the White Horse. Ms Baker pointed out that there have been additional windfall developments in the four years since that note was produced. Such developments will continue to come forward. A recent example is the development of approx. 150 houses at Land at Lady Grove,<sup>18</sup> which was allowed on appeal.

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<sup>14</sup> SOLP p.58-59

<sup>15</sup> SOLP p.88 Table 4c **GD G.1**

<sup>16</sup> Table 3-2 and fig 3.1, p-8-9 **CD G.1.6**. In fact, the HIF1 scheme was also included in the model for the 'do-minimum' scenario, which assumed housing growth of just over 11,000 dwellings in the plan period: see p27 (bottom of table 15) identifying the elements of the HIF1 scheme as being included in the do minimum scenario in January 2019 **CD G.1.4**; the do minimum housing figure is at p.5 table 2-1 of the July 2020 ETI Stage 3 report **CD G.1.6**

<sup>17</sup> Paragraph 5 of the 'Matter 10 Note' provided to the Inspector examining the SOLP (**CD G.16**). The Didcot Garden Town 'area of influence' is shown by the blue line on the plan at p.14, chapter 1 of the DGT Delivery Plan, **CD G.6**.

<sup>18</sup> EIC of Emma Baker and statement of Cllr Rouane. The site is shown at number 26 on Mr Wisdom's Fig. 3 at **INQ 3.2**

13. It is therefore clear that, in addition to the strategic allocations which are yet to be delivered in SODC's area, the HIF1 scheme is necessary to support what Ms Bowerman described as "unprecedented levels of growth" in the DGT area.

14. Given the evidence about the existing road network, discussed later, it is fanciful to suggest that such high levels of housing growth can be delivered without some significant new highways infrastructure to support it. In fact, there is widespread agreement that some additional infrastructure is needed. Many local people who oppose the HIF1 scheme nevertheless acknowledge that infrastructure is needed, and that 'something needs to be done'.<sup>19</sup> The objections are mainly to the solution which has been chosen, rather than questioning the need for a solution at all.

#### **Delivering planned employment growth**

15. The HIF1 bid was predicated on unlocking housing growth, and the business case did not therefore rely on any employment growth.<sup>20</sup> Nevertheless, the SOLP plans for significant employment growth in the DGT area. The strategic housing allocations at Culham (STRAT 9) and Berinsifeld (STRAT 10i) both include land for employment use (this is also referred to in policy EMP 1):

- a. At Culham, a net increase of 7.3ha of employment land is sought from STRAT 8 and 9 together (in addition to the existing 10ha at the "No. 1 site" immediately east of the railway line).<sup>21</sup> A recent consultation document published by CEG indicates that the developer will shortly be bringing forward a proposal for 11.5ha of employment land at the 'No. 1 site'.<sup>22</sup>
- b. At Berinsfield, the allocation includes at least 5 ha of employment land.

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<sup>19</sup> See eg. the contributions from Nick Fielding (Burcot and Clifton Hampden PC); Cllr Jones (Didcot Town Council); James Barlow; Cllr Roibin Bennet.

<sup>20</sup> Aron Wisdom proof para 6.17 p37

<sup>21</sup> STRAT 9 para. and 2(i), SOLP p49 **CD G.1**

<sup>22</sup> **INQ 69** see p3

16. This employment development is subject to the same policy wording as the housing developments which are planned for these locations, and is therefore expressly linked to the HIF1 scheme in the same way.
17. In addition, Policy EMP 1 identifies 6.5ha of employment land at Milton Park in the Vale of the White Horse which is required to meet cross-boundary employment needs. This is in addition to the 28 ha of employment land included for Milton Park in the Vale local plan.<sup>23</sup>
18. In selecting these locations for employment growth, SODC has sought to make “a strong link between the housing growth in Didcot and the business growth needs of ‘Science Vale’”<sup>24</sup> and has sought to allocate employment land within strategic housing allocations “to enable the creation of sustainable communities and to provide new residents with the chance to work locally”.<sup>25</sup> This is all consistent with SODC’s strategy and priorities for Science Vale, which include providing “an environment in which science-led business can flourish”.<sup>26</sup>
19. As with the housing growth, employment growth across the plan period was included in the modelling which underpinned the SOLP. The final stage of the Evaluation of Traffic Impacts: Stage 3 modelled 4,282 jobs within SODC’s area.<sup>27</sup> Again, the HIF1 scheme was included within the model, providing an indirect link between the employment growth and the need for HIF1.
20. More direct evidence was provided by Steven Sensecall on behalf of UKAEA. He also acts on behalf of CEG, the promoter of the STRAT 9 allocation. He confirmed that planning permission for the employment proposal coming forward on the “No. 1 site” is expected to be subject to a Grampian condition limiting development by reference to the HIF1 scheme. He also explained how UKAEA’s ability to develop the Culham Campus has been limited by OCC’s position on

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<sup>23</sup> SOLP para 5.17 p127

<sup>24</sup> SOLP para 5.17 p127

<sup>25</sup> SOLP para 5.20 p127

<sup>26</sup> SOLP para 3.41 p. 30

<sup>27</sup> table 3-1 p8 **CD G.1.6**

highway capacity, recounting that it had been necessary to enter into a s. 106 to 'trade' floorspace from an existing outline consent to bring forward reserved matters on a more urgent development to address this issue. His evidence reflects what is stated explicitly in the SOLP: "CSC cannot expand without necessary infrastructure, including the Didcot to Culham River Crossing and Clifton Hampden Bypass".<sup>28</sup>

### **Addressing existing highway conditions**

21. Several witnesses gave evidence of the conditions which are currently experienced on the highway network, and the lack of resilience in the system. It is not necessary to rely on transport modelling to understand this evidence.
22. The inquiry has heard repeated evidence about the bottlenecks which exist at the Culham and Clifton Hampden bridges, even in normal peak conditions. This is exacerbated when one or both are bridges are closed due to flooding, or for repairs. The evidence from John Alcantra and Sue Scane was particularly compelling:
  - a. Mr Alcantra runs the Culham Bus Club and explained that children have to sit on a bus in a queue to cross Culham Bridge for at least 20 minutes per day, and that the bus club have had to shift pick-ups earlier – sometimes to before 7am – due to the congestion. He said that during recent floods children ended up sitting on buses for 2 hours trying to get to school.
  - b. Ms Scane runs the Didcot Volunteer Drivers group which takes people to medical appointments. Her service is also affected by delays, bridge closures and unreliable journey times. These are real world impacts which affect real people's lives, and which a model cannot capture.

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<sup>28</sup> SOLP p.46 **CD G.1**

23. The problems with the existing highway network were also made clear in the series of appeal decisions in 2018/19 where Inspectors upheld refusals of permission for single dwellings, based on the impacts of additional traffic on the network.<sup>29</sup> In one of these decisions the Inspector commented that “the residual cumulative impact is already severe without the proposed development”.<sup>30</sup>

24. Such concerns ultimately led to the development of the “Releasing Development Strategy”.<sup>31</sup> The associated Cabinet Report discusses the difficult tensions between OCC’s role and responsibilities in respect of network capacity, and the implications for the District Councils in terms of meeting housing needs and maintaining housing supply. The report confirms that “in the absence of the HIF1 infrastructure, much of the highway network is at design capacity during the morning and evening commute times”, but recognises the overall “national planning gain in delivering houses”.<sup>32</sup> The strategy involves OCC not objecting to developments of 10+ houses that will generate new peak traffic movements “on the basis HIF 1 funding has been secured and OCC is confident in delivering HIF 1”. It provides that “occupation controls will be applied to development sites to lessen the cumulative impact on the highway network”.<sup>33</sup>

25. That strategy has allowed some development to come forward at Ladygrove East. 250 of the consented 750 homes can come forward in advance of HIF1, the remainder are subject to an occupancy restriction.<sup>34</sup> But clearly this is not a long term solution.

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<sup>29</sup> OCC App SoC **CD L.1** Appx 4: see para 10 of the 9 Hobbyhorse Lane decision pdf 95, paras 8-9 of the New House, Churchmere Road decision pdf 98, paras 7 and 12 of The Barn, Church Street decision pdf 101-102, para 7-8 of the West Barn, Peewit Farm decision pdf 105.

<sup>30</sup> pdf 101, para 7.

<sup>31</sup> Aron Wisdom appx. 2.2

<sup>32</sup> AW 2.2 p. 7 pdf 9 para 5

<sup>33</sup> AW 2.2. p9 pdf 11 para 7

<sup>34</sup> EIC of Emma Baker for SODC



## **BENEFITS OF THE SCHEME - *Inspector's main issue 1***

### **Delivering planned housing growth – *Secretary of State's matter (a)***

26. The Government's stated objective is to "significantly boost the supply of homes".<sup>35</sup> The delivery of necessary infrastructure to unlock the high levels of planned housing growth in the DGT area is clearly the most significant benefit of the HIF1 scheme and must attract a high level of weight. HIF1 is fully consistent with the Government's policies for delivering a sufficient supply of homes.

27. Throughout the preparation and examination of the SOLP it was assumed that the HIF1 scheme would come forward – in fact it was anticipated that it would be delivered by 2024.<sup>36</sup> The existence of this important highways infrastructure underpins the soundness of the allocations, and the wider spatial strategy.

28. In her evidence in chief Ms Bowerman emphasised the importance of this housing growth being plan led. Paragraph 15 NPPF provides that the planning system should be "genuinely plan-led", and that "succinct and up-to-date plans should provide a positive vision for the future of each area". This is exactly what the SOLP does. It sets a vision and strategy for housing and employment growth to be focussed in the Science Vale, building on the existing success of this area. The SOLP provides for the necessary infrastructure to facilitate and support that growth, and HIF1 is a fundamental element of that. If the strategic sites around Didcot and at Culham and Berinsfield are to be delivered in a plan-led way, then it necessarily follows that HIF1 needs to be delivered.

### **Affordable housing**

29. Ms Bowerman gave some important evidence about the affordability issues facing SODC and the need for more affordable housing. The provision of affordable homes to meet local needs is one of SODC's corporate priorities. She confirmed that the large allocations at Culham and Berinsfield are expected to make up the

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<sup>35</sup> NPPF para 60

<sup>36</sup> Examination report p29 para 121 and p31-32 para 136 **CD G 1.8**

bulk of affordable housing delivery once delivery commences. Those two sites alone are expected to deliver 5,200 homes. There is a proposal within the emerging plan to require 50% of dwellings on such sites to be affordable,<sup>37</sup> but even if the current policy requirement for 40% were to remain this would equate to 2,080 affordable homes from these two sites. The HIF1 scheme will unlock delivery of those much-needed homes and this is another significant benefit of the scheme.

**Delivering employment growth** – *Secretary of State’s matter (b)*

30. Prof. Sir Ian Chapman and Steven Sensecall both spoke compellingly about the nature and scale of the economic benefits which would flow from the planned growth at Culham. The HIF1 scheme will also support significant levels of economic growth at Berinsfield and Milton Park.

31. Paragraph 85 NPPF provides as follows:

“Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future. This is particularly important where Britain can be a global leader in driving innovation<sup>44</sup>, and in areas with high levels of productivity, which should be able to capitalise on their performance and potential.”

32. As Ms Baker confirmed,<sup>38</sup> this is directly relevant both to the strategy of the SOLP and what it is seeking to achieve, and specifically to the HIF1 scheme. The HIF1 scheme will help to create conditions in which businesses can invest and expand.

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<sup>37</sup> Draft policy HOU3 p161 and see supporting text on preceding pages **CD G.18**

<sup>38</sup> EIC for SODC

HIF1 is clearly needed to support economic growth and productivity in the Science Vale. It will allow what is already a site which is recognised as being “of international importance” to build on its strengths and address challenges of the future. Significant weight should therefore be placed on this benefit. The HIF1 scheme is fully consistent with Government policies for building a strong, competitive economy.

### **Addressing existing highways issues**

33. The evidence presented to the inquiry is that HIF1 would address the current conditions faced on the local highway network in three key ways:

- a. It would provide more capacity and thus relieve congestion which is currently experienced in pinch point locations. The Rule 6 objectors have advanced a case that, 10 years after the HIF1 scheme is opened, “the traffic picture on the network would be approximately the same as the day before the road opens”,<sup>39</sup> so that “sooner or later conditions will deteriorate to the point where the benefit of HIF1 is lost”.<sup>40</sup> However this fails to recognise the important fact that, by that time, the HIF1 scheme will have facilitated significant amounts of planned growth. As OCC have emphasised, the HIF1 scheme is not proposed as a complete and for-all-time solution to congestion. It is intended to facilitate a level of planned growth, which is what it will achieve.
- b. The HIF1 scheme provides an important additional river crossing which will help address the issue of severance between Didcot and the Culham Campus, and more generally between Didcot and areas to the north of the Thames where significant housing growth is planned.<sup>41</sup> This severance affects all modes of transport. Although falling outside SODC’s area, the

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<sup>39</sup> Mr Woolley, in XX of Claudia Currie

<sup>40</sup> Mr Woolley in XX of Aron Wisdom

<sup>41</sup> See Emma Baker’s proof paras 60-61

Science Bridge will also help to address severance caused by the railway line.

- c. By providing an additional river crossing, the HIF1 scheme will also help to improve the resilience of the local transport network. Many witnesses have spoken about this issue, and the impact on the network when there is an event such as flooding or an accident or road closure.<sup>42</sup>

**Delivering improvements in active travel and public transport** – *Inspector's main issue 3*

34. Policies TRANS 2 states that SODC will, among other things, work with OCC and others to “ensure new development is designed to encourage walking and cycling” and support “sustainable transport improvements in the wider Didcot Garden Town area and in and around Oxford, particularly where they improve access to strategic development locations”.<sup>43</sup> Policy TRANS 5 applies to consideration of development proposals and requires developments to “provide safe and convenient routes for cyclists and pedestrians, both within the development, and including links to rights of way and other off-site walking and cycling routes where relevant”.<sup>44</sup>

35. The HIF1 scheme meets the aims of these policies. It is not just a road scheme. It also provides a walking and cycling route which will be segregated for most of its length. Ms Bowerman’s assessment is that this will be a “high quality” provision and will provide a “genuine alternative” to the private car.

36. The Rule 6 objectors compared this aspect of the HIF1 scheme unfavourably to the Garden Line, which was originally illustrated in the DGT delivery plan.<sup>45</sup> But there was never any adopted plan or policy to deliver the Garden Line and the

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<sup>42</sup> See Emma Baker’s proof para 62

<sup>43</sup> SOLP p. 149-150

<sup>44</sup> SOLP p. 155

<sup>45</sup> See Chapter 5 of the DGT Delivery Plan, p.120 pdf 26/80 and p126 pdf 32/80 **CD G.6**

proposal was later removed from the reviewed delivery plan,<sup>46</sup> as Mr Tamplin acknowledged<sup>47</sup>. In any event, the objectors who mentioned this proposal may have been somewhat mistaken as to what it actually involved – the DGT delivery plan makes clear that it was largely a case of upgrading existing routes.<sup>48</sup> Emma Baker’s assessment was that she saw the Garden Line in the HIF1 scheme.<sup>49</sup> Certainly the walking and cycling provision associated with the HIF1 scheme is a vast improvement on the existing routes between Didcot and Culham, particularly for cyclists – indeed Mr Williams agreed that it was “far better than what exists currently”.<sup>50</sup>

37. The walking and cycling benefits associated with the HIF1 scheme do not stop at the red line boundary. It is important to appreciate (as some of the speakers objecting to the scheme failed to do) that the HIF1 scheme is just one part of a wider walking and cycling strategy. By bringing forward the strategic housing allocations at Culham and Berinsfield, the HIF1 scheme will unlock further active travel improvements in the area.

38. Policy STRAT 9 will require the housing-led development to deliver “provision for excellent sustainable transport facilities including, but not limited to, new and improvements to existing cycle and footpaths”, including “provision of a new cycle bridge and associated connectivity and paths across the River Thames to connect appropriately with Abingdon”.<sup>51</sup> The CEG consultation document produced by Ms Bowerman shows this indicatively.<sup>52</sup> Together with the HIF1 scheme, this would result in an almost fully segregated cycling route from Didcot all the way through

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<sup>46</sup> See Adrian Butler’s appx 1 – Revised DGT Delivery Plan Projects 2022

<sup>47</sup> XX by VoWHDC

<sup>48</sup> DGT Delivery Plan chapter 5, p.110 pdf 27/80 states “Much of the route to the south of the River Thames exists and only requires comparatively modest infrastructure intervention to make it very attractive to use” **CD G.6**

<sup>49</sup> EiC for SODC

<sup>50</sup> XX by OCC

<sup>51</sup> STRAT 9 paragraph 2(vi)(b) SOLP p.50 **CD G.1**

<sup>52</sup> **INQ 69** pdf 7

to Abingdon.<sup>53</sup> The consultation document also shows the potential for other cycle connections through the STRAT 9 and STRAT 8 sites.

39. Similarly, policy STRAT 10i will require the strategic development at Berinsfield to deliver:

“high quality infrastructure to encourage cycling and walking, and provide links through the site and to adjacent employment and into the village of Berinsfield and to other surrounding locations including Culham; specifically (but not limited to) improving the existing pedestrian/cyclist infrastructure along the A415 from Berinsfield to Culham, and providing for a cycle route from Berinsfield to Oxford”<sup>54</sup>

40. In addition to the cycling and walking improvements that would be delivered and unlocked by the HIF1 scheme, there has also been evidence of the improvements for bus travel. Again, there are benefits delivered by the HIF1 scheme itself and knock-on benefits which will be unlocked through the delivery of the strategic allocations:

- a. The scheme itself will improve bus travel by (i) providing additional highway network capacity which will make the highway network more resilient and improve journey time reliability, addressing one of the major barriers which currently exists to increased bus patronage<sup>55</sup> and (ii) incorporating bus priority measures (via the imposition of a suitable condition) which will also improve journey times. All of this will make buses a more attractive option than is currently the case.
- b. As with the walking and cycling provision, by unlocking development on STRAT 9 and 10i the HIF1 scheme will indirectly lead to further

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<sup>53</sup> Emma Bowerman in EiC

<sup>54</sup> STRAT 10i paragraph 2(vi)(e) p.58 SOLP **CD G.1**

<sup>55</sup> See the representations from Mr Alcantra **INQ 27** and from Mr Marion on behalf of the Oxford Bus Company **CD N.07**

improvements in bus provision within the Science Vale area. Policy STRAT 9 requires development to deliver “bus improvements including provision of a scheduled bus service, with a minimum of two buses per hour between Berinsfield, Culham and Abingdon, with options to extend or vary services to locations such as Cowley, Chalgrove and Didcot”,<sup>56</sup> whilst policy STRAT 10i will require the Berinsfield development to ‘pump prime’ the same services.<sup>57</sup>

41. Finally, policy STRAT 9 also requires development to deliver “contributions to Culham station improvements including longer platforms, public realm, new station building, and potentially car parking”. Mr Wisdom described these station improvements in more detail in his proof.<sup>58</sup> Both Ms Baker and Mr Wisdom also confirmed that the delivery of large amounts of housing at Culham would support the business case for improved rail frequency at Culham.

## **ALTERNATIVE WAYS OF MEETING THE NEED AND DELIVERING THE BENEFITS -**

### *Inspector’s main issue 4*

42. Some of the witnesses for the Rule 6 objectors (and some other interested parties) have suggested that HIF1 is not essential, and that the planned housing growth in this area can be unlocked with other transport solutions/plans based on active travel or public transport improvements.<sup>59</sup>

43. There is a well-known body of case law dealing with the circumstances in which alternative proposals may be material considerations when determining planning applications. The relevant legal principles were summarised by Auld LJ in Mount Cook Land Ltd v Westminster City Council [2004] 2 P & CR 22. The key points identified in paragraph 30 include that:

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<sup>56</sup> STRAT 9 paragraph 2(vi)(b) p. 50 **CD G.1**

<sup>57</sup> STRAT 10i paragraph 2(vi)(d) p. 58

<sup>58</sup> AW proof para 12.41

<sup>59</sup> See in particular the evidence of Roger Turnbull (East Hendred PC), Richard Tamplin and Roger Williams (both POETS)

- a. “in the absence of conflict with planning policy and/or other planning harm, the relative advantages of alternative uses on the application site or of the same use on alternative sites are normally irrelevant in planning terms”; and
- b. “even in exceptional circumstances where alternative proposals might be relevant, inchoate or vague schemes and/or those that are unlikely or have no real possibility of coming about would not be relevant or, if they were, should be given little or no weight”.

44. SODC’s case is that the HIF1 scheme is clearly in accordance with the development plan as a whole and is acceptable. Therefore the prospect of any alternative schemes is irrelevant.

45. Even if the various alternatives advanced by the objectors were in principle material considerations, there is a complete lack of detail or evidence as to their feasibility. Crucially, there is no evidence whatsoever to substantiate the suggestion that an alternative scheme which did not include a new road could provide mitigation for the planned housing growth in the DGT area. Mr Tamplin fairly described his evidence on alternatives as a “back of a fag packet, very simplistic assessment” and said that he was not putting forward “any worked up, feasible alternative”.<sup>60</sup> That applies equally to the evidence of other objectors on this issue. The suggested alternatives are all “inchoate or vague schemes” that “have no real possibility of coming about”, and so cannot carry any weight.

46. As already mentioned, the SOLP seeks to prioritise active travel modes and ensure that new housing development secures and delivers improvements in walking, cycling and public transport.<sup>61</sup> Active and sustainable travel is by no means ignored either by SOC or OCC. But in a rural area like South Oxfordshire car use will inevitably remain part of the picture. It is clearly unrealistic to suggest that the

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<sup>60</sup> XX by OCC

<sup>61</sup> See policies TRANS 2 and TRANS 5 and the strategic allocation policies already discussed.



level of existing and planned growth can be accommodated without new road capacity, given the evidence the inquiry has heard about the current highway conditions.

47. Ms Baker also pointed out that the HIF1 scheme has funding as a result of the competitive bid process, and her understanding was that if the HIF1 scheme is not delivered, that funding will be lost.<sup>62</sup> There is of course no suggested funding mechanism to support any of the alternative plans and schemes identified by objectors. Aron Wisdom said that it would be “completely irresponsible to refuse the well planned widely supported HIF 1 scheme on the basis something may turn up”.<sup>63</sup> SODC agrees with this assessment.

#### **THE GREEN BELT – *Inspector’s main issue 13***

48. The precise location of the Green Belt boundary can be usefully identified from a comparison between Sheet 2 of Bernard Greep’s appendix 2.2 and the first plan in appendix 4 of the SOLP (showing land inset from Green Belt for the purposes of the STRAT 8 and 9 allocations). It confirms that bridge over the River Thames together with the viaduct and embankment where the road lands on the north bank of the river is within the Green Belt, as is the stretch of road leading to the new A415 junction and the Clifton Hampden bypass.

49. Paragraphs 152-153 of the NPPF provide as follows:

“152. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

153. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm

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<sup>62</sup> Emma Baker EiC for VoWHDC

<sup>63</sup> AW in EiC

to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.”

50. That longstanding national policy approach finds reflection in policy STRAT 6 of the SOLP.

**Inappropriate development and Green Belt impact**

51. Mr Greep’s evidence has raised the issue of whether the HIF1 scheme may benefit from paragraph 155(c) NPPF, in which case it falls within a category of development which is not inappropriate in the Green Belt. In that scenario, very special circumstances (‘VSC’) would not be required.

52. Paragraph 155(c) provides that “local transport infrastructure which can demonstrate a requirement for a Green Belt location” is not inappropriate provided it preserves openness and does not conflict with Green Belt purposes of including land within it.

53. There appears to be no dispute that the HIF1 scheme constitutes local transport infrastructure.<sup>64</sup> There has also been no serious challenge to the issue of whether HIF1 can demonstrate a requirement for a Green Belt location, given that any road scheme linking Didcot to the Culham strategic sites and bypassing Clifton Hampden will inevitably have to pass through the Green Belt. On this point Mr James identified that the “only dispute is whether the road is necessary” - but that is not a relevant question under paragraph 155(c). The question whether there is a requirement for the development, but whether the development requires a Green Belt location. Clearly it does.

54. The key issue between Mr Greep and Ms Bowerman is whether the HIF1 scheme will preserve openness and not conflict with Green Belt purposes, specifically purpose (c). The area of disagreement is narrow, because Ms Bowerman expressly

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<sup>64</sup> Although Mr Woolley cross examined Mr Greep on whether the difference between ‘local’ and ‘strategic’ was a “verbal matter”, he did not positively advance a case that HIF1 was not “local transport infrastructure”; and Mr James agreed that it was.

agreed with the logic of Mr Greep's approach. If paragraph 155(c) is to have some purpose and not be self-defeating, some level of local transport infrastructure must be capable of falling within its scope. Given that development of this type will almost inevitably have some impact on openness, the existence of paragraph 155(c) necessarily implies that some degree of impact must be acceptable.

55. It is common ground that the question of where the 'tipping' point lies is a matter of planning judgement. Ms Bowerman judges that elements of the HIF1 scheme which lie within the Green Belt have impacts on openness and purposes which go beyond that tipping point. Mr Greep takes the opposite view. These are both legitimate professional judgements.

**Very special circumstances**

56. If the Secretary of State agrees with Ms Bowerman's judgement on paragraph 155(c), it follows that the HIF1 scheme (insofar as it is located in the Green Belt) is inappropriate development. Such development is harmful by definition, and that harm must be given substantial weight.

57. Ms Bowerman's assessment is that the substantial public benefits of the HIF1 scheme, which she ran through and which I have summarised above, clearly outweigh the harm to the Green Belt and any other harm. There can be no doubt that very special circumstances exist. Her planning judgement on this issue was not challenged by the Rule 6 objectors.

58. Somewhat surprisingly, Mr James was the only witness for the Rule 6 objectors who sought to address the impact on the Green Belt at all. In cross examination he confirmed that "if it is concluded that a level of housing development that is sustainable cannot go ahead without HIF1 or some sections of it, then it would be a valid conclusion that VSC exist".

59. It is not for this inquiry to consider what level of housing growth is 'sustainable', or what infrastructure needs to be planned for to support the delivery of the planned

growth. Those are matters which have been fully assessed through the local plan examination. The plan was found to be sound. It necessarily follows that the level of housing growth planned for the Science Vale is sustainable. Therefore, on the Rule 6 objectors' own case, the Green Belt impact does not constitute a reason for refusing planning permission.

60. Ms Bowerman expressed the view that it would be a “bizarre” situation if exceptional circumstances existed to justify removing the land at STRAT 8, 9 and 10i from the Green Belt, but the infrastructure needed to deliver those allocations were prevented due to its Green Belt location. Mr Greep agreed with that argument.

## **OTHER MATTERS RELEVANT TO PLANNING BALANCE**

### **Matters raised by SODC's Full Council**

61. On 29 August 2023 the Full Council of SODC resolved to ensure that its views were properly represented at the inquiry and identified a number of issues which it particularly wished to address, as follows:

- i. The importance of infrastructure funded by HIF1 to the delivery of housing and economic sites allocated in the adopted Local Plan 2035
- ii. South Oxfordshire's target of becoming a net zero district by 2030.
- iii. The need for high quality design throughout, as set out in the Design Guide and the Didcot Garden Town Delivery Plan.
- iv. Minimising harmful impact of any scheme on our natural and historic landscape, including the River Thames, and maximising biodiversity.
- v. Respecting the views of affected communities including both Didcot and the surrounding villages.

62. Point (i) has been addressed above by reference to the need and benefits of the scheme. Points (ii)-(iv) are discussed in this section. As to point (v), the inquiry has heard from the affected communities both through the Rule 6 objectors and also

through individuals who have attended and spoken for and against the scheme, in addition to the written representations and consultation responses. SODC respects all of these views. The position it has taken in response to the HIF1 scheme is in accordance with its own adopted policies and is judged to best serve the interests of all residents.

Climate and sustainability – Inspector’s main issue 8

63. Policy DES 8 requires new developments to “seek to minimise the carbon and energy impacts of their design and construction” and demonstrate they are “seeking to limit greenhouse gas emissions”.<sup>65</sup> Mr Lansburgh’s evidence was that during the construction phase HIF1 will have minor adverse (not significant) effects in terms of greenhouse gas emissions. However, once operational the HIF1 scheme “is estimated to reduce GHG emissions compared to the baseline scenario”, with a minor beneficial effect on emissions.<sup>66</sup> That was not undermined by Dr Ng’s evidence.

64. As set out in Ms Bowerman’s proof, SODC welcomes proposed conditions 25 and 36 relating to carbon management plans. Ms Bowerman confirmed her assessment that, with such conditions, the HIF1 scheme complies with policy DES 8.

High quality design - Inspector’s main issue 9

65. Policy DES 1 provides that all new development must be of “high quality design”, whilst policy DES 2 requires development to “physically and visually enhance and complement the surroundings” and respond positively to the site and its surroundings.<sup>67</sup>

66. In applying these policies, it has to be borne in mind that HIF1 is a road scheme and must meet relevant technical and safety specifications. Form is to a very large

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<sup>65</sup> SOLP p. 204 **CD G.1**

<sup>66</sup> Chris Landsburgh proof para 2.25 p. 8

<sup>67</sup> SOLP p. 194, 196

extent dictated by function. The scheme will by its very nature have an engineered appearance in places - particularly in the short term.

67. SODC's landscape officer raised some concerns about the design of the Science Bridge (which is close to, but outside, SODC's area). Ms Bowerman described the bridge as "a bit of a missed opportunity", although it was clear from Mr Blanchard's evidence that there were several constraints relating to the design of the structure.

68. Concern was also raised about the Thames Crossing bridge and viaduct, in particular the "bulky" appearance of the supports. Again, Ms Bowerman recognised that the bridge will inevitably be engineered in appearance. She was satisfied that a landmark feature would not be appropriate in this rural setting.

69. Draft condition 8 would require submission and approval of details of the external appearance both bridges, which would provide an opportunity to ensure that the materials, finishes and colours used will enhance the appearance of the Science Bridge and recuse the prominence of the Thames Crossing as far as possible.

70. Ms Bowerman's overall view was that the design of both bridges was acceptable and would not result in any policy conflict.

#### Landscape impact and biodiversity - Inspector's main issues 5 and 10

71. Policy ENV 1 seeks to protect South Oxfordshire's landscape, countryside and rural areas from harmful development, and requires development to protect and where possible enhance features that contribute to the nature and quality of the landscape, including "the landscapes, waterscapes, cultural heritage and user enjoyment of the River Thames".<sup>68</sup> Policy DES 2 is to similar effect, requiring development to "be designed to reflect the positive features that make up the character of the local area" and "enhance and complement the surroundings".<sup>69</sup>

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<sup>68</sup> SOLP p. 165

<sup>69</sup> SOLP p. 196

72. SODC's landscape officer concluded that the HIF1 scheme would conflict with these policies. Jane Ash, giving landscape evidence on behalf of OCC, also concluded that this would be the case. Her evidence was that, after 15 years, the HIF1 scheme would have a residual moderate adverse impact on the landscape character of the site itself, and residual moderate or large adverse effects on visual amenity on 11 out of 48 representative viewpoints.<sup>70</sup>

73. Specific concerns were raised by SODC's landscape officer about the road design around the Culham Science Centre roundabout, although semi-mature trees could have an immediate effect in softening the appearance of the scheme in this location.<sup>71</sup> There are a range of planning conditions that can be used to control landscaping and mitigate the visual impact of the scheme.

74. Concerns were also raised about the loss of trees. It is clear that there will be a significant amount of tree loss initially. But OCC's Arboricultural Impact assessment confirms that after 10 years the level of canopy cover within the site will be between 13 and 17%, compared with the baseline level of 14%.<sup>72</sup>

75. Ms Bowerman's assessment is that any road scheme proposed in the rural area (i.e. north of the River Thames) would have an adverse effect in character and appearance, and that this is something that was expected through the inclusion of HIF1 in the SOLP. The policy conflict is inevitable. It is something that needs to be weighed against the benefits of the scheme in the overall planning balance.

76. So far as biodiversity is concerned, there is a draft condition which would secure the 10% biodiversity net gain which would meet the requirements of policy ENV 3.

#### **Heritage** – *Inspector's main issue 11*

77. There is a suite of local plan policies relating to the protection of heritage assets. Policies ENV 6, 7, 8, and 10 of the SOLP are relevant as well as policy CUL 6 of the

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<sup>70</sup> Jane Ash proof tables 4.1 and 4.2 p19-20.

<sup>71</sup> Emma Bowerman proof para 4.34 p.15

<sup>72</sup> EIA Reg 25 response appendix H pdf 8-9 **CD C.2**

Culham Neighbourhood Plan. Overall, they reflect the requirements of national policy on this issue. The NPPF requires great weight to be given to the conservation of designated heritage assets.<sup>73</sup> Any harm to significance requires clear and convincing justification.<sup>74</sup> Where a proposal would lead to less than substantial harm to harm to significance, this should be weighed against the public benefits of the proposal.<sup>75</sup>

78. The expert heritage evidence presented to the inquiry by Gillian Scott<sup>76</sup> concludes that there would be less than substantial harm to the Grade II listed Fullamoor Farmhouse and to the Nuneham Courtenay Conservation Area. There would also be low level less than substantial harm to Clifton Hampden Conservation Area - but only until the landscaping matures.

79. SODC's conservation officer took a slightly different view. In the last set of comments dated 20 June 2023 she concluded that there would be less than substantial harm to the significance of Fullamoor Farmhouse and the Clifton Hampden Conservation Area during construction. However her view was that, as long as the acoustic and landscape mitigation could be achieved, there would be a beneficial effect in the long term. This is because the HIF1 scheme would "take vehicles and lighting further away from the heritage assets".<sup>77</sup>

80. The Rule 6 objectors have not sought to argue that the HIF1 scheme should be refused on the basis of its impact on heritage assets. In fact, the only person who discussed the issue during the inquiry was Professor Airs. His position was predicated on assumptions about the level of traffic increase through Nuneham Courtenay which OCC have disputed.

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<sup>73</sup> Paragraph 205 NPPF

<sup>74</sup> Paragraph 206 NPPF

<sup>75</sup> Paragraph 208 NPPF

<sup>76</sup> See Bernard Greep's appendix 2.4

<sup>77</sup> SODC SoC appendix 1, pdf 43 **CD L.4**



81. Any less than substantial harm needs to be weighed against the public benefits of the scheme. Ms Bowerman was in no doubt that the “considerable” benefits of the HIF1 scheme outweigh such harm. The heritage balance falls to be struck decisively in favour of the scheme.

**Other matters** – *Inspector’s main issues 2, 6, 7, 12*

82. OCC has presented expert evidence on large number of technical topics, including transport modelling, highways engineering, noise and air quality. SODC has not sought to call evidence or cross examine on these issues, and does not make any detailed submissions on them. However, SODC has considered the written evidence submitted on these topics and has listened carefully to the oral evidence. SODC’s view is that OCC’s evidence on these issues has not been undermined in any material way by evidence or questioning from the Rule 6 objectors and should be accepted.

## **CONSEQUENCES OF REFUSING PERMISSION FOR HIF1**

83. There are four key implications if HIF1 does not go ahead.

84. First, based on the evidence about the existing highway network and the releasing development strategy, it is probable that OCC will return to a position of objecting to new traffic-generating development.<sup>78</sup> If SODC determines applications in accordance with that position, it would effectively amount to a moratorium on growth in the DGT area - precisely where the SOLP seeks to focus growth. As Mr Butler rightly pointed out, it would of course be possible for both Districts to continue permitting housing growth notwithstanding objections from OCC, if it were judged that the benefits of housing outweigh the conflict with transport policies. The consequences of that approach have been clearly explained in OCC’s transport evidence.

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<sup>78</sup> This prevented proposals for even single dwellings in 2018 and 2019 ref, and Steven Sensecall’s evidence

85. Second, there will be significant implication for SODC's housing land supply position. SODC does not currently have 5HYLS.<sup>79</sup> Ms Bowerman explained that SODC has had previous experience of working in this situation and the result has been a significant amount of speculative development, focussed on those towns and villages within the relatively unconstrained area between the Green Belt and the Chilterns National Landscape.<sup>80</sup> Although the large strategic sites which depend on HIF1 are not presently relied on within the 5YHLS, they are expected to contribute to the housing land supply position in future years.<sup>81</sup> If those developments can no longer come forward, that important contribution will be lost. This will simply prolong the period during which a 5YHLS cannot be demonstrated, with predictable results. Furthermore, speculative development at towns and villages is inherently less sustainable than delivery of new sustainable settlements in the Science Vale which are well located in terms of jobs and transport. A dispersed pattern of development results in greater reliance on the private car, together with the associated congestion and emissions.

86. Third, the emerging joint plan proposes to continue with the strategy of focussing growth on Didcot and the Science Vale (and carries forward the important HIF1-dependent strategic allocations),<sup>82</sup> supported by the delivery of HIF1.<sup>83</sup> If permission is refused, that preferred spatial strategy will not be deliverable and the Districts will have to reconsider the strategy of the emerging plan. This is bound to delay the production of the plan.

87. Finally, Ms Bowerman observed that there may be implications for public confidence in the planning system, if the infrastructure which is needed to support planned growth cannot be delivered – particularly bearing in mind that some of the growth which HIF1 was supposed to mitigate has already been delivered.

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<sup>79</sup> Emma Bowerman confirmed in EiC the current published position is 4.2 years, the most recent appeal-derived position is 3.49 years.

<sup>80</sup> See map at SOLP p. 21

<sup>81</sup> Emma Baker EiC for SODC

<sup>82</sup> See explanation of preferred policy option A at p. 108-110 and draft policy SP1 p. 113 **CD G.18**

<sup>83</sup> See draft policy IN3 p. 503 **CD G.18**

## **OVERALL PLANNING BALANCE – *Inspector’s main issue 14***

### **Whether any SOLP policies may be ‘out of date’**

88. Development plan policies which are inconsistent with the NPPF may be regarded as ‘out of date’, and this may in turn point towards a reduction in weight to be given to such policies and/or to any conflict with them.<sup>84</sup>

89. Only Mr Tamplin sought to identify an inconsistency between the SOLP and the NPPF.<sup>85</sup> His argument was that any plan which supports road building is inconsistent with paragraph 115 NPPF which provides that “development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”. It was said that the inconsistency arose due to the climate emergency. Mr Tamplin did not identify which specific policies which were said to be inconsistent with paragraph 115 NPPF, whereas paragraph 226 NPPF makes clear that inconsistency is judged by reference to policies and not the plan as a whole. Presumably the policies in question would be those which provide support for the delivery of HIF1, most obviously TRANS 1b and TRANS 3.

90. Mr Tamplin’s argument was flawed for several reasons:

- a. Paragraph 115 is found under the heading “considering development proposals” and thus it applies to the determination of planning applications rather than guiding the content of strategic policies.

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<sup>84</sup> Albeit that the weight to be given to a development plan policy, and any conflict with it, is always a matter for the decision maker’s planning judgement. Furthermore the concept of policies being ‘out of date’ and potentially of reduced weight is of greatest relevance in the context of para 11(d) of the NPPF as where the most important policies are out of date this triggers the titled balance. No party has suggested that the titled balance is engaged in this case.

<sup>85</sup> Mr Turnbull confirmed in XX by SODC that his separate point about paragraph 116 NPPF did not apply to the SOLP, and he did not identify any other areas of inconsistency affecting the SOLP.

- b. In any event the “residual cumulative impacts” referred to in paragraph 115 do not relate to climate change, rather – as the policy states – the concern is with impacts “on the road network”. This largely relates to the performance of the road network and its ability to accommodate forecast traffic. The topic of climate change is addressed separately by the NPPF in chapter 14.
- c. The wording currently found in para 115 NPPF has remained unchanged, albeit with different paragraph numbering, since the wholesale revision of the NPPF in 2018. The SOLP was examined in 2020 and found sound – and therefore consistent with national policy.
- d. The issue of climate change was expressly considered by the examining Inspector in the context of the level of housing growth which was being planned for (and which, as discussed, depends on infrastructure including HIF1).<sup>86</sup> Furthermore, a lengthy appendix of the SOLP “outlines the ways in which the policies and proposals within the Plan seek to address climate change in accordance with the legislative framework as at June 2020”.<sup>87</sup>

91. No other areas of inconsistency have been identified by any witness. The SOLP 2035 is a recently adopted local plan and all of the policies which are of important for the determination of this application are up to date. It follows that each policy is deserving of full weight.

**Whether HIF1 is in accordance with the development plan** – *Secretary of State’s matter (c)*

92. The Rule 6 objectors have not mounted any real argument that that the HIF1 scheme conflicts with the development plan. Mr Tamplin accepted that HIF1 is in

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<sup>86</sup> CD G.1.8 para 51

<sup>87</sup> CD G.1.0 SOLP Appendix 16 p297, wording taken from introductory text.

accordance with SOLP,<sup>88</sup> and Mr Turnbull did not identify any conflict with SOLP policies.

93. The HIF1 scheme is fundamental to the spatial strategy and thus it is no surprise that the scheme receives strong in-principle support from the development plan.

94. There is some low level less than substantial harm to heritage assets which must be given great weight, but the substantial public benefits outweigh that harm so that local and national heritage policies are complied with.

95. The HIF1 scheme is inappropriate development in the Green Belt and that definitional harm must be given substantial weight, but the benefits of the scheme clearly outweigh it and any other harm, and very special circumstances exist. Thus there is compliance with local and national policy on the Green Belt.

96. There is no conflict with any of the policies in the Culham Neighbourhood plan.<sup>89</sup>

97. There is some conflict with policies ENV 1 and DES 2 due to the landscape and visual impact of the HIF1 scheme, but that is inevitable for a scheme of this nature and is reasonably localised.

98. Ms Bowerman's assessment is that the HIF1 scheme is in accordance with the development plan taken as a whole, and that there are no material considerations which indicate permission should be refused.

## **CONCLUSIONS**

99. For all of the above reasons, SODC contends that there is a very strong case for granting planning permission to allow this essential infrastructure to be delivered, so that it can perform its role in unlocking important housing and employment development and delivering the spatial strategy.

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<sup>88</sup> XX by SODC

<sup>89</sup> Emma Bowerman EIC

100. SODC therefore respectfully invites you to recommend that the application is granted.

**Emma Dring**

**23 April 2024**

