

**STATEMENT OF CASE**

**CASE REF: APP/U3100/V/23/3326625**

**Corridor between the A34 Milton Interchange and the B4015 north of Clifton  
Hampden.**

**on behalf of the**

**NEIGHBOURING PARISH COUNCILS - JOINT COMMITTEE (NPC-JC)**

## **Introduction**

This Statement of Case (SoC) is submitted on behalf of 5 Parish Councils (Appleford, Sutton Courtenay, Culham, Nuneham Courtenay and Burcot & Clifton Hampden) who are referred to throughout as the Neighbouring Parish Council Joint Committee (JC). The Parish Councils represent approx. 4,200 residents who are directly (and, in the case of Nuneham Courtenay, indirectly) affected by the scheme and they have consistently opposed the planning application now subject to a call-in inquiry.

Pursuant to the guidance in para 2.1 of the Guide to Rule 6 for interested parties January 2021 the JC are currently in discussions with other Rule 6 parties opposed to the scheme, together with other objectors, with a view to setting up an umbrella organisation to appear at the forthcoming inquiry.

The JC is also registered as a non-statutory objector to the Compulsory Purchase Order 2022 (CPO).

At the time of writing the Applicant and Local Planning Authority were, pursuant to the Direction of Inspector McDonald (see Post Pre-Inquiry Note dated 13 November 2023, paras 19-23), required to produce Technical Notes addressing a number of issues relating to their “various points of remaining concerns” by 17:00 on 30 November 2023.

We now understand that the LPA has been granted an extension of time until 31 December 2023 to submit this information. We consider that this delay is wholly unwarranted and prejudicial to the JC in its preparation of both this SoC, and in respect of the preparation of our evidence for the inquiry. We have written under separate cover to PINS regarding this matter.

Inspector McDonald took the view at the PIM that the position of the LPA in respect of its remaining concerns, and that they be resolved by the Inspector, as being neither “sufficient nor helpful.” We share that view.

In particular the LPA was required to produce a Technical Note setting out “exactly” what its concerns are, specifically in relation to reasons 3 and 8.

The JC's position in respect of the reasons for refusal agreed by the LPA's Planning and Regulatory Committee (PRC), in July 2023, and subsequently resiled from at its September meeting is set out in a letter to the Chief Executive and Leader of OCC dated 21 September 2023, which is summarised below.

**R1: The Climate Change Committee's June 2023 Report to Parliament had not been properly taken into account.**

The Applicants asserted that "little planning weight can be attributed to recommendations in the report". With respect to the Applicant, the weight to be afforded to any material consideration was a matter for the decision maker, not the Applicant.

Further, the Applicant stated that as the CCC Report was published on 23 June 2023 it post-dated the planning application, and that it was therefore not possible for the application to take its recommendations into account. Whilst the date of publication may be factually accurate, the Officer's Report (OR) to the July Committee could and should have addressed matters arising from the CCC Report, and Officers at the P&RC meeting were afforded every opportunity to do so.

The P&RC were advised, quite correctly, by the Council's legal officer present at the meeting that the CCC Report was a material consideration, and treated such accordingly.

Members of the P&RC in the exercise of their planning judgement concluded that the HIF1 scheme conflicted with the recommendations of the CCC Report, as was their prerogative, and such a conclusion should not be revisited.

**R2: Lack of Very Special Circumstances for the development set against Green Belt policy.**

The Applicant and Officer clearly disagreed with the conclusions of the P&RC on this matter, but as with R1 above, the P&RC gave full consideration to this matter and concluded that the case for Very Special Circumstances (VSC) was not made out to their satisfaction. This is a clear case where the P&RC exercised its planning judgement and was not convinced by the arguments of the Applicant, as they were fully entitled to do. As with R1, there was no basis for revisiting or reconsidering this unequivocal conclusion.

**R3: The impact of traffic on Abingdon and Didcot had not been assessed.**

It is a matter of fact that the traffic modelling supporting the planning application did not assess impacts on Abingdon or Didcot (and a number of other communities), and this was accepted by the Applicant at the time. The P&RC also found that the traffic modelling was defective in its failure to model the effects of induced demand and wholly rejected its conclusions. The Applicant once again simply repeated an argument that was put to the P&RC, considered by them and rejected by them. The mere repetition of an argument by Applicant does not make the Applicant's case any better.

**R4: Noise impacts on Appleford**

As with all the reasons considered above, the Applicant simply repeats large sections of the Environmental Statement (ES) submitted in support of the application and the OR. The P&RC disagreed with the conclusions of both, and found that the relevant policies on noise were breached, a conclusion wholly within their remit and powers.

**R5: The absence of a Health Impact Assessment**

It is matter of fact that no Health Impact Assessment (HIA) was produced by the Applicant in clear breach of Policy 9 of the LTCP. The Applicant's excuse was that no HIA was required at the time the planning application was scoped. The Applicant had more than enough time and opportunity to do so, and yet failed to produce an HIA. The P&RC's findings on this issue should not to be questioned.

**R6: The harm to Landscape.**

The P&RC also exercised its planning judgment in respect of this matter, and its conclusions cannot be disturbed by the suggestion that proposed minor mitigation of adverse impacts can be undertaken at the design stage by way of conditions.

**R7: The Science Bridge was not of adequate design for a gateway feature to Didcot.**

The P&RC gave full consideration to the proposed design of the Science Bridge, as it was presented to them in the planning application. The suggestion by the Applicant that the design could be enhanced to overcome the P&RC's adverse findings by way

of a planning condition at any inquiry is unacceptable, in that whilst minor amendments may be acceptable pursuant to the Wheatcroft principles, anything more would constitute a significant amendment to the scheme, and could not be dealt with by way of planning conditions.

### **R8: Conflict with policy of the Council's Local Transport and Connectivity Plan (LTCP) 2022-2050**

After quoting extensive sections of the OR, the Applicant concluded that "The Council therefore considers the HIF1 application is compliant with LTCP as agreed in the officer report."

Whilst the Applicant may take that view, the Council as such certainly does not. The Applicant is not the Council. The P&RC was the only legally constituted body of the Council to have given the application full consideration, and it concluded that the application conflicts with the LTCP.

As we submitted previously to the Council there was no lawful basis for it to revisit the decision of the July P&RC. Should any public inquiry proceed, (as is now the case), then the only way for the Council to give effect to the express resolution of the P&RC is to oppose the HIF1 application. Such a course of action would be nonsensical, as it would place the Council in a position of opposing its own application.

In these circumstances, and given the express views and conclusions of the P&RC, the only reasonable course open to the Council would be for it to instruct the Applicant to withdraw the HIF1 scheme without further ado. Failure to do so would leave the Council open to legal challenge, resulting in inevitable further costs and delays, which cannot be in the best interests of the Council or the public it serves.

The JC's continued objections to the scheme are set out in summary form below:

- The application conflicts with a significant number of policies in the adopted Development Plan.
- The scheme, if approved, will have the effect of undermining part 2 of the adopted Local Transport and Connectivity Plan (LTCP), contrary to the guidance set out in para 49 of the NPPF.

- The application conflicts with national planning guidance as set out in the National Planning Policy Framework (NPPF) as revised in 2021 and Planning Policy Guidance (PPGs).
- The application, if approved, will have the effect of undermining targets for significant reductions in carbon emissions and carbon neutrality.
- The application conflicts with policies in the newly adopted Local Transport Plan – the Local Transport and Connectivity Plan (LTCP).
- No Health Impact Assessment (HIA) has been submitted, despite the specific policy requirements of LTCP Policy 9.
- Although a Climate Change Position Statement has been submitted by the Applicant it fails to meet the requirements of LTCP Policy 27.
- The HIF1 scheme fails to comply with the Department for Transport’s Transport Analysis Guidance (WebTAG) in its assessment of alternatives to a new road and in its assessment of landscape and visual impacts.
- The traffic modelling is fundamentally flawed in its scope and failure to assess the impacts of induced traffic. Consequently, the Environmental Statement (ES) inter alia, wholly underestimates adverse impacts on residential amenity in terms of noise and air quality.
- There is no tangible or substantive evidence that the scheme is financially deliverable.
- The Environmental Statement which includes the Further Information submitted pursuant to Regulation 25 requests still fails to comply with the Environmental Impact Assessment Regulations 2017. Pursuant to Regulation 3 of the 2017 Regulations planning permission cannot lawfully be granted.

In our Interim objection dated 13 June 2022 we made reference to the NPPF para 49 which sets out a basis for the refusal of substantial developments which could undermine emerging plans.

### **Emerging Plans.**

Whilst the Oxfordshire 2050 Plan has now been dropped, carbon reduction targets will be the responsibility of South Oxfordshire District Council (SODC) and the Vale of White Horse District Council (VoWHDC). At the time of writing there is no reason

to believe that the targets set out in the 2050 Plan, as well as the visions, aims, objectives and policies of that Plan will not be replicated at a District level in order to contribute to the achievement of national carbon reduction targets.

A similar case was made in respect of the then emerging LTCP. This has been adopted since the Regulation 25 request for further environmental information was made by OCC to its consultants AECOM.

The LTCP refers at various points to “part 2” of the LTCP. This is a reference to a further stage of the LTCP and will include the development of “area and corridor transport strategies”. These strategies are referred to explicitly in Policy 52 of the LTCP which states:

*“Policy 52 – We will develop and deliver area transport strategies that align with the LTCP vision and translate the LTCP policies into schemes for use in bidding, funding and developer negotiations.”*

The explanatory text to Policy 52 (LTCP page 133) specifically identifies an area strategy for:

*“**South Oxfordshire and Vale of White Horse Area Strategy** – including urban focus areas of Didcot, Henley, Wallingford, Wantage, Abingdon, Thame and Faringdon.”*

The text regards these area transport strategies as a “benefit for people in Oxfordshire”, as they will put the transport user hierarchy into practice and deliver schemes that put human health first. The improvement of walking, cycling, public and shared transport infrastructure will help the LTCP to “create healthy communities across Oxfordshire.”

Clearly, if the HIF 1 scheme is approved this will have the effect of wholly undermining the delivery of part 2 of the LTCP and the aims of Policy 52.

It was also noted in our previous interim objection that the VoWHDC has reviewed its housing figures resulting in a 32% reduction across the district. SODC is due to review its housing figures in 2025.

A substantial reduction in housing over the plan period will have significant bearing on the purported justification for HIF1 and the calculations upon which the Transport

Assessment (TA) are based. A 32% reduction in housing across the scheme area significantly reduces the need for the scheme, whilst simultaneously increasing the 5 year housing land supply in both districts, enabling the district authorities to more easily meet housing targets without the scheme.

Any reduction in housing figures will also have impacts on the traffic modelling of the scheme. 32% less new dwellings should result in a pro rata reduction in vehicle movements. This reduction has not been factored into the TA, which is clearly out-of-date in any event. At the very least the model should be re-run using the new housing figures available.

### **Local Transport and Connectivity Plan (LTCP) 2022.**

A new Local Transport Plan, the LTCP, was adopted by OCC in July 2022. As such, the LTCP is a material consideration to which significant weight should be afforded in the determination of this current application. Conflict with the aims, objectives and policies set out in the LTCP should result in the refusal of planning permission of the scheme.

The adopted LTCP sets out a series of targets. They include:

- By 2030 to replace or remove 1 out of every 4 current car trips in Oxfordshire
- By 2040 to deliver a zero-carbon transport network and to replace or remove 1 out of every 3 current car trips in Oxfordshire

The Plan aims to achieve these targets through a combination of transport policies focussed on the promotion of walking and cycling, investment in strategic public transport, improving multi-modal travel and making sustainable travel more attractive.

The Plan sets out a series of key policies which aim to deliver these targets. These include;

Policy 1 seeks to prioritise alternatives to travel by the private car, through the establishment of a transport user hierarchy. This hierarchy will be applied to the assessment of transport schemes (such as HIF1), with private car travel given the lowest priority in the hierarchy. As the explanatory text sets out, this approach, apart from enabling carbon reduction targets to be met, will bring further benefits in respect

of improving air quality, reducing noise pollution and improving levels of physical activity.

Policy 2 seeks to ensure that internal routes are easily connected to a comprehensive walking and cycling network, whilst Policies 16 and 17 will apply the 20-minute neighbourhood model in order to reduce the need to travel by private car and improve connectivity by walking and cycling.

Policy 26 prioritises bus travel over the private car through the development of infrastructure measures and will ensure that new strategic development is designed for bus access.

Most significantly, Policy 27 will assess, manage and minimise both embodied and operational carbon in infrastructure projects, whilst pursuant to Policy 63 OCC will adopt a “decide and provide” approach (as opposed to the now outdated and ineffective “predict and provide” approach which appears to inform the HIF1 scheme) to transport planning throughout the County. This approach should apply to all new transport infrastructure schemes such as HIF1.

At a strategic level the LTCP envisages both area transport strategies which will align with the vision of the Plan to be utilised in bidding, funding and developer negotiations (Policy 91) and with a similar approach to transport corridor strategies (Policy 92).

The adopted LTCP will be wholly undermined by the HIF1 scheme, as will Part 2 of the LTCP which will involve the development of area wide strategies.

Given the significant weight which the Applicant affords to the sustainability credentials of the HIF1 scheme it is both surprising and a cause for concern that Active Travel England (ATE), the statutory body for the promotion of walking and cycling has not been consulted on this application. We request that ATE be consulted on this scheme, as a matter of some urgency, and reserve the right to comment further once a consultation response has been received.

### **Health Impact Assessment**

Policy 9 of the LTCP requires a Rapid or Full Health Impact Assessment (HIA) to be submitted for larger-scale infrastructure proposals in order to deliver health benefits and to mitigate any negative impacts.

Para 3.12 of Appendix K submitted by AECOM acknowledges that no HIA has been submitted with this application, as the scope of the Environmental Statement (ES) was agreed with OCC as part of the EIA Scoping process some time before the planning application was lodged.

The EIA Scoping process would have been undertaken well in advance of the drafting of the original ES submitted in support of the application, is now out of date and has been superseded by the new LTCP. There is no good reason why an HIA could not have been undertaken and submitted under the Regulation 25 response.

Public Health England (PHE) published a guide for local authority public health and planning teams entitled “Health Impact Assessment in spatial planning” in October 2020. This sets out clear guidance on why HIAs are necessary, when they should be undertaken and what processes should be followed. Further, the guide is informed by the NPPF and PPGs on healthy and safe communities. Any failure to follow the HIA guidance is equally a failure to comply with the requirements of the NPPF and PPGs.

The guide advises that for complex schemes (such as HIF1) a comprehensive or Full HIA should be produced (para 2.5) It further advises that HIAs should be done prospectively (para 2.11) during the options appraisal stage of a development project, that is before applications are submitted. Section 6 of the guidance provides advice on how HIAs should be integrated with the EIA process.

The failure to produce an HIA represents a clear, unequivocal breach of Policy 9 of the LTCP. It is, by extension, a failure to comply with guidance set out in the NPPF and PPGs and further represents a significant defect in the Environmental Impact Assessment of the scheme.

### **Climate Change Position Statement**

On 18<sup>th</sup> February 2022 the JC requested, inter alia, that a Climate Change Position Statement be produced to accompany the planning application in order to assess the climate change related impacts of the scheme having regard to the cumulative effects of Greenhouse Gas emissions of the scheme.

In its response dated 23<sup>rd</sup> March 2022 AECOM stated that:

*“a Climate Change Position Statement comprising a cumulative impact assessment of greenhouse gas emissions is not required.”*

Notwithstanding this, on 26<sup>th</sup> April 2022 OCC requested that this information be provided (see OCC Regulation 25 request), setting out the further information required in detail, including measures to reduce embodied carbon emissions during construction and operation.

AECOM subsequently produced what purports to be a Climate Change Position Statement, Appendix K.

Para 2.2 of App K makes reference to mitigation measures that should, if implemented, result in reductions of embodied carbon and emissions.

However, it then states:

*It should be noted that currently, and at the point of submitting the ES, a Principal Contractor (PC) has not been appointed and it has not been confirmed if these measures are deliverable.”*

Such a stance is wholly unacceptable, and completely negates the purpose of the Reg 25 request. The effect of failing to confirm the deliverability of mitigation measures prior to planning permission being granted flies in the face of government policy on climate change and is a clear breach of the requirements of the EIA Regulations 2017.

It also represents a clear breach of Policy 27 of the LTCP.

Policy 27 states explicitly that OCC will:

*“a. Follow the embodied carbon reduction hierarchy in our decisions about transport infrastructure.*

*b. Take into account embodied, operational and user emissions when assessing a potential infrastructure project and its contribution to Oxfordshire’s carbon budgets and to a net-zero transport network by 2040.*

*c. Require a science-based percentage of embodied carbon reduction from baseline infrastructure projects.”*

None of these policy requirements have been met. App K wholly fails to address these points, and the only data provided by OCC/AECOM in respect of carbon budgets are to be found in the original ES Vol 1 Chapter 16, Table 15.15, which sets out national carbon budgets, with no details whatsoever of the County's carbon budget or how this scheme will affect the County's carbon reduction targets.

Our interim objection of 13<sup>th</sup> June 2022 was accompanied by a report by Prof John Whitelegg, one of the country's leading experts on sustainable transport.

His report calculated a figure for embodied carbon produced by the scheme of 288,414 tonnes of CO<sub>2</sub>e (see Whitelegg Report para 4.8). This figure has not been challenged or addressed by AECOM.

In January 2023 Friends of the Earth (FOE) Oxford commissioned a Report entitled "Is HIF1 compatible with Oxfordshire's climate goals?" by Ng Chien Xen, an expert transport economist.

The conclusions of his report only serve to reinforce the criticisms of the HIF1 scheme submitted previously by the Parish Councils' experts.

The Executive Summary of the FOE Report states;

*The transport sector in Oxfordshire will consume its remaining carbon budget under the Paris agreement in three and a half years unless there are steep and immediate cuts to emissions. However, at this critical time, the proposed HIF1 scheme is likely to increase rather than decrease emissions and car use. While an analysis by Oxfordshire County Council's consultants concluded that there will be no significant climate impact, there are significant flaws in their analysis. When these are accounted for, we estimate the scheme will consume around 8% of Oxfordshire's remaining transport carbon budget. This will be greater than the potential carbon savings from hitting Oxfordshire's cycling targets. Compared to district-level targets, the scheme will consume 19% of South Oxfordshire and the Vale of White Horse's transport carbon budget. We recommend that the county puts a freeze on the scheme in order to further assess its climate impact, and consider more sustainable ways to support growth in Oxfordshire.*

Having regard to AECOM's assessment, the Report further states;

*“However, their analysis is based on a number of flawed assumptions.*

- *The Scheme's emissions are compared against national rather than local carbon budgets, as required by the LTCP. This inevitably leads to the conclusion that the Scheme's emissions are immaterial as national emissions are inherently several order of magnitudes larger than local projects. However, when compared to Oxfordshire's transport carbon budget, the Scheme's emissions are significant, as will be discussed in the paragraphs below.*
- *They have assumed, with agreement from OCC, that traffic and emissions growth will be the same whether or not the Scheme is built. This is not a credible assumption: adding new road capacity leads to extra traffic, known as 'induced demand'. This is a significant source of emissions; we estimate that it could be around 2.3x larger than the emissions from constructing the scheme. Therefore, AECOM has significantly underestimated the Scheme's emissions;*
- *They assume that people will travel the same amount regardless of the level of congestion. In fact, people travel less when there is high congestion, and more when there is lower congestion. This means they overestimate the level of congestion without the Scheme, and overestimate the improvement in congestion with the Scheme. Therefore, they overestimate the potential carbon savings from reduced congestion.”*

Neither OCC nor AECOM have produced any evidence in respect of embodied carbon emissions arising from the scheme, nor have they produced any figures setting out the County's carbon budget for the construction period and operational life of the scheme.

In the Statement of Common Ground (SoCG) produced by the Applicant and LPA on 2 November 2023 it is proposed that a carbon management plan be produced by way of planning conditions (see SoCG proposed conditions paras 25, 26 and 36). These conditions would include quantification of carbon emissions, target setting and monitoring, with 6 monthly reviews and apply to both construction and operational phases of the scheme.

This is a wholly inappropriate use of planning conditions, is contrary to guidance in the NPPF, and would appear to be an attempt to circumvent the requirements of the 2017 EIA Regulations.

In July 2023 the LPA in its determination of this application cited as one of its reasons for refusal the failure of the Applicant to properly take into account the Report of the Climate Change Commission of June 2023 (see Minutes of the Planning and Regulatory Committee OCC 17-18 July 2023). It appears that this is one of the “remaining concerns” of the LPA which should have been addressed in the Technical Notes, still to be produced.

As the explanatory text to Policy 27 of the LTCP sets out, reducing carbon emissions and improving air and environmental quality is “essential for the health of Oxfordshire residents.”

The policy is needed to contribute towards a net-zero transport system, and as explained, the starting point should be to attempt to meet identified transport need without building new infrastructure. (LTCP page 88)

This approach is reinforced by the policy requirements of LTCP Policy 36.

The text to the policy (LTCP page 104) notes that new road building;

*“is not a sustainable long term solution because we have found that road building schemes often generate new demand and quickly reach capacity again.”*

Further,

*“there is substantial national and international evidence of motor traffic “disappearance” when road capacity is reduced, particularly where there are viable alternatives and in areas of excessive demand on road space.”*

This is an explicit recognition of the phenomenon of induced demand, addressed by Prof Phil Goodwin in our Appendix 2 submitted in support of our interim objection in June 2022. As Prof Goodwin notes, the Paramics model used in the HIF1 scheme does not have the facility to take into account induced demand, representing a serious shortcoming in the modelling of the scheme.

In addition, on 7<sup>th</sup> March 2022 Prof Goodwin presented a paper entitled “Outline Comments on HIF1 Forecasts and Appraisal” to OCC’s Transport Scrutiny Working Group. In this paper Prof Goodwin concludes that:

- The traffic forecasts in the TA are based on inappropriate, outdated inputs, derived from a narrow range of factors.
- The TA Paramics model fails (and does not have the capability) to calculate induced traffic.
- As a consequence of these shortcomings the benefits of the scheme in terms of reducing congestion and CO2 emissions have been overstated and any value for money calculation should be reduced accordingly.
- It is unclear how the forecasting methodology adopted allows for various development design considerations to effect traffic.

Given this, Prof Goodwin commends the approach of the Welsh Government, which has effectively paused all new road schemes to allow for the reassessment of schemes in light of wider policy objectives such as carbon reduction and zero carbon targets. In our submission this is precisely what should happen with the HIF1 scheme.

Prof Goodwin concludes that the forecasts over-state the benefits of the scheme and thereby understate the impacts on the surrounding villages. This adds weight to the concerns of the Parish Councils, which have been consistently expressed in frequent requests for the data underpinning the application.

HIF1 poses a significant threat to Oxfordshire’s carbon emissions reduction targets. The OCC’s LTCP, which the OCC states is a material planning consideration, aims to reduce current car trips by a quarter by 2030 and a third by 2040. However, the HIF1 scheme, by increasing car capacity, directly contradicts the LTCP.

Policy 27 of the LTCP requires that new transport infrastructure like HIF1 should evaluate their impact on emissions against Oxfordshire’s carbon budget and on the goal of achieving a net-zero transport network by 2040. However, the OCC has only evaluated HIF1’s carbon emissions against national carbon budgets, neglecting the specific impact HIF1 has on Oxfordshire’s own carbon reduction targets. Moreover, comparing the emissions impact of a local infrastructure project against national budgets like HIF1 is fundamentally flawed. National carbon budgets encompass a

much wider range of factors and are significantly larger in scale than the emissions impact of a single local project. Such a comparison fails to capture the impact of HIF1 on Oxfordshire’s ability to stay within its carbon budget.

Additionally, the CCC emphasises that decarbonisation strategies are dependent on delivery at a local scale. Therefore, assessing HIF1’s emissions solely in the context of national carbon budgets overlooks the critical role played by local delivery in achieving decarbonisation.

Moreover, the OCC’s traffic modelling, which underpins their claim that HIF1 will reduce operational emissions by alleviating congestion, fails to consider ‘induced demand’—additional traffic generated by the scheme. Our analysis indicates that HIF1 could contribute around 514 ktCO<sub>2</sub>e by 2050, factoring in vehicle efficiency improvements and electric vehicle adoption. This estimate is significantly higher than the OCC’s figure of 124 ktCO<sub>2</sub>e, and represents a substantial portion of Oxfordshire’s transport carbon budget.

The following table highlights the differences between the emissions estimates.

**Table 3** *HIF1 carbon emissions estimates (embodied and operational until 2050)*

Source of estimate	Emissions (ktCO <sub>2</sub> e)	Impact on carbon budget
OCC	124	<0.01% of national carbon budgets
Our estimates	514	8% of Oxfordshire’s transport carbon budget; 19% of Vale of White Horse and South Oxfordshire

Unless significant emissions reductions are identified elsewhere, the HIF1 scheme will make it very challenging for Oxfordshire to stay within its carbon budget.

**Principle of Development and Local Plans.**

The adopted Development Plan (DP) comprises the South Oxfordshire Local Plan 2036 (SOLP) and the Vale of White Horse Local Plan 2031 (VoWHLP).

Whilst it is acknowledged that a number of adopted plan policies support the principle of the HIF1 scheme, including TRANS3 of the SOLP and Core Policy 18 of the VoWHLP, the Development Plan should be read as a whole, and these specific policies should now be considered and afforded due weight in the context of a radically different policy environment.

LTP4 which was heavily relied upon by OCC to provide policy justification for the scheme has now been replaced by the LTCP, and the previous LTP cannot be afforded any weight at all in planning terms.

It should be noted in passing that the predecessor to LTP4, LTP3, took the following view towards any new River Thames crossing;

*"Improvements to the Culham and Clifton Hampden road river crossings or implementation of a new bridge are not identified projects within the Transport Strategy. This was discussed extensively at SODCs Core Strategy examination and the arguments still stand. The Strategy to accommodate movement north /south is focussed on rail and the A34. Capacity problems are not only created by the bridges themselves but also by the surrounding road network and junctions. This capacity issue acts as a deterrent to some drivers and aids commuters to make a choice about how/when they travel."*

*Local Transport Plan 3 2011-2030 (para 15)*

Whilst it is trite to state that Development Plans and national policy guidance such as the NPPF should be read as a whole, it should be borne in mind that specific proposals should be considered against the policy context taken as a whole. There will be tensions and conflicts between DP policies and many development schemes will not fully meet policy requirements. The planning balancing exercise is therefore an essential part of the process of determination, and if harms outweigh benefits even in cases where land has been safeguarded for a particular purpose such as here, then planning permission should be refused.

In any event, a safeguarding policy is precisely that, it is prohibitive of development that could prejudice development identified in an adopted plan, but it does not

necessarily provide either in principle support for a specific planning application simply by dint of the fact that a scheme falls within the broad scope of a safeguarding policy.

Both Local Plans make numerous references to the need to reduce carbon emissions significantly over the plan period.

The SODLP 2031 Objective 8.1 seeks to:

*“Minimise carbon emissions and other pollution...”* by supporting growth in locations that help reduce the need to travel.

Objective 4.2 seeks to make sustainable transport, walking and cycling an alternative and viable choice for people.

Policy STRAT 1 states that:

*“A key outcome of the spatial strategy is the minimisation of the need to travel to help to reduce carbon emissions generated through travel choices.”*

STRAT 3 seeks to improve rail services to Didcot and STRAT 7 seeks improvements to public transport in the context of transport infrastructure.

The VoWHLP 2031 has similar aspirations. Para 2.15 states that:

*“The Vale will need to play its part in meeting Government targets for reducing Greenhouse Gas emissions...”*

whilst *“Responding to Climate Change is one of our Strategic Objectives.”*

As Prof Whitelegg observed in our earlier interim objection,

*“Transport in South Oxfordshire (territorial direct emissions) is responsible for 52% of all CO2 emissions. In the Vale of the White Horse it is 50%. My view as a transport and climate change specialist is that it is impossible to meet a 13.4% pa or a 13.7% annual reduction in transport carbon in these two local authority areas when large infrastructure projects such as this planning application are increasing transport carbon emissions.”*

His observations remain as pertinent now as they did then. There can be no doubt that were the HIF1 scheme to proceed, the key objectives, spatial strategies,

strategic policies and aspirations of both District Local Plans would be wholly undermined and frustrated. The scheme represents a departure from the development plan not only in respect of the Green Belt, but in respect of all Climate Change and carbon reduction policies.

The P&R Committee of the LPA concluded in its consideration of the application in July 2023 that the scheme conflicted with “policy (sic) of the Council’s Local Transport and Connectivity Plan 2022-2050 (LTCP)”.

### **Traffic Modelling.**

In addition to the failure to assess the impacts of induced traffic, a significant number of other impacts have also not been picked up by the model, having been “scoped out” at an early stage. These flaws are set out in detail in two documents submitted as Appendices to the JC’s objection to the planning application in January 2023.

They have been produced by an independent traffic modeller, Andrew Dorrian MRTPI, via Planning Aid England, and are titled “Independent Transport Assessment Review” (Appendix 3) and “Reconciliation of Modelling” (Appendix 4).

As these documents show, as long ago as February 2022 the JC submitted a number of detailed questions to OCC regarding the scope of the modelling and impacts upon the transport network likely to be affected by the HIF1 scheme. As the reviews by Mr Dorrian illustrate, a number of stretches of the B4016 through Sutton Courtenay and Appleford have not been assessed, Nuneham Courtenay has been scoped out of the assessment completely, together with the Golden Balls Roundabout and impacts on Abingdon and its Town Centre remain unclear.

At a local level the JC has concerns in relation to the following specific issues:

### **Sutton Courtenay**

The belated addition of a roundabout directly linking Sutton Courtenay (SC) with the river crossing, would impact unacceptably on SC Courtenay because:

- Any such connection would act as a magnet. It would greatly increase the already burdensome flow of commuter and other traffic along the B4016 from Drayton Road through Church St into Appleford Rd (a.m.) and vice versa (p.m.) [“East/West traffic”] because of Induced Traffic Demand [“ITD”], further

aggravated by the cohort of drivers who presently avoid the Sutton Bridge queues. See also Professor Phil Goodwin's report of 28 February 2022 to the OCC Transport Scrutiny Working Group;

- OCC has failed to make any allowance for this ITD and the modelling ignores it;
- OCC has produced insufficient data on East/West traffic, and focused on High St/Church St ["North/South"] traffic;
- The Paramics model (Fig 5.1 Transport Assessment ["TA"]) stops less than halfway to Drayton - even short of the Drayton Rd/Milton Rd junction;
- There is thus no modelling of the impact of this substantial increase in traffic volumes through Sutton Courtenay, produced by the easy connection with the River Crossing;
- OCC has persistently failed (despite repeated reminders) to address SC Parish Council's ["SCPC"] concerns on these issues and requests for further data/modelling on the impact of the roundabout/junction on SC traffic;
- Any benefits to North/South traffic would be greatly outweighed by the cost in terms of much increased East/West traffic;
- Moreover, as Professor Goodwin also explains, 'the forecast relief from congestion of the HIF schemes is expected to be very short-lived';
- The roundabout/junction was not originally proposed. It represents a late addition, is not integral to and does not affect the viability of the HIF1 Scheme (if any), but would attract additional traffic through Sutton Courtenay and Appleford and so would defeat any claim that HIF would decrease congestion through the villages.

Abingdon and Nuneham Courtenay were scoped out of the modelling exercise, despite considerable impacts on the settlements.

**Culham** would be seriously affected by tailbacks on the Abingdon Road with particular reference to the pinch points at the Thame Lane /A415 junction, Tollgate Road/A415 junction and Abingdon bridge and especially when the 3500-housing development adjacent to the Science Centre is built.

**Nuneham Courtenay** has serious apprehension about the increase in traffic and the resulting noise, pollution and vibrations causing structural damage to buildings.

**Appleford** is concerned about increased traffic from Long Wittenham and Lady Grove Housing estates (Didcot) using it as a rat run to access the new road. This would also increase the traffic over the old protected narrow humped railway bridge, with greater risks to pedestrians, cyclists and rail passengers entering/exiting the station. They are also concerned with the T junction design at the B4026 which means traffic heading to Sutton Courtenay (incl. school runs at peak times) would be required to cross a dangerous 50 mph road.

**Clifton Hampden & Burcot** are concerned at the possibility of a mass of traffic backing up at the Golden Balls roundabout and back towards Clifton Hampden, leading to drivers cutting through the village, thus undermining the reasons for a bypass.

### **Review of the Assessment of Alternatives & WebTAG Compliance**

The JC commissioned a report to review OCC's treatment of alternatives to the HIF1 scheme and compliance of that treatment with the Department of Transport's (DfT) Transport Analysis Guidance (WebTAG) published in 2014.

The Report concludes:

*“The assessment of alternatives fails at a very basic level, in relation to both guidance in the form of WebTAG (DfT standard transport appraisal guidance since 2004, current version 2014 with later updates), and Oxfordshire County Council (OCC) policy most recently set out in the Local Transport Connectivity Plan July 2022 (LTCP). The central problem of the option assessment is that there has not been adequate consideration of alternatives to road building at the earliest stages in the project development, either as standalone packages of options or in conjunction with a lower level of highway provision. The full HIF1 highway scheme, with a smattering of active travel facilities that do not contribute significantly to the scheme's core provision, has been the required option since at least 2014, and as such it was inevitably the preferred outcome of the HIF1 appraisal.*

*Furthermore, it is now very clear that HIF1 is in fundamental conflict with the LTCP's core target to remove or replace one in four car journeys in the County by 2030, and with OCC's policy on option appraisal. Policy 36 of the LTCP states that OCC “will only consider road capacity schemes after all other options have been explored”, and*

*that transport schemes should move away from ‘predict and provide’ to ‘decide and provide’. The justification for HIF1 is entirely predict and provide – a given amount of development is going to happen in the area, which will require this scheme, rather than a balanced transport and land use strategy that seeks to establish what level of development is compatible with sustainable transport solutions aimed at traffic reduction.”*

*“In summary, HIF1 was predicated on Local Plans that are 5-8 years old, at least one of which has been reviewed and development demands downgraded. The scheme is based on ‘predict and provide’ concepts that were discredited almost 30 years ago (PPG 13 1994), but which seem to take a long time to disappear from project practice. It appears that the LTCP has finally caught up, and supplanted ‘predict and provide’ with ‘decide and provide’. The approval or rejection of HIF1 will be a test of whether this policy evolution has translated into project practice.*

## **Green Belt**

The County Council acknowledges that the proposed scheme is a departure from the Development Plan (13 Oct. 2021), and despite some limited policy support for the scheme as considered above, the scheme is nevertheless regarded as inappropriate development in the Green Belt in that it would permanently encroach into the countryside, would not protect the setting of historic towns and would not preserve the openness of the Green Belt.

The prohibition on inappropriate development in the Green Belt can only be overcome by OCC establishing that any harm arising from the scheme is clearly outweighed by other considerations which constitute “very special circumstances”. (See NPPF paras 147 – 148)

An expert report on Landscape and Green Belt issues was produced by the JC and submitted to the LPA as part of its objection to the scheme.

The report is highly critical of the ES Landscape and Visual Appraisal (LVIA) submitted by AECOM in support of the planning application.

The assessment of the landscape impacts of the scheme is “disingenuous” (page 1). The correct application of WebTAG guidance on landscape impacts should have

concluded that overall there will be a “large adverse” impact on landscape, despite suggested mitigation (page 2). The openness of the Green Belt will not be maintained and consequently the scheme will cause harm to the Green Belt (page 2).

With regard to the landscape impacts of specific sections of the scheme, the Report highlights that even after 15 years the impact on the Thames Path National Trail will remain “Major and Large Adverse” (page 3).

It is “difficult to understand” (page 3) why, given that the loss of tranquillity resulting from the Clifton Hampden by pass section of the scheme is one of the major effects of the scheme, that loss will purportedly be reduced over a period of 15 years from “Large adverse” to “Slight adverse”. Loss of tranquillity is loss of tranquillity.

The assessment of impacts caused by the viaduct at the gravel lakes to the South of the Thames is described in the Report as a “travesty” (page 3) for the reasons set out in the Report.

The apparent acceptance by the applicants of significant adverse effects on local residents of the elevated section of the scheme at Appleford Sidings is described as “beyond comprehension” (page 5).

Consultation responses from SODC and the Vale dated 23 December 2022 and 22 December 2022 respectively were produced and it would appear that the views of the Councils’ professional officers concur with our expert’s analysis in many respects.

The professional officers from both local authorities set out a number of concerns that remain, despite the submission of the Reg 25 further information, and conclude that the HIF1 scheme conflicts with a significant number of Local Plan Policies and guidance as set out in the NPPF.

These include:

- Bridge design – contrary to NPPF paras 126, 130 and 131, and the Didcot Garden Town Delivery Plan (SODC). Also Core Policies 37 and 44 of Part 1 of the Vale’s Local Plan 2031.

- Tree and hedge planting – is “considered inadequate” to address the expectations of the Delivery Plan, contrary to Local Plan Policies 44 and 45 and NPPF para 131. (Vale) SODC’s Forestry Officer concludes that the scheme is contrary to Local Plan Policies ENV1, ENV8, DES1 and DES2, paras 131 and 180 of the NPPF and BS 5837, 2012 Tress in relation to Design, Demolition and Construction.
- The Conservation Officer of SODC concludes that the scheme proposals remain in conflict with paras 199 and 200 of the NPPF and Policies ENV6, ENV7, and ENV8 of the SODC Local Plan.
- Further concerns are expressed in relation to a wide range of environmental impacts, including lighting, acoustic barriers and noise, noise and vibration, road alignment and lack of “sufficient information” in other areas to enable a proper understanding of the scheme.

In summary, the professional officers of both local authority areas through which the road will run continued to maintain significant policy objections to the scheme. These objections should be afforded considerable weight in any planning balance assessment.

In its impact assessment for the Green Belt, the applicant agreed at the time of the July 2023 LPA committee meeting that the landscape impact in the Green Belt could not be adequately mitigated to avoid significant harm to the openness of the Thames corridor and the landscape character around Clifton Hampden (OR paras 282-284). The scheme North of the Thames is therefore likely, by definition, to be inappropriate development in the Green Belt

The NPPF contains a proviso that highways schemes might not be inappropriate development in the Green Belt if the openness of the landscape is maintained. HIF1 does not fit the exception, nor do OCC Highways claim anything to this effect, since they accept that it impacts on the openness of the Thames flood plain and that this impact cannot be adequately mitigated. OCC Highways seek to claim that there are significant benefits that override harm to the Green Belt. The purported benefits are covered elsewhere in this SoC, but in principle they are doubtful, and in any case unsustainable because there are other strategies that do not result in significant harm to the Green Belt.

Whatever the outcome of discussions on benefit versus harm to the Green Belt, it is clearly unacceptable for OCC as an LPA to assert that *“the concerns regarding the Green Belt were not maintained”*, without giving any reasons why the concerns voiced in the planning decision of July 2023 had melted away by September 2023

Landscape impact and inappropriate development in the Green Belt were two of the 8 grounds for rejection of the application by Oxfordshire County Council Highways (OCC Highways) for the HIF 1 scheme. The decision to reject the application was made by Oxfordshire County Council as local planning authority (OCC LPA) at the Planning and Regulation Committee meeting in July 2023, but was called in by the SoS within a week. Following a further meeting in September 2023, OCC LPA resolved to take a neutral stance at the call-in Inquiry, and attempts have been made to reverse or neutralise the 8 grounds for refusal. However, OCC cannot disinvent the decision to reject the application, and the 8 grounds for refusal remain grounds for refusal unless determined otherwise. This is especially so since in the resolutions in September 2023 OCC LPA have in most cases not disowned the rationale behind the reasons for refusal, but have stated the issues which they expect the Inspector’s decision and recommendation to address.

One exception to this is that on the issue of inappropriate development in the Green Belt, the meeting of September 2023 gives no reasons whatsoever for resolving that *“the concerns regarding the Green Belt were not maintained”*: it is the only one of the 8 grounds for which no explanation is offered for a reversal or neutralisation of the decision made in July 2023.

## **Landscape Impact**

### **LVIA (Landscape and Visual Impact Assessment)**

- The OCC Highways assessment (by AECOM) records several significant (moderate/ large/ very large) adverse impacts, but downplays them to the point that they sound fairly harmless. Spurious arguments are presented that effects on widely drawn Landscape Character Areas (LCA) are only ‘slight adverse’ because the area affected by the scheme is proportionally small, or that all major roads have large adverse effects on rural landscape so this is not a

reason to reject them. The proper overall conclusion should be that significant landscape impacts and effects set a high bar against which to evaluate scheme benefits.

- There is no meaningful explanation for the constant downgrading of effects in year 15 assessments due to maturing landscape treatment. It takes no account of the core reasons for adverse impact which may be little affected by maturing tree cover. The severance of the Thames flood plain by the HIF1 embankment is a good example. Y15 impacts are said to reduce to moderate or slight adverse, but this is contradicted by OCC Highways' acceptance (see below) that impact on the Green Belt cannot be adequately mitigated to avoid significant harm.
- Some of AECOM's impact assessments are questionable, in particular the 'moderate' impact of the viaduct across the gravel lakes south of the Thames, which was a major change to the scheme, assessed retrospectively at a time when the unarguably large adverse impact would have been an unwelcome conclusion.
- Impact of traffic impact is an issue in LVIA, but the HIF1 assessment excludes the impact of additional traffic on feeder roads, which especially affects Nuneham Courtenay and Abingdon.

### **WebTAG and Landscape**

- A webTAG appraisal was undertaken in 2018 (excluding the viaduct, which only came later) and concluded an overall 'moderate adverse' impact. WebTAG defines this as, for example, *"out of scale with the local landscape; at odds with local pattern and landform; visually intrusive; not possible to fully integrate"*: scarcely 'moderate' in the conventional sense.
- WebTAG has a most adverse rule, which states that an overall scheme assessment should be the most adverse outcome in any one area of environmental impact, to prevent very significant impacts being diluted by a host of lesser impacts. This means that the overall impact of HIF1 should have been 'large adverse', not moderate.

### **Major impacts on specific sections**

The stretches of HIF1 sections C and D where impacts and effects are considered to be most significant are as follows:

- **Thames Path National Trail:** This is highly sensitive as an asset of national importance, and impact is assessed as large, giving a very large adverse effect; downgraded in year 15 even though the magnitude of the core impact is unchanged. This is generally lumped in with a number of other areas of significant adverse impact, when it should be treated individually as a major very large adverse impact on an asset of designated national importance. It is in the highest possible category of environmental impact other than 'international importance', which creates a very high bar against which to assess the balance of benefit versus harm.
- **Clifton Hampden Bypass:** The assessed impact on the rural setting of the bypass is 'large adverse' during construction, fading to slight adverse in Y15. Since the main landscape impact is said to be loss of tranquillity, it is difficult to understand why it would diminish over time. OCC Highways claim that removal of traffic in the village offsets the impact of the bypass, but a substantial amount of existing traffic in Clifton Hampden is travelling along the A415 to and from Abingdon and the A4074 southwards.
- **Viaduct at gravel lakes:** As discussed above, the viaduct is a late addition to the scheme and was assessed retrospectively. It was claimed that the area had low sensitivity, so the impact was no more than moderate, giving a 'slight adverse' overall effect. This is a travesty, as the main gravel lake is already a tranquil and attractive place with increasing biodiversity value, and the squat viaduct (OCC Highways make a spurious claim that the landscape would flow through the viaduct) would destroy its existing character and potential as a recreational resource.
- **Appleford sidings:** The road crosses the Appleford sidings in close proximity to several residential properties. The sensitivity of residents is classed as medium! The magnitude of impact is 'moderate', resulting in 'moderate adverse' effects which are nonetheless classed as significant. It is beyond comprehension that so little is made of a significant effect on local residents, when a viable adjustment of route would eliminate these effects.

## Tree loss and planting design

- According to the Officer Report (OR) to the July LPA committee, para 197, there is a net loss of 5000m<sup>2</sup> of tree canopy, including one-third of all individual trees, in an area of generally sparse tree cover. This is incompatible with the Local Plan policies of both affected District Councils, and is at the heart of their objections to the scheme. The OR argues that policies can be overruled if there is sufficient justification, but the rationale for any such justification is fallacious. It runs that the road is part of the overall strategy for growth, so the overall strategy for growth cannot be achieved without tree loss – an obvious non-sequitur. This presupposes that there are no other strategies for growth; that there are no alternatives to a road that results in such significant tree loss; and that it is not possible to reduce net loss by planting more trees to replace the losses.
- The DC landscape officers are highly critical of the scheme's planting proposals, which if enlarged would at least reduce the net loss of tree canopy. Both Vale of White Horse and South Oxfordshire DCs responses (which were produced jointly) comment that *"The submitted response to landscape comments shows a lack of willingness to include even otherwise unusable areas of land for planting to help with mitigation. This approach to landscape mitigation is reflected throughout the proposals, resulting in a scheme where the extent of mitigation appears to have been predominantly limited to the operational land take, rather than defined by an assessment of landscape and visual mitigation requirements"*
- In response to these criticisms and the inclusion of landscape impact in the reasons for refusal at the July 2023 committee meeting, it is stated (e.g. OCC LPA Statement of Case para 2.42) that 50 semi-mature trees will be planted at four key locations including Culham Science Centre and Clifden Hampden bypass. Apart from being a vanishingly small number of trees, at the time of planting semi-mature trees are no substitute visually for the loss of mature trees: a semi-mature tree is still no taller than 4.0-5.0m with a trunk girth of 18-20cm, and is only one step up from an advanced heavy standard with girth 16-18cm and height 4.0-4.5m (BS 3936). In addition, semi-mature trees take longer to establish than smaller sizes, and require more maintenance in their

early years, which is unlikely to be achievable in such a generalised rural setting. The purported benefit of semi-mature trees in this context is negligible.

### **Local Impacts on Air Quality and Noise.**

OCC's Planning Officer stated <sup>1</sup> *"It is recommended that strong weight is applied to the adverse noise impacts in undertaking the balancing exercise"*. It will be shown that the full adverse effect of noise from the scheme has been neglected within the ES to provide the balance.

Appleford provides an example. The road scheme passes within 60m of the village of Appleford. The closest position is designated by DEFRA as a Noise Important Area due to rail noise, indicating *"The population at these locations is likely to be at the greatest risk of experiencing a significant adverse impact to health and quality of life as a result of their exposure to noise."* Additionally, industrial noise disturbs this location. All these noise sources will be impacted, potentially adversely, by the elevated road and bridge of the scheme alignment. The cumulative noise effect of the scheme has not been analysed in the Environmental Statement. No noise assessment was undertaken for alternative alignments of the road to select the least harmful route.

Deficiencies in the transport model has led to an over-estimation of the noise benefits of the scheme, which imbalances the assessment of benefits against harms.

### **Air quality**

The Air Quality Assessment accepts that<sup>2</sup> *"Higher traffic flows and speeds expected on proposed roads could lead to higher emissions and concentrations of NO<sub>2</sub> NO<sub>x</sub> & PM<sub>10</sub>"*. The full extent of the harm is not revealed in the ES. No pollution monitoring was undertaken for dwellings close and facing toward the scheme route in Appleford. The consultant states *" no site specific information was available"*<sup>3</sup>. The air quality dispersion model therefore could not be

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<sup>1</sup> Report to Committee paragraph 187

<sup>2</sup> HIF 1 ES Chapter 6 Air Quality

<sup>3</sup> AECOM Appleford Parish Council-Air Quality Comments Response 27<sup>th</sup> October 2022 Response to 2.6

calibrated to real data. Its results are unreliable for local circumstances, and did not reflect the locations of dwellings facing the scheme road. Moreover, the UK Health Security Agency advised OCC to address non-threshold pollutants<sup>4</sup>. This was ignored. No Health Impact Assessment was undertaken, as required by OCC's LTCP. This could have provided a full air quality screening to best advisory standards. No assessment was undertaken of the comparative emissions of alternative road alignments to establish the least harmful route.

In summary, given that the projections for air quality and noise are based on a fundamentally flawed assessment of traffic impacts on the villages affected by the scheme, effects on residential amenity have been significantly underestimated in the ES. Some of these shortcomings have been accepted by the officers of the District Councils, as set out above in their consultation responses, giving rise to a number of Local Plan Policy conflicts.

### **Financial Viability and Deliverability**

Whilst it is accepted that purely financial considerations, per se, are not material planning considerations, the financial viability and deliverability of projects are accepted as being relevant material planning considerations, particularly where Compulsory Purchase Orders (CPOs) will be necessary, as is the case here.

The conclusions of a relatively recent CPO decision, The Vicarage Fields CPO (APP/PCU/CPOP/Z5060/3278231), dated 4 October 2022, warrant consideration.

The Inspector found (see Inspector's Report paras 372 et seq) that as there was a lack of tangible and substantive evidence on the viability of a scheme, there was no reasonable prospect that the scheme would proceed. Consequently, CPOs could not be justified as being in the public interest.

With regard to the HIF 1 scheme, overall cost estimates have increased substantially since the planning application was submitted in November 2021 and are very likely

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<sup>4</sup> Letter dated 08/12/2021 from Onyeka Uche UK Health Security Agency to A Briggs Public Health OCC, in relation to application R.138/21.

to increase further given current inflationary pressures, particularly in respect of construction costs and materials.

On 17 January 2023 a report “Key questions for road investment and spending” was published by an independent body of experts, the Road Investment Scrutiny Panel (RISP). The report can be found here:

<https://uwe-repository.worktribe.com/output/10295773>

The aim of the RISP is “exploring and setting out shared concerns about forthcoming decisions on road investment and spending”, and the concerns expressed in the Report are highly relevant to the HIF1 scheme under consideration.

The Executive Summary identifies, inter alia, the following areas of concern:

- Decarbonisation – the Panel is concerned that;  
*“investment to generate enhanced road capacity for motor traffic and the assumptions on future road use may run counter to the course we need to steer to meet our decarbonisation obligations.”* (page 4)

Actions that the Panel would like to see to allay such a concern include “analytical consistency between road expenditure decisions with capacity implications and the trajectory necessary for whole economy decarbonisation” and a “demonstration of consistent and competent application of carbon valuation in appraisal.” We wholly endorse this approach and, for the reasons set out above, consider that OCC has failed to do so in respect of the HIF1 scheme.

- Health and social impacts – the RISP is concerned that  
*“the local benefits and disbenefits of road investment tend to be averaged out in appraisal at an area level but are experienced unevenly by constituent individuals and neighbourhoods such that investment showing an overall net benefit may disproportionately blight the lives of some individuals and communities who may not be adequately recognised or compensated.”* (page 5)

This is clearly the case with the HIF1 scheme in respect of the villages and residents who will be adversely affected by the scheme. The Panel recommends that “evidence that the detailed distribution and concentration of the benefits and detriments to health and livelihoods arising from road schemes experienced by individuals and communities are being identified and given appropriate weighting at

every stage of decision-making.” Given the inherent defects in the Environmental Appraisal process, such detailed evidence is not available, and cannot be appropriately weighed.

- Consideration of alternatives – The Panel is concerned that; *“the selection of which projects to implement may not be based on a sufficiently wide-ranging review of alternative options (including no-build or low-build solutions such as demand management) for meeting high-level objectives or resolving specific local issues”* and that *“problem/opportunity definition and selection of options to be assessed both risk being too constrained by organisational interests, siloed funding allocations, or simply adherence to established practice.”* (page 6)

The critical review of the assessment of alternatives at Appendix 1 to this objection expresses precisely these concerns.

- Robustness of investment decisions in a changing world – The Panel asks what would be required to persuade it that road investment and expenditure decisions are likely to represent long-term value for money, given that; *“the decision-making process may not be engaging sufficiently with uncertainties about the future and therefore lacks robustness to the possibility of changed circumstances (for example the nature, extent and severity of climate change effects, or anticipated developments failing to materialise or being delivered later than expected.”* (page 7)

The Panel recommends that investment decisions should be tested against a wide range of plausible scenarios (including reductions in motor traffic volumes and step changes in sustainable travel, a willingness to revisit assessments at key stages of scheme development and serious consideration given to smaller interventions with lower risk profiles such as the reduction of travel demand.

We share the concerns of the Panel in this respect and endorse its recommendations. We have already suggested that such approaches should be adopted with regard to the HIF1 scheme in our interim objection previously submitted to OCC and reiterate such here.

Delivering HIF1 within the current funding envelope is highly unlikely. The OCC has highlighted HIF1 as a significant financial risk as it now cannot be completed within

the funding availability period of 31<sup>st</sup> March 2026. With the ongoing delays to HIF1’s schedule, the scheme will either need to be stopped, or a revised agreement with Homes England is needed.

Moreover, HIF1’s budget of £296m, set in early 2022, failed to anticipate rising inflation. As a result, the allocated £27m for inflation falls short. Our analysis, based on the BCIS All-in Tender Price Index, indicates that an £62m in inflation finding is required, as detailed in Table 1. These figures likely underestimate the actual funds required as it assumes project completion by 2026, and any further delays would further diminish the grant’s value.

**Table 1 HIF1 funding required to cover inflationary pressures**

<b>Section</b>	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>Total inflation funding required</b>	<b>Inflation funding available</b>
<b>£m</b>	7	12	34	9	62	27

The contingency funding for HIF1 at £52m is also unlikely to be sufficient. HIF1 is currently aligned with a P57 certainty level under the Department for Transport’s TAG framework, meaning there is a 57% likelihood of staying within the budget. However, a P80 certainty level is frequently used for large infrastructure projects, which would require about £90m in contingency funds in HIF, bringing the total cost to around £369m.

**Table 2 Total HIF1 costs taking into account inflationary pressures and appropriate contingency**

<b>Available and required funding by degree of certainty</b>	<b>Available funding</b>	<b>P57 (implicitly assumed by OCC)</b>	<b>P80</b>	<b>P90</b>
<b>£m</b>	296	331	369	403

In summary, the combined effects of delays, inflation and inadequate contingency means delivering HIF1 is highly unlikely without an increased funding and an extended funding availability period.

### **Consistency with Chapters 5 and 6 of the NPPF.**

The PRC of the LPA were fully informed of the scheme's consistency with the NPPF, including Chapters 5 and 6, in the OR prepared for the July Committee meeting. In the view of the OR, the scheme "provides a unique opportunity to secure the delivery of strategic infrastructure.....essential to mitigate the impacts of planned housing growth."

Para 331 of the OR in considering overall conclusions and the planning balance advised members that;

"the development underpins the spatial strategy for the Science Vale area, and is essential for the delivery of homes on allocated land....The development is also essential in enabling jobs growth and to support the social and economic prosperity of the Science Vale area. The proposed infrastructure is the cornerstone of mitigation that is required to enable planned growth to occur without severe harm being caused to the highway network. Without the development, therefore, planned housing and employment development may be unlikely or less likely to come forward, or otherwise be delayed, and refusal of the application has the potential to undermine the spatial strategy for both South Oxfordshire and the VoWH."

It is clear from this extract (and numerous other references to Chapters 5 and 6 of the NPPF in the OR), that the PRC was quite clearly informed as to the purported benefits of the scheme and its consistency with those chapters of the NPPF.

Despite and notwithstanding this, the PRC in the exercise of its planning judgement concluded that these purported benefits were clearly outweighed by the numerous harms that the scheme would cause.

It is a conclusion with which we concur and it is the position which we shall be putting forward at the inquiry.

## **Witnesses**

At the time of writing and absent the benefit of the Technical Notes yet to be produced by the Applicant and the LPA, the JC intends to produce witness evidence in respect of the following matters:

- Green Belt and Landscape
- Climate Change
- Noise and Air Quality
- Scheme Design
- Traffic Modelling
- Impacts on Local Amenity, including Rights of Way
- Health Impacts
- Deliverability of the scheme

Depending on the content of the Technical Notes, the JC reserves the right to amend and add to this list of witnesses if necessary.

## **Documents**

At the time of writing the JC believes that all relevant documents are in the possession of the Applicant and LPA. However, the JC reserves the right to produce any further documents as may prove necessary in light of the Technical Notes and Proofs of the Applicant, LPA and any further evidence that might be produced by other parties in support of the application.

11 December 2023