

**THE OXFORDSHIRE COUNTY COUNCIL (DIDCOT GARDEN TOWN HIGHWAYS
INFRASTRUCTURE – A4130 IMPROVEMENT (MILTON GATE TO COLLETT
ROUNDAABOUT), A4197 DIDCOT TO CULHAM LINK ROAD, AND A415 CLIFTON
HAMPDEN BYPASS) COMPULSORY PURCHASE ORDER 2022**

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

**THE OXFORDSHIRE COUNTY COUNCIL (DIDCOT GARDEN TOWN HIGHWAYS
INFRASTRUCTURE – A4130 IMPROVEMENT (MILTON GATE TO COLLETT
ROUNDAABOUT), A4197 DIDCOT TO CULHAM LINK ROAD, AND A415 CLIFTON
HAMPDEN BYPASS) (SIDE ROADS) ORDER 2022**

AND

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

**PINS Reference: APP/U3100/V/23/3326625 and NATTRAN/SE/HAO/286
(DPI/U3100/23/12)**

Proof of Evidence

**Bernard Carl Greep BA (Hons), BTP, MRTPI, MIED
(Planning)**

Note: This proof of evidence is of primary relevance to the Inquiry regarding the called-in Planning Application, but it also addresses objections raised by remaining Objectors to the Statutory Orders in Section 7 of this proof of evidence.

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Appendix BG2.4: Heritage Technical Note

Appendix BG2.5: 'Planning on the Doorstep: The Big Issues – Green Belt'

Appendix BG2.6: 'Matter 3: Green Belt' (City of York website)

Appendix BG2.7: 'The Sustainable Growth of Cathedral Cities and Historic Towns'

1 Introduction

1.1 Qualifications and Experience

- 1.1.1 My name is Bernard Carl Greep and I am a Planning Director at Stantec, a leading international development and infrastructure consultancy. In 2018, Stantec acquired Peter Brett Associates LLP, where I was a Partner. I head Stantec's Manchester office, which currently accommodates approximately 50 colleagues, but I practice nationwide.
- 1.1.2 I hold the academic qualifications of Bachelor of Arts (Architecture) from the University of Liverpool (1995), and Bachelor of Planning from the University of Manchester (1997). I am a Member of the Royal Town Planning Institute, and I am a Member of the Institute of Economic Development. I have practised as a town planner since 1998. Prior to joining my current firm, I worked as a Planning Officer at Blackpool Borough Council for three years.
- 1.1.3 I have 26 years' experience of practising in both the public and private sectors. I have advised numerous public and private sector clients on a diverse range of projects across the country, including promotion of development and infrastructure sites/schemes of all sizes through the planning process for contractors, local authorities, developers, housebuilders, landowners and other commercial interests.
- 1.1.4 I have led planning applications for a wide range of complex highway infrastructure schemes across the country. Some of those schemes pass through Green Belt land and other sensitive designations, such as National Parks and open countryside, and they all involve consideration of an array of inter-related factors such as those pertaining to the proposed Didcot Garden Town Housing Infrastructure Fund scheme.
- 1.1.5 As well as my involvement in highway infrastructure schemes that involve Green Belt land, I also possess extensive experience of promoting schemes in locations that are presently designated as Green Belt. Those projects include, inter alia, residential schemes, car parks, transport interchanges, and mainstream and specialist schools.

1.2 Scope of my Instructions

- 1.2.1 I was approached by Oxfordshire County Council as applicant for planning permission ('the **Applicant**') towards the end of August 2023 regarding the potential for me to support the Applicant at the call-in Inquiry in relation to the Scheme.
- 1.2.2 Having apprised myself of key background documents following the Applicant's approach, I became aware that the part of the Planning Application site which lies to the north of the river Thames within the administrative area of South Oxfordshire District Council ('**SODC**') falls within the designated Green Belt. At the same time, I became aware that the Applicant had previously reached the conclusion that the Scheme is 'inappropriate development' in the Green Belt and, in accordance with paragraphs 152 and 153 of the National Planning Policy Framework ('**NPPF**')¹ and Policy STRAT6 of the adopted South Oxfordshire Local Plan, there is a requirement to demonstrate that very special circumstances (**VSC**) exist which outweigh harm to the Green Belt and 'any other harm'.
- 1.2.3 Against the background outlined above, I advised the Applicant that, before agreeing to accept the instruction, I would first need to undertake a thorough review of all relevant background documents to establish the strength of the VSC and planning balance case. I explained that I would need to be satisfied that sufficient evidence has been produced to enable me to properly quantify and assess the significance, magnitude and scale of effects associated with the

¹ Paragraphs 147 and 148 of the NPPF at the time when OCC reached that conclusion, prior to the NPPF being updated on 19 December 2023.

Scheme, and their cumulative effect on the openness of the Green Belt and the five 'purposes' of including land within the Green Belt.

- 1.2.4 I advised the Applicant that I would supplement my document review with a site visit/route walk to familiarise myself with the various component parts of the site/route, key interfaces along the proposed route, important viewpoints and features, locations of potentially sensitive receptors, heritage/ecological assets, and so on.
- 1.2.5 I further advised that, if I concluded that there are gaps and/or insufficient evidence exists for me to robustly advance the VSC case and a positive planning balance case, then I would advise the Applicant at the earliest opportunity and make recommendations for potential further work to bolster the case and provide the necessary baseline assessment.
- 1.2.6 Depending on the outcome of my initial review, I advised the Applicant that I would then either move on to the production of my evidence, or I would discuss potential next steps if it transpired that any critically important evidence could not be produced in time.
- 1.2.7 I was formally instructed by the Applicant, subject to the provisos described above, on 6 October 2023. I then visited the entire route of the Scheme on 12 October 2023, accompanied by two Applicant officers with extensive knowledge of the Scheme and the local area. My accompanied visit took approximately 4.5 hours and it involved walking as much of the proposed route as possible, albeit it was also necessary to drive at certain times. Weather conditions were dry and overcast for the duration of my visit.
- 1.2.8 My accompanied visit started at the Milton Gate junction, from where we travelled eastwards along the A4130. We then travelled north until we reached the northern end of the Scheme, following which we repeated the route tour but this time in reverse (that is, from north to south). During the visit, I ensured that I was taken to the location of all key pieces of proposed infrastructure including the road bridge over the Great Western Mainline (Didcot Science Bridge); the realignment of the A4130 northeast of the proposed road bridge; the new road between Didcot and Culham (Didcot to Culham River Crossing); the road bridge over the Appleford railway sidings; the road bridge over the river Thames; and the new road between the B4015 and the A415 (Clifton Hampden bypass).
- 1.2.9 I also asked the officers to point out the location of land that will be opened up for development by the Scheme, as well as any locations regarded as sensitive (for any reason) and the locations of any identified adverse impacts relating, for instance, to landscape and noise. Part of my visit involved walking eastwards from Culham along the northern bank of the river Thames in order to reach the location where the proposed road bridge will pass over the river.
- 1.2.10 I made written notes and took photographs as an aide memoire during the accompanied visit, which I found invaluable in terms of getting myself quickly up to speed with the proposed route and key locations along it, as well as the local geography.
- 1.2.11 On 17 October 2023, I provided a written note to the Applicant under email cover explaining that, having carefully considered the harmful effects that have been identified, as well as beneficial outcomes, and following my accompanied visit to the full length of the proposed route, my conclusion was that it would be possible to advance a persuasive case that VSC exist for the Scheme. I reached that conclusion because it was clear to me that a strong case has already been made for the Scheme, and because it was also clear from my document review and my accompanied visit that the benefits of the Scheme outweigh the harm it causes, such that very special circumstances exist to justify planning permission being granted.
- 1.2.12 Having reached the conclusion described above, I then moved on to producing evidence on the Applicant's behalf in relation to planning policy matters.

1.3 Scope of My Evidence

1.3.1 My proof of evidence has been prepared regarding planning matters relating to:

- the called-in Planning Application by OCC for the dualling of the A4130 carriageway, construction of the Didcot Science Bridge, road bridge over the Appleford Railway Sidings and road bridge over the river Thames, and associated works between the A34 Milton Interchange and the B4015 north of Clifton Hampden, Oxfordshire (application no: R3.0138/21, hereafter the **Planning Application**);
- the OCC (Didcot Garden Town Highways Infrastructure – A4130 Improvement (Milton to Collett Roundabout), A4197 Didcot to Culham Link Road, and A415 Clifton Hampden Bypass) Compulsory Purchase Order 2022 ‘the CPO’;
- the OCC (Didcot to Culham Thames Bridge) Scheme 2022 (the **Bridge Scheme**); and
- the OCC (Didcot Garden Town Highways Infrastructure – A4130 Improvement (Milton to Collett Roundabout), A4197 Didcot to Culham Link Road, and A415 Clifton Hampden Bypass) (Side Roads) Order 2022 ‘the **SRO**’) (the CPO, SRO and Bridge Scheme taken together are referred to as the **Orders**).

1.3.2 The Planning Application was submitted, and the Orders were made, to facilitate the delivery of the Access to Didcot Garden Town Highway Improvements (the **Scheme**), which consists of a highway scheme approximately 11km in length, including converting 1.8km of single carriageway to dual carriageway, 6.8km of new single carriageway and approximately 20km of new and/or improved off-carriageway cycling and pedestrian infrastructure. Connections into the existing public rights of way network will also be provided, and the Scheme includes three over bridges.

1.3.3 The Orders were made by Oxfordshire County Council (the **Acquiring Authority**) on 21 December 2022 and submitted to the Secretary of State for Transport on 26 January 2023.

1.3.4 The Planning Application was submitted by the Applicant on 4 October 2021 and called-in by the Secretary of State for Levelling Up, Housing and Communities for his determination on 25 July 2023. Further detail on the planning history is given in Section 2 of my proof of evidence.

1.3.5 The Planning Application and the Orders are now due to be considered by an Inspector, Lesley Coffey, at conjoined Public Inquiries scheduled to open on 20 February 2024. My proof of evidence has been prepared in connection with those Inquiries.

1.3.6 My evidence includes: an overview of the national and local planning policy for the area; an assessment of the Scheme against relevant adopted and emerging planning policy and other material considerations; a response to matters raised by objectors where relevant to my area of expertise; and my conclusions on the justification for seeking confirmation of the Orders and the reasons why the Planning Application should be approved.

1.3.7 In the interest of conciseness, throughout my proof of evidence I cross refer to detailed, factual descriptions and other information contained within the Applicant’s Statement of Case in relation to the called-in Planning Application [CD L.1], the AECOM Planning Statement dated September 2021 [CD A.4] and the Planning & Regulation Committee reports of July 2023 [CD F.1] and September 2023 [CD F.5].

1.3.8 My proof of evidence should be read in conjunction with other separate but inter-related proofs of evidence, and technical notes, submitted on behalf of the Applicant and the Acquiring Authority, including:

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- Strategic needs and benefits, highway issues, scheme selection and alternatives, produced by Aron Wisdom of Oxfordshire County Council;
 - Technical traffic and highways engineering – A4130 Widening and Didcot Science Bridge, produced by Andy Blanchard;
 - Technical traffic and highways engineering – Culham River Crossing and Clifton Hampden Bypass, produced by Karl Chan of AECOM;
 - Traffic modelling, produced by Claudia Currie of AtkinsRéalis;
 - Environmental Impact Assessment – produced by Alex Maddox of AECOM;
 - Climate change – produced by Chris Landsburgh of AECOM;
 - Noise and vibration – produced by Andy Pagett of AECOM;
 - Air quality – produced by Anna Savage of AECOM;
 - Landscape and visual impact – produced by Jane Ash of AECOM;
 - The Local Transport and Connectivity Plan ('LTCP') – produced by John Disley of Oxfordshire County Council;
 - Compulsory purchase (land negotiations and acquisition) – produced by Steven Moon of Gateley Hamer; and
 - Compulsory purchase justification – produced by Timothy Mann of Oxfordshire County Council.

1.3.9 In addition to the proofs of evidence listed above, I also refer to the following specific notes, which are pertinent to the consideration of planning:

- Biodiversity Note – produced by Professor Paul Maxwell Wade of AECOM and contained within an Appendix to Alex Maddox's proof; and
- Heritage Technical Note – produced by Dr Gillian Scott of AECOM and provided as my Appendix BG2.4.

1.3.10 In arriving at my overall conclusions, I have relied in part on the professional views of the aforementioned witnesses as expressed in their own proofs of evidence and technical notes.

1.3.11 I refer in my proof to documents that are listed within the agreed Core Documents list, using the abbreviations therein prefaced by 'CD'.

1.3.12 I understand my duty to the Inquiries and have complied, and continue to comply, with that duty. I confirm that my evidence identifies all facts which I regard as being relevant to the opinions that I have expressed, and that the Inquiries' attention has been drawn to any matters which would affect the validity of those opinions. I believe that the facts stated within my proof are true and that the opinions expressed are correct and comprise my true professional opinions, irrespective of by whom I am instructed. I confirm that the evidence that I have prepared is given in accordance with the guidance of my professional institution.

2 Context

2.1 Introduction

- 2.1.1 In this section of my proof, I describe various matters which provide background context to the Scheme, all of which I have taken fully into account in preparing my evidence within later sections of the proof.

2.2 The Site and Location

- 2.2.1 The Scheme route is located within two local planning authorities: South Oxfordshire District Council ('**SODC**') and Vale of White Horse District Council ('**VoWHDC**'). The entirety of the Scheme route that is located within SODC's administrative boundary, to the north of the river Thames, lies within the Oxford Green Belt.
- 2.2.2 Within the section north of the river Thames, the Scheme includes Clifton Hampden Bypass and the approach to it along the A415, and the northern section of the Didcot to Culham River Crossing.
- 2.2.3 Further details describing the route of the Scheme and its locational context are provided in paragraphs 2.2 to 2.4 of the Applicant's Statement of Case for the called-in Planning Application [CD L.1].

2.3 The Scheme, Need, Purpose, Objectives and Benefits

- 2.3.1 The Planning Application is described in detail within paragraph 1.4 of the Applicant's Statement of Case [CD L.1], with a detailed section titled 'Overview of the Scheme and its Purpose' contained within its paragraphs 1.5 to 1.9.
- 2.3.2 Further assessments of the background to and the need for the Scheme are contained within the proof of Aron Wisdom and within Section 2 of the AECOM Planning Statement dated September 2021 [CD A.4].
- 2.3.3 Also of key relevance in terms of the context for the application is Section 2 of the Applicant's Statement of Case, titled 'Housing, Employment and Transport Context', which includes the following background information:
- Geographical context: within paragraphs 2.2 to 2.4;
 - Existing highway network: within paragraphs 2.5 to 2.11;
 - Allocated housing growth: within paragraphs 2.12 to 2.16;
 - Housing Infrastructure Fund Business Case: within paragraph 2.17;
 - Summary: within paragraphs 2.18 to 2.19, which neatly summarise Section 2 as a whole, as follows:

'The existing issues with lack of river crossing options, constrained capacity on existing routes, railway crossing capacity and connections to the A34, all have the potential to become serious enough that they may make the vast majority of the allocated development sites (as detailed further in paragraph 3.26 and shown in Figure 6) less attractive, as well as exacerbating existing traffic-related issues and leading to increased traffic congestion. This would have the effect of disrupting local aspirations to use development growth as the catalyst to transform Didcot into a

more coherent and cohesive Garden Town community. In addition, it is imperative to encourage the use of sustainable travel throughout Science Vale, in order to reduce adverse health impacts and improve air quality.

As such, the analysis of challenges to date has demonstrated the need for interventions to address the issues and ensure that the area has transport provisions suitable for the intended increase in housing growth.'

2.3.4 The Applicant's Statement of Case also includes a highly pertinent section titled 'Need for the Scheme', which contains useful contextual information under the following headings:

- Highway Network Performance: paragraphs 3.3 to 3.8;
- Active Travel: paragraphs 3.9 to 3.16;
- Public Transport: paragraphs 3.17 to 3.19;
- Network Resilience and Safety Improvements: paragraphs 3.20 to 3.25;
- Delivery of Housing and Employment Growth: paragraphs 3.26 to 3.31, which conclude as follows:

'The complexity, scale, cost and risks associated with the Scheme has, to date, prevented private developers from fully funding and having the ability to deliver homes on third party land. The above highlights clear evidence of market failure in this area, which is preventing major housing and employment developments from being realised.

The analysis of challenges to date has demonstrated the need for interventions to address the issues and ensure the area has transport provisions suitable for the intended increase in housing and employment growth.'

2.3.5 Further relevant details of the Scheme's objectives are contained within paragraphs 4.1 to 4.2 and 5.2 to 5.14 of the Applicant's Statement of Case, whilst the Scheme's benefits are comprehensively listed within its paragraph 5.15.

2.3.6 The proof of evidence of Aron Wisdom also contains extensive details of the Applicant's case in respect of the need for the Scheme (his Section 6), with Mr Wisdom's conclusion in this regard being:

'There are 5 key issues the Scheme will address:

- *The poor existing highway network performance;*
- *The under-provision of active travel in the area;*
- *Improvements in public transport;*
- *The need for adequate network resilience and safety; and*
- *The delivery of housing and employment growth.*

It is absolutely clear that the current highway network cannot accommodate any further increases in traffic without having a severe impact on highway performance. This has been confirmed by numerous planning appeal decisions as well as planning Inspectors at examining Local Plans. This is equally the case for active travel and public transport – existing congestion and the absence of infrastructure (or poor quality infrastructure in terms of active travel) creates an environment that is not conducive to encouraging use of these modes of transport. This is clear from the low mode shares for these modes and also confirmed by the main bus operator in the area.

Flooding in recent years has highlighted poor network resilience and created major issues for accessibility (especially by bus) in the area. This is not just personal mobility but for those that provide key services (e.g. care and healthcare professionals, refuse collections, postal/delivery/logistics services etc). As a result, only very limited development can be allowed without certainty of intervention to solve these issues. This

results in not being able to provide the housing people require, which is national priority, but even more so for those that rely on social housing (cramped living conditions has been shown to have a detrimental effect on young people's lives and education). Furthermore, economic development will be stunted in time when the country is recovering from the COVID pandemic and a cost of living crisis. In short, the need to the Scheme has been soundly justified.'

2.3.7 Mr Wisdom's evidence also includes evidence in respect of the Scheme objectives (his Section 7) and its benefits (his Section 12). I refer again to these matters within Section 6 of my proof.

2.4 Planning Application History

2.4.1 As described within paragraph 8.1 of the Applicant's Statement of Case, the key dates associated with the Planning Application are as follows:

- The Planning Application was submitted on 4 October 2021.
- The Planning Application was validated by the LPA on 2 November 2021.
- The LPA requested further information required to support the Planning Application and under Regulation 25 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (The EIA Regulations) on 26 April 2022.
- The Applicant submitted amended plans and an addendum to the Environmental Statement on 26 October 2022.
- Following comments received from the Environment Agency regarding the Flood Risk Assessment and the Water Framework Directive Assessment, the Applicant submitted further information under Regulation 25 on 9 December 2022.
- The LPA requested further information under Regulation 25 on 31 March 2023.
- The Applicant submitted amended plans and an addendum to the Environmental Statement on 25 April 2023.
- The Applicant submitted revised clarification plans on 28 June 2023 at the request of the LPA to remove any note relating to 'indicative' and/or 'do not scale'.
- The Planning Application was presented to OCC's Planning & Regulation Committee with an officer recommendation for approval on 17 and 18 July 2023 [CD F.1]. Members of the Committee subsequently resolved to refuse the Application, contrary to the officer recommendation, on 18 July 2023, for eight separate reasons, as specified within CD F.2.
- The Secretary of State called-in the Planning Application on 25 July 2023.
- An Extraordinary Planning & Regulation Committee meeting was held on 27 September 2023, at which Members agreed to adopt an overall neutral position in relation to the Application. The officer report which was provided to Committee Members ahead of the meeting is CD F.5.

3 Planning Policy Assessment

3.1 Introduction

- 3.1.1 The starting point for deciding the Planning Application is that, under Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990, it should be determined in accordance with the development plan unless material considerations indicate otherwise.
- 3.1.2 The adopted development plan which is relevant to consideration of the Scheme comprises the following documents in combination:
- The South Oxfordshire Local Plan 2035 ('the **SOLP**');
 - The Vale of White Horse Local Plan 2031 ('the **VoWHLP**');
 - The Oxfordshire County Council Minerals and Waste Core Strategy ('the **OMWCS**'); and
 - The Culham Neighbourhood Plan (the '**CNP**').
- 3.1.3 In this section, I assess the Planning Application proposal against key relevant development plan policies and other relevant planning policies and associated planning guidance, which are material considerations.
- 3.1.4 As appropriate to their specialisms, further reviews of relevant policy, guidance and evidence base documents are also contained within the evidence of the Applicant's other witnesses. In particular, Section 5 of Aron Wisdom's proof of evidence contains detailed planning policy context and analysis in respect of the strategic need for the Scheme.

3.2 The Adopted Development Plan

- 3.2.1 The SOLP, which was adopted in December 2020 and is therefore up-to-date, provides the framework for future development in South Oxfordshire up to 2035. The SOLP forms part of the development plan for the district and identifies locations for housing, retail and employment development as well as the infrastructure required to support that growth.
- 3.2.2 The VoWHLP is divided into two parts, including the Local Plan 2031 Part 1, which was adopted in December 2016, and the Local Plan 2031 Part 2, which was adopted in October 2019. The Local Plan Part 1 sets out the spatial strategy and strategic policies for the district to deliver sustainable development. Whilst the Part 1 Plan was adopted seven years ago, it is nevertheless up-to-date and should be afforded full weight because VoWHDC carried out a Regulation 10A Review in December 2021 (as referred to in paragraph 33 and footnote 18 of the NPPF) which concluded that, overall, it remains consistent with national policy, as also concluded in paragraph 318 of the July 2023 Committee report which considered the Planning Application [CD F.1], as follows:

'Overall, the VoWH P1 Review concluded that VoWH P1 (together with VoWH P2) continues to provide a suitable framework for development in the VoWH that is in overall conformity with government policy. Moreover, members are advised that Core Policy 17, which sets out the strategic highway improvements required over the plan period, is identified in the review as generally consistent with the NPPF. The review also stated that Core Policy 18a in VoWH P2, which safeguards the land required to deliver the strategic infrastructure set out in Core Policy 17, is not required to be reviewed until October 2024 and is consistent with the NPPF.'

- 3.2.3 The VoWHLP Part 2 is up-to-date, having been adopted in 2019. It complements the Part 1 Local Plan and sets out policies and locations for housing for the Vale's proportion of Oxford's housing need up to 2031, which cannot be met within the City boundaries. The VoWHLP Part 2

contains policies for the part of Didcot Garden Town that lies within the VoWHDC and detailed development management policies to complement the Part 1 Local Plan.

- 3.2.4 The OMWCS was adopted in September 2017 by Oxfordshire County Council, which is the determining authority for the HIF1 application. The OMWCS sets out the vision, objectives, spatial planning strategies and policies for meeting development requirements for the supply of minerals and the management of waste in Oxfordshire up to 2031. The Sites Plan sets out those mineral and waste sites needed to deliver the Core Strategy. In December 2022, Oxfordshire County Council confirmed that it would now commence preparation of a new Minerals and Waste Local Plan and it also confirmed that, in the meantime:

'The Oxfordshire Minerals and Waste Local Plan Part 1 (Core Strategy) remains in place as part of the Development Plan until it is replaced by the new minerals and Waste Local Plan.'

- 3.2.5 The OMWCS remains consistent with national policy and therefore it is up-to-date and should be afforded full weight.
- 3.2.6 The CNP was made in June 2023 so it is up-to-date.
- 3.2.7 I consider that all four Plans which collectively comprise the development plan are consistent with the NPPF and are therefore up-to-date.
- 3.2.8 The many relevant policies within the adopted development plan are set out under several themes, as listed below. Rather than reproducing the text of individual policies within my proof, a more detailed table outlining the relevant details of each policy can be found within my Appendix BG2.1 (the table is based on the one submitted by AECOM as part of the Planning Application, but is now updated to reflect the December 2023 revision to the NPPF).

Principle of Development

- SOLP – Policy TRANS1b Supporting Strategic Transport Investment;
- SOLP – Policy TRANS3: Safeguarding of Land for Strategic Transport Schemes;
- SOLP – Policy STRAT1 The Overall Strategy;
- SOLP – Policy STRAT2 South Oxfordshire Housing and Employment Requirements;
- SOLP – Policy STRAT3 Didcot Garden Town;
- SOLP – Policy STRAT8 Culham Science Centre;
- SOLP – Policy STRAT9 Land Adjacent to Culham Science Centre Site Area 217 Hectares;
- VoWHLP Part 1 – Core Policy 1 Presumption in Favour of Sustainable Development;
- VoWHLP Part 1 – Core Policy 4 Meeting our Housing Needs;
- VoWHLP Part 2 – Core Policy 4a Meeting our Housing Needs;
- VoWHLP Part 1 – Core Policy 5 Housing Supply Ring-Fence;
- VoWHLP Part 1 – Core Policy 6 Meeting Business and Employment Needs;
- VoWHLP Part 1 – Core Policy 7: Providing Supporting Infrastructure and Services;
- VoWHLP Part 1 – Core Policy 15: Spatial Strategy for South-East Vale Sub-Area;
- VoWHLP Part 1 – Core Policy 16 Didcot A Power Station;
- VoWHLP Part 1 – Core Policy 16b Didcot A Power Station;
- VoWHLP Part 1 – Core Policy 17 Delivery of Strategic Highway Improvements within the South-East Vale Sub-Area;

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- VoWHL Part 1 – Core Policy 18 Safeguarding of Land for Transport Schemes in the South East Vale Sub-Area; and
 - VoWHL Part 2 – Core Policy 18a Safeguarding of Land for Transport Schemes in the South East Vale Sub-Area.

Transport

- SOLP – Policy TRANS2 Promoting Sustainable Transport and Accessibility;
- SOLP – Policy TRANS4 Transport Assessments, Transport Statements and Travel Plans;
- SOLP – Policy CF1 Safeguarding Community Facilities;
- SOLP – Policy TRANS5 consideration of Development Proposals;
- VoWHL – Core Policy 33 Promoting Sustainable Transport and Accessibility;
- VoWHL – Core Policy 35 Promoting Public Transport, Cycling and Walking;
- VoWHL – Development Policy 17 Transport Assessment and Plans;
- VoWHL – Development Policy 31 Protection of Public Rights of Way, National Trails and Open Access Areas; and
- CNP – Policy CUL 8 Sustainable Travel.

Green Belt

- SOLP – Policy STRAT6 Green Belt; and
- VoWHL – Core Policy 13 The Oxford Green Belt.

Landscape, Visual Amenity and Trees

- SOLP – Policy ENV1 Landscape and Countryside;
- SOLP – Policy DES6 Residential Amenity;
- VoWHL – Core Policy 44 Landscape; and
- VoWHL – Development Policy 23 Impact of Development on Amenity.

Design

- SOLP – Policy DES1 Delivering High Quality Development;
- SOLP – Policy DES2 Enhancing Local Character;
- SOLP – Policy DES33 Design and Access Statements;
- SOLP – Policy ENV5 Green Infrastructure in New Developments;
- SOLP – Policy DES6 Residential Amenity;
- VoWHL – Core Policy 37 Design and Local Distinctiveness;
- VoWHL – Development Policy 23 Impact of Development on Amenity;
- CNP – Policy CUL 5 Design Code for Culham; and
- CNP – Policy CUL 10 Light Pollution.

Sustainable Development and Climate Change

- SOLP – Policy DES7 Efficient use of Resources;
- SOLP – Policy DES8 Promoting Sustainable Design;
- VoWHL – Core Policy 40 Sustainable Design and Construction;
- VoWHL – Core Policy 43 Natural Resources; and

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- CNP – Policy CUL 7 Nature Recovery and Climate Change.

Historic Environment

- SOLP – Policy ENV6 Historic Environment;
- SOLP – Policy ENV7 Listed Buildings;
- SOLP – Policy ENV8 Conservation Areas;
- SOLP – Policy ENV9 Archaeology and Scheduled Monuments;
- SOLP – Policy ENV10 Historic Battlefields, Registered Parks and Gardens and Historic Landscapes;
- VoWHLP – Core Policy 39 The Historic Environment;
- VoWHLP – Development Policy 36 Heritage Assets;
- VoWHLP – Development Policy 37 Conservation Areas;
- VoWHLP – Development Policy 38 Listed Buildings;
- VoWHLP – Development Policy 39 Archaeology and Scheduled Monuments; and
- CNP – Policy CUL 6 Local Heritage Assets.

Biodiversity

- SOLP – Policy ENV2 Biodiversity Designated Sites, Priority Habitats and Species;
- VoWHLP – Core Policy 45 Green Infrastructure; and
- VoWHLP – Core Policy 46 Conservation and Improvement of Biodiversity.

Water and Flood Risk

- SOLP – Policy EP4 Flood Risk;
- VoWHLP – Development Policy 30 Watercourses; and
- VoWHLP – Core Policy 42 Flood Risk.

Noise and Vibration

- SOLP – Policy DES6 Residential Amenity;
- SOLP – Policy ENV12 Pollution – Impact of Development on Human Health, the Natural Environment and/or Local Amenity (Potential Sources of Pollution);
- VoWHLP – Development Policy 23 Impact of Development on Amenity; and
- VoWHLP – Development Policy 25 Noise Pollution.

Air Quality

- SOLP – Policy EP1 Air Quality;
- SOLP – Policy DES6 Residential Amenity;
- SOLP – Policy ENV12 Pollution – Impact of Development on Human Health, the Natural Environment and/or Local Amenity (Potential Sources of Pollution);
- VoWHLP – Development Policy 23 Impact of Development on Amenity; and
- VoWHLP – Development Policy 26 Air Quality.

Minerals and Waste

- OMWCS – Policy M8 Safeguarding Mineral Resources;
- OMWCS – Policy M9 Safeguarding Mineral Resources;
- OMWCS – Policy W11 Safeguarding Waste Management Sites; and
- SOLP – Policy EP5 Minerals Safeguarding Areas.

Ground Conditions, Soils and Land Stability

- SOLP – Policy DES6: Residential Amenity;
- SOLP – Policy ENV11: Pollution - Impact from Existing and/ or Previous Land Uses on New Development (Potential Receptors of Pollution); VoWHLP - Development Policy 27: Land Affected By Contamination; and
- VoWHLP – Core Policy 43 Natural Resources.

3.3 Consistency with the Development Plan (Call-In Matter c)

3.3.1 The Secretary of State wrote to the Applicant on 25 July 2023 to provide notification that he had decided to ‘call-in’ the Application for his determination. In his correspondence, the Secretary of State identified the matters which he particularly wishes to be informed about for the purposes of his consideration of the Application, which are as follows:

- a) the extent to which the proposed development is consistent with Government policies for delivering a sufficient supply of homes as set out in the NPPF (Chapter 5); and
- b) the extent to which the proposed development is consistent with Government policies for building a strong, competitive economy as set out in the NPPF (Chapter 6); and
- c) the extent to which the proposed development is consistent with the development plan for the area; and
- d) any other matters the Inspector considers relevant.

3.3.2 I set out my position in relation to Matters a) and b) within Section 6 of my evidence, and I set out my position in respect of Matter c) below under a series of headings. In doing so, I have found it helpful to draw quite extensively on the officer report to the meeting of the Planning & Regulation Committee of July 2023 [CD F.1]. In places, where it aids understanding, I also refer in this section to policies which are not part of the development plan but which are relevant material considerations.

Principle of Development

3.3.3 I consider that the principle of the Scheme is fully compliant with the development plan for the reasons that I explain below. Also relevant in this regard is the evidence of Aron Wisdom in respect of the need for the development. Where I make reference below to the Science Vale, this is explained in more detail within the proofs of Mr Wisdom (his Sections 3 to 15) and John Disley (his Section 2), and Science Vale is also defined on page 13 of the SOLP, under the heading ‘Vision and Objectives’, as follows:

‘Science Vale is an area in Southern Oxfordshire, crossing the border of South Oxfordshire and the Vale of White Horse. It is one of the most successful science clusters in the UK. This activity is concentrated around the three centres for science and technology at Harwell Campus, Culham Science Centre, and Milton Park, but is supported by a number of important settlements including Didcot, Wantage and Grove.’

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- 3.3.4 I agree with the contents of paragraphs 83-87 of the officer report to the meeting of the Planning & Regulation Committee of July 2023 [CD F.1], which show how the principle of the Scheme accords with key development plan policies. I reproduce those paragraphs in full below for the Inspector's ease of reference:

'Policy STRAT2 of the SOLP provides for 23,550 new homes to be delivered in South Oxfordshire over the plan period to 2035. Additionally, a minimum of 39.1ha of employment land is required. The SOLP sets out that this growth is to be delivered in accordance with the spatial strategy described in policy STRAT1, which includes: "Focusing major new development in Science Vale including significant growth at Didcot Garden Town and Culham so that this area can play an enhanced role in providing homes, jobs and services with improved transport connectivity". Policy STRAT3 refers to the development of Didcot Garden Town and states amongst other things that: "Significant infrastructure improvements are committed to under policy TRANS1B Supporting Strategic Transport Infrastructure Investment. Infrastructure will need to be in place to enable sites allocated in the Local Plan in and around Didcot to be delivered.'

Policy TRANS1B of the SOLP identifies the strategic transport infrastructure that is required to deliver growth and includes: "the development and delivery of a new Thames River crossing between Culham and Didcot Garden Town, the A4130 widening and road safety improvements from the A34 Milton Interchange to Didcot, a Science Bridge over the A4130 and railway into the former Didcot A power station site and the Clifton Hampden Bypass".

Land is safeguarded under policy TRANS3 of the SOLP for the delivery of the strategic infrastructure listed in policy TRANS1B. This includes land along the A4130 to the north of Didcot, the proposed route of the Didcot to Culham river crossing where it falls within South Oxfordshire District (to the north of the River Thames), land to the south of the Culham Science Centre, and land along the proposed route for the Clifton Hampden Bypass. The policy states that the impact of the safeguarded schemes will be subject to thorough assessment including the full environmental and archaeological assessments working in association with the relevant statutory bodies. The policy also states that where schemes are located in Flood Zones 2 and 3, a flood risk sequential test and the exception test should be undertaken as part of the appraisal process.

In the VoWH district, provision is made in Core Policy 4 of VoWH P1 and Core Policy 4a of VoWH P2 for 22,760 homes to be delivered in the plan period of which at least 11,850 are to be delivered in the Science Vale area (Core Policy 5 of the VoWH P1). Additionally, provision is made within the VoWH P1 for 218ha of employment land (Core Policy 6), of which 208ha is allocated within the South East Vale Sub Area (Core Policy 15).

Core Policy 17 of the VoWH P1 identifies the strategic highway improvements that are required to deliver the planned growth in the South East Vale Sub Area. These include: Science Bridge and A4130 re-rerouting through the Didcot A site; A4130 dualling between Milton Interchange and Science Bridge; and a new strategic road connection between the A415 east of Abingdon-on-Thames and the A4130 north of Didcot, which includes a new crossing of the River Thames. Land to deliver these schemes is safeguarded under Core Policy 18 of the VoWH P1 and Core Policy 18a of the VoWH P2. The proposed development largely follows the safeguarded route as set out in the Proposals Map for the VoWHLP other than the section between Appleford Sidings and the River Thames where it takes a route further west, increasing the distance between Appleford and the proposed road beyond that safeguarded in the plan.'

- 3.3.5 In addition to the various policies described above, I consider that there are other development plan policies which support the principle of the Scheme, as follows.
- 3.3.6 A number of sites in close proximity to the Planning Application site are allocated for development in the adopted development plan for the area. Specifically, in relation to the

adopted SOLP, allocation reference STRAT8 ('Culham Science Centre') is located to the north of the Scheme route. The STRAT8 allocation, which comprises 77 hectares of land and encompasses a number of existing businesses, seeks to deliver a net increase in employment land of at least 7.3 hectares, in combination with the adjacent strategic allocation (STRAT9).

- 3.3.7 SOLP allocation reference STRAT9 ('Land Adjacent to Culham Science Centre') comprises 217 hectares of land and is expected to deliver approximately 3,500 homes. The STRAT9 policy wording within the SOLP refers to the infrastructure that is necessary to deliver the allocation, including the Scheme.
- 3.3.8 Core Policy 16b of the adopted VoWHL P relates to the Didcot Garden Town, which is an allocation encompassing Didcot and the neighbouring parishes. The Delivery Plan for the Garden Town [CD G.6] aims to support the creation of approximately 20,000 new jobs, which is coupled with approximately 15,825 new homes expected to be built by 2034 in the immediate vicinity of the Scheme, and many more on the periphery (please refer to the proof of evidence of Aron Wisdom for more details regarding this employment and housing growth). Parts of the Didcot Garden Town are located adjacent to the southern section of the Scheme route, to the north-west of Didcot.
- 3.3.9 As described within the extract from the Committee report highlighted above, the route of the Scheme is safeguarded within the adopted SOLP and the adopted VoWHL P. These documents were adopted following rigorous examination, which reaffirms the Scheme's critical role in the delivery of planned growth.
- 3.3.10 Whilst not part of the development plan, Oxfordshire County Council's Local Transport and Connectivity Plan ('LTCP') [CD G.4], agreed by full Council in July 2022, also supports the Scheme. The Scheme is set out within the Science Vale Area Strategy, which is published alongside but forms part of the LTCP under the following saved Local Transport Plan 4 'LTP4' [CD G.5] policy numbers:
- SV 2.1 – Upgrade the cycle network and undertake maintenance on the existing network;
 - SV 2.2 – Secure new bus services with associated infrastructure and improve existing bus services;
 - SV 2.6 – Deliver the Science Bridge and widening of A4130;
 - SV 2.13 – Improve access to Culham Science Centre;
 - SV 2.16 – Deliver the Didcot to Culham river crossing; and
 - SV2.21 and SV 2.22 – Provide strategic cycle network to encourage the use of sustainable transport.
- 3.3.11 For all of the reasons described above, I conclude that the principle of the Scheme is fully compliant with the development plan in that the Scheme comprises strategic infrastructure which is explicitly identified in the development plan as necessary to deliver the adopted spatial strategy for housing and employment growth in South Oxfordshire and the Vale of White Horse. Such a conclusion was also reached by the LPA's professional planning officers within paragraph 94 of their report to the July 2023 meeting of the Planning & Regulation Committee.

Green Belt

- 3.3.12 The northern section of the Scheme is located within SODC's administrative boundary. To the north of the river Thames, the route runs through the designated Green Belt. While the Scheme route has been safeguarded within the SOLP, it has not yet been removed from the Green Belt designation. SOLP Policy STRAT6 seeks to protect the Green Belt in South Oxfordshire from harmful development, and development in the Green Belt will be restricted to those limited types of development which are deemed appropriate.

3.3.13 The Planning Statement submitted as part of the Planning Application [CD A.4] states that the Scheme is considered an inappropriate development in the Green Belt and, therefore, very special circumstances ('VSC') need to be demonstrated, reflecting paragraph 147 (now paragraph 152) of the NPPF. Section 7 of the Planning Statement concludes that such VSC exist. I cover this matter in greater detail within Sections 4 to 6 of my proof of evidence, where I conclude that:

- the Scheme falls within the terms of paragraph 155 c) of the NPPF, such that it is not inappropriate development in the Green Belt (and this means that Policy STRAT6 of the SOLP is not breached); and
- even if the Inspector disagrees, the benefits of the Scheme clearly outweigh the harm it causes and constitute the very special circumstances required to justify planning permission being granted.

Transport

3.3.14 I consider that the Scheme is fully compliant with relevant transport policies within the development plan, for the reasons that I explain below. Also relevant in this regard is the evidence of John Disley, in respect of the LTCP.

3.3.15 Paragraphs 134 to 136 of the officer report to the Planning & Regulation Committee of July 2023 [CD F.1] appropriately set out the relevant development plan and related local policy context, as follows:

'Policies TRANS2 of the SOLP and Core Policies 33 and 35 of the VoWH P1 aim to ensure that new development is designed to encourage and provide measures to increase walking, cycling and public transport provision within and between developments to encourage the use of sustainable transport modes. Policy TRANS5 of the SOLP requires all new development to provide infrastructure and facilities for cyclists, pedestrians and public transport, amongst other things. Policy CUL8 of the CNP seeks to sustain and enhance active travel networks within the CNP designated area.

Development Policy 17 of the VoWH P2 and policy TRANS4 of the SOLP require transport assessments to be submitted for all major development. Development Policy 16 of VOWH P2 requires developments to make adequate provision for vehicle loading, unloading, circulation, servicing and vehicle turning.

The LTCP, which does not form part of the development plan but is a material planning consideration, sets a clear vision to deliver a net-zero transport and travel system in Oxfordshire. It aims to enable the county to thrive whilst protecting the environment and improving quality of life. It is stated this will be achieved through reducing the need to travel, discouraging private vehicle journeys and making sustainable and active travel the natural first choice. The LTCP includes a number of policies which it is stated are necessary to achieve this, including prioritising active and sustainable modes, improvements to public rights of way and green infrastructure, supporting healthy place-shaping and carbon reduction measures, and bus, rail and digital connectivity strategies. However, the LTCP also identifies that there are situations where new road schemes and road capacity enhancements will be required, albeit that these will only be considered where all other options, including options for traffic reduction, have been explored.'

3.3.16 Paragraph 139 of the same Committee report confirms that the objectives of the Scheme, in transport terms, are as follows:

- reduce congestion and provide capacity on the arterial routes within Didcot
- enable modal shift across Science Vale

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- improve accessibility across the river Thames and the Great Western Mainline in Didcot
 - improve resilience in the transport network, including safety enhancements
 - enable sustainable growth within the Science Vale area
 - ensure the Science Vale remains a world-leading research location.

3.3.17 In the context of the transport policies and objectives described above, the Committee report assesses transport matters in detail and, having full regard also to the evidence of John Disley, I agree with the conclusions reached by the LPA's planning officers and set out in paragraphs 158 to 159 of the report, as follows (noting that 'TDC' in the extract below is a reference to the Transport Development Control Officer, acting on behalf of the Local Highway Authority as statutory consultee to the County Planning Authority²):

'the development is considered to have a positive effect on enabling active and sustainable travel modes through the provision of new infrastructure for walkers and cyclists, and through reduced journey times and new infrastructure for buses. The LTCP is clear that, despite the objective of reducing car use, there will continue to be situations where new road schemes and road capacity enhancements are required. The proposed development is essential in enabling planned housing and employment growth to come forward without creating gridlock on the highway network and is listed in Appendix 1 to the LTCP as a key project being delivered as part of the Science Vale Area Strategy. Furthermore, it is one part of a wider strategy for managing movement by all modes in the Science Vale area and it has the support of TDC.

The application is therefore considered to be in accordance with Core Policies 33 and 35 of the VOWH P1, Development Policies 16 and 17 of the VOWH P2, TRANS2, TRANS4, and TRANS5 of the SOLP, and CUL8 of the CUP, and national transport policies.'

Landscape and Visual Impact

3.3.18 I consider that the Scheme is not wholly compliant with relevant development plan policies in respect of landscape and visual impact, for the reasons that I explain below. Also relevant in this regard is the evidence of Jane Ash of AECOM, in respect of landscape and visual impact matters.

3.3.19 Paragraphs 189-190 of the Committee report of July 2023 [CD F.1] appropriately set out the relevant development plan and related local policy context in respect of landscape and trees, as follows:

'Policies ENV1 and ENV2 of the SOLP and Core Policy 44 of the VoWH P1 seek to protect the landscape, including the North Wessex Downs AONB, countryside and rural areas from harmful development. These policies expect that important features are protected and, where possible, enhanced. Such features include trees and hedgerows, watercourses, landscapes and views, topographical features, and cultural and historic features. Development resulting in the loss or deterioration of irreplaceable habitats (including veteran trees) will be refused unless there are wholly exceptional reasons justifying the grant of planning permission. Policy ENV1 of the SOLP states that important hedgerows should be retained and that where retention is not possible, compensatory planting will be required with a mixture of native hedgerow species. Policy DES2 of the SOLP requires all new development to be designed to reflect the positive features that make up the character of the local area, and physically and visually enhance and complement the surroundings. Policy DES6 of the SOLP and Development Policies 21 and 23 of the VOWH P2 protect local amenity and the

² The following link provides details of Oxfordshire County Council's 'Transport Development Management' and the services that it provides: <https://www.oxfordshire.gov.uk/residents/roads-and-transport/transport-policies-and-plans/transport-new-developments/transport-development>

environment from harm including visual intrusion and external lighting. Policy CUL7 of the CNP identifies a nature recovery network in the CNP designated area and expects full regard to be had to maintaining the network in design layouts and landscaping.

The County Council's Tree Policy for Oxfordshire (TP) is not a statutory document but is a material consideration in the determination of this application because it states its policies will be implemented where the County Council is determining planning applications made by the County Council and external parties. The document contains a number of policies, which collectively seek to resist tree loss, ensure tree care, and to increase canopy cover and the diversity of tree species across the County. Policies 19-22 of the TP refer to County Council planning functions. Taken together, these policies seek the retention of high amenity value trees as a priority and require that a minimum 30% increase in canopy cover is provided for new and improved highway developments that are to be considered for adoption. Policy 14 of the TP states that compensation will be sought from any organisation requesting the removal of trees that are the responsibility of the County Council, with the level of compensation to be determined by a Capital Asset Valuation of Amenity Trees (CAVAT) assessment.'

3.3.20 The Landscape and Visual Impact Assessment ('LVIA') [CD A.15 Chapter 8, CD A.17 Appendix 8.7, and CD B.1 Annex 4], which forms part of the Planning Application submission, confirms that there are a number of viewpoints which will be subject to an adverse impact, given the predominantly agricultural environment. The Applicant has made provision for suitable replacement planting, but the Scheme does not accord with Tree Policies 19-22 which, taken together, require that a minimum 30 per cent increase in canopy cover is provided for new and improved highway schemes. Section 6 of Jane Ash's proof covers matters relating to tree canopy in further detail.

3.3.21 Against the policy background described above, the Committee report of July 2023 assesses matters related to landscape and trees in detail and its conclusion at paragraph 204 states:

'Subject to the recommended conditions, it is considered that the development would protect and enhance the landscape as far as is reasonably practicable given its nature and associated constraints. The applicant has demonstrated that the removal of trees as proposed is necessary to facilitate the development and is therefore sufficiently justified. Accordingly, the development is considered to be in accordance with national and local planning policies and the TP, which seek to protect and enhance trees and landscape features.'

3.3.22 I now highlight the following conclusions reached by Jane Ash within Section 7 of her evidence:

- Jane Ash finds, in paragraph 7.4, that '*...there will be no permanent significant landscape effects beyond those at the Site level, which are considered to be inevitable from the change in land use.*'
- In her Table 7.1, Jane Ash summarises the likely landscape effects at year 15, when the proposed mitigation planting described in her evidence will have established and matured, and finds that the residual effect on landscape will be 'moderate adverse'.
- Jane Ash summarises the likely visual effects at year 15 in relation to 11 receptors, and finds that, in most cases (nine), the residual effect on visual will be 'moderate adverse', with the residual effect on the remaining two receptors described as 'large adverse'.
- In paragraph 7.10, Jane Ash finds as follows: '*I consider that the Scheme would respond positively to the guidance for the Green Belt through new woodland planting and the proposed landscape design, such that the pertinent matter is the predicted effects at year 15, to account for the proposed mitigation.*'
- In her Table 7.3, Jane Ash summarises the likely landscape effects within the Green Belt at year 15, when the proposed mitigation planting described in her evidence will have established and matured, and finds that the residual effect will be 'moderate adverse'.

- In her Table 7.4, Jane Ash summarises the likely visual effects within the Green Belt at year 15, and finds that the residual effect will be 'moderate adverse (significant)' in relation to seven receptors, and 'large adverse (significant)' in relation to two receptors.
- Jane Ash finds as follows within her paragraph 7.18: '*...whilst there would be harm to the Green Belt in respect of landscape and visual matters in respect of NPPF purposes b, c and d, this harm would be localised, to a relatively small part of the overall extent of the Green Belt. The level of harm in respect of NPPF Green Belt purposes would range between low and moderate.*'

3.3.23 Paragraphs 3.3.21 and 3.3.22 above show that the officer's conclusion in the Committee report is different to the conclusions reached by Jane Ash in her evidence. Having carefully reviewed the matter, my opinion is that the Scheme could not be said to be wholly consistent with the development plan in respect of landscape and visual impact. Having particular regard to Jane Ash's conclusions set out above, however, I consider that the degree of conflict with the development plan in these regards is relatively modest. I also consider that the acceptability of the landscape and visual effects has been established by other development plan policies which safeguard the land for highway development (SOLP Policy TRANS3 and VoWHLP Core Policy 18). It will not be possible to provide a highway scheme in a rural context without some significant adverse landscape and visual effects and, as I concluded above in respect of the principle of development, the Scheme comprises strategic infrastructure which is explicitly identified in the development plan as necessary to deliver the adopted spatial strategy for housing and employment growth in South Oxfordshire and the Vale of White Horse.

3.3.24 Furthermore, the adverse effects of the Scheme in respect of landscape and visual impact are significantly outweighed by the substantial benefits arising from it, as I describe in more detail within Section 6 of my proof of evidence.

Design and Layout

3.3.25 I consider that the Scheme is compliant with relevant development plan policies in respect of design and layout, for the reasons that I explain below. Also relevant in this regard is the evidence of Karl Chan and Andy Blanchard of AECOM, in respect of design matters.

3.3.26 Paragraphs 95 to 97 of the Committee report of July 2023 [CD F.1] appropriately set out the relevant development plan and related national policy context in respect of design matters, as follows (noting that paragraph 126 of the NPPF is now paragraph 131 in the December 2023 version and paragraph 134 is now paragraph 139):

'The NPPF considers the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Paragraph 126 says that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. At paragraph 134, the NPPF states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.

Taken together, policies DES1, DES2, and DES3 of the SOLP; Core Policies 37 and 38 of the VoWH P1; and CUL5 of the CNP expect development to be of a high-quality design that reflects and enhances local character, including landscape and natural features. Core Policy 37 also states that development should provide safe and convenient ease of movement by all users, ensuring that the needs of vehicular traffic does not dominate at the expense of other modes of transport, including pedestrians and cyclists. It also states that development should be visually attractive and the scale, height, density, grain, massing, type, details and materials should be appropriate for the site and surrounding area.

Development Policy 20 of the VoWH P2 seeks public art provision as part of all major development proposals. Development Policy 21 of the VoWH P2 aims to control external lighting such that it does not have an adverse effect on local character,

amenity, biodiversity or safety. It is stated that lighting should be the minimum necessary to undertake the task for which it is required, and that conditions may be imposed that require the fitting of devices to reduce glare and light spillage and restricting the hours during which the lighting may be operated. Policy CUL10 of the CNP seeks to minimise light pollution.'

- 3.3.27 Against the policy background described above, the Committee report assesses design and layout matters in detail and, having full regard also to the evidence of Karl Chan and Andy Blanchard, I agree with its conclusion at paragraph 133, which states:

'The proposed development would introduce new and enlarged areas of highway and associated infrastructure to the application site which has been designed to meet the safety and engineering requirements of its intended use. There are however opportunities to improve the design and visual appearance of the development through landscaping, profile, the detailed design of structures, and lighting. Conditions are proposed where necessary to secure the details of the design of these elements to ensure that all reasonable measures are taken to integrate the proposed development in its surroundings as far as is possible. However, the overall design reflects the use and function of the proposed development. Taking all of the above into consideration, the development is considered to be in accordance with development plan and national policies and guidance that seek to ensure high quality design.'

Air Quality

- 3.3.28 I consider that the Scheme is compliant with relevant development plan policies in respect of air quality, for the reasons that I explain below. Also relevant in this regard is the evidence of Anna Savage of AECOM, in respect of air quality.

- 3.3.29 Paragraphs 160-161 of the Committee report of July 2023 [CD F.1] appropriately set out the relevant development plan and related national policy context in respect of air quality, as follows:

'Policies DES6, EP1, ENV11 and ENV12 of the SOLP aim to protect public health and local amenity from the impacts of poor air quality and pollution. Policy EP1 states that air pollution should be minimised and any adverse effects should be mitigated. The policy states that development will only be permitted where it does not exceed air pollution levels set by European and UK regulations. Development policies 23 and 24 of the VOWH P2 also seek to protect local amenity from the effects of pollutants including dust, emissions, and other pollutants. Development policy 26 of the VOWH P2 states that developments that are likely to have an impact on local air quality, including those in, or within relative proximity to, existing or potential AQMAs will need to demonstrate measures or mitigation that are incorporated into the design to minimise any impacts.

The PPG explains that the 2008 Ambient Air Quality Directive sets legally binding limits for concentrations in outdoor air of major air pollutants that affect public health such as particulate matter (PM10 and PM2.5) and nitrogen dioxide (NO2). The UK also has national emission reduction commitments for overall UK emissions of 5 damaging air pollutants. Those are: fine particulate matter (PM2.5), ammonia (NH3), nitrogen oxides (NOx), sulphur dioxide (SO2) and non-methane volatile organic compounds (NMVOCs). If national objectives are not met, or at risk of not being met, the local authority concerned must declare an AQMA and prepare an air quality action plan.'

- 3.3.30 Against the policy background described above, the Committee report assesses air quality matters in detail and, having regard also to the Air Quality Assessment ('AQA') [CD A.17 Appendix 6.2] submitted as part of the Planning Application and the evidence of Anna Savage, I agree with its conclusion at paragraph 170, which states (noting that 'DMP' is a Dust Management Plan and 'CEMP' is a Construction Environmental Management Plan) that:

'The Air Quality Officer for SODC and VOWHDC has reviewed the AQA and makes no observations on the proposal nor has requested any further information or clarification. The County Council's Health Improvement Practitioner has also reviewed the AQA and has not raised any objections, subject to the implementation of measures to reduce air quality and dust emissions during the construction process. As such, it is concluded that the information provided by the applicant is a robust assessment of air quality effects. Because the development is not expected to result in any exceedances of national air quality objectives, and no significant air quality effects are expected for human health or ecological sites, the development is considered to be in accordance with development policies 23 and 26 of the VOWH P2 and policies EP1, DES6 and ENV12 of the SOLP and national policies subject to the inclusion of conditions to secure a DMP as part of the CEMP prior to the commencement of each phase of the development.'

- 3.3.31 Anna Savage reaches the following conclusions within paragraphs 4.1 to 4.3 of her proof, which reinforce the points referred to above:

'The air quality assessment reported in Chapter 6 of the ES concluded that there were no significant air quality effects at any human health or ecological sensitive receptors with the Scheme during construction or operation. Therefore, the Scheme was found to be consistent with relevant planning policy at the time.'

The objections raised have been responded to and none would alter the conclusions of the ES.'

Since publication of the ES, there have been no changes to planning policy that would change the conclusions of the assessment for air quality. Whilst new targets have been set for PM2.5 in the Environment Act 2021, concentrations are likely to be below these targets by the Scheme opening year and the impacts due to the Scheme would be low or negligible. Therefore, this update will not change the conclusion of the ES.'

Noise and Vibration

- 3.3.32 I consider that the Scheme is compliant with relevant development plan policies in respect of noise and vibration, for the reasons that I explain below. Also relevant in this regard is the evidence of Andy Pagett of AECOM. In his proof, Mr Pagett provides his expert opinion that the requirements of both national and local policies have been met in respect of noise and vibration. In the interests of providing a full picture, I first highlight relevant content from the Committee report of July 2023 before referring to the more recent evidence of Mr Pagett.

- 3.3.33 Paragraphs 171 to 175 of the Committee report of July 2023 [CD F.1] appropriately set out the relevant development plan and related national policy context in respect of noise and vibration, as follows (noting that paragraph 185 of the NPPF is now paragraph 191 in the December 2023 version of the document):

'Taken together, policies ENV11, ENV12 and DES6 of the SOLP and policies DP23 and DP24 of the VOWH P2 resist development that would cause residual adverse (post-mitigation) pollution effects including from noise and vibration either through existing sources or those caused by the proposed development. Development Policy 25 of the VOWH P2 states that noise-generating development that would have an impact on environmental amenity or biodiversity will be expected to provide an appropriate scheme of mitigation that should take account of: the location, design and layout of the proposal; existing background noise; measures to reduce or contain noise; and hours of operation and servicing. It is stated in the policy that development will not be permitted if mitigation cannot be provided within an appropriate design or standard.'

The NPPF states that planning decisions should ensure that development is appropriate for its location taking into account the likely effects (including cumulative effects of pollution on health, living conditions and the natural environment (paragraph 185). In

doing so, LPAs should mitigate and reduce to a minimum potential adverse noise effects and avoid noise giving rise to significant adverse impacts on health and quality of life; and identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.

The PPG refers to the Noise Policy Statement for England (NPSE) and advises LPAs that, in taking account of the acoustic environment the following should be considered:

- Whether or not a significant adverse effect is occurring or likely to occur;
- Whether or not an adverse effect is occurring or likely to occur;
- Whether or not a good standard of amenity can be achieved.

This would include identifying whether the overall effect of noise is, or would be, above or below the “significant observed adverse effect level” (SOAEL) and the “lowest observed adverse effect level” (LOAEL).

The noise ‘levels’ can be considered on a continuum that is unique to site-specific contextual factors. At the lowest extreme, noise is not perceived to be present. As noise levels increase, it will be perceived but may not result in changes to behaviour or attitude, and therefore no specific measures may be needed to manage it. As noise levels increase further however, it will cross the LOAEL level and will begin to cause small changes in behaviour or attitude (e.g. turning up the television or speaking more loudly). In these circumstances, noise should be minimised as far as possible and mitigation measures should be considered to reduce noise effects. At some point, noise increases will cross the SOAEL, causing a material change in behaviour such as keeping windows closed for most of the time or avoiding certain activities when the noise is present. The PPG says that if the exposure is predicted to be above this level, the planning process should be used to avoid this occurring through alternative site selection or appropriate mitigation. It is stated that decisions must take account of the economic or social benefit of the noise-generating development but that it is undesirable for such noise exposure to be caused. At the highest extreme, noise exposure would cause extensive and sustained adverse changes in behaviour and/or health without the ability to mitigate the effect of the noise. The PPG advises that, in these circumstances, the impacts on health and quality of life are such that regardless of the benefits of the activity causing the noise, this situation should be avoided.

The LOAEL, therefore, is the level of noise exposure above which adverse effects on health and quality of life can be detected. The SOAEL is the level of noise exposure above which significant adverse effects on health and quality of life occur.’

3.3.34 Against the policy background described above, the Committee report assesses noise and vibration in detail, and reached the following conclusions at paragraphs 186-188:

‘The proposed development would improve the noise environment for the occupants of 1862 dwellings and 10 other receptors (business and community facilities) in the first year of opening, reducing to 341 dwellings and 3 other receptors in the longer term. However, some 187 dwellings (reducing to 181 in the longer term), and the Culham Science Centre Nursery, would be likely to experience long term adverse effects. Many of the occupants of adversely affected properties would experience noise levels above the SOAEL, meaning that there would be a material change to their behaviour as a result of the noise levels. Only Hartwright House and Hill Farm are predicted to be covered by the measures of the Noise Insulation Regulations 1975, which would provide some mitigation, albeit that this would not be something that could be guaranteed or secured through the planning process. Planning policy at the national and local levels expect that mitigation would be employed to avoid significant noise effects occurring, however the applicant has stated that no further mitigation options

are available. Therefore, whilst a significant number of properties would experience an improved noise environment, there would be a detrimental effect to 187 properties and the Culham Science Centre Nursery.

Planning Practice Guidance says that planning decisions must take account of the economic and social benefit of noise-generating development in making decisions on applications. However, circumstances where noise exposure would cause extensive and sustained changes in behaviour and/or health without the ability to mitigate the effect of the noise should be avoided regardless of the benefits of the activity causing the noise. Members of the Planning and Regulation Committee will need to weigh the adverse noise effects against other material and policy considerations when reaching a decision on whether or not planning permission should be granted. It is recommended that strong weight is applied to the adverse noise impacts in undertaking this overall balancing exercise.

Members are advised that the development is contrary to policies ENV11 and ENV12 of the SOLP and development policies 23, 24 and 25 of the VOWH P2 in relation to noise. The policy conflict is not, in itself, a reason for automatic refusal of an application as all applications must be determined in accordance with the Development Plan which must be read as a whole. Members will need to determine whether or not the conflict with policies that seek to protect against adverse noise effects (and any other harm) over-rides other matters, including the strong support that is advised to be given to the development as a matter of principle, and taking into consideration the other benefits as detailed in this report, including noise benefits, to the extent that the development should be refused. The officer advice is that the adverse effects do not outweigh the strong support for the development as a matter of principle and the other benefits, therefore the development should not be refused due to the conflict with development plan and national noise policies.'

- 3.3.35 Thus, Members were advised that the Scheme is not consistent with the development plan. Importantly, however, I now turn to the evidence of Mr Pagett, who concludes as follows within paragraphs 4.17 to 4.19 of his proof:

'4.17 Overall, it is my professional opinion that within the context of sustainable development, adequate mitigation has been provided to avoid significant adverse effects, mitigate and minimise adverse effects, and contribute to the improvement of health and quality of life. Considerably more properties are expected to avoid existing exceedances of the SOAEL, than are expected to experience new exceedances of the SOAEL due to the Scheme. Considerably more properties are expected to experience a decrease in road traffic noise levels than an increase, with the Scheme in place. Therefore, it is my professional opinion that the requirements of the NPSE and NPPF have been met..

4.18 I have explained how Vale of White Horse District Council's Development Policy 23, and South Oxfordshire District Council's Policies ENV12 and DE6 align with the first aim of the NPSE, to avoid significant adverse effects on health and quality of life. I have explained how the Scheme meets this aim, and therefore I consider the requirements of these policies have also been met. I have explained how, as appropriate scheme of mitigation measures, within the context of sustainable development, has been provided, and no areas where additional mitigation would be appropriate have been identified, the Scheme meets the requirements of Vale of White Horse District Council's Development Policy 25.

4.19 In summary, I have explained how the EIA has shown that the Scheme is expected to result in considerably more beneficial and significant beneficial effects, than adverse and significant adverse effects. Considering both national and local planning policy, I have also set how, within the context of sustainable development, adequate mitigation has been provided, and that the requirements of both national and local planning policies have been met.'

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- 3.3.36 Thus, Mr Pagett concludes that there is no conflict with the development plan, or with national policy, in terms of noise and vibration. I accept Mr Pagett's expert assessment.
- 3.3.37 Even if the Secretary of State finds that there is conflict with policy in respect of noise and vibration, my position is that any adverse effects in respect of noise and vibration are significantly outweighed by the substantial benefits arising from the Scheme, as I describe in more detail within Section 6 of my proof of evidence.

Biodiversity

- 3.3.38 I consider that the Scheme is compliant with relevant development plan policies in respect of biodiversity, for the reasons that I explain below.
- 3.3.39 Paragraphs 205-208 of the Committee report of July 2023 [CD F.1] appropriately set out the relevant development plan and related national policy context in respect of biodiversity, as follows (noting that paragraph 174 of the NPPF is now paragraph 180 in the December 2023 version of the document):

'The NPPF requires that planning policies and decisions contribute to and enhance the natural and local environment. This includes protecting sites of biodiversity value commensurate with their statutory status, securing measurable net gains in biodiversity (paragraph 174), ensuring significant harm to biodiversity is avoided, mitigated or compensated for, and integrating biodiversity improvements into development (paragraph 180). Policy ENV1 of the SOLP also protects irreplaceable habitats from harm.

Core Policy 46 of the VoWH P1 and policy ENV2 of the SOLP both afford the highest level of protection to sites of international nature conservation importance. Development that is likely to have an adverse effect on a site of national importance (e.g. SSSIs) or local importance should only be permitted where it can be demonstrated that the benefits of the development in the location proposed clearly outweigh the harm and measures are to be provided that would reduce, mitigate or, as a last resort, compensate for the adverse effects.

Policy ENV4 of the SOLP and Development Policy 30 of the VOWH P2 provide specific protection to watercourses and their biodiversity and require a 10m buffer zone to be provided for all development adjacent to a watercourse. Culverting is also resisted through these policies. Policy ENV5 of the SOLP seeks to protect and enhance the green infrastructure network through new development.

In November 2022 the County Council produced the Oxfordshire Climate and Natural Environment Policy Statement which seeks to ensure environmental considerations are placed at the heart of policy and decision-making across the County Council. This has appended to it a set of Oxfordshire Environmental Principles which, amongst other things, seek to achieve and where possible exceed government and local biodiversity net gain targets with an ambition of achieving 20% net gain.'

- 3.3.40 Against the policy background described above, the Committee report assesses biodiversity matters in detail. I agree with its conclusions at paragraphs 218-219, which state:

'Overall, whilst it is acknowledged that there would be some impacts on biodiversity, it is accepted that these impacts can be avoided where possible or reduced and mitigated in line with the mitigation hierarchy, and that a biodiversity net gain could be achieved. Conditions would be required to secure these mitigation and enhancement measures and would include the submission of a CEMP for biodiversity, a Handover (post-construction) Environmental Management Plan (HEMP) for biodiversity, a LEMP, and a detailed lighting scheme. Additionally, updated pre-commencement protected species surveys should be required through condition to inform revised mitigation measures as necessary. Given the changes that are likely to occur to the baseline habitats and to

account for the outcome of updated species surveys and the detailed landscaping scheme, it is also recommended that an updated BNG Assessment is submitted prior to the first operational use of the proposed development to demonstrate that a minimum 10% net gain has been achieved across all habitat types.

Subject to the conditions being included as recommended, the development would be in accordance with development plan and national policies that seek to protect and enhance biodiversity.'

- 3.3.41 Also relevant in this regard is the statement of Professor Wade of AECOM, in respect of biodiversity. Within Section 5 of his Biodiversity Note, which is appended to Alex Maddox's proof, Professor Wade concludes as follows:

'There are currently no bat roosts that will be impacted either directly or indirectly by the Scheme and there is no necessity to apply to Natural England for any licence.

The Scheme meets the aspiration to achieve at least a net gain of 10% in biodiversity for habitat, hedgerow and river units.

The combination of the Landscape and Biodiversity Management Plan, Outline Environmental Management Plan and the Construction Environmental Management Plan will ensure that enhancements to biodiversity designed into the Scheme along with measures to avoid, mitigate and compensate biodiversity features will be implemented and that a minimum biodiversity net gain of 10% will be attained.'

- 3.3.42 For all of the above reasons, I conclude that the Scheme is compliant with development plan policies in respect of biodiversity.

Flooding

- 3.3.43 I consider that the Scheme is compliant with relevant development plan and national policies in respect of flooding, for the reasons that I explain below.

- 3.3.44 Paragraphs 220-222 of the Committee report of July 2023 [CD F.1] appropriately set out the relevant development plan and related national policy context in respect of flooding, as follows (noting that paragraph 159 of the NPPF is now paragraph 165 in the December 2023 version of the document, paragraph 161 is now paragraph 168 and paragraph 167 is now paragraph 173):

'Paragraph 159 of the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere. Paragraph 161 states that all plans should apply a sequential, risk-based approach to the location of development – taking into account all sources of flood risk and the current and future impacts of climate change – so as to avoid, where possible, flood risk to people and property. They should do this by adhering to a number of measures including the application of the sequential test and then, if necessary, the exception test.

Core Policy 42 of the VoWH P1 and policy EP4 of the SOLP seek to minimise the risk and impact of flooding through siting development in areas with the lowest probability of flooding, ensuring development manages flood risk effectively and does not increase flood risk elsewhere, and ensures the wider environmental benefits of development in relation to flood risk. Policy INF4 of the SOLP states that all development proposals must demonstrate that there is or will be adequate surface water capacity to serve the whole development, amongst other things.

When determining planning applications, the NPPF sets out at paragraph 167 that LPAs should ensure that flood risk is not increased elsewhere. Development should only be

permitted in areas at risk of flooding where, in light of the flood risk assessment (and the sequential and exception tests, as applicable) it can be demonstrated that: a) within the site, the most vulnerable development is located in areas at lowest flood risk; b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment; c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate; d) any residual risk can be safely managed and e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.'

- 3.3.45 Against the policy background described above, the Committee report assesses flooding matters in detail and, having regard also to the Flood Risk Assessment [CD A.17 Appendix 14.1] submitted as part of the Planning Application, I agree with its conclusions at paragraph 229, which states:

'In summary, although the majority of the application site lies within areas at low risk of flooding, it also includes land in flood zones 2 and 3 including the functional floodplain of the River Thames. The FRA submitted with the application demonstrates that the development would be unlikely to increase flood risk due to mitigation measures and flood compensation. Statutory consultees on flooding matters have reviewed this information and confirmed that they have no objections to the development subject to conditions. Therefore, on the proviso that the conditions requested by the EA and the LLFA are incorporated into any planning permission issued, the proposal is considered to be in accordance with national policy and development plan policies concerning flooding.'

Climate Change

- 3.3.46 I consider that the Scheme is compliant with relevant development plan and other local and national policies in respect of climate change, for the reasons that I explain below. Also relevant in this regard is the evidence of Chris Landsburgh of AECOM, in respect of climate change, who concludes as follows within paragraph 4.19 of his proof:

'My conclusion is that the Applicant's case should be preferred and that the Representations and Objections based on Climate are without merit and do not give rise to any reason not to make the Orders as sought, and do not give any reason to refuse planning permission.'

- 3.3.47 Paragraphs 233-236 of the Committee report of July 2023 [CD F.1] appropriately set out the relevant development plan and related local and national policy context in respect of climate change, as follows (noting that paragraph 154 of the NPPF is now paragraph 159 in the December 2023 version of the document):

'The planning system has an important role to play in meeting the challenge of climate change. Paragraph 154 of the NPPF makes this explicit, and states that development should be planned for in ways that:

- Avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure; and*
- Can help to reduce greenhouse gas emissions, such as through its location, orientation and design. Any local requirements for the sustainability of buildings should reflect the government's policy for national technical standards.*

These priorities are carried through to planning policies at a local level. Taken together, core policy 43 of the VoWH P1 and policies DES7 and DES8 of the SOLP expect development to make efficient use of resources and promote sustainable design by

minimising the carbon and energy impacts of design and construction and reducing greenhouse gas emissions. Policy DES8 of the SOLP states that all new development should be designed to improve resilience to the anticipated effects of climate change and to incorporate measures that address adaptation to climate change. Similarly, core policies 37 and 40 of the VoWH P1 expect development to be sustainable and resilient to climate change, and to incorporate climate change and adaptation and design measures to combat the effects of changing weather patterns.

The recently adopted LTCP is relevant to the application because it has at its heart a vision is to deliver a net-zero Oxfordshire transport and travel system. The LTCP defines a net-zero transport system as one where “any carbon emissions created are balanced by taking the same amount out of the atmosphere”. This, it says, differs from zero-carbon which means no carbon is given off at all.

The LTCP contains a number of policies that provide the tools necessary to achieve a net-zero transport system. These policies seek to discourage individual private car journeys and make walking, cycling, and public and shared transport a natural first choice. However, the LTCP also identifies the need to reduce greenhouse gas emissions that are associated with transport and movement. Policy 27 of the LTCP states that the County Council will:

(a) use the embodied carbon reduction hierarchy in 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 budget and to a net-zero transport network by 2040

(c) require a science-based percentage of embodied carbon reduction from baseline in infrastructure projects

(d) use PAS 2080 to assess, manage and minimise carbon emissions in transport infrastructure projects throughout the lifecycle, including maintenance

(e) Any offsets needed to achieve net-zero must be certified, additional and deliver local benefits

(f) Work with contractors to reduce materials, source local and recycled materials, use less carbon-intensive transport options and building methods, and generate less waste.’

3.3.48 Against the policy background described above, the Committee report assesses climate change matters in detail and, having regard also to the evidence of Chris Landsburgh, I agree with its conclusion at paragraph 243, which states:

‘In summary, the development would lead to an overall carbon saving as a result of a reduction in traffic congestion and is unlikely to cause any significant effects on climate. The development does not discourage private car journeys but does provide the infrastructure required for active and sustainable travel modes which, alongside other measures, would support a shift in travel behaviours, and it is noted that the County Council’s Climate Change Assessment Tool has been used and recorded an overall score of +11. The development would therefore be in accordance with the NPPF, policies DES7 and DES8 of the SOLP, and core policies 37, 40 and 43 of the VoWH P1. It is recommended that conditions are attached to any planning permission granted to require the submission of a carbon management plan as part of a CEMP prior to the commencement of each part of the development.’

Water Quality and Pollution

- 3.3.49 I consider that the Scheme is compliant with relevant development plan and other local and national policies in respect of water quality and pollution, for the reasons that I explain below.
- 3.3.50 Paragraphs 244-246 of the Committee report of July 2023 [CD F.1] appropriately set out the relevant development plan and related local and national policy context in respect of water quality and pollution, as follows (noting that paragraph 183 of the NPPF is now paragraph 189 in the December 2023 version of the document and paragraph 188 is now paragraph 194):

'Taken together, policies ENV11, ENV12 and DES6 of the SOLP and development policies 23 and 24 of the VOWH P2 resist development that would cause residual adverse (post-mitigation) pollution effects including from odour, gases, contamination and land instability either through existing pollutants or those caused by the proposed development. Development policy 27 of the VOWH P2 requires a Contaminated Land Preliminary Risk Report to be provided will all applications on land known or suspected to be contaminated. It states that development will be refused if it cannot be demonstrated that the proposed use is compatible with the condition of the land. Development Policy 30 of the VOWH P2 and policy ENV4 of the SOLP seek to protect the function and setting of watercourses. Proposals that involve culverting of a watercourse are unlikely to be considered acceptable and development within 20m of a watercourse will require a construction management plan to be agreed before commencement to protect from damage, disturbance or pollution.'

Paragraph 183 of the NPPF says that planning decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from former activities such as mining and any proposals for mitigation including land remediation.

At paragraph 188, the NPPF makes clear that planning decisions should be focused on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively.'

- 3.3.51 Against the policy background described above, the Committee report assesses water quality and pollution matters in detail and I agree with its conclusion at paragraph 251, which states:

'Subject to the inclusion of the recommended conditions that seek to minimise the risk of pollutants and contamination, the development would be in accordance with the NPPF, policies ENV11 and ENV12 of the SOLP, and development policies 23, 24 and 27 of the VOWH P2.'

Cultural Heritage

- 3.3.52 I consider that the Scheme is compliant with relevant development plan and national policies in respect of cultural heritage, for the reasons that I explain below. Also relevant in this regard is the Heritage Technical Note produced by Dr Gillian Scott of AECOM, which is provided as my Appendix BG2.4.
- 3.3.53 Paragraphs 252-257 of the Committee report of July 2023 [CD F.1] appropriately set out the relevant development plan and related national policy context in respect of cultural heritage, as follows:

'Policy ENV6 of the SOLP seeks to sustain and enhance the significance of heritage assets. Development that has an impact on heritage assets will however be supported, particularly where they conserve and enhance the significance of heritage assets and settings, make a positive contribution to local character and distinctiveness or wider public benefits. Core Policy 39 of the VoWH P1 and Development Policy 36 of the VOWH P2 also seek to conserve and enhance designated and non-designated heritage

assets. It is stated that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight will be given to the asset's conservation (and the more important the asset, the greater the weight that will be given). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harms to its significance. In weighing applications that directly, or indirectly affect non-designated heritage assets, a balanced judgement will be made having regard to the scale of any harm or loss and the significance of the heritage asset. These judgements will be made in accordance with national policy.

Policy ENV8 of the SOLP and Development Policy 37 of the VOWH P2 expect development affecting the setting of a Conservation Area to conserve or enhance its special interest, character, setting and appearance. Where development would result in less than substantial harm to the significance of a Conservation Area, this harm will be weighed against the public benefits of the proposal.

Policy ENV7 of the SOLP and Development policy 38 of the VOWH P2 require that development affecting the setting of a listed building should respect, conserve, and enhance those elements which contribute to the heritage significance and/or setting, respect features of architectural or historic interest, and be sensitive to the listed building and its setting. Development proposals that would result in less than substantial harm to the significance of a listed building must minimise or avoid harm and demonstrate public benefits or exceptional circumstances.

Development policy 39 of the VOWH P2 and policy ENV9 of the SOLP expect development to protect the site and setting of Scheduled Monuments or nationally important designated or undesignated archaeological remains. Nationally important archaeological remains (whether scheduled or demonstrably of equivalent significance) should be preserved in situ. Development proposals that would lead to substantial harm or total loss of significance of such remains will only be permitted in exceptional circumstances. For other archaeological remains, the effect of a development proposal on the significance of the remains, either directly or indirectly, will be taken into account in determining the application. As such assets are also irreplaceable, the presumption will be in favour of the avoidance of harm. The scale of the harm or loss will be weighed against this presumption and the significance of the heritage asset. Where impacts on the significance of designated assets are less than substantial, the harm should be minimised and mitigated and weighed against the public benefits of the proposal.

Policy ENV10 of the SOLP seeks to conserve or enhance the special historic interest, character and setting of Registered Parks and Gardens.

Policy CUL6 of the CNP identifies Station House and Railway Inn near to Culham Railway Station as local, non-designated, heritage assets.'

- 3.3.54 Against the policy background described above, the Committee report assesses cultural heritage matters in detail and, having regard also to the Heritage Technical Note of Dr Scott, I agree with its conclusion at paragraph 274, which states:

'Taking all of the above into consideration, the proposed development would cause less than substantial harm to the setting of Fullamoor Farmhouse, the Grade I Listed Nuneham Courtenay Registered Park and Garden, The Nuneham Courtenay and Clifton Hampden Conservation Areas, and the Scheduled Monument SM1006345 through its urbanising effect and changes to settings. However, notwithstanding the great weight and importance that is attached to these designated heritage assets, the public benefits arising from the development as set out elsewhere in the report weigh heavily in favour of the development and offer support to the proposal that outweighs the harm to the designated assets. The harm to the non-designated archaeological remains could be mitigated through a programme of archaeological works and recording that would be secured through condition if planning permission is granted. No harm would be caused to the significance of other heritage assets near to the

application site, and there would be some beneficial effects to the significance of Sutton Courtenay Conservation Area and Culham Conservation Area. Therefore, the development is considered to be in accordance with national and development plan policies that seek to protect and enhance the historic environment.'

Minerals and Waste

3.3.55 I consider that the Scheme is compliant with relevant development plan and national policies in respect of minerals and waste, for the reasons that I explain below.

3.3.56 Paragraph 289 of the Committee report of July 2023 [CD F.1] appropriately sets out the relevant development plan and related national policy context in respect of minerals and waste, as follows (noting that paragraph 209 of the NPPF – incorrectly cited as paragraph 109 below – is now paragraph 215 in the December 2023 version of the document):

'Paragraph 109 of the NPPF states that it is essential that there is a sufficient supply of minerals to provide for the infrastructure, buildings, energy and goods that the country needs. Since minerals are a finite natural resource, and can only be worked where they are found, best use needs to be made of them to secure their long-term conservation. The proposed Didcot-Culham River Crossing route would pass through land identified as the Sand and Gravel Strategic Resource Area 5: Thames and Lower Thames Valley – Standlake to Yarnton in the OMWCS and it therefore falls within a Mineral Safeguarding Area. Policy M8 of the OMWCS states that development that would prevent or otherwise hinder the possible future working of the mineral within a MSA will not be permitted unless it can be shown that (a) the site has been allocated in an adopted local plan or neighbourhood plan; or (b) the need for the development outweighs the economic and sustainability considerations relating to the mineral resource; or (c) that the mineral will be extracted prior to the development taking place. Policy EP5 of the SOLP directs development away from mineral safeguarding areas.'

3.3.57 Against the policy background described above, the Committee report assesses minerals and waste matters in detail and I agree with its conclusion at paragraph 299, which states:

'Taking all of the above into account, and subject to the conditions requiring that no development can commence on the Didcot to Culham River Crossing part of the development unless and until revised restoration and aftercare schemes have been secured for both the Sutton Courtenay Landfill Site and Bridge Farm Quarry, the development would not prejudice the operations at safeguarded mineral and waste sites, nor would it sterilise mineral resource without justification. The proposal would therefore be in accordance with national minerals and waste policies, and policies M8, M9 and W11 of the OMWCS.'

Agricultural Land

3.3.58 I consider that the Scheme is compliant with relevant development plan and national policies in respect of agricultural land, for the reasons that I explain below.

3.3.59 Paragraph 300 of the Committee report of July 2023 [CD F.1] appropriately sets out the relevant development plan policy context in respect of agricultural land, as follows:

'Agricultural land quality is classified in grades from 1-5. The highest grade (1) goes to land that gives a high yield or output, has the widest range and versatility of use, produces the most consistent yield, and requires less input. Best and most versatile (BMV) land is defined as agricultural land in Grades 1, 2 and 3a. The NPPF expects planning decisions to avoid or reduce the loss of BMV land in order to protect the economic and other benefits offered by the best quality soils. Policy DES7 of the SOLP and Core Policy 43 of the VoWHL P1 also expects development to avoid BMV agricultural land, unless it is demonstrated to be the most sustainable choice from

reasonable alternatives, by first using areas of poorer quality land in preference to that of a higher quality.'

- 3.3.60 Against the policy background described above, the Committee report assesses agricultural land matters in detail and I agree with its conclusion at paragraph 305, which states:

'Taking all of the above into consideration, the officer view is that the application has sought to avoid the loss of BMV agricultural land as far as possible given the lack of reasonable alternative options. Therefore, whilst the significant loss of BMV agricultural land is a material consideration that should be taken into account by the Planning and Regulation Committee, the development would be in accordance with Policy DES7 of the SOLP, Core Policy 43 of the VoWHL P1, and the NPPF with regards to impacts on agricultural land. A soil handling strategy should be secured as part of the CEMP through condition if planning permission is granted to reduce effects on the quantity and quality of BMV agricultural land as far as possible.'

Recreation

- 3.3.61 I consider that the Scheme is compliant with relevant development plan and national policies in respect of recreation, for the reasons that I explain below.

- 3.3.62 Paragraph 306 of the Committee report of July 2023 [CD F.1] appropriately sets out the relevant development plan and national policy context in respect of recreation, as follows (noting that paragraph 98 of the NPPF is now paragraph 102 in the December 2023 version of the document):

'Paragraph 98 of the NPPF says that access to a network of high-quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities and can deliver wider benefits for nature and support efforts to address climate change. The NPPF goes on to say that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless a) an assessment has been undertaken which has clearly shown the facility to be surplus to requirements; b) the loss would be replaced by equivalent or better provision; or c) the development is for an alternative sports and recreational provision; the benefits of which clearly outweigh the loss of the current or former use. Policy CF4 of the SOLP and Development Policy 34 of the VOWH P2 aim to protect and maintain existing sport and recreation facilities, including playing fields. The loss of such facilities will only be permitted where it is clearly shown that the facility is surplus to requirements; the loss would be replaced by equivalent or better provision in terms of scale, quantity and quality in a suitable and accessible location; the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss; or the proposed development is ancillary to the main use of the site and strengthens the function.'

- 3.3.63 Against the policy background described above, the Committee report assesses impact on recreation in detail and I agree with its conclusion at paragraph 314, which states:

'The development is considered to be in accordance with national and local policies that support the retention of, and resist harm or loss to, recreation and leisure facilities in the VoWH and South Oxfordshire Districts.'

Geology and Soils

- 3.3.64 Annex 3 of the officer report to the Planning & Regulation Committee meeting of July 2023 [CD F.1] contains a table which refers to the temporary loss of 19.1 hectares of BMV agricultural land during the construction of the Scheme, and the permanent loss of 39.4 hectares of BMV agricultural land, which are described as significant adverse effects. The same table identifies proposed mitigation and monitoring measures, namely *'CEMP to include an Earthworks and*

Remediation Strategy, Materials Management Plan and Soil Management Plan, with the CEMP to be secured via a planning condition.

3.3.65 Impact on geology and soils did not form a reason for refusal.

Conclusion: Call-In Matter c)

3.3.66 Call-In Matter c) is *'the extent to which the proposed development is consistent with the development plan for the area'*.

3.3.67 As I stated within paragraph 3.1.1 of my evidence, the starting point for deciding the Planning Application is that, under Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990, it should be determined in accordance with the development plan unless material considerations indicate otherwise.

3.3.68 In this Section of my proof I have therefore assessed the Scheme in substantial detail against all relevant development plan policies, both those concerning the principle of development and those pertinent to a wide range of other planning, environmental and technical matters. I have found that the Scheme is consistent with every relevant development plan policy, with one exception where I consider there is some inconsistency with development plan policies in respect of landscape and visual impact. Having regard to the conclusions of Jane Ash in her expert evidence on these matters, however, I consider that the degree of conflict with those policies is relatively modest. I also consider that the acceptability of the landscape and visual effects has been established by the adopted planning policies which safeguard the land for highway development (SOLP Policy TRANS3 and VoWHLP Core Policy 18). It will not be possible to provide a highway scheme in a rural context without some significant adverse landscape and visual effects, and the Scheme comprises strategic infrastructure which is explicitly identified in the development plan as necessary to deliver the adopted spatial strategy for housing and employment growth in South Oxfordshire and the Vale of White Horse.

3.3.69 For all of these reasons, notwithstanding a degree of conflict with policies on landscape and visual impact, my overall conclusion is that the Scheme is consistent with the development plan for the area, when taken as a whole.

3.4 Other Material Planning Considerations

3.4.1 In the context of Section 38(6), should the Secretary of State conclude that the Scheme is not in accordance with the development plan, then there are other material considerations which dictate that planning permission should anyway be granted in this case.

3.4.2 Other material planning considerations include the NPPF, the associated Planning Practice Guidance ('PPG'), the draft Joint Local Plan 2041 [CD G.18], the draft Burcot and Clifton Hampden Neighbourhood Plan [CD G.8], the draft Sutton Courtenay Neighbourhood Plan [CD G.9], as well as the LTCP [CD G.4] and two relevant Supplementary Planning Documents ('SPDs'), as listed below. Furthermore, other material planning considerations also include the significant and wide-ranging benefits arising from the Scheme, as I describe fully in Section 6 of my proof.

National Planning Policy Framework

3.4.3 The NPPF, which was first published in March 2012 and last revised on 19 December 2023, provides a framework for the Government's planning policies and sets out how they should be applied. The NPPF is a material consideration in all planning decisions.

3.4.4 The NPPF sets out the Government's economic, environmental and social planning policies for England and articulates the Government's commitment to a plan-led system where local planning authorities should approve development proposals that accord with the development plan without delay. The planning policy table within my Appendix BG2.1 specifies the relevant chapters and paragraphs of the NPPF. I refer to those chapters of the NPPF elsewhere in my

proof and show throughout my evidence that the proposed development is consistent with the NPPF when taken as a whole.

Planning Practice Guidance

- 3.4.5 Various guidance from the Government's PPG is relevant to the Scheme. I refer to the PPG elsewhere in my evidence where appropriate and show that the Scheme is consistent with it.

Draft South Oxfordshire and Vale of the White Horse Joint Local Plan 2041

- 3.4.6 The Joint Local Plan 'Issues' consultation ended in June 2022, and responses have been analysed and published. A 'Preferred Options' consultation is now underway, running from 10 January to 21 February 2024. Given its very early stage, very limited weight can be given to this draft Joint Local Plan [CD G.18].

- 3.4.7 The 'Issues' consultation document (May 2022) does not specifically mention the Scheme, but includes the following broad statements/objectives which are of relevance and with which the Scheme conforms in my opinion:

- *'Many of our roads have already reached or exceeded their maximum capacity, which causes congestion and significant air quality issues in certain areas.'*
- *'Our adopted Local Plans have already planned large quantities of new housing and employment land, much of it still to be built. It is important that new infrastructure is delivered alongside this growth, to reduce pressure on existing facilities.'*
- *'We have declared a climate emergency at both councils, and we have set targets to make our districts carbon neutral by 2030 for South Oxfordshire and 2045 for the Vale. The Government also has a target for the UK to bring all greenhouse gas emissions to net zero carbon by 2050. To achieve this, we'll need to ensure developments within the districts produce as few carbon emissions as possible, both in their construction and during their use, and that the location and design of our developments encourage more sustainable lifestyles.'*
- *'Transport opportunities:*
 - *Plan for new infrastructure alongside development, especially in Garden Communities at Didcot, Berinsfield and Dalton Barracks and on strategic allocation sites.*
 - *Plan a transition to sustainable transport modes by walking and cycling, shared transport, electric and alternative fuel cars, driverless cars, and plan for enhanced public transport including re-opening of the Cowley Branch line and a station at Grove.*
 - *Plan for safe routes for walking and cycling, new quietways, new routes between settlements, secure bike parking, cargo bikes, electric bikes and scooters, electric vehicle charging.*
 - *Plan for sustainable travel that is reliable, integrated and accessible.'*

- 3.4.8 The current Preferred Options consultation version of the draft Local Plan contains the following policy references, all of which support the Scheme in my view.

- 3.4.9 The supporting text to Policy SP3 'Strategy for Didcot Garden Town' begins as follows:

'Why is this policy needed?

Didcot has been designated a Garden Town since 2015 when the Government accepted a bid to deliver 15,000 new homes and 20,000 jobs in the area.'

3.4.10 Section 2 of Policy SP3 itself contains the following text:

'Within the Didcot Garden Town Masterplan area development proposals will be required to address the following:

a) deliver allocated housing and employment sites and permit new development in accordance with Policy SP1 - Spatial strategy and Policy SP2 - Settlement hierarchy;.....

e) support active travel and multi-modal sustainable infrastructure as well as alignment with planned infrastructure schemes including the Didcot Garden Town Local Cycling and Walking Infrastructure Plan (LCWIP); the Science Vale Active Travel Network; the Strategic Active Travel Network (SATN); the Didcot Garden Town Wayfinding Strategy; Didcot Garden Town Housing Infrastructure Fund (HIF) schemes; the Didcot Central Corridor infrastructure schemes and Placemaking Strategy; and Northern Perimeter Road Phase 3 (NPR3).'

3.4.11 Policy IN3 Transport Infrastructure and Safeguarding, includes the following wording:

'Pipeline Transport Schemes and Transport Priorities

The council, working with Oxfordshire County Council and relevant stakeholders, will support the following infrastructure schemes and transport priorities. Development should contribute to the delivery of these schemes and priorities where appropriate:

a) maintaining and improving walking and cycling infrastructure, including through development of further Local Cycling and Walking Infrastructure Plans (LCWIPs) and delivery of schemes included in existing LCWIPs as well as delivering schemes included in the Strategic Active Travel Network (SATN);

b) protecting and enhancing the Public Right of Way (PROW) network, national and recreational trails, and Open Access Areas (OAAs);

c) protecting former rail facilities and lines for re-use as public transport corridors or for the

purpose of active travel;

d) delivery of mobility hubs to support transport interchanges;

e) maintaining and improving public transport services and associated facilities;

f) a new Wantage and Grove Railway Station;

g) improvements to Culham Railway Station;

h) the delivery of East West Rail through to Didcot and the safeguarded Wantage and Grove Railway Station;

i) improvements to bus connectivity, including new and enhanced services, bus stop facilities, active travel connections to bus stops, and bus priority measures;

j) the provision of infrastructure to facilitate public and shared transport using electric and

other sustainable fuelling;

k) the delivery of safeguarded and identified transport infrastructure which are required to

support the development required in the plan period and beyond; and

l) planning and delivery of route-based strategies on the road network, including mitigation for

congestion and highway safety issues.

“k) the delivery of safeguarded and identified transport infrastructure which are required to support the development required in the plan period and beyond; and planning and delivery of route-based strategies on the road network, including mitigation for congestion and highway safety issues.

Safeguarding for Transport

Land in the districts will continue to be safeguarded to support the future movement of people and services, until such time that it is deemed no longer required, the Scheme has been delivered, or an equivalent scheme is delivered.

New development that encroaches within or adjoins safeguarded land must demonstrate that it will support the delivery of the safeguarded scheme (in part or in full), deliver an alternative suitable facility or not jeopardise the delivery of the safeguarded scheme. Planning permission will not be granted for development that would prejudice the construction or effective operation of the transport schemes.

In order to deliver a safeguarded scheme an alternative options study is to be undertaken, where appropriate, to ensure the most suitable solution, location and route is provided. Additionally, as options for the safeguarded schemes progress, where appropriate, they should complete an environmental impact assessment, an archaeological assessment and a flood risk assessment with scope of each assessment agreed with district and county councils.

Safeguarding Transport Schemes

The current list of safeguarded schemes can be found below and in the emerging Policies Map. If not already incorporated, active and sustainable transport infrastructure improvements should be incorporated into the transport infrastructure scheme at the detailed design stage.

- *Didcot to Culham River Crossing.....*
- *Didcot Science Bridge.....*
- *Clifton Hampden Bypass.....*
- *A4130 Widening.....’*

Draft Burcot and Clifton Hampden Neighbourhood Plan 2011-2034 [CD G.8]

3.4.12 The Burcot and Clifton Hampden Neighbourhood Plan Area was formally designated on 26 September 2014. Burcot and Clifton Hampden Parish Council has produced a Draft Neighbourhood Plan, which is currently in the examination process. The Draft Plan therefore carries limited weight in the determination of the Planning Application. The Neighbourhood Plan details the visions, objectives, land use policy and how Burcot and Clifton Hampden Parish Councils plan to implement them.

3.4.13 The relevant policies within the Draft Neighbourhood Plan are as follows:

- BCH6 Design Principles in Clifton Hampden;
- BCH8 Green Infrastructure; and
- BCH9 Local Landscape Character.

3.4.14 Notwithstanding the aforementioned policies only having limited weight at this stage, the Scheme accords with the general requirements contained within them in my opinion.

Draft Sutton Courtenay Neighbourhood Plan [CD G.9]

3.4.15 The Sutton Courtenay Neighbourhood Plan area was formally designated on 27 January 2017. Sutton Courtenay Parish Council has produced a Draft Neighbourhood Plan which is currently in the examination process. The Draft Plan therefore carries limited weight in the determination of the Planning Application.

3.4.16 The relevant policies within the Draft Neighbourhood Plan are as follows:

- SC10 Design, heritage and setting
- SC2 Landscape character and value
- SC15 Sustainable construction and infrastructure.

3.4.17 Notwithstanding that these policies have limited weight at this stage, the Scheme accords with the general requirements contained within them in my opinion.

Oxfordshire County Council Local Transport and Connectivity Plan 2022-2050 ('LTCP') [CD G.4]

3.4.18 The LTCP was agreed by Full Council in July 2022. The Scheme conforms with the Science Vale Area Strategy, which was published in support of the LTCP, including the following policy numbers:

- SV 2.1 Upgrade the cycle network and undertake maintenance on the existing network;
- SV 2.2 Secure new bus services with associated infrastructure and improve existing bus services;
- SV 2.6 Deliver the Science Bridge and widening of A4130;
- SV 2.13 Improve access to Culham Science Centre;
- SV 2.16 Deliver the Didcot to Culham river crossing; and
- SV2.21 and SV 2.22 Provide strategic cycle network to encourage the use of sustainable transport.

3.4.19 John Disley confirms within paragraph 2.1 of his evidence that the Scheme complies with the LTCP. Furthermore, Mr Disley makes the following comments within the final five paragraphs of the 'Summary and Conclusion' section of his evidence:

'My proof has demonstrated that the Scheme delivers high-quality road, walking, cycling and public transport infrastructure, which is necessary to support housing and employment growth and which, in turn, is supported by the development plans in the area and national policy.'

My proof also shows that the Scheme is fundamental to enabling modal shift to active travel including walking and cycling. It highlights the critical role that the Scheme is expected to play in supporting the ongoing success of the bus network and that the Scheme is needed to support new and enhanced public transport services in the area.'

My proof has also demonstrated how the Scheme (including the methodology employed in the transport modelling for the Scheme) is based upon an overall 'decide and provide' approach, complying with the Plan and policies updated since the LTCP was adopted.

I note that the LPA proposed reason for refusal 8 is no longer pursued, which accords with my evidence.

I have concluded by demonstrating that the Scheme is not in conflict with the LTCP policies or position as set out in objections to and call-in representations on the Scheme.'

Joint South Oxfordshire and VoWH Design Guide SPD adopted 2022 [CD G.13]

- 3.4.20 The Design Guide SPD was adopted in June 2022 and is listed as a material consideration within the July 2023 Committee report [CD F.1]. In line with my conclusions under the heading 'Design and Layout' above, the Scheme accords with policies and guidance, including this SPD, which seek to ensure high quality design.

Didcot Garden Town Delivery Plan 2017 [CD G.6]

- 3.4.21 This SPD is associated with Core Policy 16b of the adopted VoWHLP, which itself relates to the Didcot Garden Town, an allocation encompassing Didcot and the neighbouring parishes. The Delivery Plan for the Garden Town aims to deliver many thousands of new homes and jobs in the area³. Parts of the Didcot Garden Town are located adjacent to the southern section of the HIF1 route, to the north-west of Didcot.
- 3.4.22 In these ways, the Scheme is consistent with the objectives of the Didcot Garden Town Delivery Plan.

3.5 Conclusion

- 3.5.1 In this section of my evidence I have shown that, whilst the Scheme is not wholly consistent with specific development plan policies relating to landscape and visual impact matters, it is nevertheless consistent with the development plan when taken as a whole.
- 3.5.2 I have also shown that the Scheme is consistent with relevant draft Neighbourhood Plans and other relevant local policy documents as listed above, all of which are material considerations.
- 3.5.3 It is also critical for me to assess whether the Scheme is consistent with national policies in the NPPF, particularly chapter 5 ('Delivering a sufficient supply of homes'), chapter 6 ('Building a strong, competitive economy') and chapter 13 ('Protecting Green Belt land').
- 3.5.4 I address chapters 5 and 6 of the NPPF in Section 6 of my proof of evidence, but first, in Sections 4 and 5 of my proof, I assess the Scheme against Chapter 13 of the NPPF, firstly in relation to paragraph 155 and then in relation to paragraphs 152 and 153. This requires me to assess the Scheme in terms of its Green Belt harm and its benefits, before coming to a conclusion as to whether the benefits clearly outweigh the harm, such that very special circumstances exist to justify planning permission being granted.

³ Please refer to Aron Wisdom's evidence, which contains more detail on the residential and employment growth associated with the Scheme.

4 NPPF Paragraph 155 c) Case

4.1 Introduction

- 4.1.1 In this section of my evidence, I provide my professional assessment as to whether the proposed Scheme is capable of support under criterion c) of NPPF paragraph 155⁴, whereby:

'Certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are:

...

c) local transport infrastructure which can demonstrate a requirement for a Green Belt location;

...'

- 4.1.2 Paragraph 7.3.5 of the Planning Statement [CD A.4] states:

'The Proposed Development is a local transport scheme under the TCPA 1990 and the majority of the land has been allocated within the Development Plan under SOLP Policy TRANS3 and VoWHLP Core Policy 17. Whilst consideration was given to a number of route alignments it is not possible to avoid the Green Belt as the wider area between Didcot and Culham is within the Green Belt. As such, the Proposed Development is considered to be 'local transport infrastructure which can demonstrate a requirement for a Green Belt location'. Further information on the route options can be viewed in the OAR and Chapter 3 of the ES submitted with this planning application.'

- 4.1.3 The preceding paragraphs within the Planning Statement provide the author's assessment of the Scheme in relation to the five Green Belt purposes, and openness. The findings from that assessment are summarised within paragraph 7.3.20 of the Planning Statement, reproduced in full below for ease of reference:

'In summary, the Proposed Development will conflict [with] Green Belt purposes C (encroachment into the countryside) and D (preserve the setting and character of historic towns) and will not fully preserve the openness of the Green Belt. As such the Proposed Development is considered inappropriate development and is by definition harmful to the Green Belt. Very Special Circumstances are therefore required to outweigh the harm to the Green Belt (NPPF [sic] Paragraphs 143-144).'

- 4.1.4 Having carefully reviewed the Planning Statement, I do not feel able to readily agree with the conclusion reached in paragraph 7.3.20. The reasons are because, in my professional opinion:

- I do not agree that encroachment into the countryside automatically renders the proposal 'inappropriate'.
- NPPF paragraph 155 c) does not require exempted forms of development to 'fully' preserve the openness of the Green Belt. The mere existence of criterion c) means that it must be possible for some development to come forward within the Green Belt which, by extension, means that a degree of impact on openness can be tolerated.

⁴ In this section of my evidence I refer to the latest paragraph numbering which features in the version of the NPPF that was published on 19 December 2023. The various extracts from the Planning Statement and appeal decisions that I highlight refer to paragraph numbering from now-superseded versions of the NPPF. For instance, the Planning Statement refers to NPPF paragraph 150 c), which has become paragraph 155 c) in the December 2023 version of the NPPF.

4.1.5 I feel able to disagree with the content of the Planning Statement referred to above because the Planning Statement was drafted by a different firm in 2021, whereas I was not approached until August 2023, with my formal instruction following in October 2023.

4.1.6 I now go on to consider whether, in my professional planning opinion, the Scheme is capable of support under the terms of NPPF paragraph 155 c). Before I do so, I identify the amount of Green Belt land take associated with the proposed Scheme.

4.2 Green Belt land requirement

4.2.1 The following tables quantify the amount of Green Belt land that is required for the Scheme, firstly within South Oxfordshire district and Vale of White Horse district, each considered separately, and then across both districts considered collectively.

4.2.2 The tables are broken down into the following elements:

- Permanent land – the footprint of the HIF1 development (the highway itself; associated infrastructure such as bridges and roundabouts; and embankments and landscape works).
- Temporary land – land that is directly required for construction, such as: contractor compounds, working areas, and so on.
- Planning Application red line boundary – the land area within the Planning Application boundary is greater than the sum of the permanent and temporary land take. The reason is because the red line boundary encompasses land that is needed for access rights associated with potential drainage outfalls, utilities diversions and so on.

4.2.3 A plan is provided within my Appendix BG2.2 which graphically shows the relationship between the Scheme and the various elements referred to above (Green Belt, safeguarded land, temporary land take, permanent land take and the red line Planning Application boundary).

Land requirement within South Oxfordshire

4.2.4 The following table shows the amount of Green Belt land that is required for the Scheme, within South Oxfordshire:

Table 4.1 Scheme – Land Requirement Within South Oxfordshire

	Total Land (hectares)	% of planning red line boundary	Land within the Green Belt (hectares)	% of planning red line boundary	Land within HIF 1 highways safeguarded area (hectares)	% of planning red line boundary
Permanent land take	34.46	57.74	24.81	41.57	24.52	41.09
Temporary land take	14.97	25.08	7.78	13.04	6.44	10.79
Planning red line boundary	59.68	100	38.04	63.74	38.59	64.66

4.2.5 The table shows that just under 64 per cent of the land required for the section of the Scheme that falls within South Oxfordshire district is within the Green Belt. Most of the 38 hectares or so of Green Belt land in South Oxfordshire that is required for the Scheme is safeguarded for such use within the adopted Local Plan, but the safeguarded land figure within the table is slightly higher than the Green Belt figure because some of the land that is safeguarded for the Scheme has already been formally removed from the Green Belt.

Land requirement within Vale of White Horse

4.2.6 The next table shows the amount of Green Belt land that is required for the Scheme, this time within Vale of White Horse:

Table 4.2 Scheme – Land Requirement Within Vale of White Horse

	Total Land (hectares)	% of planning red line boundary	Land within the Green Belt (hectares)	% of planning red line boundary	Land within HIF 1 highways safeguarded area (hectares)	% of planning red line boundary
Permanent land take	44.45	46.43	0	0	23.86	24.92
Temporary land take	44.23	46.2	0	0	20.55	21.46
Planning red line boundary	95.74	100	0	0	46.19	48.25

4.2.7 The table confirms that none of the land within Vale of White Horse district that is required for the Scheme is within the Green Belt. Just under half of the land required for the Scheme is safeguarded for such use within the adopted Local Plan.

Overall land requirement

4.2.8 The following table quantifies the amount of Green Belt land that is required for the Scheme across both South Oxfordshire and Vale of White Horse:

Table 4.3 Scheme – Overall Land Requirement

	Total Land (hectares)	% of planning red line boundary	Land within the Green Belt (hectares)	% of planning red line boundary	Land within HIF 1 highways safeguarded area (hectares)	% of planning red line boundary
Permanent land take	78.91	50.77	24.81	15.96	48.38	31.13
Temporary land take	59.24	38.11	7.78	5	26.99	17.36
Planning red line boundary	155.43	100	38.04	24.47	84.78	54.54

4.2.9 The table shows that less than one quarter of the land required for the proposed Scheme, when considered as a whole across both districts, is located within the Green Belt. The table also shows that just over half of the land required for the Scheme, across both districts, is safeguarded for such use within the adopted development plan.

4.2.10 The Green Belt land requirement is lower when land that is only required on a permanent basis is taken into account but, for the purposes of my evidence, I focus on the overall Green Belt land requirement including both permanent and temporary land take.

4.2.11 Based on the figures highlighted above and the overall land requirement (that is, without 'stripping out' land that is required on a temporary basis), the reduction in Green Belt land is as follows:

- Within South Oxfordshire, the 38.04 hectares of Green Belt land required for the Scheme equates to 0.25 per cent of the total amount of Green Belt land across the district (15,075.95 hectares⁵).
- As I have highlighted, none of the land within Vale of White Horse district that is required for the Scheme is within the Green Belt. Consequently, the Scheme will not result in the loss of any of the 8,087.96 hectares of Green Belt land within Vale of White Horse.
- The 38.04 hectares of Green Belt land required for the Scheme equates to 0.16 per cent of the total amount of Green Belt land across the two districts (23,158.91 hectares).

⁵ This figure, and other Green Belt land area figures which follow, were provided to me in December 2023 by Alex Gillott, 'Senior GIS consultant - Geospatial, Digital Environment' at AECOM. Mr Gillott sourced the figures from <https://www.data.gov.uk/dataset/ccb505e0-67a8-4ace-b294-19a3cbff4861/english-local-authority-green-belt-dataset>.

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- The Green Belt land required for the Scheme equates to 0.11 per cent of the total amount of land within the Oxford Green Belt (34,167.51 hectares).

4.2.12 The Scheme will therefore result in a very small-scale reduction in Green Belt land when considered at the individual district level. The greatest impact at district level is one quarter of one per cent (South Oxfordshire) and in Vale of White Horse there is no impact. When considered across both districts collectively, and in terms of the overall Oxford Green Belt, the reduction in Green Belt land is lower still.

4.3 My assessment of the Scheme against NPPF paragraph 155 c)

4.3.1 I have conducted initial research regarding how Planning Inspectors (and, in the Hinxton decision, the Secretary of State) have interpreted the term 'local transport infrastructure', to determine which types of schemes have been supported. I provide my findings regarding various appeal decisions below, in reverse chronological order, and I then draw out the implications from the decisions insofar as they provide a steer regarding assessment of the Scheme. I use the shorthand 'IR' followed by a number to denote salient paragraph numbers within the relevant Inspector's Report (for instance, 'IR100' would refer to paragraph 100 from the Inspector's Report that I am referring to).

Land At Heathrow North Service Station, Shepiston Lane, Hayes⁶ (November 2021)

4.3.2 An Inspector stated in this appeal decision (provided as my Appendix BG2.3a) that a proposed electric vehicle charging station '*would provide transport-related infrastructure in the form of ten EV charging units in an immediate area not well served by the fastest public EV charging points. Whilst the source and nature of the energy provided by the charging units may differ from that provided by fuel pumps at a conventional PFS they are essentially similar in purpose. Neither party has robustly or comprehensively demonstrated how the proposal falls within the Framework's description of 'local transport infrastructure' as opposed to merely being infrastructure related to transport.*' [IR13] The Inspector went on to state [IR12] that: '*Even if I were to conclude that the proposed EV charging station could satisfactorily be considered as 'local transport infrastructure' however, the Framework states that a requirement for a Green Belt location must be demonstrated.*'

Dog Inn, Henley Road, Mappleborough Green B80 7DR⁷, August 2021

4.3.3 The Inspector stated in this appeal decision (provided as my Appendix BG2.3b): '*The development comprises the erection of a 1 x 4 metre high column with an automatic number plate recognition (ANPR) camera and associated cabinet. It is understood that the ANPR camera functions for the private benefit of the Dog Inn and is of limited utility to the wider public transport network... Consequently, I cannot conclude that it is local transport infrastructure, and it would not fall within Paragraph 150 c) of the Framework.*' [IR12]

Secretary of State decision ref. APP/W0530/W/18/3210008, Whittlesford, Hinxton, 9th April 2020

4.3.4 This decision (provided as my Appendix BG2.3c) relates to an appeal by Smithsonhill Limited against South Cambridgeshire District Council's refusal of an application seeking planning permission for:

'an AgriTech technology park comprising up to 112,000 m² (gross) employment floorspace, supporting infrastructure, amenities and landscape works including publicly accessible informal open space, enhancements to parkland, vehicle and cycle parking, service areas, bus/cycle interchange on land west of the A1301/ north of A505, and

⁶ Appeal ref. APP/R5510/W/21/3279160.

⁷ Appeal Ref: APP/J3720/W/21/3267947.

infrastructure works including new vehicular accesses, highway improvement works, pedestrian and cycle links with bridge crossings over A1301/A505 and River Cam, site re-profiling, drainage works, foul and water pumping stations and primary electricity sub station, telecommunications infrastructure and other associated works in accordance with application ref: S/4099/17/OL.'

4.3.5 The appeal Inspector had stated in paragraph 87 of his decision that:

*'The term "local transport infrastructure" is not defined in the Framework. The word "local" before transport infrastructure must qualify the term in a meaningful way. **The term means transport infrastructure which is delivered to meet a public need within a local area, as distinct from infrastructure to serve the future needs of a new single private development.** If the position were to be to the contrary, then it would follow that any form of private development would, in principle, be entitled to introduce into the Green Belt transport and access related infrastructure to serve that development. When introducing the reference to "local transport infrastructure" into the NPPF 2012, the Secretary of State, in his Impact Assessment (CD59), stated that in addition to park and ride schemes **other local transport infrastructure schemes could be beneficial to communities in the Green Belt**, including for example, infrastructure to support more public transport, such as opening new routes, providing bus shelters and small public transport interchanges.'*

[My emphases added]

4.3.6 Paragraph 13 of the Secretary of State's decision stated:

*'The part of the proposal to take place in the Green Belt includes the bus/cycle interchange and pedestrian/cycle connections along with part of the proposed bridge. The Secretary of State has carefully considered the Inspector's assessment of the proposals impact on the Green Belt at IR320-331 and he considers that the transport infrastructure would provide useful connections for general public use. He further agrees with the Inspector at IR326 that **it would be very difficult to achieve the transport infrastructure works without using Green Belt land.** The Secretary of State agrees with the Inspector (IR326) that **the interchange works are local transport infrastructure that would require a Green Belt location.**'*

[My emphases added]

4.3.7 Paragraph 13 of the Secretary of State's decision continued as follows:

*'The Secretary of State agrees with the Inspector at IR327 that the transport infrastructure would erode the open feel of this part of the Green Belt in special and visual terms and would harm openness. He further agrees with the Inspector at IR328 that the works would have an urbanising influence on this part of the open countryside and that the proposal would, to some extent, conflict with the purpose of the Green Belt to assist in safeguarding the countryside from encroachment. However, he agrees with the Inspector (IR329) that **the local transport infrastructure proposed in the Green Belt would not by reason of its nature and scale be sufficient to exceed the threshold set out at paragraph 146 of the Framework.** As such he concludes that **the exception for local transport infrastructure would apply, and that the proposed development would therefore not be inappropriate development in the Green Belt.** As such the Secretary of State concludes that **the proposal would not result in harm to the Green Belt, and there would be no conflict with local or national Green Belt policy.**'*

[My emphases added]

4.3.8 The Secretary of State went on to consider the proposed development against a range of factors, and ultimately decided to dismiss the appeal for various reasons including the overall

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- development's 'substantial significance' on the character and appearance of the area; the loss of 33 hectares of best and most versatile agricultural land; and harm to nearby heritage assets.
- 4.3.9 Nevertheless, whilst the overall proposal was dismissed, the bus/cycle interchange and pedestrian/cycle connections along with part of the proposed bridge were accepted as representing 'local transport infrastructure' [Secretary of State, paragraph 13]. Moreover, the local transport infrastructure component of the Scheme was deemed to be 'not inappropriate development' [Inspector, paragraphs 89 and 159], which confirms that it is possible to successfully advance a case for such facilities in Green Belt locations. By definition, that possibility must be available given the existence of the exemption within NPPF paragraph 155 c).
- 4.3.10 The Hinxtton decision reveals that, so far as the Secretary of State is concerned, 'local transport infrastructure' is infrastructure which is 'beneficial to communities' in that it would address an existing deficiency or requirement within the local community. Such facilities would therefore not include infrastructure which is to serve the future needs of a new single private development.

Land North East of Junction 37(M) of the A1(M) Motorway, Marr Roundabout, Doncaster⁸, July 2019

- 4.3.11 This appeal decision (provided as my Appendix BG2.3d) relates to the construction of a new motorway service area ('MSA'). The Secretary of State agreed (paragraph 12) with the Inspector's reasoning within IR187-190 and the Inspector's conclusion within IR188 that '*MSAs are aimed at providing services for drivers on the strategic road network and are not aimed at catering for the needs of drivers on the local highway network.*' In reaching his view, the Inspector had regard to the appeal decision relating to the Cobham MSA on the M25 (ref. APP/K3605/W/17/3187505) but pronounced that: '*that proposal was for additional HGV parking within an existing MSA...I do not find it directly comparable such that it leads me to a different conclusion.*'

Cobham Motorway Service Station, Cobham, Elmridge⁹, February 2016

- 4.3.12 In this decision (provided as my Appendix BG2.3e), an Inspector determined that additional HGV parking at a MSA serving the M25 was 'local transport infrastructure' which served a local public purpose. The Inspector stated [IR9]: '*I consider that the proposal would constitute a local transport infrastructure facility, supporting a local geographic need, albeit that would support various journeys including many that are not local trips. Given that it would also address a potential safety issue in a publicly accessible and generally heavily used facility, I consider that there are sound reasons in the wider public interest for the provision of the additional parking facility in this location.*'

Ouchthorpe Lane, Fieldhead, Wakefield¹⁰, January 2016

- 4.3.13 In this appeal decision (provided as my Appendix BG2.3f), an Inspector found that a private access road to serve a residential development was not 'local transport infrastructure' within the meaning of the 2012 NPPF because '*it [the private access road] would not represent such a form of development, as it would be included under engineering operations and the government's intentions indicated by the Impact Assessment for the Framework do not include an access road for a limited number of houses within the examples given of this type of development.*' [IR10]

⁸ Appeal ref. APP/F4410/W/18/3197290.

⁹ Appeal ref. APP/K3605/W/17/3187505.

¹⁰ Appeal ref. APP/X4725/W/14/3001702.

Pembroke Avenue, Denny End Industrial Estate, Waterbeach, Cambridge, Cambridgeshire¹¹, February 2015

- 4.3.14 A private car park to serve an industrial estate was found not to be 'local transport infrastructure', with the Inspector observing [IR9] that there must be 'public interest for local transport infrastructure'. In this decision (provided as my Appendix BG2.3g), the Inspector considered that 'local transport infrastructure' means *'those physical assets which enable people and goods to move about efficiently'* [IR8], and he also referred in the same paragraph to *'facilities necessary to support communities and sustainable development through the movement and circulation of people and goods by various transport modes.'* The Inspector then concluded [IR9] that *'I am not persuaded that local transport infrastructure at paragraph 90 of the Framework would include a private surface car park to meet the needs of an individual business.'*

Land North of Berry Hill Purification Works, Throop, Bournemouth¹², October 2014

- 4.3.15 In this decision relating to a proposal for an access track to an existing water treatment works (provided as my Appendix BG2.3h), an Inspector noted [IR10]: *'The main parties agree that the proposed development constitutes '...local transport infrastructure requiring a Green Belt location and involves engineering works'. Both local transport infrastructure and engineering works are among the exceptions listed in the Framework. (It is a nice point as to whether the track, which would be a private road not open to the public, comprises local transport infrastructure or another form of engineering operation. Since the Framework applies the same criteria to both forms of development, however, this is not a matter that need concern me).'*

Application for the Grade Separation of Junction 10A Serving the M1¹³ (October 2013)

- 4.3.16 Regarding a proposal for the grade separation of a junction serving the M1 motorway, an Examining Authority in its report of findings and conclusions and recommendation to the Secretary of State for Transport (provided as my Appendix BG2.3i) stated: *'This scheme's objectives are all local and the improvements must be undertaken at and around the existing junction which lies in the Green Belt. Consequently I regard the Scheme as a prime example of local transport infrastructure and accordingly it would not be inappropriate in the Green Belt.'*

Application for the Proposed M54 to M6 Link Road Development Consent Order¹⁴ (April 2022)

- 4.3.17 Within paragraphs 73 to 76 of the Secretary of State's decision (provided as my Appendix BG2.3j) endorsing the recommendation of the Examining Inspectors (provided as my Appendix BG2.3k) regarding an application for a Development Consent Order for the M6 to M54 link road¹⁵ – a Nationally Significant Infrastructure Project – the Secretary of State agreed that a proposal for a new length of motorway running through the Green Belt, for which there is a clear need in the national interest, did not fall within the predecessor of paragraph 150 c) of the NPPF (now paragraph 155 c), as of 19 December 2023). The reasoning of the Examining

¹¹ Appeal ref. APP/W0530/A/14/2228347.

¹² Appeal ref. APP/C1245/A/14/2221524.

¹³ This decision followed an examination regarding the application made by Luton Borough Council for the 'M1 Junction 10a (Grade Separation) Order 2013' under sections 37, 114, 115, 117(4), 120 and 122 of the Planning Act 2008. The front page of the Department for Transport's decision, dated 30 October 2013, contained the reference 'TWA 8/1/5'.

¹⁴ This decision followed an examination into the application made by Highways England for the 'M54 to M6 Link Road Development Consent Order' under section 37 of the Planning Act 2008 as amended. The front page of the Department for Transport's decision, dated 21 April 2022 did not contain a reference.

¹⁵ The decision ([TR010054-001200-Decision Letter - M54 to M6 Link Road.pdf \(planninginspectorate.gov.uk\)](#)) of the Department is dated 21st April 2022, endorsing the recommendation dated 21st July 2021 at paragraphs 8.6.2 to 8.6.4 and 15.3.22 of the examiners' report.

Inspectors' report was that, whilst the new length of motorway was transport infrastructure, it related to the strategic road network and therefore could not amount to 'local transport infrastructure'¹⁶.

Implications for the Scheme

4.3.18 In my assessment, the following principles may be derived from the appeal decisions referred to above:

- The term 'local' should be given meaning. In other words, if the infrastructure is to meet a national need such as a motorway service area on the strategic road network, it is unlikely to qualify as 'local transport infrastructure' for the purposes of NPPF paragraph 155 c). I note that the Inspector and the Secretary of State both considered that a motorway service area fell outside the scope of the definition for this reason as part of their determination of appeal reference APP/F4410/W/18/319790, Land North East of Junction 37(M) of the A1(M) Motorway, Marr Roundabout, Doncaster.
- The foregoing principle is further endorsed within the Secretary of State's decision regarding an application for the M6 to M54 link road, whereby the Secretary of State agreed that a proposal for a new length of motorway running through the Green Belt, for which there is a clear need in the national interest, did not fall within the predecessor of paragraph 150 c) of the NPPF (now paragraph 155 c), as of 19 December 2023).
- Equally, development to serve private interests alone is likely to fall outside of the definition. In the appeal concerning Land at Ouchthorpe Lane, Fieldhead, Wakefield, the Inspector found that a private access road fell outside of the definition and, in relation to the appeal concerning the Dog Inn, Henley Road, Mappleborough Green, an Inspector found that an ANPR camera and apparatus were for the private benefit of the owner of the pub and therefore fell outside of the definition.
- Development does not have to be small-scale to fall within the definition. Indeed, within the Hinxtion decision, the Inspector cited the Secretary of State's own impact assessment in relation to the exemption which stated that it was intended to encompass facilities such as park and ride developments, new transport routes, bus shelters and small public transport interchanges. It is therefore clear that relatively large projects including new transport routes and structures or buildings of some sort are capable of falling within the scope of paragraph 155 c).

4.3.19 Furthermore, in relation to both paragraph 155 c) and other developments which are specified within the NPPF as not being inappropriate (provided they preserve the openness of the Green Belt and the purposes of including land within it), it is important to note that they should be interpreted in a way which permits the intended development. In other words, paragraph 155 c) must mean that some level of operational development which amounts to 'local transport infrastructure' is within the scope of paragraph 155 c) in a way which does not, for the purpose of the paragraph, harm openness or conflict with the purposes of including land within the Green Belt. Beyond that 'level', development would become inappropriate but the 'level' cannot be set at a nil or zero effect upon the openness of the Green Belt. This is referred to by the Inspector and the Secretary of State in the Hinxtion decision as the 'paragraph 146 threshold'. In today's terminology, that would translate as the 'paragraph 155 threshold'; I am mindful that the substance of the paragraph has not changed with the publication of the new NPPF in December 2023.

4.3.20 In the light of the foregoing, I consider that the Scheme clearly falls within the scope of paragraph 155 c). The Scheme will provide a new transport route which is of local, rather than national, significance. Whilst the Scheme will open up land for development that will be delivered by private companies, it will not serve private interests alone (as in the Wakefield and Mappleborough Green cases, for instance). Instead, the Scheme will be accessible to the public at large – as opposed to being directly related to a particular private sector development

¹⁶ Paragraph 8.6.5.

proposal – and it will deliver widespread public benefits, including improved route choice and alleviation of traffic congestion.

- 4.3.21 Furthermore, the land required for the Scheme is safeguarded in the adopted Vale of White Horse Local Plan as well as the adopted South Oxfordshire Local Plan. The type and extent of infrastructure involved is recognised in each Local Plan. Accordingly, it has already been accepted that the Scheme can come forward using the route safeguarded within the adopted development plan without causing unacceptable harm to the Green Belt. In addition, I note that only the part of the Scheme to the north of the river Thames is located within the Green Belt and so it is that section which is relevant in paragraph 155 c) terms, rather than the entire route.
- 4.3.22 In terms of the second limb of paragraph 155 c), paragraph 280 of the officer report to the July meeting of the Planning and Regulation Committee confirmed that a Green Belt location is required. I reproduce paragraph 280 of the report in full, below, for ease of reference:

*'The River Thames Crossing and the Clifton Hampden Bypass form a fundamental component of planned growth in South Oxfordshire as set out in the SOLP and land is safeguarded within the Green Belt to support its delivery. The development would mitigate some of the effects of housing and employment development in the Science Vale Area and is designed to improve connection between Didcot and Culham which are separated by areas of Green Belt. Therefore, **all reasonable alternative routes connecting Didcot and Culham would need to travel through designated Green Belt. Similarly, Clifton Hampden Village is surrounded by Green Belt, therefore all reasonable alternative routes for the proposed Bypass that enables travel between major roads would need to travel through designated Green Belt.** Through policies TRANS1B and TRANS3 the SOLP acknowledges that a Green Belt location is required for the delivery of the proposed development. **It is therefore concluded that the proposed development does represent 'local transport infrastructure which can demonstrate a requirement for a Green Belt location' within the terms of paragraph 150 of the NPPF.***

[My emphases added]

- 4.3.23 Paragraph 282 of the July 2023 officer report then noted that the Scheme will introduce a river crossing, new road infrastructure and associated structures such as bus stops, lighting and road junctions, and it stated that the development would be visible from Clifton Hampton and the Culham Science Centre, with the impact on those views said to be significantly adverse. Against that background, the same paragraph then stated: *'...it is difficult to conclude other than that the road would fail to preserve openness...'*
- 4.3.24 I do not agree that, if the impact on certain views is significantly adverse, it automatically follows that the Scheme would fail to preserve openness. I have also drawn attention to the fact that paragraph 155 c) of the NPPF does not require exempted forms of development to 'fully' preserve the openness of the Green Belt. The existence of criterion c) means that it must be possible for some development to come forward within the Green Belt which, by extension, means that a degree of impact on openness can be tolerated. Furthermore, whilst the northern section of the Scheme involves a bridge crossing, most of it will be an at-grade road and, as I highlighted above, it is clear from the Hinxtton Secretary of State decision that relatively large projects including new transport routes and structures or buildings of some sort are capable of falling within the scope of paragraph 155 c).
- 4.3.25 Additionally, for the reasons outlined in paragraph 4.2.12 above, the Green Belt land take which the Scheme requires is small-scale when considered at the overall district level, and in terms of the overall Oxford Green Belt, and so my professional opinion is that the Scheme preserves the openness of the Green Belt.
- 4.3.26 For similar reasons to those outlined above, I also do not agree with the content of paragraph 283 of the officer report to the July 2023 committee meeting, which relied on the content of the Planning Statement. Given that local transport infrastructure is expressly acceptable under

NPPF paragraph 155 c), it inevitably follows that ‘encroachment’ cannot be a valid consideration for such development located within the Green Belt, in the way it would be for forms of development that are classed as ‘inappropriate’ in NPPF terms. I therefore do not agree that there is any conflict with the third Green Belt purpose. To put it another way, given the likelihood of paragraph 155 c) local transport infrastructure being in the countryside, it cannot be right that some encroachment on its own will be sufficient to disapply paragraph 155 c), and any other approach would render paragraph 155 c) so narrow as to be useless/self-defeating. I also do not agree that there is any conflict with the fourth Green Belt purpose (‘to preserve the setting and special character of historic towns’).

4.3.27 Regarding the latter point, above, paragraph 7.3.10 of the Planning Statement [CD A.4] (relied on by LPA officers in paragraph 283 of their report to the Planning & Regulation Committee meeting on 27 September 2023 [CD F.5]), provided the author’s view that there is conflict with the fourth Green Belt purpose concerning historic towns by reference to *‘minor and less than substantial harm’* to the Nuneham Courtenay and Clifton Hampden Conservation Areas. I do not agree, for the following reasons:

- Nuneham Courtenay and Clifton Hampden are not ‘towns’. Nuneham Courtenay is a landed estate with park and garden and transplanted village, and Clifton Hampden is a village.
- Whilst I do not regard Nuneham Courtenay and Clifton Hampden as relevant to consideration of the fourth Green Belt purpose, because they are clearly not ‘historic towns’, Dr Scott highlights in her Heritage Technical Note (which forms my Appendix BG2.4) that:
 - Regarding Nuneham Courtenay Conservation Area, the EIA found that the construction related impact of the Scheme is: *‘negligible...resulting in a slight permanent adverse effect which is not EIA significant’*, with the impact at the operational stage assessed as *‘a slight adverse effect and permanent, which is not EIA significant.’* Dr Scott’s Heritage Note also finds that, in NPPF terms, *‘...this Scheme results in ‘less than substantial harm at the low end of this scale.’*
 - In relation to Clifton Hampden Conservation Area, the EIA found that the impact at the construction stage is: *‘...a minor impact, resulting in a slight adverse effect, which is not EIA significant. This effect will be of temporary duration, until the planting for screening proposed in the Landscape Masterplan (CD D.152) has matured. After this point the impact will reduce to negligible, resulting in a neutral effect, which is not EIA significant.’* Dr Scott’s Heritage Note highlights that the impact of the operation of the Scheme is *‘assessed as negligible, which results in a slight beneficial effect to the conservation area and the listed building it contains. This is not EIA significant.’* Dr Scott’s Heritage Note also states: *‘...it is considered that this Scheme results in ‘less than substantial harm’ at the low end of this [NPPF] scale’* and that the operation of the Scheme *‘will enhance understanding of the conservation area’s significance as a rural settlement. This will allow for greater appreciation of its architectural and historic interests, including those of its listed buildings.’*
- Thus, the Scheme’s impacts on the two conservation areas have been expertly assessed as ‘slight adverse’ at worst. In the case of Clifton Hampden, the overall effect – relying on the content of Dr Scott’s Heritage Technical Note – could be described as positive.
- There does not appear to be a large body of guidance on what constitutes an ‘historic town’, but I am aware of a Local Government Association/Planning Advisory Service publication (dated February 2015), entitled ‘Planning on the Doorstep: The Big Issues – Green Belt’, which I provide as my Appendix BG2.5. Page 7 of that document provides the following comment in relation to the fourth Green Belt purpose (‘to preserve the setting and special character of historic towns’): ***‘This purpose is generally accepted as relating to very few settlements in practice. In most towns there already are more recent developments between the historic core, and the countryside between the edge of the town.’*** [My emphasis added].
- I am also aware of another document (provided as my Appendix BG2.6) which states as follows at paragraph 1.2: ***‘There are six historic towns within England which have a Green Belt whose primary purpose is to safeguard their special character and setting.’*** [My emphasis added]. It is clear from the content of the report, which is simply entitled ‘Matter

3: Green Belt' and is available to view on the City of York Council's website, that it relates to the York Local Plan. The document does not appear to say what the remainder of the 'six historic towns' are whose purpose is to safeguard their special character, but I would expect them to have similar characteristics to York.

- My reasoning set out within the last bullet point, above, appears to be supported by the following statement within paragraph 4.37 of a Historic England document entitled 'The Sustainable Growth of Cathedral Cities and Historic Towns' (dated October 2014 and provided as my Appendix BG2.7), which I reproduce in full below for ease of reference:

'The principal planning mechanism to achieve urban containment and prevent sprawl is Green Belt, a designation on a map having an inner boundary at or close to the urban edge and an outer boundary at some distance beyond, with very strict controls over the types of development allowable in the designated area. The National Planning Policy Framework reaffirms (paragraph 80) longstanding policy that Green Belt serves five purposes:

- *to check the unrestricted sprawl of large built-up areas;*
- *to prevent neighbouring towns merging into one another;*
- *to assist in safeguarding the countryside from encroachment;*
- *to preserve the setting and special character of historic towns; and*
- *to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.'*

*The fourth of those purposes was an important consideration in the designation of Green Belts around cities such as **Bath, York, Chester, Oxford and Cambridge.**'*

[My emphasis added]

- 4.3.28 For all of the reasons outlined above, I am of the opinion that the Scheme falls within the terms of paragraph 155 c) of the NPPF. The approach taken by both the Inspector and the Secretary of State in the Hinxton decision are instructive in setting out the key considerations to be taken into account in such cases.
- 4.3.29 Notwithstanding my position set out above, however, I acknowledge that paragraph 155 c) is not completely clear as to the extent to which the openness of the Green Belt must be preserved whilst still enabling the physical construction of local transport infrastructure schemes within the Green Belt. I also recognise that Members of the Planning and Regulation Committee were advised on two occasions (July and September 2023) that despite the fact that the Scheme comprises local transport infrastructure which requires a Green Belt location, it would harm openness and conflict with its purposes and is, therefore, inappropriate development in the Green Belt and so very special circumstances must therefore exist that outweigh harm to the Green Belt and any other harm if the development is to be policy compliant.
- 4.3.30 I also accept that the Inspector and/or the Secretary of State could potentially conclude that the Scheme may be considered as 'inappropriate development' in NPPF terms, despite the acknowledgement within paragraph 155 c) that local transport infrastructure in Green Belt locations can be acceptable. In Sections 5 and 6 of my proof, I therefore assess whether there are other considerations which clearly outweigh the potential harm caused to the Green Belt by way of inappropriateness, and any other harm arising from the Scheme, and whether those other considerations constitute very special circumstances.

5 NPPF Paragraphs 152-153: Harm to the Green Belt and Any Other Harm

5.1 Introduction

5.1.1 In this section and in Section 6 which follows, I assess the Scheme in relation to paragraphs 152 and 153 of the NPPF. As I described at the end of Section 4, this section is written on the assumption that the Secretary of State disagrees with my findings earlier in Section 4 and considers the Scheme to constitute inappropriate development in the Green Belt.

5.1.2 In this Section 5, I assess harm caused to the Green Belt and any other harm arising from the Scheme. In Section 6, I then describe the benefits arising from the Scheme and show how the extent of those benefits clearly outweighs the level of harm caused by the Scheme and constitutes the 'very special circumstances' required to justify permission being granted for inappropriate development in the Green Belt.

5.2 Harm to the Green Belt

Impact on Openness

5.2.1 Paragraph 142 of the NPPF states that the fundamental aim of the Green Belt is to '*prevent urban sprawl by keeping land permanently open.*' The paragraph also states that '*the essential characteristics of Green Belts are their openness and their permanence.*'

5.2.2 The VSC case would therefore normally need to assess the Scheme's impact on the openness of the Green Belt as well as its function in preventing urban sprawl. It is generally considered that the key matters which need to be considered as part of the exercise are the spatial and visual aspects of the Green Belt openness, as confirmed by the Planning Practice Guidance ('PPG'), which advises (Paragraph: 001 Reference ID: 64-001-20190722) that '*openness is capable of having both spatial and visual aspects.*' The same paragraph of the PPG goes on to state that openness can be affected by '*the duration of the development, and its remediability, taking into account any provisions to return land to its original state or to an equivalent (or improved) state of openness; and the degree of activity likely to be generated, such as traffic generation.*'

5.2.3 In terms of the visual aspect, the Planning Statement [CD A.4] states that the main visual harm to the Green Belt results from the proposed bridge across the river Thames. The Planning Statement also states that the impact of this part of the Scheme on the openness of the Green Belt is '*considered to be minimal as it follows existing highways and is adjacent existing development. Tree planting is also proposed within this area of the Scheme around Clifton Hampden to help screen it in views from the village.*'

5.2.4 Regarding the spatial aspect of openness, there is no guidance or definition on how this should be assessed or considered. The Planning Statement states that the river Thames crossing up to the A415 will have an adverse impact on the spatial element of the Green Belt as this is open countryside with minimal existing development (sporadic built development and the Cherwell Valley Railway Line are located within the vicinity of the Scheme).

5.2.5 In relation to permanence, the Planning Statement confirms that while there will be a permanent loss of Green Belt land where the new infrastructure is proposed, the proposal incorporates measures to return all land used for temporary purposes to its previous condition or incorporate changes that have a beneficial landscape impact or provide biodiversity net gain.

5.2.6 As I explained in Section 4 of my evidence, less than one quarter of the land required for the Scheme, when considered as a whole across both districts, is located within the Green Belt. Furthermore, the Green Belt land required for the Scheme equates to just 0.25 per cent of the total amount of Green Belt land within South Oxfordshire, with none of the land within Vale of White Horse that is required for the Scheme being within the Green Belt, and consequently the Green Belt land required for the Scheme equates to 0.16 per cent of the total amount of Green

Belt land across the two districts, and 0.11 per cent of the total amount of land within the Oxford Green Belt. I regard those percentage impacts as very small-scale.

- 5.2.7 For the reasons summarised above, my assessment is that the Scheme preserves the openness of the Green Belt.

Impact on the Purposes of the Green Belt

- 5.2.8 The second step in considering the harm to the Green Belt is assessing the Scheme against the five purposes of the Green Belt, as outlined within NPPF paragraph 143 and reproduced below for ease of reference:

- a. *'to check the unrestricted sprawl of large built-up areas;*
- b. *to prevent neighbouring towns merging into one another;*
- c. *to assist in safeguarding the countryside from encroachment;*
- d. *to preserve the setting and special character of historic towns; and*
- e. *to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.'*

- 5.2.9 As part of the plan-making process, SODC assessed the Oxford Green Belt to consider its functionality in relation to the five purposes outlined above. The Scheme extent falls within Broad Areas 6 and 8 as defined by the Oxford Green Belt Study (2015), which found that Broad Area 6 makes no contribution to the first purpose, a low contribution to the second purpose, and high contributions to the third and fourth purposes. Broad Area 8 was adjudged to make no contribution to the first Green Belt purpose, a low contribution to the second and fourth purposes, and a high contribution to the third purpose. The Green Belt Study did not consider the fifth purpose.

- 5.2.10 Furthermore, the 'Green Belt Assessment of Strategic Sites in South Oxfordshire' report, dated December 2018, states in relation to Parcel 8 (relevant to the Scheme route) that the harm to the Green Belt resulting from the allocations coming forward will be low-moderate, to moderate-high, but that circumstances exist to justify such harm.

- 5.2.11 Paragraphs 7.3.13 to 7.3.29 of the Planning Statement consider the potential harm to the five purposes of the Green Belt. In summary, those paragraphs state that the Scheme does not conflict with purposes a), b) and e), but they conclude that the Scheme would conflict with purpose c) by virtue of the proposal's linear encroachment into the countryside. Regarding purpose d), the Planning Statement confirms that the Scheme extent is located in the vicinity of two Conservation Areas; the 'Cultural Heritage' section of the Environmental Statement ('ES') concludes that there would be a slight adverse impact on one of the Conservation Areas, albeit this impact is not considered to be significant.

- 5.2.12 For the avoidance of doubt, I note that the wording highlighted in the preceding paragraph merely describes the position that AECOM took, which was reflected within the officer reports to the Planning & Regulation Committee meetings of July and September 2023 [CD F.1 and CD F.5]. In contrast, my professional view is that there is no conflict with the Green Belt purposes, for the reasons that I outline within Section 4 of my proof.

Conclusion: Harm to the Green Belt

- 5.2.13 As I concluded within Section 4 of my proof, my position is that the Scheme preserves the openness of the Green Belt and does not conflict with the Green Belt purposes set out within the NPPF.

5.2.14 I acknowledge that the Secretary of State might disagree and take the view that the Scheme will result in some permanent and unavoidable harm to the openness of the Green Belt, and/or the development will conflict to a degree with some of the five purposes of including land within the Green Belt. In that scenario, paragraph 153 of the NPPF requires that such harm should be afforded substantial weight in the overall planning balance. The Scheme is, however, a key piece of transport infrastructure that is critical to the delivery of the growth requirements set out within the adopted SOLP and the adopted VoWHLP, and the majority of the route is 'safeguarded land' that has been earmarked for this specific development. The safeguarded route has been tested at the examinations of both Local Plans, and therefore the principle of some harm to the Green Belt to accommodate the Scheme in this location is firmly established and supported within adopted development plan policy.

5.2.15 Furthermore, as is also required by paragraph 153 of the NPPF, any harm to the Green Belt caused by proposed development has to be assessed alongside other considerations which may outweigh such harm, such as the benefits arising from the development. In Section 6 of my proof, I describe the benefits which will be secured from the Scheme and show how the extent of those benefits clearly outweighs the level of harm caused and constitutes the 'very special circumstances' required to justify permission being granted for inappropriate development in the Green Belt.

5.3 Any Other Harm

5.3.1 The consideration of 'any other harm' requires an analysis of all other relevant technical considerations and applies to the entirety of the Scheme route, not only the part of the route that is within the designated Green Belt. The following topics are important in determining the extent of 'any other harm' that could arise as a result of the Scheme.

Cultural Heritage

5.3.2 The Heritage Technical Note of AECOM's Dr Gillian Scott, which is provided as my Appendix BG2.4, sets out Dr Scott's findings in relation to various heritage assets, as follows:

- Regarding Nuneham Courtenay Conservation Area, the EIA (as reported within the ES Addendum [CD B.1]) found that the construction related impact of the Scheme is: *'negligible...resulting in a slight permanent adverse effect which is not EIA significant'*, with the impact at the operational stage assessed as *'a slight adverse effect and permanent, which is not EIA significant.'* Dr Scott's Heritage Technical Note also finds (paragraph 2.33) that, in NPPF terms, *'...this Scheme results in 'less than substantial' harm at the low end of this scale.'*
- In relation to Clifton Hampden Conservation Area, the EIA found that the impact at the construction stage is: *'...a minor impact, resulting in a slight adverse effect, which is not EIA significant. This effect will be of temporary duration, until the planting for screening proposed in the Landscape Masterplan (CD D.152) has matured. After this point the impact will reduce to negligible, resulting in a neutral effect, which is not EIA significant.'* Dr Scott's Heritage Technical Note highlights that the impact of the operation of the Scheme is *'assessed as negligible, which results in a slight beneficial effect to the conservation area and the listed building it contains. This is not EIA significant.'* Dr Scott's Heritage Technical Note also states (paragraph 2.45) that: *'...it is considered that this Scheme results in 'less than substantial harm' at the low end of this [NPPF] scale'* and, within paragraph 2.46, that the operation of the Scheme *'will enhance understanding of the conservation area's significance as a rural settlement. This will allow for greater appreciation of its architectural and historic interests, including those of its listed buildings.'*
- Thus, the Scheme's impacts on the two conservation areas have been expertly assessed by Dr Scott as 'slight adverse' at worst. In the case of Clifton Hampden, the overall effect – relying on the content of Dr Scott's Heritage Note – could be described as positive.
- In terms of impacts on other heritage assets, Dr Scott assesses them as either 'neutral' or 'no harm', and any harmful effects are assessed as 'negligible' or 'slight adverse'.

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- Within paragraph 2.13 of her Heritage Technical Note, Dr Scott identifies a beneficial impact in relation to the grade II listed Elm Hayes at Main Road in Appleford, which I highlighted below:
 - *'As a 17th century cottage aligned gable-end to the road this reduction is unlikely to be a considerable change to the asset's setting, but it may result in some heritage benefit through better understanding of the asset as a rural vernacular cottage. The perception of this change in the setting of Elm Hayes is considered to be of negligible benefit to this asset of high value, resulting in a slight beneficial significance of effect, which is not EIA significant.'*

Landscape and Visual Impact

5.3.3 As I explained within my Section 3, Jane Ash reaches the following conclusions in relation to landscape and visual effects within Section 7 of her evidence:

- Jane Ash finds, in paragraph 7.4, that *'...there will be no permanent significant landscape effects beyond those at the Site level, which are considered to be inevitable from the change in land use.'*
- In her Table 7.1, Jane Ash summarises the likely landscape effects at year 15, when the proposed mitigation planting described in her evidence will have established and matured, and finds that the residual effect on landscape will be 'moderate adverse'.
- Jane Ash summarises the likely visual effects at year 15 in relation to 11 receptors, and finds that, in most cases (nine), the residual effect on visual will be 'moderate adverse', with the residual effect on the remaining two receptors described as 'large adverse'.
- In paragraph 7.10, Jane Ash finds as follows: *'I consider that the Scheme would respond positively to the guidance for the Green Belt through new woodland planting and the proposed landscape design, such that the pertinent matter is the predicted effects at year 15, to account for the proposed mitigation.'*
- In her Table 7.3, Jane Ash summarises the likely landscape effects within the Green Belt at year 15, when the proposed mitigation planting described in her evidence will have established and matured, and finds that the residual effect will be 'moderate adverse'.
- In her Table 7.4, Jane Ash summarises the likely visual effects within the Green Belt at year 15, and finds that the residual effect will be 'moderate adverse (significant)' in relation to seven receptors, and 'large adverse (significant)' in relation to two receptors.
- Jane Ash finds as follows within her paragraph 7.18: *'...whilst there would be harm to the Green Belt in respect of landscape and visual matters in respect of NPPF purposes b, c and d, this harm would be localised, to a relatively small part of the overall extent of the Green Belt. The level of harm in respect of NPPF Green Belt purposes would range between low and moderate.'*

5.3.4 Thus, whilst the Scheme will result in some significant adverse landscape and visual effects, the acceptability of the effects has been established by the adopted planning policies which safeguard the land for highway development (SOLP Policy TRANS3 and VoWHLP Core Policy 18). It will not be possible to provide a highway scheme in a rural context without some significant adverse landscape and visual effects.

Biodiversity

5.3.5 The findings of the biodiversity chapter of the ES [CD A.15 Chapter 9 and CD B.1 Annex 5] identified a cumulative slight adverse impact on six individual ecological receptors. This impact is not considered to be significant, subject to appropriate mitigation measures being implemented. Furthermore, as I highlighted within my Section 4, Professor Wade of AECOM concludes as follows within Section 5 of his proof:

'The combination of the Landscape and Biodiversity Management Plan, Outline Environmental Management Plan and the Construction Environmental Management

Plan will ensure that enhancements to biodiversity designed into the Scheme along with measures to avoid, mitigate and compensate biodiversity features will be implemented and that a minimum biodiversity net gain of 10% will be attained.”

Noise and Vibration

5.3.6 In relation to noise and vibration, the ES considers a wide range of receptors and concludes that, during operation, the proposal will result in minor, moderate, or major impacts on 181 dwellings, of which 38 dwellings would experience noise levels above the ‘significant observed adverse effect level’ (**SOAEL**). Furthermore, the ES finds that 15 properties would experience potentially significant impacts from vibration during the construction phase.

5.3.7 As I highlighted within Section 3 of my proof, however, Andy Pagett of AECOM concludes as follows within paragraphs 4.17 to 4.19 of his proof:

‘4.17 Overall, it is my professional opinion that within the context of sustainable development, adequate mitigation has been provided to avoid significant adverse effects, mitigate and minimise adverse effects, and contribute to the improvement of health and quality of life. Considerably more properties are expected to avoid existing exceedances of the SOAEL, than are expected to experience new exceedances of the SOAEL due to the Scheme. Considerably more properties are expected to experience a decrease in road traffic noise levels than an increase, with the Scheme in place. Therefore, it is my professional opinion that the requirements of the NPSE and NPPF have been met..

4.18 I have explained how Vale of White Horse District Council’s Development Policy 23, and South Oxfordshire District Council’s Policies ENV12 and DE6 align with the first aim of the NPSE, to avoid significant adverse effects on health and quality of life. I have explained how the Scheme meets this aim, and therefore I consider the requirements of these policies have also been met. I have explained how, as appropriate scheme of mitigation measures, within the context of sustainable development, has been provided, and no areas where additional mitigation would be appropriate have been identified, the Scheme meets the requirements of Vale of White Horse District Council’s Development Policy 25.

4.19 In summary, I have explained how the EIA has shown that the Scheme is expected to result in considerably more beneficial and significant beneficial effects, than adverse and significant adverse effects. Considering both national and local planning policy, I have also set how, within the context of sustainable development, adequate mitigation has been provided, and that the requirements of both national and local planning policies have been met.’

5.3.8 Thus, Mr Pagett concludes that there is no conflict with the development plan, or with national policy, in terms of noise and vibration. I accept Mr Pagett’s expert assessment.

Drainage and the Water Environment

5.3.9 The Flood Risk Assessment (**FRA**) concludes that flood risk to the Scheme from fluvial, tidal, surface water, artificial sources, drainage infrastructure and groundwater is low, with mitigation in place. A number of embedded mitigation measures have been incorporated into the Scheme as detailed within the Drainage Strategy [CD A.12] and the FRA [CD A.17 Appendix 14.1] and, as such, no significant adverse effects on the water environment have been predicted to occur during construction and operation of the Scheme.

Climate Change

5.3.10 The ES concludes that the impact of the Scheme on climate change due to greenhouse gas emissions during construction will be minor adverse, and therefore not significant. During

operation, the vulnerability of the Scheme to climate change will be minor to moderate adverse, and therefore not significant.

- 5.3.11 Also relevant in this regard is the evidence of Chris Lansburgh of AECOM, in respect of climate change. Mr Lansburgh concludes as follows within paragraph 4.19 of his evidence:

'My conclusion is that the Applicant's case should be preferred and that the Representations and Objections based on Climate are without merit and do not give rise to any reason not to make the Orders as sought, and do not give any reason to refuse planning permission.'

Transport

- 5.3.12 The ES confirms that, during the construction phase, there will be a negligible effect in terms of driver delay, accidents, safety and on public transport users, and that the effect is therefore not significant. No harmful effects are identified at the operational phase, with all identified effects assessed as being positive.

Conclusion: Any Other Harm

- 5.3.13 The ES and associated technical reports and studies identify and assess the potential environmental effects of the Scheme. Whilst some effects are characterised as being significant in the short term and/or on a temporary basis, in the majority of cases the harmful effects of the Scheme can be reduced through proposed mitigation, and so there are relatively limited significant harmful effects that will be permanent in the longer term.
- 5.3.14 Even with proposed mitigation, though, the ES concludes that there will be some residual significant adverse effects in relation to landscape and visual impact. These harmful effects need to be weighed against the benefits of the Scheme, which I discuss in the next section of my proof, where I show how the extent of those benefits clearly outweighs the level of harm caused and constitutes the 'very special circumstances' required to justify permission being granted for inappropriate development in the Green Belt.

6 Benefits of the Scheme and Very Special Circumstances

6.1 Introduction

- 6.1.1 In this section of my proof, I assess the extent and significance of the benefits associated with the Scheme. In doing so, it is appropriate to address Call-In Matters a) and b).
- 6.1.2 In this section, I also cross refer to Section 12 ('Scheme Benefits') of Aron Wisdom's proof.
- 6.1.3 I then review both the level of harm caused by the Scheme, based on my findings in Section 5, and its benefits. I show that the benefits clearly and significantly outweigh the harm and that, taken together, all of these benefits constitute the 'very special circumstances' required to justify approval of the Scheme in the context of paragraphs 152 and 153 of the NPPF.

6.2 Housing Growth (Call-In Matter a)

- 6.2.1 Call-In Matter a), as identified within the Secretary of State's call-in letter of 25 July 2023, is:

'The extent to which the proposed development is consistent with Government policies for delivering a sufficient supply of homes as set out in the NPPF (Chapter 5).'

- 6.2.2 Paragraph 60 of the NPPF states that:

'To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay. The overall aim should be to meet as much of an area's identified housing need as possible, including with an appropriate mix of housing types for the local community.'

- 6.2.3 Paragraph 61 of the NPPF then goes on to say that:

'To determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning guidance. The outcome of the standard method is an advisory starting-point for establishing a housing requirement for the area (see paragraph 67 below). There may be exceptional circumstances, including relating to the particular demographic characteristics of an area which justify an alternative approach to assessing housing need; in which case the alternative approach should also reflect current and future demographic trends and market signals. In addition to the local housing need figure, any needs that cannot be met within neighbouring areas should also be taken into account in establishing the amount of housing to be planned for.'

- 6.2.4 Paragraph 74 of the NPPF advises that:

'The supply of large numbers of new homes can often be best achieved through planning for larger scale development, such as new settlements or significant extensions to existing villages and towns, provided they are well located and designed, and supported by the necessary infrastructure and facilities (including a genuine choice of transport modes). Working with the support of their communities, and with other authorities if appropriate, strategic policy-making authorities should identify suitable locations for such development where this can help to meet identified needs in a sustainable way. In doing so, they should:

- a) *consider the opportunities presented by existing or planned investment in infrastructure, the area's economic potential and the scope for net environmental gains;*

b) ensure that their size and location will support a sustainable community, with sufficient access to services and employment opportunities within the development itself (without expecting an unrealistic level of self-containment), or in larger towns to which there is good access;

c) set clear expectations for the quality of the places to be created and how this can be maintained (such as by following Garden City principles); and ensure that appropriate tools such as masterplans and design guides or codes are used to secure a variety of well-designed and beautiful homes to meet the needs of different groups in the community;

d) make a realistic assessment of likely rates of delivery, given the lead- in times for large scale sites, and identify opportunities for supporting rapid implementation (such as through joint ventures or locally-led development corporations); and

e) consider whether it is appropriate to establish Green Belt around or adjoining new developments of significant size.'

- 6.2.5 Policy STRAT2 of the adopted South Oxfordshire Local Plan ('SOLP') sets out the overall housing requirement within that district, which is 23,550 new homes over the plan period to 2035. The SOLP states that this growth is to be delivered in accordance with the spatial strategy described within Policy STRAT1, which includes: *'Focusing major new development in Science Vale including significant growth at Didcot Garden Town and Culham so that this area can play an enhanced role in providing homes, jobs and services with improved transport connectivity'*.
- 6.2.6 Policy STRAT3 of the SOLP refers to the development of Didcot Garden Town and states, amongst other things, that: *'Significant infrastructure improvements are committed to under policy TRANS1B Supporting Strategic Transport Infrastructure Investment. Infrastructure will need to be in place to enable sites allocated in the Local Plan in and around Didcot to be delivered'*.
- 6.2.7 Policy TRANS1B of the SOLP identifies the strategic transport infrastructure that is required to deliver growth, which includes: *'the development and delivery of a new Thames River crossing between Culham and Didcot Garden Town, the A4130 widening and road safety improvements from the A34 Milton Interchange to Didcot, a Science Bridge over the A4130 and railway into the former Didcot A power station site and the Clifton Hampden Bypass'*.
- 6.2.8 Land is safeguarded under SOLP Policy TRANS3 for the delivery of the strategic infrastructure listed within Policy TRANS1B. The safeguarded land includes land along the A4130 to the north of Didcot, the proposed route of the Didcot to Culham river crossing where it falls within South Oxfordshire District (to the north of the river Thames), land to the south of the Culham Science Centre, and land along the proposed route of the Clifton Hampden Bypass.
- 6.2.9 Core Policy 4 of the adopted Vale of White Horse Local Plan ('VoWHLP') Part 1 and Core Policy 4a of the VoWHLP Part 2 set out the requirement for 22,760 homes to be delivered over the plan period with that district, of which at least 11,850 homes are to be delivered in the Science Vale area (Core Policy 5 of the VoWHLP Part 1).
- 6.2.10 Core Policy 17 of the VoWHLP Part 1 identifies the strategic highway improvements that are required to deliver the planned growth in the South East Vale Sub Area. Those improvements include: Science Bridge and A4130 re-rerouting through the Didcot A site; A4130 dualling between Milton Interchange and Science Bridge; and a new strategic road connection between the A415 east of Abingdon-on-Thames and the A4130 north of Didcot, which includes a new crossing of the river Thames.
- 6.2.11 Land to deliver the aforementioned schemes is safeguarded under Core Policy 18 of the VoWHLP Part 1 and Core Policy 18a of the VoWHLP Part 2. The Scheme largely follows the safeguarded route as set out on the Proposals Map for the VoWHLP, other than the section

between Appleford Sidings and the river Thames where it takes a route further west, increasing the distance between Appleford and the Scheme route beyond that safeguarded in the plan.

- 6.2.12 The Scheme is therefore critical to the successful delivery of the planned new housing growth in both South Oxfordshire and Vale of White Horse, as advocated within Chapter 5 of the NPPF. In its response to the Planning Application (see pages 134-145 of the July 2023 Committee report, CD F.1), SODC stated that the Scheme is essential for the delivery of around 3,500 new homes adjacent to Culham Science Centre (Policy STRAT9 SOLP) and 1,700 new homes at Berinsfield Garden Village (Policy STRAT10 SOLP). The proposed infrastructure will also support more than 6,000 homes that have or will be delivered in Didcot between 2011 and 2035. VoWH District Council has similarly stated [CD F.1, pages 125-134] that the Scheme will support housing developments at East of Sutton Courtenay, Milton Heights, Valley Park and North West of Valley Park.
- 6.2.13 The Scheme will enable site allocations STRAT8, STRAT9 and STRAT10 of the SOLP to be delivered, which are part of a wider highway strategy to support housing growth in the wider Didcot Garden Town area. The Delivery Plan for the Didcot Garden Town [CD G.6] aims to deliver many thousands of new homes and jobs in the area¹⁷. The Scheme will unlock and support the delivery of these jobs and homes, including significant provision of affordable housing.
- 6.2.14 The Planning Inspector who examined the SOLP highlighted in paragraph 214 of his report that *'The success of the Housing Infrastructure Fund bid will bring about early delivery of a new crossing of the River Thames between Culham and Didcot, a bypass of Clifton Hampden, capacity enhancements to the A4130, and a new 'Science Bridge', which will enable [site allocations] STRAT8, STRAT9 and STRAT10 to proceed. They are part of a wider highway strategy to support the delivery of housing growth in the wider Didcot Garden Town area and to mitigate the impact of existing, approved and allocated developments.'*
- 6.2.15 Without the Scheme, the planned housing and employment growth referred to above is unlikely to be delivered and therefore the Scheme is fully consistent with the NPPF and necessary to secure the delivery of a sufficient supply of homes as required by Government policy.
- 6.2.16 My position described above is supported by Section 12 of Aron Wisdom's evidence, where he concludes as follows, under the heading 'Delivering and Accelerating New Homes':

'The Scheme will unlock and accelerate significant housing development together with ensuring the security and future investment in economic growth for both Science Vale and wider Oxfordshire. It will enable the delivery of housing where people want to live and ensure the co-location of housing with key employment locations.'

The Scheme supports significant housing growth and key policies in both VWHDC and SODC local plans, directly unlocking the potential to develop circa 15,825 homes in the Didcot Garden Town area, including circa 6,000 affordable homes. Further, the Scheme ensures the continued development of substantial employment areas, contributing to the delivery of high value jobs, securing local and national economic growth and further enhancing the attractiveness of Science Vale Area as an exciting and well planned place to live and work.

Whilst each individual component of the Scheme has its own benefits, only with all four components working together can the full benefits be realised. For example, whilst the A4130 provides direct access to the Valley Park housing site (and is required to contribute towards the infrastructure), it is also reliant on the other three components of the Scheme to mitigate traffic travelling north. Equally, given the A4130 provides direct access to the A34 and, together with the Didcot Science Bridge, enhanced access along this corridor will discourage new residents in, say, North East Didcot (see Figure 3) from

¹⁷ Please refer to Aron Wisdom's evidence, which contains more detail on the residential and employment growth associated with the Scheme.

taking alternative routes due to congestion, thereby reducing through traffic in small villages. This is a similar scenario across the full length of the Scheme. Therefore, sites without planning permission in the area are unlikely to be able to come forward without increased capacity across the network. It is, therefore, difficult to deliver elements in isolation without compromising on the Scheme's benefits.'

- 6.2.17 Within paragraphs 12.59 and 15.27 of his evidence, Mr Wisdom reiterates the scale of growth that will be facilitated by the Scheme, reflecting my paragraph 6.2.12 above:

'To conclude, the benefits, as set out above, are considerable. They far outweigh any disbenefits. The Scheme will unlock 15,825 new homes and support many more new homes and jobs in the VOWHDC and SODC areas with many of the future strategic development sites in the vicinity of Didcot Garden Town having direct access from the Scheme (Berinsfield Garden Village aside).'

6.3 Economic/Employment Growth (Call-In Matter b)

- 6.3.1 Call-In Matter b), as identified within the Secretary of State's call-in letter of 25 July 2023, is:

'The extent to which the proposed development is consistent with Government policies for building a strong, competitive economy as set out in the NPPF (Chapter 6).'

- 6.3.2 Paragraph 85 of the NPPF states:

'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, and in areas with high levels of productivity, which should be able to capitalise on their performance and potential.'

- 6.3.3 Paragraph 86 of the NPPF then goes on to say that planning policies should:

'a) set out a clear economic vision and strategy which positively and proactively encourages sustainable economic growth, having regard to Local Industrial Strategies and other local policies for economic development and regeneration;

b) set criteria, or identify strategic sites, for local and inward investment to match the strategy and to meet anticipated needs over the plan period;

c) seek to address potential barriers to investment, such as inadequate infrastructure, services or housing, or a poor environment; and

d) be flexible enough to accommodate needs not anticipated in the plan, allow for new and flexible working practices (such as live-work accommodation), and to enable a rapid response to changes in economic circumstances.'

- 6.3.4 SOLP Policy EMP1 states that, to facilitate the provision of additional office, manufacturing and distribution jobs between 2011 and 2035, a minimum requirement of 39.1 hectares of employment land will be provided. Core Policy 6 of the VoWHLP Part 1 sets a requirement to deliver 218 hectares of employment land, of which 208 hectares are allocated within the South East Vale Sub Area (Core Policy 15).

- 6.3.5 The Scheme is essential to enable jobs growth and the delivery of various employment sites to support the economic and social prosperity of Science Vale UK, including two enterprise zones. The area is home to one of the largest science-based research and knowledge clusters in

western Europe, based around Harwell (space sector), the Culham Science Centre (nuclear fusion) and Milton Park (life sciences). These sites are subject to significant public and private investment and generate thousands of jobs, and they are linked to the housing growth described above that will be unlocked by the Scheme, and which is necessary to support the employment allocations at Culham Science Centre, Didcot and Berinsfield in South Oxfordshire, and Didcot Power Station, Harwell Campus and Milton Park in the VoWH.

- 6.3.6 Thus, the Scheme enables the sort of employment growth in innovative, global leading sectors in the Science Vale which is referred to by paragraph 85 of the NPPF, as I set out above.
- 6.3.7 Furthermore, the three approved Outline Business Cases [CD H.6 e) Appendix 5] state that the Scheme *'is the cornerstone of the Science Vale transport strategy and helps to support employment and growth ambitions in neighbouring Oxford City. It will benefit a large swathe of Oxfordshire residents that are required to travel from or into the Science Vale area for work, shopping and leisure. The funding awarded will transform Didcot and the surrounding areas and will help deliver the Garden Town aspirations by forward funding essential highway infrastructure, which includes substantial improvements to pedestrian and cycle connectivity, and will help to facilitate new and enhanced bus services.'*
- 6.3.8 The HIF Business Case [CD H.6 e) Appendix 5], submitted to Homes England by the Acquiring Authority in 2019, identified that Didcot is a key centre of growth for enterprise locally and has been designated as a Garden Town growth area. The HIF Business Case also recognised the existing constraints on the highway network in Didcot. The HIF Business Case considered that, if left unresolved, these issues could pose significant barriers to the growth and prosperity of the region. Therefore, in order to support growth in Science Vale, the HIF Business Case explained that improvements are required to the transport network to enhance access to the area.
- 6.3.9 Further details of the Scheme's benefits in respect of commercial and employment matters are set out within Section 12 of Aron Wisdom's proof under the heading 'Commercial, employment and wider benefits'. In particular, Mr Wisdom describes the benefits of 'clustering' of innovative, like-minded employers and he concludes within paragraph 12.63 as follows:

'The Scheme will assist current and future employment sites by providing additional highway capacity as well as pedestrian, cycle, bus and rail improvements. This will assist "clustering" approach so crucial in the high-tech sector. The Scheme will also support the already allocated Enterprise Zones which will generate business rates for the local authority to invest back into the local area.'

- 6.3.10 For the reasons outlined above, the Scheme is entirely consistent with Government policy and is essential to building a strong, competitive economy as set out within Chapter 6 of the NPPF.

6.4 Highways and Transport

- 6.4.1 Extensive benefits arise from the Scheme in respect of highways and transport. Those benefits are described within the proofs of Aron Wisdom and John Disley but I also draw here on key extracts from the Applicant's Statement of Case [CD L.1], as follows.

Scheme Objectives

- 6.4.2 As described within Section 4 of the Statement of Case, the objectives of the Scheme have been defined as part of work detailed in the Access to Science Vale Option Assessment Report Part 1, Option Assessment Report Part 2 and the successful Housing Infrastructure Fund bid. Section 3: Development of Scheme Objectives of the submitted Didcot Garden Town HIF1 Option Assessment Report sets the agreed scheme objectives, based on the assessment of contextual factors, challenges and the underlying policy context. The objectives of the Scheme are presented within the table below and the Didcot Garden Town HIF1 Option Assessment Report.

Objectives	Theme	Objective Description	Relevance against the scheme	Source
Objective 1	Support housing development	Unlock the delivery of 11,711 additional homes in the Didcot Garden Town area, and more across Science Vale	Improve accessibility across Science Vale between new developments and key employment sites, whilst addressing existing congestion issues	HIF Bid
Objective 2		Support the delivery of 4,847 affordable homes in the Didcot Garden Town area in support of the Housing Growth Deal, and more across Science Vale		HIF Bid
Objective 3		Ensure the impact of additional housing on the transport network is acceptable and associated impacts on the transport network are adequately mitigated.	Increased transport capacity will help mitigate the impact of proposed development across Science Vale	HIF Bid
Objective 4	Support economic growth	Ensure the impact of employment growth on the transport network is acceptable and associated impacts on the transport network are adequately mitigated.	Increased transport capacity will help mitigate the impact of proposed employment growth across Science Vale	<i>New objective</i>
Objective 5		Unlock Commercial space at key employment sites across Science Vale, including D-Tech and Culham Science Centre	Additional capacity (both private and public transport) to employment sites and improved accessibility, in particular to Science Vale and key employment sites	HIF Bid
Objective 6	Future-proofing	Provision of a flexible transport network to cope with future uncertainties and opportunities	Improved resilience to changes in travel patterns)	Access to Science Vale OAR Part 2 (August 2019)
Objective 7	Sustainable Travel	Minimise the need to travel and where travel is necessary promote sustainable modes of transport	Improved public transport capacity and sustainable developments would improve air quality Improved active travel facilities across Science Vale	<i>New objective</i>
Objective 8		Minimise carbon emissions and other pollution such as water, air, noise and light, and increase resilience to the likely impact of climate change, especially flooding.		<i>New objective</i>

Meeting the Scheme Objectives

- 6.4.3 As described within Section 5 of the Statement of Case, the Scheme achieves all of the Scheme Objectives set out in the above table. The Scheme is designed to improve access to future housing and employment growth in the local area, including access by walking, cycling and public transport. The Scheme is policy backed and is the cornerstone of mitigation for the planned growth in the area. The Scheme does not aim to provide unlimited highway capacity for cars, or to remove all congestion; it forms part of a balanced transport strategy, which also provides high-quality walking and cycling infrastructure, helping to engender modal shift to more sustainable modes.
- 6.4.4 The Scheme will help to relieve pressure on local transport networks and will facilitate economic growth across the Science Vale area whilst accommodating the expanding communities in the local area. The provision of walking and cycling facilities offers real mode choice for work and leisure, helping to encourage modal shift. Improving local roads and providing new roads will lead to more reliable journey times, less congestion, more job opportunities, and better community links.
- 6.4.5 The Scheme both directly delivers and indirectly enables a significant number of new and/or improved walking and cycling routes in the area. The provision of additional and improved non-motorised user ('**NMU**') routes and crossing points will help to reduce the existing severance caused by the Great Western Mainline and the river Thames. Connections to public rights of way will be provided, and safe access to and from new bus stops, which will help to engender modal shift away from the private motor car, particularly for commuting purposes for employment and education, but also for important access to amenities such as retail and healthcare, and for leisure trips. The potential future NMU schemes that could link to the Scheme may be delivered by the Council, housing or employment developers, or other bodies. There may be other schemes identified through the planning application processes for other developments, or through the Didcot Local Cycling and Walking Infrastructure Plan [CD G.4.1], which is currently being prepared.
- 6.4.6 Transport journey time data has been extracted from the Paramics model as detailed within Chapter 16 of the Environmental Statement submitted for the Scheme (16.10: Assessment of likely significant effects) [CD A.15]. This assesses a number of routes, as shown by Figure 12 on page 30 of the Statement of Case. The Scheme will result in significant reductions in journey time across the network, as presented by Figure 13 on page 30 of the Statement of Case.
- 6.4.7 The Scheme will significantly reduce journey time and/or improve journey time reliability for existing, altered, or new bus services and timetabling. In addition to improved journey time reliability, the Scheme provides 18 new bus stops, which will increase the accessibility and catchment of the existing, amended and new bus services in this area, enabling modal shift to public transport and active travel modes.
- 6.4.8 The A4130 Widening element of the Scheme includes upgrading the existing single carriageway road to dual carriageway standard, with adjacent but segregated walking and cycling infrastructure. This NMU provision will be key to encourage active modes of transport, particularly to access the recently reopened Backhill Lane Tunnel to Milton Park Enterprise Zone and schools located in the new residential development sites. Equally, it will provide enhanced NMU provision and bus facilities, in part, from areas in the west to Didcot Town Centre and Didcot Parkway railway station. The A4130 Widening element will provide direct access and capacity for two strategic housing sites, known as North West Valley Park and Land to the West of Great Western Park, and the Didcot Growth Accelerator Enterprise Zone, allocated in the Vale of White Horse District Council Local Plan 2031, as well as improved access to and from the Strategic Road Network.
- 6.4.9 The Didcot Science Bridge will reduce severance by providing another access point over the Great Western Mainline, including for pedestrians and cyclists. The bridge will provide an alternative route for through traffic by improving the route (Northern Perimeter Road) around the town of Didcot, and it will reduce congestion at Great Western Park junctions, Manor Bridge

and Power Station roundabouts. The Didcot Science Bridge will also enhance access to allocated development sites at Valley Park and the former Dicot A Power Station.

- 6.4.10 The Didcot to Culham River Crossing element of the Scheme will alleviate the current severe transport impacts on the existing bridges at Sutton Courtenay/Culham and Clifton Hampden, whilst providing a new direct link across the river Thames, including for pedestrians and cyclists. This element of the Scheme increases capacity for north/south movements across southern Oxfordshire and reduces pressure on the A34, whilst increasing network resilience across the Thames floodplain.
- 6.4.11 The Didcot to Culham River Crossing will also improve network resilience at periods of flooding, thereby enhance access between Didcot and Culham Science Centre and further afield to Oxford (in conjunction with the Clifton Hampden Bypass), including new and direct pedestrian and cyclist links. This will enable direct active travel links between new homes at Culham and employment at Milton Park/Harwell campus via existing rights of way and other committed infrastructure proposals. Furthermore, this section of the Scheme directly serves as an access junction for the development of 3,500 allocated new homes to the north of the A415, known as Land adjacent to Culham Science Centre, and supports other development in the wider area. The Didcot to Culham River Crossing also improves access to Culham Science Centre, delivering improved connectivity for employees and visitors. This is not only for cars, as this section includes high-quality, off-carriageway pedestrian and cycle facilities along its full length, making commuting by cycle attractive between existing and future housing in Didcot to a major employment area at Culham Science Centre. The Didcot sites will also be provided with a high-quality direct link to Culham, Abingdon, and an alternative route to Oxford, avoiding the congested A34.
- 6.4.12 The Clifton Hampden Bypass element of the Scheme provides relief to historic congestion within Clifton Hampden village and enables further development at the Culham Science Village and Berinsfield Local Plan allocations, as well as commercial development at Culham Science Centre. Additionally, given the success of the Science Vale area, residential developments to the east of Oxford – known as Land at Berinsfield, Land South of Grenoble Road, Land at Northfields and Land North of Bayswater Brook (allocated in South Oxfordshire District Council Local Plan 2034) – are also reliant on the Clifton Hampden Bypass and Didcot to Culham River Crossing.
- 6.4.13 The points referred to above also means that the Scheme is required for Oxford City Council's unmet housing need (often quoted as the least affordable area of the UK relative to wages), largely via allocated sites to the east of Oxford City Centre as detailed within the South Oxfordshire District Council Local Plan and the Vale of White Horse Local Plan Parts 1 and 2. In addition, the Clifton Hampden Bypass element of the Scheme will provide enhanced NMU provision and access to Culham Science Centre (facilitating access to the countryside), including creating the environment for enhanced bus services to existing and additional locations including to housing and employment areas in east Oxford. The same element will also create an improved environment in Clifton Hampden itself by removing standing traffic and therefore improving the noise and air quality conditions. The Environmental Statement submitted for the Scheme identifies these improvements within Figure 10.6 of Chapter 10 (Noise and Vibration) and Table 6.15 of Chapter 6 (Air Quality) [CD A.15].
- 6.4.14 It is evident that the Scheme provides a strategic solution to enhance the connectivity between key existing and allocated housing and employment growth areas, which will enable and foster innovation, research and development in the Science Vale area. Science Vale serves a cluster of innovative, high technology, research and development industries across South Oxfordshire District and Vale of White Horse District, and it is one of the anchors of the Oxfordshire Knowledge Spine. Science Vale has strong ties with Oxford University, one of the world's leading academic institutions, and contains two of the UK's leading science research centres at Culham and Harwell.

Benefits

6.4.15 In addition to meeting the six identified objectives, the Scheme will also provide additional benefits for Didcot, surrounding villages and the Science Vale. Whilst there may be elements of overlap with the Scheme objectives, the benefits – highlighted below – are clearly significant:

- reducing traffic flow and associated congestion from surrounding historic parishes will enhance the local environment by improving air quality and reducing noise, creating more heathy liveable streets;
- upholding Didcot Garden Town ('DGT') status by reducing traffic flow and associated congestion through the Town Centre, aiding in the DGT Central Corridor vision to be implemented. This is detailed further within Section 5.1.4 ('a new movement pattern') and Chapter 5 ('The infrastructure needed to support the garden town') of the DGT Delivery Plan;
- enabling surrounding villages to implement traffic calming measures such as Low Traffic Neighbourhoods, 20mph zones and 'School Streets' (a road outside a school with a temporary restriction on motorised traffic at school drop-off and pick-up times), in addition to the potential to reclaim highway land for civic and amenity spaces in the heart of villages;
- supporting the efficient and connected movements of goods and services by updating the area's road classifications, signage strategy and HGV routes/weight restrictions, further deferring traffic from the town centre and local villages;
- improving NMU accessibility and connection to green spaces such as the Thames Path and Millennium Common, as identified by General Arrangement Drawing plan 13 ([CD D.13] GEN_PD-ACM-GEN-DGT_ZZ_ZZ_ZZ-DR-T-0013 P05 CD D.13), and also plan 12, which includes various new NMU provisions in the direction of Millennium Common ([CD D.12] GEN_PD-ACM-GEN-DGT_ZZ_ZZ_ZZ-DR-T-0012 P04);
- delivering a high-quality and comprehensive active travel network, enabling direct and safe connections to existing and proposed education, employment, housing, amenity and recreational areas and reducing the impact of the private vehicle;
- facilitating new or amended bus routes offering direct links to potential public transport hubs, further enhancing accessibility;
- unlocking the delivery of homes in and around the Didcot Growth Town, as set out within Aron Wisdom's proof;
- enabling the delivery of employment growth, providing a wide variety of jobs;
- promoting greater resilience on the network by providing alternative routes through this important employment and residential area, helping to combat road closures and long diversion routes, such as the flooding of the existing bridges over the river Thames at Clifton Hampden and Culham in February 2021;
- providing community benefits by providing construction work locally;
- complementing planned and funded infrastructure such as Milton Heights Bridge, Didcot Central Corridor and the Northern Permitter Road 3, to achieve the greatest modal shift for private car use;
- Creating a dynamic and innovative place where technology and efficient solution will be embraced, such as Superfast broadband, Connected and Autonomous Vehicles, E-scooters and other emerging transport modes;

-
- providing the opportunity to restrict the historic Culham Cut/Sutton bridge and Clifton Hampden bridge to buses and NMU users only; and
 - providing the opportunity for pedestrian and cycle access improvements at Appleford and Culham Railway Stations.

6.4.16 The Scheme is forecast to reduce driver delay at several key existing junctions in the local area due to the re-routing of traffic, resulting in a significant moderately beneficial effect. The development is also forecast to have an overall moderate beneficial effect on accidents and safety in 2034 during the operational phase. Whilst the Scheme does not directly include changes to existing bus services, the reduction in delays on the network will improve journey times and reliability for bus services, and the Scheme creates opportunities for new bus routes in the future. The ES therefore concludes that the overall effect of the development on public transport users is moderate beneficial.

6.4.17 A further benefit of the Scheme relates to the sustainable travel modes of walking and cycling, with the Planning & Regulation Committee report of July 2023 [CD F.1] stating, at paragraph 332, that the Scheme includes:

'delivery of a high quality, near continuous, segregated footway and cycleway route that will provide a genuine alternative to private car travel.'

6.4.18 The highways and transport benefits I have listed in this section are further supported by details included within Section 12 ('Scheme Benefits') of Aron Wisdom's proof, under the following headings:

- Delivering and accelerating new homes
- Individual scheme component benefits
- Active Travel benefits
- Local bus service benefits
- Potential improvement to local rail service benefits
- Commercial, employment and wider benefits

6.5 Biodiversity Net Gain

6.5.1 The amended Biodiversity Net Gain Assessment, which supports the Planning Application, highlights that the proposal is expected to result in a 10 per cent Biodiversity Net Gain ('**BNG**') in river units, as well as 23.25 per cent and 40.90 per cent BNG in terrestrial habitat and hedgerow units, respectively.

6.5.2 Professor Wade of AECOM confirms the aforementioned figures within Section 3 of his Biodiversity Note – which is appended to Alex Maddox's proof – and concludes as follows within his Section 5:

'There are currently no bat roosts that will be impacted either directly or indirectly by the Scheme and there is no necessity to apply to Natural England for any licence.'

The Scheme meets the aspiration to achieve at least a net gain of 10% in biodiversity for habitat, hedgerow and river units.

The combination of the Landscape and Biodiversity Management Plan, Outline Environmental Management Plan and the Construction Environmental Management Plan will ensure that enhancements to biodiversity designed into the Scheme along with

measures to avoid, mitigate and compensate biodiversity features will be implemented and that a minimum biodiversity net gain of 10% will be attained.'

6.5.3 Accordingly, there will be an overall positive biodiversity benefit associated with the Scheme.

6.6 Noise and Vibration

6.6.1 I have already drawn attention to the evidence of Andy Pagett from AECOM within my Sections 3 and 5. I therefore do not repeat that detail here but I do consider it worth reiterating Mr Pagett's conclusions within paragraphs 4.17 to 4.19 of his proof:

'4.17 Overall, it is my professional opinion that within the context of sustainable development, adequate mitigation has been provided to avoid significant adverse effects, mitigate and minimise adverse effects, and contribute to the improvement of health and quality of life. Considerably more properties are expected to avoid existing exceedances of the SOAEL, than are expected to experience new exceedances of the SOAEL due to the Scheme. Considerably more properties are expected to experience a decrease in road traffic noise levels than an increase, with the Scheme in place. Therefore, it is my professional opinion that the requirements of the NPSE and NPPF have been met..

4.18 I have explained how Vale of White Horse District Council's Development Policy 23, and South Oxfordshire District Council's Policies ENV12 and DE6 align with the first aim of the NPSE, to avoid significant adverse effects on health and quality of life. I have explained how the Scheme meets this aim, and therefore I consider the requirements of these policies have also been met. I have explained how, as appropriate scheme of mitigation measures, within the context of sustainable development, has been provided, and no areas where additional mitigation would be appropriate have been identified, the Scheme meets the requirements of Vale of White Horse District Council's Development Policy 25.

4.19 In summary, I have explained how the EIA has shown that the Scheme is expected to result in considerably more beneficial and significant beneficial effects, than adverse and significant adverse effects. Considering both national and local planning policy, I have also set how, within the context of sustainable development, adequate mitigation has been provided, and that the requirements of both national and local planning policies have been met.'

6.6.2 Accordingly, Mr Pagett finds that the Scheme will result in considerably more beneficial and significant beneficial effects, than adverse and significantly adverse effects.

6.7 Summary of Harm and Benefits

6.7.1 The northern section of the Scheme extent is located within the Oxford Green Belt. The Planning Statement [CD A.4] and the officer reports to the Planning & Regulation Committee meetings of July and September 2023 (CD F.1 and CD F.5] found that criterion c) of paragraph 150 (now paragraph 155) of the NPPF is not satisfied due to the identified harm to openness and Green Belt purposes, and therefore the development cannot proceed as an exemption to 'inappropriate' development under part c) of paragraph 150 (now paragraph 155).

6.7.2 For the reasons outlined within Section 4 my evidence, however, I am of the opinion that the Scheme falls with paragraph 155 c) of the NPPF. My professional planning opinion therefore differs from the officer view referred to above. Notwithstanding my position, however, and for the reasons set out at the end of my Section 4, I have gone onto assess whether, on the assumption that the Scheme is inappropriate development, there are other considerations which clearly outweigh the potential harm caused to the Green Belt by way of inappropriateness, and any other harm arising from the proposal, and whether those other considerations constitute very special circumstances.

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- 6.7.3 Paragraph 152 of the NPPF advises that 'inappropriate development' is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 153 of the NPPF advises that substantial weight should be given to any harm to the Green Belt. The same paragraph also advises that VSC will only exist where the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the Scheme, is clearly outweighed by other considerations.
- 6.7.4 The ES and associated technical reports and studies identify and assess the potential environmental effects of the Scheme. Whilst some effects are characterised as being significant in the short term and/or on a temporary basis, in the majority of cases the harmful effects of the Scheme can be reduced through proposed mitigation, and so there are relatively limited significant harmful effects that will be permanent in the longer term.
- 6.7.5 The ES concludes that, even with proposed mitigation, there will be some residual significant adverse effects in relation to landscape and visual impact, and Jane Ash reaches the same conclusion within her evidence.
- 6.7.6 Overall, my assessment is that the harm to the Green Belt should be accorded substantial weight but that the other harmful effects are small in number and relatively modest in scale and effect and should be accorded only moderate weight in the determination of the Planning Application.
- 6.7.7 On the other side of the balance, the Scheme is a key piece of transport infrastructure that is critical to the delivery of growth requirements identified within the SOLP and the VoWHLP. The Scheme will facilitate the delivery of many thousands of homes and jobs, with a wide range of associated social and economic benefits, which in my assessment should be afforded very substantial weight in the determination of the Planning Application.
- 6.7.8 The HIF scheme will deliver a range of other beneficial outcomes including improved connectivity by walking, cycling and public transport; highway capacity enhancements; reductions of driver delay at various existing key junctions; improvements in the noise environment for several hundred existing residential properties; and overall positive biodiversity effects. In my assessment, these other benefits should be afforded significant weight in the determination of the Planning Application.
- 6.7.9 Furthermore, the majority of the HIF1 route is 'safeguarded land' that has been earmarked for this specific development. The safeguarded route has been tested at the examinations of both local plans, and so the principle of some harm to the Green Belt to accommodate the Scheme in this location is firmly established and supported within adopted development plan policy.

6.8 Conclusion: Very Special Circumstances

- 6.8.1 For the purposes of this section of my proof, I have considered whether very special circumstances exist which would justify planning permission being granted, which it would be necessary to do in the event that the Secretary of State disagrees with my conclusion in Section 4 and instead finds that the Scheme is inappropriate development in the Green Belt. In those circumstances, as required by paragraph 153 of the NPPF, I have carefully considered the harmful effects that have been identified, as well as beneficial outcomes, and I conclude that:
- I give substantial weight to the harm to the Green Belt which has been described in this section of my proof. The other harmful effects are small in number and relatively modest in scale and effect, such that I give them only moderate weight in the determination of the Planning Application.
 - The housing, employment, transport, biodiversity and noise and vibration benefits associated with the proposal are many and varied in number and substantial in scale and effect and I give them very substantial weight in the determination of the Planning Application.

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- Furthermore, all of these benefits can only be secured by the Scheme and, as has already been established by the safeguarding of land within the development plan, the Scheme has to cross Green Belt land.
 - The benefits therefore clearly and significantly outweigh the harm and constitute the 'very special circumstances' required to justify approval of the Scheme in the context of paragraphs 152 and 153 of the NPPF.

7 Response to Representations and Objections

7.1 Introduction

7.1.1 In this section, I respond to relevant points made in representations by third parties, insofar as they relate to matters of planning policy. Where these representations relate to specific matters – such as transport planning, transport modelling, alternative options considered or alleged deficiencies in the ES or the Transport Assessment, or other technical documents – they are addressed in the proofs prepared by other witnesses on behalf of the Applicant and/or the Acquiring Authority.

East Hendred Parish Council ('EHPC')

7.1.2 I now address the following EHPC documents, which I list with their CD numbers:

- [CD E.58] East Hendred Parish Council Consultation Response 09 01 2023
- [CD E.80] East Hendred Parish Council Consultation Response 15 03 2023
- [CD E.82] East Hendred Parish Council Consultation Response 06 06 2023
- [CD L.9] East Hendred Parish Council Statement of Case

7.1.3 The key matters raised by EHPC of relevance to my proof are as follows:

- a) EHPC contends that the main issue is whether the Scheme is consistent with the promotion of sustainable transport, both within the development plan and the LTCP, and as defined in Chapters 2, 5, 6, and 9 of the NPPF; and
- b) In relation to the development plan, EHPC argues that the VOWHLP is out-of-date and has limited weight because its Part 1 was adopted in 2016, over 5 years ago. EHPC therefore contends that the Planning Application should be refused under the terms of paragraph 11d part i) of the NPPF because part of the site falls within the Green Belt.

7.1.4 In response to point a) above, this matter is addressed by John Disley in his proof, although I repeat here my conclusion from Section 3 of my proof that, in terms of the promotion of sustainable transport, the Scheme is consistent with the development plan, the LTCP and the NPPF.

7.1.5 In response to point b) above, for all of the reasons explained throughout my proof (and addressed in more detail in other proofs):

- the Scheme constitutes sustainable development and it is consistent with the development plan, which in my consideration is up-to-date. As a result, paragraph 11 c) of the NPPF applies and the Scheme should be approved without delay;
- even if the Secretary of State finds that the VoWHLP is out-of-date and that paragraph 11 d) of the NPPF applies instead of paragraph 11 c), my position is that:
 - if paragraph 11 d) part i) applies, whilst part of the Scheme lies within the Green Belt, it is only the part within South Oxfordshire that includes Green Belt land and in the case of the SOLP there is no dispute that it is up-to-date. Furthermore, even if that were not the case, I have shown that VSCs exist in this case, such that Green Belt policies do not provide a '*clear reason for refusing the development proposed*'; and
 - if paragraph 11 d) part ii) applies, I have shown that the adverse impacts of the Scheme do not '*significantly and demonstrably outweigh the benefits*'. Indeed I have shown that the opposite applies, whereby the benefits significantly and demonstrably outweigh the adverse impacts; and

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- consequently, even if paragraph 11 d) is applicable, whether part i) or part ii) of that paragraph applies, either way I have shown that planning permission should be granted.
 - As I also explain elsewhere in my proof, the ES for the Scheme shows as follows:
 - in relation to climate change, there would be only a minor to moderate adverse impact, which is therefore not significant (Section 5 of my proof). Also relevant in this regard is the evidence of Chris Landsburgh of AECOM, in respect of climate change, who concludes as follows in his proof:

'My conclusion is that the Applicant's case should be preferred and that the Representations and Objections based on Climate are without merit and do not give rise to any reason not to make the Orders as sought, and do not give any reason to refuse planning permission.'

- in relation to transport, there would be no harmful impacts (Section 5 of my proof);
- in relation to public transport, there would be a moderately beneficial impact (Section 6 of my proof); and
- scheme benefits include improved connectivity by walking, cycling and public transport (Section 6 of my proof).

POETS ('Planning Oxfordshire's Environment and Transport Sustainably') [CD L.7]

7.1.6 The key matters raised by POETS in its Statement of Case and of relevance to my proof are as follows:

- a) the September 2023 revision to the NPPF represented a significant new approach to applications for large scale infrastructure, housing and business development;
- b) greatest weight should be given to the Climate Change Act 2008, which promotes more urgent action to combat climate change;
- c) the VoWHLP is out-of-date and there have been changes in the national approach since it was adopted in 2016;
- d) the emerging Joint Local Plan should be afforded significant weight; and
- e) Policies C1 and C2 of the OMWCS should be given priority.

7.1.7 In response, I comment as follows, using the above numbering system:

- a) the September 2023 NPPF revisions related only to wind energy developments and so it is not accurate to argue that they represented a new approach in respect of this Scheme;
- b) as shown within my proof, the Scheme represents sustainable development and is in conformity with the development plan and the NPPF, both of which have due regard to the Climate Change Act 2008. I also show in Section 5 of my proof that, in relation to climate change, the ES shows that there would be only a minor to moderate adverse impact, so not significant. Also relevant in this regard is the evidence of Chris Landsburgh of AECOM, in respect of climate change, who concludes as follows within his proof: *'My conclusion is that the Applicant's case should be preferred and that the objections based on Climate are without merit and do not give rise to any reason not to make the Orders as sought, and do not give any reason to refuse planning permission.'*
- c) as shown within Section 3 of my proof, I do not consider the VoWHLP to be out-of-date;

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- d) as described within Section 3 of my proof, there is to date no draft Joint Local Plan and only an 'Issues' consultation has taken place. Given its very early stage, no weight can be given to it; and
 - e) Policies C1 and C2 of the OMWCS relate to Sustainable Development and Climate Change, respectively, and so my response to point b) above applies equally here.

Neighbouring Parish Councils Joint Committee ('NPCJC')

7.1.8 I now address the following NPCJC documents, which I list with their CD numbers:

- [CD E.4] Neighbouring Parish Councils Joint Committee – Holding Objection 18 02 22
- [CD E.40] Neighbouring Parish Councils Joint Committee Noise Objection 23 05 2022
- [CD E.41] Neighbouring Parish Councils Joint Committee Interim Objection 13 06 2022
- [CD E.69] Neighbouring Parish Councils Joint Committee Interim Objection 20 01 2023
- [CD E.77] Neighbouring Parish Councils Joint Committee Interim Objection 16 06 2023
- [CD J.25] Objection 28, submitted by the Neighbouring Parish Council Joint Committee on 21 March 2023 (I note that this is the CPO objection)
- [CD L.6] Neighbouring Parish Council Joint Committee Statement
- N.21 Greg O'Broin on behalf of Appleford Parish Council and Neighbouring Parish Council Joint Committee – call in representation

7.1.9 The key matters raised by the NPCJC relate to the following subjects:

1. Green Belt and Landscape:
2. Climate Change
3. Noise and Air Quality
4. Scheme Design
5. Traffic Modelling
6. Impacts on Local Amenity, including Rights of Way
7. Health Impacts
8. Deliverability of the Scheme.

7.1.10 Items 2 to 8 above and matters relating to landscape and visual impact are addressed within the proofs of other witnesses representing the Applicant.

7.1.11 In respect of Green Belt issues, the NPCJC argues that the Planning Application causes harm to the openness of the Green Belt and that there are no other considerations which outweigh that harm and constitute 'very special circumstances'. I disagree, as shown elsewhere in my evidence.

7.1.12 The NPCJC also raises an objection that the Planning Application is premature in that, until LTCP Part 2 is published – including any 'South Oxfordshire and Vale of White Horse Area Strategy' – the Application undermines the content of that forthcoming Area Strategy. In response, the evidence of John Disley shows this is not the case and, furthermore, the NPCJC's position in this respect does not conform with paragraph 49 of the NPPF, which sets out the limited circumstances where prematurity arguments might justify the refusal of planning permission.

8 Summary, Planning Balance and Conclusion

- 8.1.1 My proof of evidence sets out the Applicant's case in support of the Planning Application for the Scheme. My evidence refers to matters raised in the call-in letter, and other key considerations.
- 8.1.2 The starting point for determining the Planning Application is that, under Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990, it should be determined in accordance with the development plan unless material considerations indicate otherwise. Against that background, my evidence can be summarised as follows.
- 8.1.3 In Section 2, I describe the background to and context for the Scheme, particularly in respect of the need for it, its purposes and objectives and the benefits arising from it.
- 8.1.4 In Section 3, I assess the Scheme against the development plan and other material considerations. I conclude that, whilst the Scheme is not wholly consistent with policies relating to landscape and visual impact, the degree of conflict with these policies is relatively modest and in all other respects the Scheme is consistent with the development plan. Furthermore, the principle of the Scheme has already been established by the safeguarding of appropriate land within the development plan. I therefore find that the Scheme is in accordance with the development plan when taken as a whole. In respect of other material considerations, the Scheme is also in accordance with draft Neighbourhood Plans, the draft Joint Local Plan, other relevant local policy documents, SPDs and the NPPF and the PPG, when taken as a whole.
- 8.1.5 In Section 4, I assess the Scheme against specific Green Belt policies within the NPPF. I show that the Scheme falls within paragraph 155 c) of the NPPF, in that it constitutes *'local highway infrastructure which can demonstrate a requirement for a Green Belt location'*. I also show that the Scheme preserves the openness of the Green Belt and does not conflict with the purposes of including land within it. I therefore conclude that the Scheme is not inappropriate development in the Green Belt and that it complies with Green Belt policies within the development plan and the NPPF.
- 8.1.6 In the event that the Inspector disagrees with my conclusions in Section 4 and finds that the Scheme is inappropriate development, however, I then consider in Sections 5 and 6 whether very special circumstances exist which would justify planning permission being granted.
- 8.1.7 In Section 5, I assess the level of harm to the Green Belt. I conclude that, if the Scheme was deemed to constitute inappropriate development, it will inevitably result in some permanent and unavoidable harm to the openness of the Green Belt, and/or conflict to a degree with some of the purposes of including land within the Green Belt. Such harm should be afforded substantial weight in the overall planning balance.
- 8.1.8 In Section 5, I also find that some harm is caused in respect of landscape and visual impact, but I conclude that the level of such harm is moderate, in line with my findings in Section 3.
- 8.1.9 In Section 6, I describe the wide-ranging benefits of the Scheme in respect of housing and employment, transport, biodiversity and noise and vibration. I conclude that these benefits are very substantial and that, taken together, they clearly outweigh the harm identified in Section 5 and constitute the 'very special circumstances' required to justify planning permission being granted.
- 8.1.10 In Section 7, I address objections lodged by third parties insofar as they relate to my area of expertise.

8.1.11 My overall conclusions arising from the summary of my proof of evidence, as outlined above, are as follows:

- (i) The Planning Application should be determined in accordance with the development plan unless material considerations indicate otherwise.
- (ii) In this case, I have shown that the Scheme is in accordance with the development plan when taken as a whole and that the development plan is up-to-date.
- (iii) Even if the Secretary of State concludes that the Scheme is not in accordance with the development plan, I have shown that there are a range of other material considerations which dictate that permission should still be granted, as follows. I have shown that:
 - the Scheme is in accordance with draft Neighbourhood Plans, the draft Joint Local Plan and various other local policy documents/SPDs;
 - the Scheme is in accordance with the NPPF chapters in respect of housing, the economy, transport, design, climate change and flooding, design, the natural environment and the historic environment; and
 - in respect of the Green Belt chapter of the NPPF, I have shown that it accords with paragraph 155 c). I have also shown that, even if the Inspector disagrees with my conclusion in that regard, the benefits of the Scheme clearly outweigh the harm it causes and constitute the 'very special circumstances' required to justify permission being granted.
- (iv) In all of these circumstances, the Scheme constitutes sustainable development, there are no material considerations to indicate that the Planning Application should not be determined other than in accordance with the development plan and under the terms of paragraph 11 c) of the NPPF, it should be approved without delay.
- (v) Even if the Inspector finds that the adopted VoWHLP is out-of-date and that paragraph 11 d) of the NPPF applies instead of paragraph 11 c), my position is that:
 - if paragraph 11 d) part i) applies, whilst part of the Scheme lies within the Green Belt, it is only the part within South Oxfordshire that includes Green Belt land and in the case of the adopted SOLP there is no dispute that it is up-to-date. Furthermore, even if that were not the case, I have shown that VSCs exist in this case, such that Green Belt policies do not provide a '*clear reason for refusing the development proposed*'; and
 - if paragraph 11 d) part ii) applies, I have shown that the adverse impacts of the Scheme do not '*significantly and demonstrably outweigh the benefits*'. Indeed I have shown that the opposite applies, whereby the benefits '*significantly and demonstrably*' outweigh the adverse impacts; and
 - consequently, even if paragraph 11 d) is applicable, and irrespective of whether part i) or part ii) of that paragraph applies, either way I have shown that planning permission should be granted.

9 Statement of Truth and Declaration

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

Bernard Carl Greep, 30 January 2024