

**Divisions Affected – Sutton Courtenay & Marcham, Hendreds & Harwell, Berinsfield & Garsington, and Didcot Ladygrove**

**PLANNING AND REGULATION COMMITTEE**

**27th September 2023**

- The dualling of the A4130 carriageway (A4130 Widening) from the Milton Gate Junction eastwards, including the construction of three roundabouts;
- A road bridge over the Great Western Mainline (Didcot Science Bridge) and realignment of the A4130 north east of the proposed road bridge including the relocation of a lagoon;
- Construction of a new road between Didcot and Culham (Didcot to Culham River Crossing) including the construction of three roundabouts, a road bridge over the Appleford railway sidings and road bridge over the River Thames;
- Construction of a new road between the B4015 and A415 (Clifton Hampden bypass), including the provision of one roundabout and associated junctions; and
- Controlled crossings, footways and cycleways, landscaping, lighting, noise barriers and sustainable drainage systems.

**Report by the Director of Planning, Environment and Climate Change**

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**Location:** A linear site comprising a corridor between the A34 Milton Interchange and the B4015 north of Clifton Hampden including part of the A4130 east of the A34 Milton Interchange, land between Didcot and the former Didcot A Power Station and the Great Western Mainline, land to the north of Didcot where it crosses a private railway sidings and the River Thames to the west of Appleford-on-Thames before joining the A415 west of Culham Station, land to the south of Culham Science Centre through to a connection with the B4015 north of Clifton Hampden.

**OCC Application No:** R3.0138/21

**SODC Application No:** P21/S4797/CM

**VOWH Application No:** P21/V3189/CM

**District Council Areas:** South Oxfordshire and Vale of White Horse

**Applicant:** Oxfordshire County Council

**Application Received:** 2<sup>nd</sup> November 2021

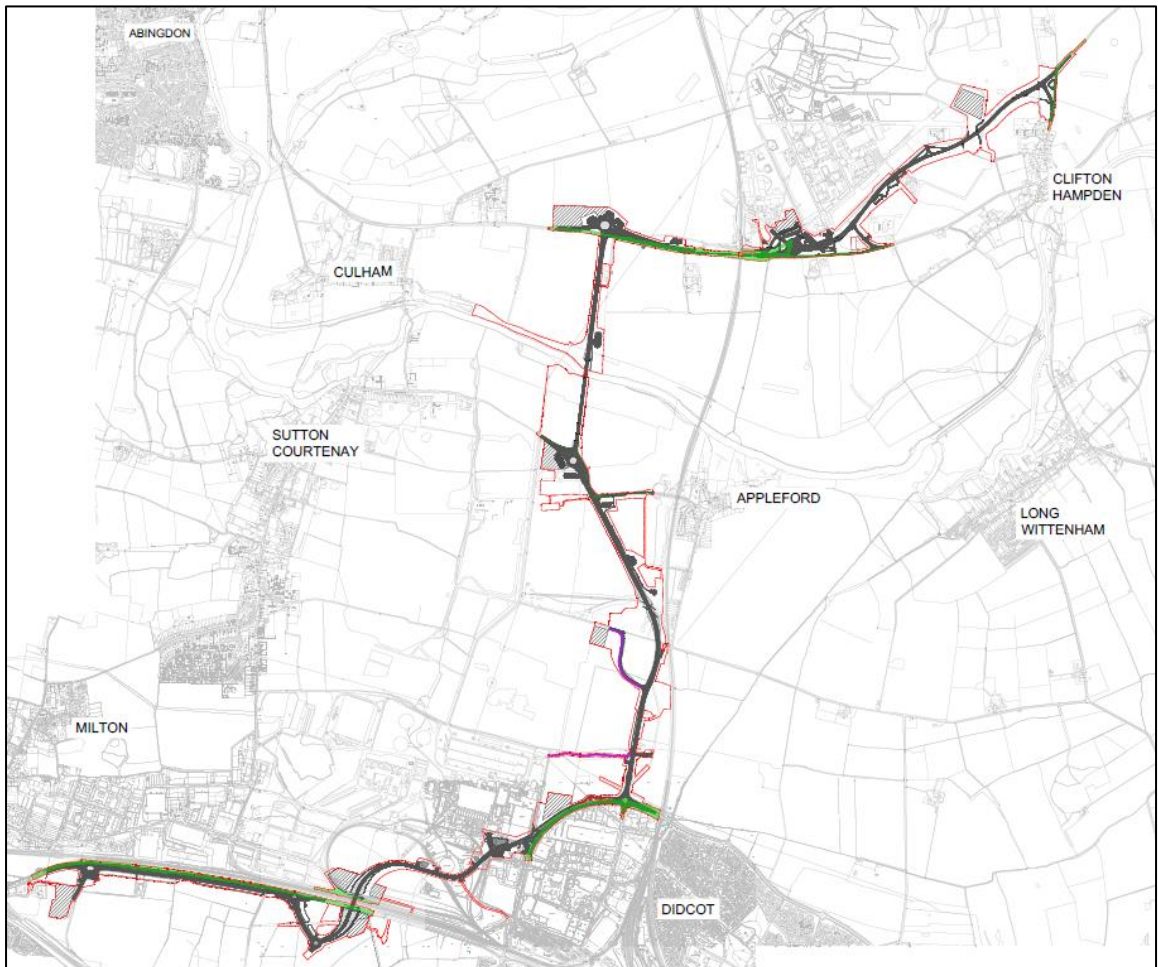
**Consultation Periods:** 11<sup>th</sup> November 2021-11<sup>th</sup> December 2021  
24<sup>th</sup> November 2022- 24<sup>th</sup> December 2022  
11<sup>th</sup> May – 12<sup>th</sup> June 2023

## Introduction

1. Members of the Planning and Regulation Committee met on 17<sup>th</sup> and 18<sup>th</sup> July 2023, to consider a report for planning application R3.0138/21, the committee gave thorough consideration to the arguments for and against the development proposed in the planning application in reaching its decision to refuse it for the eight reasons given in the committee resolution.
2. Prior to the decision notice being issued, on 25<sup>th</sup> July 2023 the County Council received a call-in letter from the Minister of State for Housing on behalf of the Secretary of State for Levelling Up, Housing and Communities (the Secretary of State), referring the application to him for his determination rather than the County Council as Local Planning Authority pursuant to Section 77 of the Town and Country Planning Act 1990 as amended. As such, the County Council is no longer empowered to determine the application and is also directed to not approve any similar application for any development which is the same kind as that which is the subject of the application on any land which forms part of, or includes, the site to which the application relates until the Secretary of State has issued his decision on this application. The call-in letter is attached as Annex 1 to this report.
3. The situation has changed such that the Secretary of State is now the determining planning authority. The County Council as Local Planning Authority is therefore no longer the decision maker for the application. Instead, it is now being asked for its views on the planning merits of the application. The application will now be considered through a Local Inquiry by the inspector appointed by the Secretary of State who will then report their findings and conclusion to the Secretary of State, who will then take the final decision as to whether the application should be approved or refused. It is currently understood that the County Council may then appear at the Local Inquiry in two separate capacities as both applicant and as interested Local Planning Authority. It is understood that the applicant has written to the Planning Inspectorate seeking clarification on this point and the committee will be updated on process and procedure as it emerges.
4. As things stand, a statement of case setting out the County Council's case as Local Planning Authority is required to be submitted to the Secretary of State no later than 4<sup>th</sup> October. Following legal advice, today's committee meeting has therefore been added to the County Council's calendar to enable officers to update members on what has occurred since the committee resolved to refuse the planning application but also for members to consider to what extent and how they wish to engage with the Local Inquiry.

## Background

5. At the meeting of the Planning and Regulation Committee on 17<sup>th</sup> and 18<sup>th</sup> July 2023, members considered a report for planning application R3.0138/21, which seeks planning permission for four interlinked pieces of strategic highway infrastructure as a single development: The dualling of a section of the A4130 to the east of Milton Gate, the Didcot Science Bridge, the Didcot-Culham River Thames Crossing, and the Clifton Hampden Bypass (HIF 1). The report and addenda to it are attached as Annex 2 to this report. The red line Location Plan is reproduced below.



***Plan 1: Location Plan***

6. The committee resolved that the application be refused for the following reasons:
- i) The Climate Change Committee's June 2023 Report to Parliament had not been properly taken into account in the application.
  - ii) Lack of Very Special Circumstances for the development set against Green Belt policy.
  - iii) The impact of traffic on Abingdon and Didcot had not been assessed in the application.
  - iv) Noise impacts on Appleford.

- v) The absence of a Health Impact Assessment.
  - vi) The harm to the landscape.
  - vii) The Science Bridge was not of adequate design for a gateway feature to Didcot.
  - viii) Conflict with policy of the Council's Local Transport and Connectivity Plan 2022 – 2050 (LTCP).
7. At the committee meeting on 17<sup>th</sup> and 18<sup>th</sup> July, the committee had before them the report and addenda attached as Annex 2. The officer advice was that the planning application should be approved. The committee also heard from a large number of parties and individuals opposed to the planning application as well as from the applicant in support of it and councillors asked questions of clarification from most of the parties who spoke at the committee meeting. This is recorded in the minutes of the meeting which were approved at the meeting of this committee on 4<sup>th</sup> September. Advice to the committee was also provided throughout the meeting by the County Council's Director of Planning, Environment and Climate Change, her planning officers, highway authority officers (in their capacity as statutory consultee on the planning application) and consultants working on behalf of the County Council as Local Planning Authority. All the officer and consultant advice was in support of the recommendation that the planning application should be approved. Therefore the resolution to refuse the planning application was made contrary to officer advice. The vote of the nine members present at the committee meeting was seven votes to two and so there was a clear majority which supported refusing the application for the eight reasons set out above.

### **Next Steps**

8. All the consultation responses and representations made to the County Council on the application have been passed to the inspector who will consider them and take them into account in their recommendation to the Secretary of State. All those who made representations on the application will also be able to provide further representations to the inspector and may also be permitted by the inspector to present their evidence in their own right to the Local Inquiry if they wish to do so. Any evidence presented to the Local Inquiry will be examined by the inspector and may also be tested through written rebuttal and/or cross-examination of witnesses by other parties giving evidence at the local inquiry. This would include the County Council as applicant. It is not known which if any parties will appear against the proposals and whether or not they will be represented. If any arguments are to be presented to the local inquiry it is important they can be justified on robust evidence. Whilst it would seem unlikely that either arm of the County Council would seek to claim costs against itself, this would be open to third parties appearing at the inquiry either supporting or opposing the application. The costs risk is considered very low but of course the Local Planning Authority would incur the costs of its own attendance.
9. A subsequent letter was received from the Planning Inspectorate on 23<sup>rd</sup> August which sets out the programme for the Local Inquiry. This letter is attached as Annex 3 to the report.

10. The Council as Local Planning Authority is required to submit a Written Statement setting out full details of the case which it wishes to put forward at the Inquiry by 4<sup>th</sup> October 2023. The inspector (T Gilbert-Wooldridge) appointed by the Secretary of State will then hold a case management conference for the main parties. Any proofs of evidence are required to be submitted by 7<sup>th</sup> November 2023. The Local Inquiry into the called-in planning application is currently scheduled to commence on 5<sup>th</sup> December 2023 for eight sitting days.
11. Following a request from the County Council as applicant, the Local Inquiry has been conjoined with the Compulsory Purchase Order and Side Roads Order Inquiries which are scheduled to commence on 24<sup>th</sup> January 2024. It is understood that the applicant has written to the Planning Inspectorate requesting that the programme be deferred and officers will update the committee if there is any change to the dates set out here.
12. NB: Since the July committee meeting and since this letter was received the NPPF has been updated, however chapters 5 and 6 remain unchanged. It is also considered that there are no other material changes that have been made to the NPPF which change the advice set out in the July committee report.

### **The Statement of Case**

13. The call-in letter states that, on the information so far available to the Secretary of State, the matters which he particularly wishes to be informed about for the purposes of his consideration of the application are:
  - 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.
14. The statement of case should address the four areas which the Secretary of State has stated he particularly wishes to be informed about. The Local Planning Authority therefore needs to consider how it wishes to respond to the 4 main questions raised by the Secretary of State and whether and if so how its intended reasons for refusal now fit with its answers to those questions.
15. Officers consider that the eight reasons given previously for refusing the application are matters of detail in differing respects which fall principally into the third and fourth matters set out in paragraph 4 above. However, the position taken on them then feeds back to the consideration of the first two matters and consideration of the first two matters may influence the approach of members to

their position on the reasons for refusal. It is thus fundamental for the Committee to consider its position on the Secretary of State's questions first. When it has done so, potential options for the Council as LPA include:

- i) to rely on all eight of the reasons previously resolved for refusal as reasons for opposing the planning application;
  - ii) to not pursue some or all of the reasons if they consider on reflection that they cannot reasonably be substantiated or supported at appeal or that they do not warrant refusal in the light of the wider issues raised by the Secretary of State's first and second questions;
  - iii) to set out its concerns in a Written Statement of Case and request that the inspector in his recommendation to the Secretary of State take account of and give suitable weight to these in the planning balance but otherwise take no further part in the Inquiry;
  - iv) to adopt a neutral stance and set that out briefly in a Written Statement of Case and otherwise take no further part in the Inquiry.
16. Regardless of any position taken by the committee, it will also be open to individual councillors to give evidence to the Local Inquiry in their own right, just as it will be for any other interested third parties who wish to either support or oppose the application.
17. Members need to consider whether and what comments they would wish to put forward in relation to the first two points set out in paragraph 4 of this report, which for ease of reference are repeated as follows. Officer advice on this is set out below.
- 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)**
19. Taken together, it is interpreted by officers that the Secretary of State wishes to know how the development proposed in the planning application would serve to deliver the adopted spatial strategy for housing and employment growth in South Oxfordshire and the Vale of White Horse District Council areas.
20. Chapters 5 and 6 of the NPPF are attached as Annex 4 to this report and includes Paragraph numbers 60 to 85. Paragraph 73 of the NPPF states as follows:
21. 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:

- i) consider the opportunities presented by existing or planned investment in infrastructure, the area's economic potential and the scope for net environmental gains;
- ii) 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;
- iii) 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;
- iv) 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
- v) consider whether it is appropriate to establish Green Belt around or adjoining new developments of significant size.

22. Paragraph 81 of the NPPF states as follows:

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

23. Paragraph 82 of the NPPF states as follows:

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.

24. The assessment of the principle of the development proposed in the planning application was set out in paragraphs 83 to 94 of the previous committee report. Officers concluded that the strategic infrastructure included within the development proposed in the planning application 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. Officers advised that strong support is given to the development as a matter of principle which should be weighed against the other material considerations outlined in the previous committee report, including any benefits and harms, when reaching a reasoned conclusion on whether or not planning permission should or should not be granted.
25. At the July committee meeting, members did not conclude that they had any objection to the principle of the development as being necessary to deliver the adopted spatial strategy. Therefore, none of the reasons which were given for refusal reflect any issue with the principle of the provision of such infrastructure to facilitate the sustainable delivery of the housing and employment growth set out in the development plan. Rather, the eight reasons given for refusal reflect concerns with the detail of the application. In summary, officers believe that the committee's position with regard to informing the Secretary of State with regard to chapters 5 and 6 of the NPPF is that the development proposed in the planning application is consistent in principle with them and there is no dispute that the answer on questions (a) and (b) is that the proposals are consistent with those matters.
26. Indeed, it seems that the proposals are fundamental to the delivery of a sufficient supply of homes and to a strong and competitive economy; and there is no alternative to the broad nature and scale of the proposal to unlock the housing and economic ambitions in this area. It is considered that this is a fundamental point. If this point is accepted, Members should proceed on the basis that the proposals are essential to achieve the planning ambitions for the area including the strategic ambitions of the Local Plans. That conclusion will necessarily impact the approach to the details of the scheme and the reasons for refusal.

**(c) The extent to which the proposed development is consistent with the development plan for the area**

27. The proposal is necessary to unlock the housing and employment growth envisaged in the relevant development plans. Both plans assume the delivery of it. Much of the development in those areas cannot come forward without it. The strategies of the local plans are thus predicated on the delivery of it. The soundness of those plans has been tested. It is considered that *in strategic terms* the proposed development is necessarily consistent with the development plan for the area. It is therefore considered that it is necessary to focus on the details



of the proposals and whether those are consistent with the development plan for the area rather than on the principle of the proposals. The compliance of the proposals with the strategy of the local plans will necessarily impact the approach to the details of the scheme and the reasons for refusal – because if the principle is accepted there will have to be a highway of broadly this scale and nature in this location.

28. Members may though wish to consider whether the development proposed in the application is consistent in terms of its detail and the delivery of a sufficient supply of homes and building a strong, competitive economy sustainably, particularly with regard to providing a genuine choice of transport modes and whether it has properly taken into account a variety of decarbonisation scenarios and so climate change.

### **Consideration of the Committee's Eight Reasons for Refusal**

29. The next section of this report sets out the eight reasons previously given for refusing the application individually and the officers' assessment of those reasons. The Director of Planning, Environment and Climate Change wrote to the applicant on 14<sup>th</sup> September to invite a response to these reasons. In particular, the applicant's attention was drawn to the sustainability aspects, specifically to address concerns over the carbon emission impacts of the scheme and the alignment of the scheme with the LTCP and the perception that the scheme is overwhelmingly car dominated and lacks prioritisation for public transport to encourage modal shift, such as bus priority measures or integration with local area transport plans. The applicant responded by letter dated 19<sup>th</sup> September with attachments. This correspondence is attached as Annex 5 and referenced as appropriate in the consideration of each reason below.

#### **Reason 1: The Climate Change Committee's June 2023 Report to Parliament had not been properly taken into account in the application.**

30. Paragraphs 230 to 243 of the July committee report address the issue of climate change. The Addenda to the previous committee report included an amendment to paragraph 230.
31. As set out in paragraph 231 of the July committee report, the June 2023 report to Parliament of the Climate Change Committee (CCC) – Progress in reducing emissions, is a statutory report produced pursuant to section 36 of the Climate Change Act 2008. It includes assessing the government's progress with regard to the progress that has been made towards meeting the carbon budgets that have been set, the further progress that is needed to meet those budgets and that target, and whether those budgets and that target are likely to be met. Section 37 of the Climate Change Act requires that the Secretary of State must lay a response to the report before Parliament by 15<sup>th</sup> October. Clearly the committee will not have the benefit of being able to consider this response prior to 4<sup>th</sup> October when the Written Statements are required to be submitted to the Planning Inspectorate.
32. Nonetheless the CCC's June 2023 report is considered to be an objective and robust analysis of progress on climate change. Although it is neither

development plan nor national planning policy, it remains officer advice that this is a material consideration for the determination of the application. It will be a matter for the inspector at the public inquiry to consider how much weight should be afforded to the CCC's report and the Secretary of State's response to it in the planning balance in reaching their recommendation on whether the application should be approved or refused.

33. On review of the reason for refusal, officers consider that for evidence presented in support of it to stand up to examination by the inspector at the Inquiry it would require more specific definition as to what part of the Climate Change Committee's June 2023 Report the Planning & Regulation Committee's concern relates to, which would lead to it being a reason for opposing the planning application at the inquiry. At the July committee meeting, specific reference was made by a member of the committee to Box 4.3 of the Report and that the applicant did not appear to have taken into consideration a variety of decarbonisation scenarios in putting together the application. Box 4.3 suggests this is necessary in considering a transport scheme to ensure that it is compatible with the surface transport sector's decarbonisation pathway to Net Zero carbon emissions in 2050. Box 4.3 goes on to refer to the consideration of decarbonisation scenarios as contributing to demonstrating that any transport scheme proposed would lead to net societal benefit and that in the absence of such consideration, approval of a transport scheme could lock in a dependency on higher-cost pathways and miss opportunities to realise co-benefits. Members may wish to consider whether this was the detailed reasoning behind this reason for refusal or whether there is some other specific element of the Climate Change Committee's June 2023 Report that it may wish to reference in evidence to the inquiry.
34. To assist members in forming a view as to how to progress this issue at the Inquiry, your officers have been reviewing the extent to which the proposal could better promote sustainable modes of transport over the reliance on the private car to reduce carbon impacts. The first part of this is to reiterate the walking and cycling components of the application, which are considered to be exemplary for a scheme of this nature and will provide uninterrupted and segregated provision through the entire length of the development. This is a significant benefit of the proposal that will enable the proper application of LTCP policy when the housing and employment developments come forward through the planning system at district level. Whilst the walking and cycling infrastructure included within the scheme was always exemplary there remained questions at the previous committee over whether the proposal included sufficient provision to promote the use of bus services to assist with addressing carbon impacts as far as possible.
35. As set out in Annex 5, the applicant has now provided a summary note of the Environmental Statement Chapter 15 - Climate which presents the likely significant climate effects resulting from the scheme on the climate and the potential impacts of climate change on the scheme during construction and operation. Two aspects of climate change were considered:
  - Greenhouse Gas (GHG) Emission Impact Assessment (i.e. Carbon Impact); and

- Vulnerability of the Scheme to Climate Change.
36. To further address the concerns on climate change and sustainability raised at the July committee meeting, the applicant is now committing that the contractor will develop and implement a plan to reduce energy consumption and associated carbon emissions. This could include the consideration of renewable and/or low or zero carbon energy sources and record percentage of savings implemented. Energy consumption and materials used will be recorded and reported on an ongoing basis during the construction phase.
  37. They have also now committed that all the proposed traffic signals (junctions and crossings) across the Scheme will be designed and implemented with an Urban Traffic Control (UTC) based bus priority system. This system has the ability to encourage modal shift by prioritising public transport over other modes such as private car.
  38. Furthermore, the applicant is committed to working with the Council as Local Planning Authority through the Inquiry process to reinforce these commitments by way of mutually agreeable planning conditions for consideration by the Inspector should these be considered necessary.
  39. The applicant's position as set out in Annex 5 is considered to be a significant enhancement to the scheme and a positive response to the Committee's previous concerns in this regard that would, in the opinion of officers, enhance the sustainability credentials of the scheme. In addition to this, the County Council's Transport Strategy team have confirmed that work is underway to progress the Area Strategy Travel Plan for Didcot as required by the LTCP. This strategy will set out the full package of measures required to ensure the objectives of the LTCP are met across the strategy area and as development comes forward. Therefore, the road is one element of a much wider transport strategy for the area that when considered together is expected to enable the delivery of the LTCP objectives as well as facilitating the County Council in meeting its pledge to be carbon neutral by 2030.

#### Summary and officer recommendation

40. The starting point for a response to reason for refusal 1 is that the proposals are required to deliver housing and employment and thus the strategy of the relevant local plans. A highway of this scale and nature in this location is thus required. Given that, it appears that the question is what alternative "decarbonisation" path to that in the application could and should have been considered in the light of the scale and location of development required now. Officers are unable to identify any such alternative decarbonisation scenario which now would facilitate the scale of development proposed without the highway proposed. Members may consider that the issue is not about the proposal per se but whether non-car modes are adequately provided for and incentivised in the proposals.

41. It remains the officer advice as set out in paragraph 243 of the July committee report that the planning application is not contrary to development plan policies DES7 and DES8 of the South Oxfordshire Local Plan 2011 to 2035 (SOLP) and core policies 37, 40 and 43 of the Vale of White Horse Local Plan Part 1 (VoWH P1) or national planning policies set out in the NPPF. It also remains the officer advice that it would lead to an overall carbon saving as a result of the reduction in traffic congestion and is unlikely to cause any significant effects on climate, particularly when considered in the round along with the County Council's wider policies and programmes to deliver net zero by the stated timeframes. Whilst it does not directly discourage private car journeys, it would provide the infrastructure for active and sustainable travel modes, which are now proposed to be further enhanced by the applicant's response contained in Annex 5, which is a positive change in terms of carbon impact since the July committee meeting.
42. Overall, officers consider that, subject to the applicant's commitment that it will put evidence to the Inquiry that it is committed to conditions being attached to any planning permission granted to secure a carbon management plan and to promote modal shift by seeking to deliver a scheme of bus priority measures to be in place when the road is opened, then a clear improvement will have been secured since the July committee. It is evident that further work would be needed through the inquiry process by the applicant to ensure that the proposed conditions will ultimately be deliverable and achieve the required outcomes, but the principle of what has been proposed is considered by planning officers to be a positive. Officers consider that with the proposed new conditions, along with the walking and cycling measures already included and commitment that the Area Strategy Travel Plan is being brought forward at pace, reason for refusal 1 is capable of being addressed through the Inquiry. Therefore, Officers advice is to not pursue reason for refusal 1 at the Inquiry subject to confirming to the Inspector that any planning permission granted should be subject to a condition to deliver a bus priority scheme and also to a condition requiring the submission, approval and implementation of a carbon management plan to provide further details on emissions and include details of how whole life carbon emissions will be reduced and consider opportunities to reduce emissions associated with the construction phase. This carbon management plan should be required to be submitted and approved prior to commencement of construction and should remain in place during construction and be updated as needed during that period.
43. Alternatively, if Reason for Refusal 1 is to be pursued, the Committee will need to articulate the point being made by reference to what is wrong with the proposals in climate change terms, including in respect of the additional information contained in Annex 5, given that they are needed to facilitate wider development and are consistent with the overall strategy of the development plans. Given that any such decision would be contrary to officer advice, members will need to consider how the case on it is to be presented and by whom.

**Reason 2: Lack of Very Special Circumstances for the development set against Green Belt policy.**

44. The Green Belt is addressed in paragraphs 275 to 288 of the July committee report. The development was advised by officers to be inappropriate development for which very special circumstances would need to be demonstrated to exist. The officer advice was that if planning permission were refused for the development, it is likely that planned growth for the Science Vale area would be prevented from, or would be substantially delayed, in coming forward, thus it may undermine the approved spatial strategy for both South Oxfordshire District Council and Vale of White Horse District Council and achieving the aims of chapters 5 and 6 of the NPPF. In the alternative, if growth were to come forward without the proposed development it would likely result in gridlock and severe harm to the local highway network. It was therefore the view of officers that very special circumstances do exist and that those circumstances clearly outweigh the harm that would be caused to the Green Belt through reasons of inappropriateness, and the other harms set out in the previous committee report. Therefore, notwithstanding that the application was originally advertised as a departure application, after detailed consideration of the proposed scheme, officers considered that the development would be in accordance with the NPPF policies on Green Belt and Policy STRAT6 of the SOLP. The officer advice remains as set out in the July committee report. The committee also heard from third parties who did not concur with the officer advice.
45. The committee was not convinced that very special circumstances had been demonstrated to exist and therefore refused the application for this reason. It is necessary to consider very special circumstances in the light of the answers to the Secretary of State's first and second questions at paragraph 4 above and the overall strategy of the development plan. In the information provided in Annex 5, the applicant has provided their consideration of this reason and remains of the view that the application provides full, robust and agreed information on the very special circumstances for Green Belt release.

#### Summary and officer recommendation

46. Officers consider that members may wish to reflect on the position previously taken and whether, in further consideration of the officer advice in the previous committee report and the updated position on the bus priority measures referred to above (and other matters referred to below), they still consider that very special circumstances for the development have not been demonstrated to exist for this application. Members may wish to consider that all the land to the north of the River Thames safeguarded for the road in the SOLP is in the Green Belt as shown in Figure 1 below. It would not therefore be practicable to deliver the infrastructure necessary to the delivery of the adopted spatial strategy for housing and employment growth in South Oxfordshire and the Vale of White Horse District Council without a highway of this scale and nature passing through the Green Belt. Even if the road were to be proposed on an alternative alignment, it would still require to cross the River Thames on a major bridge structure.
47. It is therefore officer advice that it would be very difficult to sustain Green Belt impact as a reason for opposing the development in the evidence to be placed

before the inspector and Secretary of State and that this should not be pursued in the local planning authority's Statement of Case.

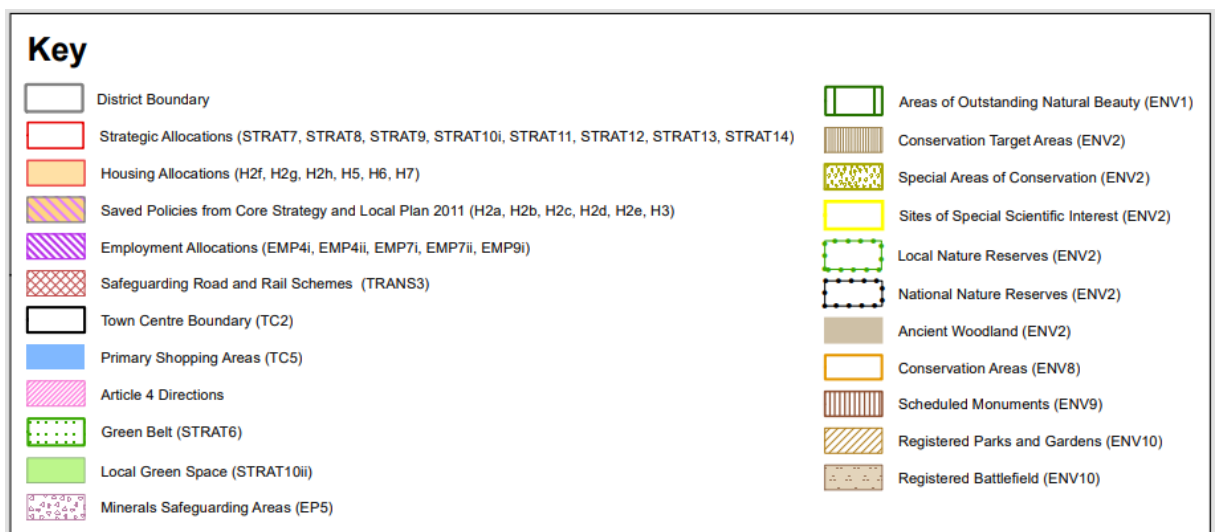
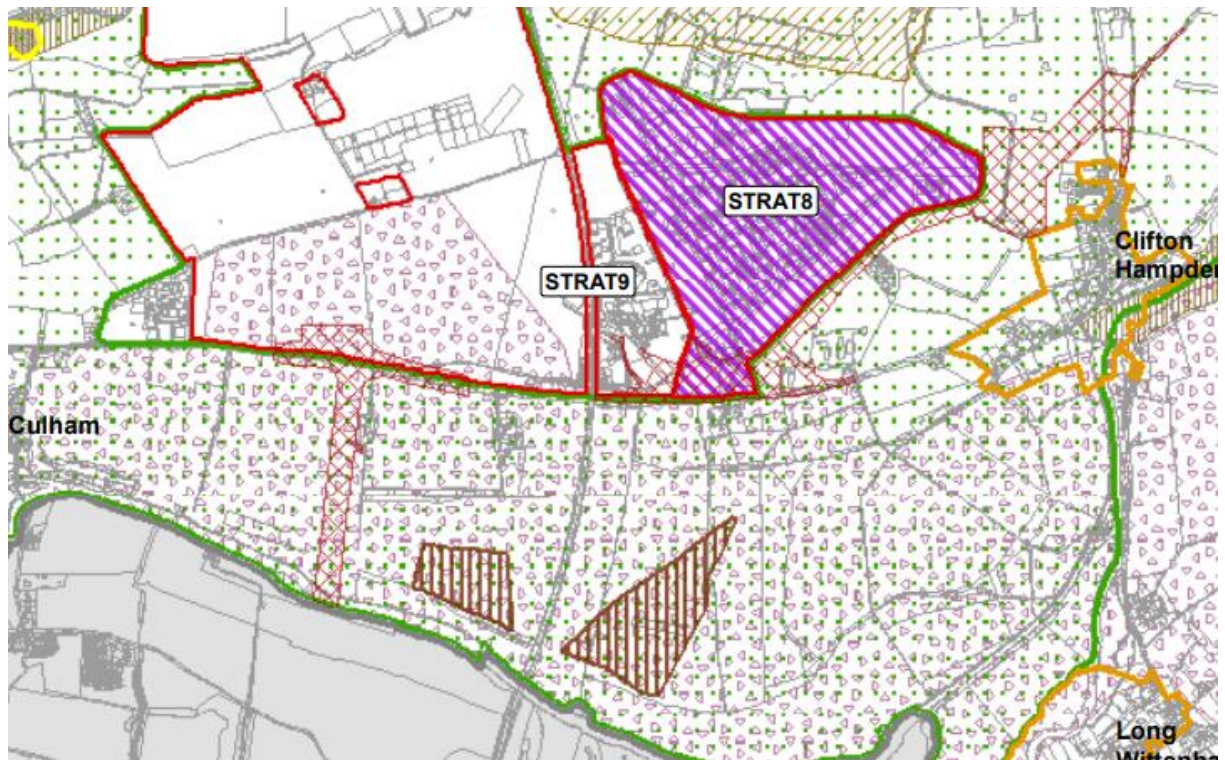


Figure 1: Extract from the SOLP Adopted Policy Map North.

48. Alternatively, if the committee still wishes to object on Green Belt grounds it will need to articulate what its points are such as in what respect do the benefits of the proposal not clearly outweigh the harm to the Green Belt given that the road is required to deliver the housing and employment and to deliver the strategy of the development plans. Given that any such decision would be contrary to officer advice, members will need to consider how the case on it is to be presented and by whom.

**Reason 3: The impact of traffic on Abingdon and Didcot has not been assessed in the application.**

49. Access, travel and movement are addressed in paragraphs 134 to 159 of the July committee report. Further assessment against the LTCP was set out in the addenda which included amendments to paragraphs 136 and 158 of the previous committee report. In the light of the Secretary of State's questions, it is now appropriate to consider this issue afresh. The impacts on Didcot were assessed. It is not understood why the reason for refusal refers to Didcot and members will need to articulate which impact in Didcot is severe. The traffic impacts of the development proposed in the planning application were subject to extensive discussion and questioning of officers, the applicant and third party representatives at the previous committee meeting. Members were not convinced that the traffic impacts of the development had been modelled sufficiently widely on settlements beyond the red line application area of the proposed development. Particular reference was made to Abingdon and Nuneham Courtenay.
50. The officer advice as set out in the July committee report was that 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 officer advice was that 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 the Transport Development Control Officer on behalf of the council as Highway Authority and a statutory consultee on the application.
51. It was concluded in the July committee report that the development proposed in the application was considered to be in accordance with Core Policies 33 and 35 of the VoWH P1, Development Policies 16 and 17 of the Vale of White Horse Local Plan Part 2 (VoWH P2), policies TRANS2, TRANS4, and TRANS5 of the SOLP, and CUL8 of the Culham Neighbourhood Plan (CNP), and national transport policies. The officer advice remains as set out in the July committee report and addenda.
52. The Transport Development Control Officer who had been consulted on the application and who had not raised objection to it on behalf of the council as Highway Authority, was extensively questioned at the committee meeting and advised that the traffic modelling was robust and that she had no objection to the planning application. The County Council's Head of Transport Policy also spoke to the meeting and advised that it was his view that the development was not contrary to the LTCP. The committee also heard from third parties who did not concur with the officer advice.

53. The committee considered all this information and advice and concluded that there would be traffic impacts beyond the area of the development proposed in the application that had not been assessed in the application.

#### Summary and officer recommendation

54. Officers are of the view that the modelling undertaken has been robust. In the information provided in Annex 5, the applicant has provided their consideration of this reason and remains of the view that the application provides full, robust and agreed information on the traffic impacts on Didcot and Abingdon. As set out above, the applicant has also now committed to conditions for bus prioritisation measures being delivered and implemented. It would clearly be a matter for individuals to make a modal shift from private car use to public transport, cycling or walking, but it would seem that bus prioritisation would facilitate a move away from private car use and so serve to reduce the overall impact of traffic beyond the area that has been modelled.
55. Overall, it is advised that the local planning authority in its Statement of Case does not oppose the application on this point but instead to set out the committee's concerns with regard to the extent of traffic modelling undertaken by the applicant and ask that, in reaching their recommendation to the Secretary of State, the inspector only recommend approval if they are satisfied that the traffic modelling carried out has robustly examined the wider traffic impacts beyond the application area and that conditions for the provision of bus prioritisation as set out above are attached to any planning permission granted by the Secretary of State.
56. Alternatively, if members wish to pursue this reason for refusal at the Inquiry then it will be necessary for members to consider how the case on it is to be presented and by whom. As things stand officers are not aware of any evidence (or reason to suspect) that the proposals will have severe impacts on any junction in Abingdon or any part of the road network there.

#### **Reason 4: Noise impacts on Appleford**

57. Noise and vibration is assessed in paragraphs 171 to 188 of the July committee report. Members were 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 officer advice was that the adverse effects of the development proposed in the application did 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. The context for this is the assessment of the principle of the development proposed in the planning application as set out in paragraphs 83 to 94 of the previous committee report. Officers concluded that the strategic infrastructure included within the proposal 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. Officers advised that strong support is given to the development as a matter of principle which should be weighed against the other material considerations



outlined in the previous committee report, including any benefits and harms, when reaching a reasoned conclusion on whether or not planning permission should or should not be granted.

58. Members heard from a number of third parties with regard to their objections to the application with regard to the adverse impacts of noise that would be generated by the development proposed in the planning application, both during construction and when operational, and concluded that there would be adverse noise impacts. The officer advice remains as set out in the July committee report.
59. Members may wish to clarify that this reason for opposing the application is because they are of the view that the adverse effects of the development proposed in the application outweigh the strong support for the development provided in the development plan as a matter of principle and the other benefits set out in the previous committee report and that it is their view that this renders the application not consistent with the development plan (the third reason set out in paragraph 4 above which the Secretary of State particularly wishes to be informed about) and so not delivering housing and economic growth sustainably contrary to chapters 5 and 6 of the NPPF. If that is the case, then it is considered there is evidence provided in the planning application and in the consultation comments and representations received on it which could substantiate it as a reason to oppose the application at the Local Inquiry. However, members are reminded of the wider context. The proposal is necessary to achieve very large scale housing and employment development in accordance with the adopted strategies of both development plans. It is inevitable that there will be some impacts including noise from developments of the nature of the proposal to serve such large scale wider development. New roads will necessarily cause some noise issues. Given that fundamental context, members will need to be able rationally to conclude and explain that the noise impacts would outweigh the need for the proposals which are of such fundamental significance to the development of the area. In that context the scale of the noise impacts must be considered.
60. The applicant has responded to this reason as set out in Annex 5 and has summarised the noise impacts on Appleford as follows:
  - i) **Construction** - Whilst some adverse construction noise effects are predicted (including some significant), they will be temporary, and Best Practicable Means of construction will be employed to reduce impacts as far as practicable. These will be detailed in the Construction Environmental Management Plan.
  - ii) **Operational traffic noise effects** - 79 properties in Appleford are identified as experiencing a significant beneficial effect due to reduction in traffic noise levels on Main Road. 19 properties at the south end of Appleford are identified as experiencing a likely significant adverse effect due to increases in traffic noise levels on their west elevations (facing the Scheme). However, many of these properties are also predicted to experience benefits of a similar magnitude on their east elevation (facing Main Road) but are categorised as being adversely affected.

- iii) **Compliance with NPPF** - The Scheme is not predicted to result in any new exceedances of the significant observed adverse effect level (SOAEL) in Appleford. Some properties that currently experience exceedances in the SOAEL at facades facing Main Road, no longer do so with the Scheme in place.
- iv) **Effect of embankment and noise barrier** – The presence of the Scheme on embankment will offer some screening of existing noise sources to the east, for example Hanson's minerals operations. The noise barrier on the Appleford sidings bridge is elevated above both the railway and the houses. Due to the way noise travels through air, it is unlikely to be possible for railway noise to be reflected downwards towards the houses in Appleford.
- v) **Appleford rail Noise Import Area (NIA)** -This small area only encompasses the closest property to the rail sidings and relates to rail noise only. It is the rail operator's duty to address noise levels in this NIA. The Scheme is unlikely to exacerbate levels of rail noise.

61. The applicant remains of the view that the application provides full and robust noise information for it to be concluded that the adverse noise effects do not outweigh the strong support for the scheme.

62. The applicant has also now committed to the following by way of mutually agreeable planning conditions for consideration by the Inspector should these be considered necessary:

i) Exploring the possibility of relocating the proposed noise barrier closer to the proposed carriageway adjacent to Appleford Village, by relocating it between the NMU provision and the carriageway. Details of any proposed change to the noise barrier adjacent to Appleford Village to be submitted for approval by the Local Planning Authority prior to the start of construction.

ii) Installing noise monitoring equipment at a location in the proximity of Appleford Village (exact location to be agreed with the Local Planning Authority) for the duration of the construction works of the Didcot to Culham River Crossing.

#### Summary and officer recommendation

63. It is recognised that there will be some noise impacts arising from the proposal. Overall, officers consider that whilst regrettable the impacts are outweighed by the benefits of the scheme. The applicant has provided further information on this issue in Annex 5 that helps to better quantify the scale of impacts, which highlights that overall 19 properties will be adversely affected along with 79 properties where the existing situation is improved. The applicant has also proposed new conditions that seek to further reduce the impacts, which is welcomed.

64. On balance, it is advised that the local planning authority in its Statement of Case does not oppose the scheme in respect of noise subject to the Inspector being satisfied that the benefits do outweigh the harms and that it is necessary therefore to accept them if the spatial strategy is to be delivered and the aims of chapters 5 and 6 of the NPPF are to be met and subject to conditions as set out in paragraph 49 above. This position would be predicated on the Inspector including the proposed conditions in the grant of any planning permission.
65. Alternatively, if the committee does wish to pursue this issue further at the Local Inquiry, the committee will need to advise officers on the specific areas of concerns that would need to be expressed with regard to noise and how it intended for the matter to be addressed at the inquiry. An alternative approach would be again to not oppose the application but to instead set out in a Written Statement the committee's concerns that the Inspector should only recommend approval to the application if he is satisfied that, having considered the evidence put forward by the local community on the adverse effects the development would have on local residents, that these do not outweigh the strong support for the development provided in the development plan as a matter of principle.

**Reason 5: The absence of a Health Impact Assessment.**

66. Paragraphs 323 and 324 of the July committee report addressed the lack of a Health Impact Assessment as required by policy 9 of the LTCP. Officers advised that the Public Health Officer had been consulted who nonetheless noted that the relevant chapters in the environmental statement provide sufficient information for an assessment of the impacts of the scheme, positive, negative and neutral, on health and wellbeing. Officers advised that full and robust information had been included within the application to enable an assessment of the impacts on human health and that a stand-alone Health Impact Assessment was not required. Air Quality was specifically addressed in paragraphs 160 to 170 of the previous report.
67. The committee was advised that an Air Quality Assessment (AQA) had been provided as part of the Environmental Statement and that the Air Quality Officer for SODC and VOWHDC had reviewed it and made no observations on the proposal nor requested any further information or clarification. The County Council's Health Improvement Practitioner had also reviewed the AQA and had not raised any objections, subject to the implementation of measures to reduce air quality and dust emissions during the construction process. As such, it was concluded that the information provided by the applicant was a robust assessment of air quality effects. Officers concluded that because the development was not expected to result in any exceedances of national air quality objectives, and no significant air quality effects were expected for human health or ecological sites, the development was 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 Dust Management Plan as part of the Construction Environmental Management Plan prior to the commencement of each phase of the development. The officer advice remains as set out in the July committee report.

68. Noise and vibration were also addressed as referenced above. The committee also heard from third parties who did not concur with the officer advice and who raised concerns with regard to the impact on their health including from air quality and noise.
69. Policy STRAT4 of the SOLP states that proposals to deliver strategic development need to be supported by a Health Impact Assessment. There is no such specific requirement in the Vale of White Horse Local Plan Part 1 or Part 2 nor in the NPPF. It is therefore reasonable to conclude that, when taken as a whole, the lack of a Health Impact Assessment is therefore contrary to the development plan and also to policy 9 of the LTCP as a material consideration when considering the development proposed in the planning application. The committee may though wish to consider whether it wishes to pursue this as a reason for opposing the application, given the advice set out above and in the previous committee report that the relevant matters with regard to impacts on health arising from the development proposed in the planning application have nonetheless been addressed sufficiently in the Environmental Statement.
70. As set out in Annex 5, the applicant has provided a new document to address the Health Impact Assessment issue. This document is described as a signposting document which highlights the relevant chapter in the Environmental Statement which provides information on human health. The applicant is of the view that the application submitted full and robust information to enable an assessment of the impacts on human health. The document submitted was reviewed by the County Council's Public Health Team prior to it being provided by the applicant.

#### Summary and officer recommendation

71. Your officers advise that it remains their view that the health impacts of the development have been properly assessed in the documents as part of the Environmental Statement submitted with the planning application and clarified with the information provided in Annex 5. Therefore, officers advise that this reason for refusal is not pursued through the Inquiry and resolved instead through the Statement of Common Ground with the applicant.
72. Alternatively, if the committee does wish to pursue this issue further at the Local Inquiry, members may want to ask in its statement of case that the inspector be satisfied that the information contained in the application and Environmental Statement is sufficient to constitute a robust assessment of the health impacts of the application and to only recommend approval to the application if they are satisfied that it does. Or, if they are not so satisfied, that they only then recommend approval if they consider it is outweighed by the strong support for the development provided in the development plan as a matter of principle and that it is necessary therefore to accept the lack of a health impact assessment if the spatial strategy is to be delivered and the aims of chapters 5 and 6 of the NPPF are to be met.

#### **Reason 6: The harm to the landscape**

73. The assessment of the impacts of the development proposed in the application is set out in paragraphs 189 to 204 of the July committee report. The relevant development plan policies are Policies ENV1, ENV2, DES2 and DES6 of the SOLP, Core Policy 44 of the VoWH P1, Development Policies 21 and 23 of the VoWH P2 and policy CUL7 of the CNP. Whilst not part of the development plan, officers also advised that the council's Tree Policy (TP) was a material consideration. Officers advised that the loss of tree features without sufficient justification would be contrary to development plan policy including Policies ENV1 and ENV2 of the SOLP and Core Policy 44 of the VOWH P1 and that Members must therefore weigh the impact of the loss of trees and hedgerows against the benefits of the scheme set out elsewhere in this report, and consider whether or not the loss of trees is sufficiently justified. Given that the proposed development clearly forms part of the overall strategy for growth within the Science Vale area, and this cannot feasibly be achieved without the loss of trees and hedgerows, the officer advice was that the benefits outweigh the losses in this instance subject to appropriate planning conditions to manage the effects on trees and hedgerows as far as possible. Officers considered that the development would protect and enhance the landscape as far as is reasonably practicable given its nature and associated constraints. The applicant had demonstrated that the removal of trees as proposed was necessary to facilitate the development and was therefore sufficiently justified. Accordingly, the development was considered to be in accordance with national and local planning policies and the council's Tree Policy. The officer advice remains as set out in the July committee report. The committee also heard from third parties who did not concur with the officer advice.
74. Given that the committee included landscape impacts as a reason for refusal, the applicant has subsequently reviewed its position and, as set out in Annex 5, now committed to upgrading up to 50 new trees to semi-mature specimens in the following areas: Didcot Science Bridge, River Thames Area, Culham Science Centre Roundabout Area, Clifton Hampden Conservation Area. The emphasis is to reduce the immediate magnitude of visual impact at Year 1, and therefore the resulting visual effect, from the key adjacent residents or stakeholders that are affected; and also to establishing a Landscaping Enhancements Fund by setting aside £50,000 for the local community to apply for additional landscaping work. It is anticipated that this will be managed by Councillors, perhaps by way of the Scheme's Cabinet Advisory Group. The applicant states it is committed to working with the County Council as Local Planning Authority to reinforce these commitments through this public statement of intent and by way of mutually agreeable planning conditions for consideration by the Inspector should these be considered necessary.

#### Summary and officer recommendation

75. This proposal from the applicant as set out in Annex 5 is welcomed and demonstrates that it is seeking to address landscape concerns where possible. Subject to the proposed wording of conditions to secure the additional detail now proposed by the applicant it is advised that this reason for refusal could now be resolved through the Statement of Common Ground with the applicant and not pursued thereafter at the Local Inquiry.

76. Alternatively, officers consider that if members wish to pursue this as a reason for opposition to the development proposed in the planning application at the local inquiry it would require more specific definition as to how the landscape would be harmed; that the harm could and should have been avoided consistent with the requirements of the proposals and that the harm is such as to outweigh the needs and benefits of the scheme and to justify its non-provision notwithstanding its centrality to the housing and employment development and the strategy of the development plans. At the July committee meeting, specific reference was made by a member of the committee to the impact on the setting of the North Wessex Downs Area of Outstanding Natural Beauty (AONB) and the importance of the local landscape including that of the River Thames. Members may wish to clarify that this reason for opposing the application is because they are of the view that the harm identified to the landscape of the development proposed in the application outweighs the strong support for the development as a matter of principle and the other benefits set out in the previous committee report.

**Reason 7: The Science Bridge was not of adequate design for a gateway feature to Didcot.**

77. Paragraphs 95 to 133 of the July committee report assess the design and layout of the development proposed in the planning application. Paragraphs 104 to 111 specifically address the Didcot Garden Town Arrival Experience and the Didcot Science Bridge. In paragraph 106 it is advised that both SOLP and VoWH District Councils were of the view that the vision for the Garden Town had not been met and that the Didcot Science Bridge design was described by them as mediocre and uninspiring, that it would be visually intrusive by reason of its concrete appearance, massing, and the lack of vertical landscaping on its slopes. For these reasons they considered that it would be contrary to the design policies in the NPPF, the Didcot Garden Town Delivery Plan (DGTDP) and Core Policy 16b of the VoWH P2.
78. In response, officers advised that the Science Bridge structure is functional in appearance, and this is largely led by the engineering and safety requirements involved with carrying traffic over a mainline railway. The development would need to adhere to the safety-critical technical requirements of the local highway authority and Network Rail and this has led decisions around the design and choice of materials. The applicant has sought to reduce the visual impact of the structure by proposing some tree planting at the base of the southern slope, which would be combined with species-rich grassland and some areas of marsh and wetland grass. Officers had worked with the applicant to seek increases to planting on and around the Science Bridge structure to help to soften its appearance and to integrate it better with the surroundings, however the applicant had stated that planting opportunities had been maximised given land ownership constraints and the gradient of the embankment. It was advised that the details of the external appearance of the bridge would be secured through condition if planning permission were granted, however Members were advised that the applicant has indicated that there is limited opportunity to improve the overall appearance beyond the details submitted with the application.

79. Overall, the officer conclusion was that, whilst the development would not fully meet the vision and objectives of the DGDTP, it would contribute towards the Didcot Garden Town Masterplan principles referred to in Policy 16b of the VoWH P2 because it would help to encourage sustainable transport modes and would also improve the arrival experience into the town through reducing traffic congestion and upgrading existing infrastructure. The applicant's explanation as to why the planting proposals cannot be improved further would need to be taken into account in the consideration of the application. The officer advice remains as set out in the July committee report. The committee also heard from third parties who did not concur with the officer advice.
80. As set out in Annex 5, the applicant has been reviewing how the scheme could incorporate design improvements to the bridge. They state that because the bridge includes a crossing of the railway, this means that the design is subject to certain restrictions. However, to address this reason the applicant has committed to, within the constraints of the Network Rail design requirements, working with the Local Planning Authority to enhance the design of the bridge during development of the detailed design for the structure by way of a mutually agreeable planning condition for consideration by the Inspector should this be considered necessary.

#### Summary and officer recommendation

81. This commitment by the applicant to enhance the design of the bridge is welcomed and acknowledged as a positive change to the scheme. Subject to the proposed condition, it is proposed that this reason for refusal is addressed in the Statement of Common Ground with the applicant and not pursued thereafter at the inquiry.
82. Alternatively, if the committee wishes to pursue this as a reason for opposition to the development proposed in the planning application at the local inquiry, it would benefit from some additional definition as to why it is considered to be of poor design so as to conclude that it is then not in accordance with the DGDTP and Policy 16b of the VoWH P2. It is considered there is evidence provided in the planning application and in the consultation comments and representations received on it which could be used to substantiate it at the local inquiry.

#### **Reason 8: Conflict with policy of the council's Local Transport and Connectivity Plan 2022 – 2050 (LTCP).**

83. As set out above, access, travel and movement are addressed in paragraphs 134 to 159 of the July committee report. Further assessment against the LTCP was set out in the addenda which included amendments to paragraphs 136 and 158 of the previous committee report.
84. The traffic impacts of the development proposed in the planning application were subject to extensive discussion and questioning of officers, the applicant and third party representatives at the July committee meeting. The Transport Development Control Officer who had been consulted on the application and who had not raised objection to it on behalf of the council as Highway Authority, was

extensively questioned at the committee meeting. In the addendum to the previous committee report, officers addressed criticism raised by County Councillor Hicks that policy 36 b., d. and e. of the LTCP had not been addressed in the previous committee report, specifically that there was no reference to the policy's requirement that traffic modelling for new road schemes should use a "Decide & Provide" approach. In support of this he referenced the County Council's document: Implementing "Decide & Provide": Requirements for Transport Assessments (ID&P).

85. The officer response set out in the addendum to the previous committee report was that, whilst the modelling did not explicitly follow the methodology outlined in the ID&P, and noting that this was adopted after the planning application was submitted, it did contain "Decide & Provide" principles within it that had been deemed acceptable and in adherence to policy 36 of the LTCP. In the 2034 future year, the applicant had decided that the model only assumes an 80% demand for all new growth on the network. In justifying this decision, the applicant, in agreement with Transport Development Control Highway Officers, assumed that:
- Didcot Garden Town principles will continue to be enacted in this area over the next 14 years, increasing the usage of sustainable modes of travel.
  - All new developments will benefit from ensuring active travel infrastructure is provided at the earliest stage of a development's build out, thus encouraging a step change towards active travel.
  - The largest new development sites follow good spatial strategies and are in more sustainable locations near public transport hubs and / or are located nearer the growing employment areas – Didcot Gateway, Valley Park.
  - Recently accepted trip rates as given planning permission at Didcot NE and Valley Park were lower than those used in the modelling and therefore a demand reduction is justified.
86. Officers advised that this emphasised the fact that the planning application had not modelled for 100% of demand at residential development sites. It had planned for growth in active travel modes such as walking and cycling, as well as increased public transport use, to help to reduce the demand on the highway network and therefore traffic levels, by deciding to assume this 20% reduction. The officer advice remains as set out in the previous committee report and addenda.
87. Members were not convinced that the application had taken a "Decide & Provide" approach to the traffic impacts of the development. If members wish to pursue this reason for opposition to the application at the local inquiry, then it is advised that they may wish to provide clearer definition by referencing that the conflict is with policy 36 parts b., d. and e. of the LTCP in that a "Decide and Provide" approach to manage and develop the county's road network has not been taken in the Transport Assessment submitted with the application.



88. As set out in Annex 5, the applicant has, however, now provided their further thoughts on the proposed development's compliance with the LTCP and conclude that it is in compliance with it. They state that the LTCP informs the development of Area transport strategies and that the Local Cycling Walking Infrastructure Plans for Abingdon and Didcot rely on the HIF 1 infrastructure as part of both Area Strategies for those locations. The applicant also states that it is well documented and acknowledged that providing walking and cycling infrastructure prior to occupation of homes and businesses enables immediate and long-term modal shift away from the private car; the scheme will have a very positive impact on Non-Motorised Users (NMU) travel in the area by directly providing high-quality infrastructure. The provision of additional and improved crossing points for all NMU modes will help to maintain direct routes, connecting footways/bridleways and providing safe access to and from bus stops.

#### Summary and officer recommendation

89. The LTCP does not form part of the development plan and there is no development plan policy which requires that the Decide and Provide approach is taken, nor is this required in the policies of the NPPF. Whilst it is a material consideration and particularly so for a major road scheme proposed by the County Council as Highway Authority, even if it were to be concluded that the development was contrary to this policy, this would not result in any clear conflict with any specific policy of the development plan. It is considered very unlikely that if the inspector concludes that the development proposed in the application is otherwise generally in accordance with the spatial strategy set out in the development plan for the area and that the aims of chapters 5 and 6 of the NPPF are met and that any other harms identified are outweighed by the need of the development that, in weighing it in the planning balance, they would recommend that the application be refused planning permission for being contrary to the policies of the LTCP. Therefore, officers advise that this reason for refusal is not pursued at the Inquiry in view of the further clarification provided by the applicant at Annex 5. This matter could instead be dealt with through the Statement of Common Ground with the applicant.
90. Alternatively, members could, whilst not directly opposing the application on this point, instead to set out the committee's concerns with regard to how the applicant has approached the traffic modelling for a new road scheme contrary to the policies of the LTCP and ask that, in reaching their recommendation to the Secretary of State, the inspector should only recommend approval to the application if they are satisfied that, having considered the evidence put forward, the traffic modelling for the proposed new road has adopted a Decide and Provide approach or that, if it is concluded it has not or has done so inadequately, that this does not outweigh the strong support for the development provided in the development plan as a matter of principle and that it is necessary therefore to accept it if the spatial strategy is to be delivered and the aims of chapters 5 and 6 of the NPPF are to be met.

#### **Conclusion**

91. As set out above, the July committee meeting gave thorough consideration to the development proposed in the application and arrived at eight reasons for refusal. As set out above, the Committee should now consider whether it believes it wishes to support either all or some of the eight reasons given for refusal at the July committee meeting as reasons for now opposing the development proposed in the planning application at the local inquiry. Officers have set out above their advice on each of these eight reasons and how they contribute to the assessment of the matters which the Secretary of State has stated he particularly wishes to be informed about.
92. The officer advice set out above is that they are concerned that some of these reasons will not stand up to the robust examination which they are likely to receive by the inspector when taken in the context of the matters which the Secretary of State has stated he particularly wishes to be informed about. In particular, it is recommended that the development is not opposed on the basis of the conflict with Green Belt policy. Since the July committee meeting, the applicant has also undertaken a review and is proposing a series of enhancements to the proposals that can be secured by conditions. As set out above, further updates will be provided at the committee meeting but it is considered that this is a material change in circumstances that in the opinion of officers potentially resolves the 8 reasons for refusal and could enable the local planning authority to adopt a neutral stance and not oppose the application in its Statement of Case.
93. If, however, members disagree, officers have also set forward an alternative approach of clearly setting out the concerns with regard to the reasons for refusal in a Written Statement to the local inquiry and asking that the inspector consider each matter carefully and accord it relevant weight in the planning balance and their assessment against the development plan's spatial strategy for the area and with regard to how the proposed development is consistent with Government policies for delivering a sufficient supply of homes as set out in the NPPF (Chapter 5); and 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).

## **Financial Implications**

94. Not applicable as the financial interests of the County Council are not relevant to the determination of planning applications.

## **Legal Implications**

95. The human rights of individuals under Article 8 and Article 1 of the First Protocol of the European Convention on Human Rights can be a material consideration. To the extent that there is any interference with such rights, it is considered that the recommendations in this report are in accordance with the law and are

necessary in a democratic society for the protection of the rights and freedom of others and are also necessary to control the use of property in the public interest.

96. Legal comments and advice have been incorporated into the report.

## **Equality & Inclusion Implications**

97. In accordance with Section 149 of the Equality Act 2010, in considering this proposal, due regard has been had to the need to:

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

98. It is not however considered that any issues with regard thereto are raised in relation to consideration of this application.

## **RECOMMENDATIONS**

**It is RECOMMENDED that:**

- A The Committee considers further each of the eight reasons it resolved to refuse planning application no. R3.0138/21 at its meeting on 17<sup>th</sup> and 18<sup>th</sup> July 2023 as set out in this report, and whether it maintains any or all of those reasons in the light of this report.**
- B Following consideration of A, the committee adopts an overall neutral position and puts forward in its Written Statement to be put before the inspector at the Local Inquiry its reasons for any remaining concern with regard to the impacts of the development on the local community and the environment.**
- C DELEGATES to the Director of Planning, Environment and Climate Change to coordinate the preparation of relevant documents and information and participation at the inquiry as she considers appropriate to be submitted to the Local Inquiry on behalf of the County Council as Local Planning Authority.**

**Rachel Wileman**

Director of Planning, Environment and Climate Change

Annex:

**Annex 1:** Letter from the Secretary of State for Levelling up and Housing and Communities of the United Kingdom calling-in application no. R3.0138/21 dated 25<sup>th</sup> July 2023.

**Annex 2:** Report to the Planning and Regulation Committee meetings on 17<sup>th</sup> and 18<sup>th</sup> July 2023 and its addenda.

**Annex 3:** Letter from the Planning Inspectorate dated 23<sup>rd</sup> August 2023.

**Annex 4:** Chapters 5 and 6 of the National Planning Policy Framework.

**Annex 5:** Letter to and response from the applicant dated September 2023

Background papers:

Nil

Other Documents:

Nil

**Annex 1 – Letter from the Secretary of State for Levelling up and Housing and Communities of the United Kingdom calling-in application no. R3.0138/21 dated 25<sup>th</sup> July 2023.**

**Annex 2 – Report to the Planning and Regulation Committee 17th July and Addenda (Item 5)**

**Annex 3 – Letter from the Planning Inspectorate dated 23<sup>rd</sup> August 2023.**

**Annex 4 – Chapters 5 and 6 of the National Planning Policy Framework**



**Annex 5 – Letter to and response from the applicant dated September 2023.**