APP/U3100/V/23/3326625

HIF ROAD BETWEEN A34 AND B4105

CLOSING SUBMISSIONS ON BEHALF OF P.O.E.T.S, NPC JOINT COMMITTEE AND E. HENDRED PC

Need/ Highways

1. The promoters and supporters of the Scheme face a fundamental difficulty. On the one hand they have to meet the requirements of central government for substantial additional housing and employment in the Southern Vale area. On the other they have to do so and at the same time reduce carbon emissions as demanded by the recently amended NPPF and the more recently adopted development plans, and in the interests of the planet as a whole. The Scheme attempts this difficult feat by the compromise of road building. Like many such, this compromise is deeply unsatisfactory.

2. First, it does not even try to achieve the ideal, that is, the removal of all congestion.[1] Second, it offers an unnecessarily elaborate solution to a problem which has been exaggerated. This was done to justify the building of the road. There is much material to support that criticism. In the first place, the traffic congestion is limited to peak periods.[2] Nor did the suggestion commend itself to Miss Currie, whose view is that the highway network is not heavily congested.[3] That opinion gains further support from the history of the appeal in Sutton Courtney. It is difficult or impossible to reconcile the fact that OCC withdrew its objection to the proposal to build over one hundred dwellings on traffic grounds with the series of refusals of permission for single dwellings by Inspectors because this would exacerbate the congestion. It must follow that OCC accepted that the problem was less acute than is now claimed. Additionally, the photographs produced show that the network is not overloaded, even at places where the congestion is said to be greatest.[4] Finally, there is the evidence of the gentleman who gave up sending his children to school by bus and now drives them there instead. He could hardly have done so if traffic conditions were intolerable.

---

[1] Wisdom proof, p. 14 paras. 11.2-11.4

[2] Casey-Rerhaye in cross-examination Day 5 Wisdom proof pp 87 & 88, figs, 30 & 31.

[3] Oral evidence in chief, Day 6.

[4] Wisdom proof p. 100.

3. The third defect in the compromise solution is that it is no more than a temporary expedient. Arguably, this flaw is fatal. On OCC's own assessment the Scheme results in the network functioning in much the same way as it does now ten years after it opens.[5] Further, OCC appears to regard that as a satisfactory result, since they seem to have given no thought as to what to do to cater for year eleven and beyond.[6] However, it is plain that development will continue for many years in future if projects such as the Culham, Berinsfield, and Didcot housing schemes are carried through to completion.[7] It cannot be that yet more road building will be seen as the solution to the problems posed by the desire for travel in the relatively near future.

4. Here it is necessary to turn aside and consider the question of induced traffic. This expression, incidentally, seems to mean something different to each witness who covers it. Whatever induced traffic may be, it is at most of limited importance in the context of the scheme as a whole. Witnesses from Sir Ian Chapman to Disley have agreed that if a new road is built drivers will use it. That insight is not profound, but is a common sense and everyday observation. Drivers are bound to divert onto the Scheme road from time to time, and it can be expected to tempt some to abandon the bus for the car. In any case, it does not matter greatly which view on induced traffic prevails. If OCC is right and there is no induced traffic it will take ten years before conditions are the same as today. If the opponents' witnesses turn out to be right, it will take rather less time to reach the same place. Whichever conclusion is right, the relief of whatever congestion there may be will never be more than temporary.

5. The next defect in the Scheme is that it gives insufficient incentive to drivers to get out of their cars and travel in or on different vehicles. On the contrary, we now know that there is no intention to do anything to discourage drivers of private cars from making use of the road. The importance of this is shown by the latest, December 2023, version of the NPPF, and by the embracing of 'decide and provide' instead of 'predict and provide' by OCC in 2022.[8] The authoritative support of Sir Ian Chapman adds weight to the point.[9] There are two aspects to this. First, the intention to place no restraints on the use of the road[10] is unsurprising, since the Scheme was conceived in the era of 'predict

---

[5] Wisdom proof p. 88, para. 11.2. Currie to the same effect.
[6] Wisdom and Disley in Cross-examination.
[7] Currie in Cross-examination.
[8] Wisdom in Cross-examination.
[9] In cross-examination.
[10] Currie in Cross-examination.

and provide'. The likely inference is that the provision for cyclists and walkers was added on at a date later than the adoption of the Scheme. If so it hardly qualifies as 'decide and provide'.

6. That suspicion is fortified by the evident deficiencies in what is provided for walkers and cyclists. They will have to snake their ways for 11 kilometres close to a carriageway carrying many thousands of vehicles per day. That alone is a formidable deterrent. In addition, it is clear that they will have to negotiate the carriageway at numerous T junctions and roundabouts.[11] It is, therefore, no more than conjecture whether the modal split assumed by and 'hoped for' by the promoter will be achieved in practice.[12] Thus, the benefits to the health of the public for which claims are made remain wholly speculative. It is no more than a case of wait and see.

7. All this will impose heavy burdens on the environment and local people. This is covered more fully hereafter. The evidence shows that the Science Bridge and the second bridge to the west of Appleford will be hugely disruptive to build and in the case of the second of these, environmentally detrimental.[13] This prompted the call for a level crossing of the private sidings there, as it did the suggested re-routing of the road further to the west, to take it away from the village. Both adjustments to the Scheme are technically feasible.[14]

8. Next the Scheme is, on any view, ambitious, to put it no higher. No doubt, given time and prodigious expenditure of skill and money, it could be delivered. However, the promoters can point to no comparable project which they have undertaken, and the consultant in charge of the works has never overseen the building of a bridge over a four-track electrified railway.[15] This is no criticism of him, but it fortifies the fears about the deliverability of the proposal and the value for money which it provides,[16]

9. Finally, to end this catalogue of defects, it is likely that an increase in traffic through Abingdon and Nuneham Courtney, which has not been assessed, will impact on the people who live there. It is clear that there is the potential with the Scheme for drivers who would not otherwise choose to go through these

---

[11] Blanchard, Chan and Disley in Cross-examination.
[12] Currie in Cross-examination.
[13] Blanchard in Cross-examination.
[14] Chan in cross-examination.
[15] Blanchard in cross-examination.
[16] See Harman, passim.

places to do so once the Scheme is built.[17] The modelling appears to rest on the assumption that traffic on the road disappears in some unexplained way once it reaches the Golden Balls roundabout and the end of the arm leading to Abingdon. The response in OCC's Technical Note of December 2023 states, correctly, that the A415 will be the route through Abingdon with or without the Scheme, and the A4074 through Nuneham Courtenay likewise. In addition, you have the evidence of Williams,[18] and Ayres[19] to the effect that it is self-evident that there will be substantial amounts of traffic using the A4074 between Golden Balls and Oxford and/ or destinations further north and east. The modelling, however, overlooks the potential for increased volumes of traffic afforded by the construction of the road. This should have been assessed in terms of both the Environmental Assessment and the planning application itself.

10. There is at least one other reason why the modelling should be treated with circumspection. It forms the basis for the suggestion that there will be beneficial consequences such as reductions in noise at the settlements along the route[20]. Yet that can be true only if a substantial percentage of the traffic presently driving through those settlements is through traffic not having a destination there. There is no evidence to show that this is so, and, further, there is good reason to suppose the opposite. This is because there are alternative routes available to a driver with a destination in, say, Sutton Courtenay to go there without taking a tortuous minor road such as Main Road in Appleford. That is but one example of several which might be given.

11. All this on its own is enough to justify rejection of the proposal. There then arises the question whether its inclusion in the relevant statutory development plans is enough to save it. The answer to that is a clear negative, for several reasons. First, at the risk of repetition, government policy has changed with the amendment to NPPF already mentioned. That is a most material consideration. Second, thinking in Oxfordshire has changed. The evidence shows that the emphasis has changed over the years from the assumption that road building is the answer to all or most traffic problems to one where it is essential to look away from the private car to other means of travel.[21] This too is a material

---

[17] Baker in cross-examination.
[18] Proof of evidence, section 3.
[19] Oral evidence Day 12.
[20] Scott proof paragraph 2.39.
[21] See Wisdom proof, Section 5 pp.27-34: Tamplin proof Section 4.

consideration, making it right to have relatively little regard to the development plans.

12. The third material circumstance is the belated but significant general awareness which now prevails, that the problems created by climate change are acute. This too is not controversial as between the parties at this inquiry.[22] At a late stage Greep drew attention to the draft SODC and VWHDC Local Plan.[23] This shows that those authorities have become so concerned about this matter that they have both declared climate emergencies. Fourth, and also non-controversial, is that there has been a change in the behaviour of the population as a whole. The most striking has been the trend to work from home, accelerated by the Covid pandemic.[24] This has been especially marked in this part of Oxfordshire.[25] In addition, there is the tendency for the young to abandon the car in favour of other forms of travel.[26] There was no challenge to the evidence on this.

13. In urging rejection of the Scheme, the objectors are not nihilistic. It may be that OCC considered some alternatives to road building before they lit on the Scheme as the solution. If they did, there is a suspicion that in doing so they were predisposed in favour of the road. This is because 'predict and provide' was the vogue when the decision in principle was taken, which almost certainly informed the judgment that although the Scheme was one of the two worst environmental options, yet nevertheless it should be preferred.[27]

14. These 'material considerations' also justify a fresh round of 'optioneering'.[28] This will, and should, allow those concerned to reappraise all the alternatives to road building. This is plainly foreshadowed in LTCP.[29] and is especially necessary because of the clear opportunities offered by the presence in the area of the Didcot-Oxford railway, due for major improvements at Culham Station and widening to four tracks as far as Radley. It is not for the citizenry to proffer answers to the questions which face the responsible bodies who plan these things.[30] It can do no more than put forward suggestions for those with

---

[22] Wisdom proof, ,ibid.; Sir I Chapman in cross-examination..
[23] Proof paragraph 3.4.7.
[24] Turnbull proof, para. 41, p.13.
[25] Goodwin proof, p.2
[26] Ibid.
[27] Wisdom proof, para.8.17, p.47.
[28] A Word not to be found in the Shorter Oxford Dictionary.
[29] Disley proof, par,2.17 p.7.
[30] Casey-Rerhaye in cross-examination.: Tamplin proof para.5.1, p.16.

responsibility to consider. In the meantime, relatively modest development such as that proposed at Sutton Courtenay will no doubt continue to be brought forward.

15. This is more than a pipe dream. The examples of what has been done at Cambridge, Chippenham and in the south of France of which Turnbull and Tamplin spoke show that the kind of exercise which the objectors urge upon the SOS is achievable in practice. The criticism that the French example is not comparable because it concerned an urban area while you are looking at one which is rural is invalid. The South Vale and in particular that part in the VWH is already well on the way to becoming urban and will continue to do so for the foreseeable future. As that process unrolls it is accepted that integrated transport plans become progressively easier to draw up and implement.[31] Above all, those concerned need to guard against complacency. It will not be enough to point to success in restraining traffic in Oxford City alone, and to leave it there. That way lies Armageddon.

The Burdens on Local Communities

16. In return for the questionable benefits of the HIF1 road, which on any view will be merely transitory, local people and the general public will pay an unacceptable heavy price. To this I now turn.

17. Here the SOS should have in mind at the outset that the planning authority with primary responsibility for assessing the scheme does not support it. That fact has received little attention in the course of the inquiry, but it is a highly material consideration, and one which should be given considerable weight. One can go further. As we know, OCC as planning authority was initially very critical of the project, for reasons which were strikingly similar to those which the objectors have put forward at this inquiry. When the application was called in in response to a request made on behalf of the Culham Centre for Fusion Energy, OCC then reconsidered its position, by which time the scheme had scarcely changed. The most dramatic addition to the proposals was the provision of 50 semi-mature trees along the 11 km. length of the road. This appears to have been enough to persuade the authority to alter its position to a limited remit only, leaving it with the claim that its attitude is now neutral. The lack of enthusiasm is revealing and raises questions as to the arguments which led to the slight modification in the council's attitude. Parenthetically, you may

[31] Disley in cross-examination.

wish to take note that the Fusion Energy Centre is to be provided with a large housing allocation next door to it on one side, and a modernised railway station on the other. Of all the organisations in the area it is the one with possibly the least need for an 11 km. road by way of additional access.

18. Returning to the question of the price to be paid in return for the construction of the road, the advocates of the project attempt to justify it by evading the inevitable. What cannot be avoided is that a new road carrying many thousands of vehicles, including HGV's, each day must necessarily inflict demonstrable harm on the people living along its route, on the open countryside through which it will pass, and on those objectives which the Oxford green belt is designed to protect.

Carbon Emissions and Pollution

19. Here there is at least one direct conflict of evidence. On the one hand Ng detected an increase in car use and carbon emissions since the end of the Covid pandemic lockdown and predicted that there will not be any reversal of this trend.[32] On the other hand, Savage detected a year-on-year decline in measured concentration.[33] If this dispute needs to be resolved, then the safer assumption is that pollution levels are more likely to increase than reduce as time goes by, and, if so, a cautious approach to road construction is to be preferred. What cannot be gainsaid, however, is that a new road is bound to attract large amounts of traffic[34] with corresponding generation of pollutants. If it is still maintained that in order to justify this outcome it is enough to point to the success of OCC in reducing traffic use and congestion in Oxford city centre, then this is dangerously complacent. The ambition should be to minimise vehicle traffic everywhere, an injunction which applies in Oxfordshire as much as anywhere else in the UK.[35]

20. This is of particular concern to the parishes of Appleford and Nuneham Courtenay. Appleford is especially vulnerable because the road will be upwind of the village for most of the time when the prevailing winds blow. The impact on Appleford cannot be underestimated or mitigated. At Nuneham Courtenay the traffic will travel through the centre of the village, which speaks for itself.

---

[32] Proof paragraph 5.
[33] Proof paragraph 2.23.
[34] Ng proof paragraph 11.
[35] Landsburgh in cross-examination.

21. The inquiry has the benefit of expert evidence from the medical expert Dr. Jones on the consequences for the health of the public of the emissions from motor traffic, if that evidence was needed. As one would expect that evidence points all one way and established the undoubted threats to human health from the emissions. That being so, it is hardly surprising that Savage pointed out that adopted local plan policies advocate production of as few emissions as possible.[36] Building the road would be a clear and obvious beach of those policies. Even if, which is of course challenged by the objectors, the traffic modelling is correct in forecasting reductions of traffic in those villages, existing conditions are such in both places that even the possibility of more pollution should deter the SOS from running the risk. Savage accepts that pollution is a cause for concern over much of Oxfordshire, and that in these circumstances any addition would be better avoided.[37] It would also be wrong to overlook the fact that the traffic will be going uphill as it passes Appleford northbound. This must increase the possibility that the emissions will be correspondingly greater[38] and the riposte from Savage, that there will be a compensating reduction in emissions from southbound traffic on the down gradient is no more than speculative wishful thinking.[39]

Green Belt

22. The history of the way in which OCC as planning authority dealt with this application need not be rehearsed in detail but is one of inexplicable inconsistency. As James[40] and the District Council officer recognise,[41] the road would conflict with more than one of the recognised functions of the green belt in South Oxfordshire. This must automatically make it inappropriate without more ado, and the SOS is invited to reject the artificial and largely semantic arguments which are said to point to the opposite conclusion. For instance, the argument that the road will be only a small encroachment on the green belt is demonstrably absurd.[42] Either it is an infringement and therefore inappropriate or it is not. Similarly, the contention that it must be appropriate because it will be a local rather than a strategic road is no more than a verbal quibble. It is equally capable to being seen as a strategic as it is a local road, just as the two

---

[36] Proof paragraph 2.10.
[37] Proof paragraph 3.50; in cross-examination.
[38] Hancock proof paragraph 4.2.13.
[39] Savage proof paragraph 332.
[40] Proof paragraph 6.
[41] Bowerman proof paragraph 4.51.
[42] Greep proof paragraph 4.2.4 *et seq.*

MSA cases cited by Greep[43] were held in one instance to be a strategic proposal and in the other a local one. The promoter and its witnesses are consequently driven to fall back on the argument that 'very special circumstances' justify the HIF! This depends on the largely circular argument that the road is needed because of its function in releasing the sites needed for housing and employment.[44] That might be so if, and only if, there were thought to be no alternative to HIF1 as a way of releasing those sites. However, without repeating the points which have been made clear throughout the inquiry,[45] there is a variety of alternatives which might offer a solution to the problem. It is not even necessary to go that far.

23. If we have reached a position where the SOS can be satisfied that it would be right to carry out a more rigorous examination of the alternatives than was done in the OCC 'optioneering' exercise then that too would remove the 'very special circumstances' said to exist here. Greep appeared to agree with both these propositions.[46] It is of interest that OCC apparently received no advice from anyone other than Greep which might have caused it to change its opinion on the important matter of the green belt. If that is right then the shortcomings in the reasoning identified above should persuade the SOS to dismiss that reasoning.

Landscape

24. Although this is an important topic, it can be covered relatively briefly. This is because there is relatively little difference between the parties. The critical comments in James' proof on Landscape are echoed, if somewhat more faintly, by the District Council witnesses.[47] Even Ash for OCC expresses much the same reservations about the impact on the landscape.[48] This is unsurprising, since the scheme introduces large urban features into a landscape which, apart from the town of Didcot itself, is mostly open countryside. In addition to the carriageways and cycle and footpaths themselves, there will be the large visually intrusive and, to use a neutral word, functional viaduct and bridge structures slicing across the landscape which all the witnesses agree can only be injurious.

---

[43] Proof paragraphs 4.3.11 and 4.3.12.
[44] Statement of Case paragraph 2.2.8: Greep proof paragraph 5.2.14.
[45] For example, Tamplin proof paragraph 5.6 *et seq.*
[46] In cross-examination.
[47] Butler proof paragraphs 4.14 and 4.15: Bowerman proof paragraphs 4.29 & 4.31.
[48] Proof paragraph 6.21

25. Once again, Greep raises a lone voice in dissent. At paragraphs 4.23 and 4.24 of his proof he covers the question of openness in the countryside and expresses the professional opinion that building this road preserves the openness of the green belt, in direct disagreement with the re4port of OCC planning officers to their committee. It is hard to react to that with gravity. It flies so obviously in the face of common sense and reality that it casts doubt on the weight to be given to his evidence as a whole.

Noise

26. With appropriate amendment, the same holds good for the noise impact. Bowerman did not address the question, but Butler fairly, albeit briefly, conceded that noise and motion go into the harmful scale when planning balance falls to be struck.[49] Here it would be wrong to overlook the impact, which some might describe as devastating of the construction process. Scott for OCC does not fall into error on this score.[50] To this must be added the undoubted harmful impact of the noise, vibration and movement of the traffic once the road is open, which will of course be permanent. The limitations on the reliability of the noise estimates is covered in the submissions made earlier in the context of traffic modelling need not be repeated, valid though they remain.

Summary and Conclusion

27. At the beginning of the inquiry, you were asked to conclude that there are 11 reasons why planning permission for HIF1 should be refused. If you go back over them, I invite you to come to the view that all have been made out to your satisfaction, that planning permission should be refused, and that the people of the Science Vale should be reprieved.

David Woolley.
April 2024.

[49] Proof paragraph 4.11
[50] Proof paragraph 2.8.