

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

PLANNING AND REGULATION COMMITTEE

15th January 2024

- 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: 2nd November 2021

Consultation Periods: 11th November 2021-11th December 2021
24th November 2022- 24th December 2022
11th May – 12th June 2023

Introduction

1. At the meeting of the Planning and Regulation Committee on 27th September 2023, members considered an officer report advising the committee of the Secretary of State's call in and specific matters they wish to be informed about in order to reach a decision on the case the LPA will put forward at the Inquiry with regard to 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).
2. The committee resolved as follows:

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

RESOLVED: that overall, the Committee considered that subject to the applicant's commitment, that it would put evidence to the Inquiry that it was 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 was opened, then a clear improvement would have been secured since the July committee. It was evident that further work would be needed through the inquiry process by the applicant to ensure that the proposed conditions would ultimately be deliverable and achieve the required outcomes, but the principle of what had been proposed was considered to be a positive. The Committee considered that with the proposed new conditions, along with the walking and cycling measures already included and commitment that the Area Strategy Travel Plan was being brought forward at pace, reason for refusal 1 was capable of being addressed through the Inquiry. Therefore, the Committee would not pursue reason for refusal 1 at the Inquiry, subject to confirming to the Inspector, PN3

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.

Reason 2 – Lack of Very Special Circumstances for the development set against Green Belt Policy.

RESOLVED: that the concerns regarding the Green Belt were not maintained.

Reason 3 – The impact of traffic on Abingdon and Didcot had not been assessed in the application.

RESOLVED: that overall, it was advised that the local planning authority in its Statement of Case did 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, ask that, in reaching their recommendation to the Secretary of State, the inspector only recommended approval if they were satisfied that the traffic modelling carried out had robustly examined the wider traffic impacts beyond the application area and that conditions for the provision of bus prioritisation as set out in the officers report were attached to any planning permission granted by the Secretary of State.

Reason 4 – Noise impacts on Appleford.

RESOLVED: that the local planning authority in its Statement of Case did not oppose the scheme in respect of noise, subject to the Inspector being satisfied that the benefits did outweigh the harms and that it was necessary therefore to accept them if the spatial strategy was to be delivered and the aims of chapters 5 and 6 of the NPPF were to be met and subject to conditions as set out in paragraph 49 of the officer's report. This position would be predicated on the Inspector, including the proposed conditions in the grant of any planning permission. The Committee understood concerns about noise and the application should look at other means of reducing noise including low road noise surfaces.

Reason 5 – The absence of a Health Impact Assessment.

RESOLVED: that the health impacts of the development had 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, this reason for refusal was not pursued through the Inquiry and resolved instead through the Statement of Common Ground with the applicant.

Reason 6 – The harm to landscape.

RESOLVED: that this proposal from the applicant as set out in Annex 5 was welcomed and demonstrated that it was 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 was 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.

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

RESOLVED: that this commitment by the applicant to enhance the design of the bridge was welcomed and acknowledged as a positive change to the scheme. Subject to the proposed condition, it was proposed that this reason for refusal is addressed in the Statement of Common Ground with the applicant and not pursued thereafter at the inquiry.

Reason 8 – Conflict with policy of the Council’s Local Transport and Connectivity Plan 2022-2050.

RESOLVED: that whilst not directly opposing the application on this point, instead to set out the committee’s concerns with regard to how the applicant had 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 were satisfied that, having considered the evidence put forward, the traffic modelling for the proposed new road had adopted a ‘Decide and Provide’ approach or that, if it was concluded it had not or had done so inadequately, that this did not outweigh the strong support for the development provided in the development plan as a matter of principle and that it was necessary therefore to accept it if the spatial strategy was to be delivered and the aims of chapters 5 and 6 of the NPPF were to be met.

A) Following the eight resolutions above in respect of each of the eight reasons it resolved to refuse planning application no. R3.0138/21 at its meeting on 17th and 18th July 2023, 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.

B) 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.

3. Officers subsequently submitted the Local Planning Authority’s Statement of Case to the Planning Inspectorate and also a Statement of Common Ground agreed with the applicant.
4. The Local Inquiry is now scheduled to commence on 20th February 2024 and the appointed inspector is Lesley Coffey, the fourth inspector to have been appointed

since the application was called-in by the Secretary of State. The then appointed inspector (who was the second inspector) for the Local Inquiry held a Pre-Inquiry meeting on 9th November 2023 to discuss procedural matters. The inspector produced a Pre-Inquiry Summary Meeting note (PIMS) of that meeting.

5. Paragraphs 19 to 20 of the PIMS note state as follows:

Called in planning application - other matters

19. The Local Planning Authority's (LPA) Statement of Case refers to them having various points of remaining concerns. This is in relation to the impacts of the development on the local community and the environment. However, they are relying on the Inspector to make a judgement. This is not sufficient or helpful.

20. Consequently, the LPA is required to provide a Technical Note setting out exactly what their concerns are. This is in specific relation to 'reasons 3 and 8'. This is because the LPA remains concerned about:

- the extent of traffic modelling undertaken by the applicant, and*
- how the applicant has approached the traffic modelling for a new road scheme, which they consider are contrary to the policies of the LTCP.*

6. The inspector also requested a technical note from the applicant as set out in paragraph 22 of the PIMS note:

22. The applicant is required to provide a Technical Note that sets out a response to POETS's letter to the Planning Inspectorate dated 4 November 2023. This asked for the Planning Inspectorate to issue a Regulation 25 request in relation to the adequacy of the Environmental Statement. The note will be helpful for all parties to understand the approach of the applicant and aid the preparation of evidence.

7. Officers appointed a highway consultancy, Origin Transport Consultants Limited (Origin), to carry out a technical review of the remaining concerns with regard to Reasons 3 and 8. As part of this review, Origin was able to consider the Technical Note provided by the applicant to the inspector as requested in paragraph 22 of the PIMS note; this note was of course not available to the members of the Planning and Regulation Committee at their meeting on 27th September 2023.

8. It is clear from the independent review carried out by Origin that the Committee had valid concerns in respect of the extent of transport modelling and whether the County Council's LTCP Decide and Provide policy had been applied. However, taking into account the additional information now provided by the applicant in their own Technical Note requested by the Inspector, Origin concluded as follows:

- i) The Golden Balls Roundabout was not included in the junction assessments in the Transport Assessment as the overall flows at Golden Balls would remain the same but there would be a change in the direction of travel. It is not considered that the lack of impact

assessment work on Golden Balls is an omission that requires attention as there is a separate mechanism and commitment from the Council to deal with impacts at the junction.

- ii) The impact of the HIF1 Scheme on Abingdon, has been assessed as part of the strategic modelling associated with the Vale of White Horse and South Oxfordshire Local Plan evidence base and further modelling for the HIF1 planning application was therefore not required. There are other projects and strategies that focus on future changes in and around Abingdon that deal with the impact arising from planned growth independently of HIF1 although the HIF1 Scheme is part of the same overall strategy.
 - iii) The Decide and Provide approach has been taken into account with sustainable travel measures included as key components of the Scheme and this has been reflected in the method used for the junction impact assessment of the Scheme alongside trip reduction assumptions.
 - iv) The HIF1 Scheme is an integral part of the LTCP policy. The Local Area Strategy update for South and Vale continues to reference progressing with the HIF1 Scheme which is deemed as necessary within the overall Carbon Net Zero policy approach.
9. The Local Planning Authority's Technical Note was required to be submitted by 31st December 2023. Officers therefore submitted the Technical Note referencing the review carried out by Origin which was appended to it.
10. In light of the conclusions reached by Origin, officers considered it necessary to update the committee as the conclusions reached do not support the committee's concern with regard to Reason 3 that the traffic modelling carried out by the applicant had not robustly examined the wider traffic impacts beyond the application area.
11. Neither do they support the committee's concern with regard to Reason 8 that the applicant had approached the traffic modelling for a new road scheme contrary to the policies of the LTCP. They conclude that the traffic modelling for the proposed new road had in fact adopted a 'Decide and Provide' approach.
12. Officers agree with the conclusions reached by Origin and therefore have included the findings in the Technical note submitted to the inspector as set out above in paragraph 9.
13. In paragraph 21 of the PIMS note, the then inspector also stated:

21. It would also be helpful to explain how the LPA considers that the design of the Science Bridge can be enhanced by way of a condition when the proposal is a full application.

14. This comment relates to Reason 7 above and the requested explanatory note has also been provided to the inspector.
15. The response clarifies that it is intended that it is only the external appearance aspect of the design of the Science Bridge which is dealt with by condition through the submission of details of its external appearance, to which end the expectation would be that details are submitted of the materials to be used including their colours. It is considered that this is in accordance with normal practice for the submission of details related to the appearance of a building or other structure when planning permission is granted to a full planning application. For the avoidance of doubt, the condition would not be seeking to enable changes to the height, length, scale and massing of the bridge, which have been included on the submitted plans as part of the full planning application for determination.
16. A further update is that the inspector sent out a further note dated 21st December 2023. In this, amongst various items, she has requested an updated Statement of Common Ground and outlined what she saw as additional topics which had not been explicitly covered in the Pre-Inquiry meeting on which she would wish to hear evidence as follows:

Having regard to my duty under the Planning (Listed Buildings and Conservation Areas) Act 1990, I shall need to understand the effect of the proposal on the significance of the various heritage assets identified. The parties should explain:

- *The significance of the asset, and to what extent its setting contributes to that significance.*
- *The contribution that the appeal site makes to that significance/setting of the asset.*
- *The extent to which the appeal proposals enhance or detract from that significance and/or the ability to appreciate it.*

I shall also wish to understand the landscape and visual effects of the proposal, including the extent of the proposed tree loss and replacement planting proposed, and the design of the Science bridge, including any mitigation measures proposed such as acoustic barriers.

I note that Sport England raised an objection regarding the loss of facilities within the Vale of White Horse District. I shall require sufficient information in order to assess this against national and development plan policies.

Based on the evidence I have seen to date it would seem that the proposal may result in the loss of bat roosts and have other implications for biodiversity, including the Bridge Farm restoration area and possibly other restoration projects. These matters should be addressed in evidence and where possible a Statement of Common Ground agreed.

17. All of the above topics were addressed in the report to this committee on 17th July 2023. Landscape and the design of the Science Bridge were also further addressed in the report to this committee on 27th September 2023. There is no new information related to these matters which has been presented by the

applicant and it is your officers' view that these are all matters which the committee has previously considered in originally resolving its reasons for refusal of the application and subsequently its position of overall neutrality for the purposes of the Local Inquiry. Therefore your officers will draw the current inspector's attention to the advice that was previously provided to this committee with respect to these matters in order to inform her on these matters.

Conclusion

18. It is recommended that the Committee notes the report.

Financial Implications

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

Legal Implications

20. 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.
21. Legal comments and advice have been incorporated into the report.

Equality & Inclusion Implications

22. 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.
23. It is not however considered that any issues with regard thereto are raised in relation to consideration of this application.

RECOMMENDATION

It is RECOMMENDED that:

The Committee NOTES the report.

Rachel Wileman

Director of Planning, Environment and Climate Change

Annex: Nil

Background papers: Nil

Other Documents: Nil