

Statement of Case of Mays Properties Ltd

Application by Oxfordshire County Council on land between A34 Milton Interchange and B4015 north of Clifton Hampden, Oxfordshire

Planning Inspectorate Ref: APP/U3100/V/23/3326625

1. Introduction & Background

- 1.1 Mays Properties Ltd (“MPL”) was granted Rule 6(6) status by the Planning Inspectorate on the 5 December 2023, in line with the Town and Country Planning (Inquiries Procedure) (England) Rules 2000. The Rule 6 status relates to an application, by Oxfordshire County Council (“the Applicant”), seeking full planning permission for new highway infrastructure and improvements on the A4130 (Milton Gate to Collett Roundabout), the A4197 Didcot to Culham Link Road and A415 Clifton Hampden bypass (“HIF1 Application”).
- 1.3 MPL are the freehold owners of a site comprising 1.7 hectares (4.2 acres) located to the south of the A4130 and to the east of the Milton Interchange Junction with the A34 (T). Part of MPL’s site is included within the ‘Redline Boundary’ to the HIF1 Application. The MPL site benefits from detailed planning permission for a new T junction to the A4130 (Vale of White Horse District Council (“LPA”) ref. P14/V0087/FUL) on which a material start has been made on site (“Road Junction Consent”). The site also benefits from detailed planning permission for a development of roadside services comprising a hotel, restaurants and drive-thru’s (LPA ref. P18/V2139/FUL and reserved matters approval LPA ref. P20/V0657/RM) (“Roadside Services Consent”). A material start on implementing this development (pursuant to the LPA’s Lawful Development Certificate ref. P21/V3560/LDP) has also been made on site.
- 1.4 MPL’s preferred development scheme now involves a revised mix of uses comprising a supermarket, electric vehicle charging forecourt and drive-thru (LPA ref. P22/V1121/0) (“Supermarket Scheme”). The LPA have indicated that they are minded to approve an outline application for the Supermarket Scheme subject to a section 106 Agreement, which is currently being completed. Once outline permission has been issued, MPL will submit a further outline application for the revised mix of uses with access from the Backhill Roundabout element of the HIF1 Application.
- 1.6 MPL have consistently set out their conditional support for the HIF1 Application subject to OCC agreeing with them various ‘conditions’. Over the last 2 years, MPL have sought to agree those ‘conditions’ with OCC through the completion (signing) of a Conditional Land Sale Agreement (“CLSA”). These discussions have taken considerably longer than anticipated and until such time as these can be concluded satisfactorily and a CLSA completed (signed), MPL have serious concerns about the impact of the HIF1 Application on their development site.

2. Site Location, Description & Planning History

- 2.1 An agreed description of the HIF1 Application site will be included in the Statement of Common Ground (“SOCG”). MPL will refer specifically to the planning permissions and

applications referred to in paragraphs 1.4 and 1.5 above, including, where relevant, MPL's submissions to the LPA, consultee responses and accompanying Officer Reports.

3. Planning Policies

- 3.1 The agreed planning policies will be included within the SOCG. MPL will specifically refer to the National Planning Policy Framework (September 2023) ("Framework") and any related Planning Practice Guidance, and the Vale of White Horse District Local Plan 2031 Part 1 – Strategic Sites & Policies ("LPP1") and Part 2 – Detailed Policies & Additional Sites ("LPP2").

4. The MPL Case

- 4.1 MPL will provide evidence in relation to the impact of the HIF1 Application on the development proposals for their land, and specifically to the Backhill Roundabout element of the HIF1 scheme as shown on AECOM drawing No. 0001 Rev. PO3 'A4130 Widening General Arrangement Sheet 1 of 19' ("Roundabout Plan"). This evidence will include details of the level of and extent of MPL's engagement with OCC over the last five years in seeking to ensure that their development proposal could come forward with the Backhill Roundabout. MPL will also refer to their preferred strategy in delivering a development comprising a revised mix of uses, including a supermarket, with access from Backhill Roundabout. An application for this scheme will shortly be submitted to the LPA, and MPL will update the Inquiry on its progress.
- 4.2 MPL will show that with outline planning permission for the Supermarket Scheme only awaiting the completion of a s.106 Agreement, there is sufficient likelihood that outline planning permission will also be granted for the same revised mix of uses, including the supermarket, with access from Backhill Roundabout. As such, that in terms of the HIF1 Application, only minor changes are required to the access links from the new arm to the Backhill Roundabout to enable MPL to proceed with its preferred development.
- 4.3 The evidence will demonstrate that it is necessary, in planning terms, that MPL's preferred development scheme works together and in conjunction with the proposed access from Backhill Roundabout so as not to frustrate the delivery of development on the MPL land. The evidence will also show that there is an identified need and significant policy support in LPP1 and LPP2 for that development, as it will involve real public interest issues through, in particular, the delivery of a new supermarket to serve the west Didcot area. The LPA have accepted that there is an identified need for this new supermarket and that the MPL land represents the preferred site sequentially for meeting that need. The proposed supermarket would increase customer choice and generate new local jobs, and would support both existing and planned economic and housing growth within the Science Vale area. It would also secure a significant level of CIL funding as well as commercial receipts from the sites location within the Didcot Growth Accelerator Enterprise Zone, all of which would be reinvested in local infrastructure. The proposed state of the art electric vehicle charging forecourt would also make a significant contribution to OCC's policy to secure net zero emissions by 2050.
- 4.4 MPL's evidence will show that they have significant concerns that the achievement of these public interest and associated planning benefits would be frustrated by OCC's current proposal for access links to their development land and also by the inability, at present, to formally agree the 'conditions', referred to in paragraph 1.6 above, that MPL presented to OCC over 2 years ago and have sought to agree within a CLSA. MPL will confirm that all of these factors are essential in securing MPL's preferred development scheme for their land. MPL will refer

individually to the outstanding 'conditions' and explain how these could be addressed and resolved. These 'conditions' include:

- 1) OCC safeguarding the 'sacrosanct line' previously agreed with MPL below which no highway infrastructure is to be built and above which MPL has agreed not to construct development.
- 2) OCC respecting MPL's part implemented planning permissions and its new application for the revised mix of uses with access from Backhill Roundabout.
- 3) OCC abiding by CPO and Community Infrastructure Levy principles so as not to undermine the commercial value of the MPL land and consented road infrastructure.
- 4) OCC providing unfettered and appropriate access links from the Backhill Roundabout to their land and preferred development scheme.

5. Conclusions

- 5.1 MPL's position throughout the determination of the HIF1 Application has been consistent in confirming its conditional support for the Backhill Roundabout element of the HIF1 scheme subject to OCC agreeing with them various 'conditions' through completing (signing) a CLSA. Until such time as the terms of the CLSA have been satisfactorily concluded, legal drafting completed and then the CLSA exchanged, MPL has serious concerns about the impact of OCC's HIF1 Application on their development site.
- 5.2 The 'conditions' set out by MPL in their original representations to the HIF1 Application remain outstanding and they are essential to securing MPL's preferred development scheme for the site, a scheme that raises real public interest issues and other planning benefits. MPL's evidence will show that those 'conditions' can be addressed and resolved, and that through the completion of a CLSA, the proposed Backhill Roundabout element of the HIF1 Application, with minor changes, can work together in securing the preferred development scheme on the MPL site.

7. List of Documents

- 6.1 MPL will refer to the following: (a) LPP1 and LPP2; (b) Representations submitted in response to HIF1 Application and Called-in application; (c) Negotiations with OCC in relation to the CLSA (d) Planning applications and approvals for the development of MPL site including an application for a revised mix of uses with access from the Backhill Roundabout
- 6.2 Should MPL want to refer to any other documents as part of its case, it will promptly advise the Planning Inspectorate and the other parties of this.

Date of Statement of Case: 17 December 2023