

**The Oxfordshire County Council (A40 Access to Witney)
Compulsory Purchase Order 2023**

**The Oxfordshire County Council (Highways Infrastructure – A40
Access to Witney) Side Roads Order 2023**

PLANNING INSPECTORATE REFERENCE:

DPI/U3100/23/25

**Proof of evidence of
Baljinder Singh Tiwana
(Planning Policy)**

1 INTRODUCTION

Qualifications and Experience

- 1.1 My name is Baljinder (Bal) Tiwana. I am an Associate Planner at Stantec UK Limited and have over 10 years' experience as a practising town planner.
- 1.2 I hold an BA (Hons) degree in Economics and Geography from Lancaster University and a MSc degree in Urban and Regional Planning from the University of Birmingham. I have been a Chartered Member of the Royal Town Planning Institute since 2016.
- 1.3 Prior to joining Stantec (then known as Peter Brett Associates) as an Assistant Planner in 2015, I was employed as a Graduate Planner at a strategic land promotion company. Whilst at Stantec, I have been promoted on a number of occasions. I was promoted to my current position as Associate Planner in 2022.
- 1.4 My current role at Stantec involves providing planning and development advice, promoting sites through the planning process and managing the submission and subsequent progression of planning applications through the planning system.

Scope of Evidence

- 1.5 This proof of evidence has been prepared regarding planning policy matters relating to:
 - 1.5.1 The Oxfordshire County Council (A40 Access to Witney) Compulsory Purchase Order 2023 (the **CPO**) [CDs A.1 and A.2]; and
 - 1.5.2 The Oxfordshire County Council (Highways Infrastructure – A40 Access to Witney) Side Roads Order 2023) (the **SRO**) [CDs A.3 and A.4],

together the **Orders**.
- 1.6 The Orders were made to enable the delivery of improvements to the existing A40 Principal Road, the B4022 and the C16886 South Leigh Road at its junction with the B4022, at Shores Green, Witney at the location of the junction of the A40 with the B4022. The proposed improvements are known as the A40 Access to Witney Scheme (the **Scheme**).
- 1.7 The Scheme will construct two new west-facing slip roads at the Shores Green junction of the A40; a new eastbound exit slip road from the A40 to a new junction with the B4022; and a new westbound entry slip road onto the A40 from a new junction with the B4022. The Scheme will provide new walking and cycling facilities on the B4022 and alongside the A40, which will improve provision for active travel.
- 1.8 The SRO will enable Oxfordshire County Council, as the Acquiring Authority (the **Acquiring Authority**), in relation to the Classified Road works comprising the improvements, by widening and other works, of the A40, to stop up existing highways affected by the Classified Road works and to improve other highways as a consequence of the Classified Road work.
- 1.9 The Orders were made by Oxfordshire County Council (the **Council**) on 27 June 2023 and were submitted electronically to the Secretary of State for Transport on 21 July 2023 and in hard copy on 1 August 2023. The Orders are now due to be considered by an Inspector at a Public Inquiry scheduled to open on 12 March 2024. This proof of evidence has been prepared in connection with that Inquiry.
- 1.10 I confirm that the evidence that I have prepared in respect of this Inquiry is given in accordance with the guidance of the Royal Town Planning Institute (my professional institution) and I can confirm that the opinions expressed are my true and professional opinions.

- 1.11 The purpose of my evidence is to provide an overview of the local and national planning policy relevant to the Scheme; assess the Scheme against relevant planning policy; confirm the position as regards to the planning permission for the Scheme; and provide my conclusions on the justification for seeking confirmation of the Orders. I also address the grounds of objection raised by objectors insofar as they relate to planning issues.
- 1.12 My proof of evidence should be read in conjunction with other separate but interrelated proofs of evidence submitted on behalf of the Council, including:
- 1.12.1 Strategic Case and Need, prepared by Nicholas Blades of Oxfordshire County Council [CDs G.1, G.2 and G.3];
 - 1.12.2 Technical Highways Engineering and Modelling, prepared by Philippe Nirmalendran of AECOM [CDs G.16, G.17 and G.18];
 - 1.12.3 Environmental effects, prepared by Alison Morrissy of AECOM [CDs G.19, G.20 and G.21];
 - 1.12.4 Traffic Modelling, prepared by Theodore Genis of Stantec [CDs G.13, G.14 and G.15];
 - 1.12.5 Delivery and Funding, prepared by Gareth Slocombe of Oxfordshire County Council [CDs G.4, G.5 and G.6]; and
 - 1.12.6 Negotiations and Acquisition, prepared by Jessica Bere of Gateley Hamer [CDs G.7, G.8 and G.9].

2 PLANNING POLICY RELEVANT TO THE SCHEME

Introduction

- 2.1 This section of my proof of evidence provides an overview of the national and local planning policy relevant to the Scheme.

Overview of the Scheme

- 2.2 The Scheme is shown on the Site Plan within Appendix 1 of the Council's Statement of Reasons [CD A.5] and is located along the A40 dual carriageway at the existing Shores Green junction onto the B4022, approximately 600m from the south-east edge of Witney. The A40/B4022 interchange provides one of two connections between the A40 and Witney and is grade separated with east facing slip roads.
- 2.3 The Scheme will construct two new west-facing slip roads at the Shores Green junction of the A40; a new eastbound exit off-slip road from the A40 to a new junction with the B4022; and a new westbound entry on-slip road onto the A40 from a new junction with the B4022.

Planning Application

- 2.4 The Scheme is located within Oxfordshire County and passes through the administrative boundary of West Oxfordshire District Council (**WODC**). A planning application was submitted to the Council as the determining County Planning Authority (**CPA**) for Highways schemes promoted by Highway Authorities under the Town and Country Planning Act 1990 (as amended) and the Town and Country Planning (Development Management Procedure) (England) Order 2015. The application is a Regulation 3 application, as defined by the Town and Country Planning General Regulations 1992. The red line planning application boundary is shown on Appendix BT3.1.
- 2.5 The key dates associated with the planning application are as follows:
- **01.04.2022:** Planning application for *'The construction of two new west-facing slip roads at the Shores Green junction of the A40; an off-slip to allow eastbound vehicles to exit the A40 on to the B4022 towards Witney and an on-slip to allow westbound vehicles to enter the A40 from the B4022 at this junction. Two existing lay-bys to the west of the A40 overbridge will be removed to accommodate the construction of the slip roads'*, validated by the Council, in its role as CPA (Council ref: R3.0039/22).
 - **25.08.2022:** The CPA issued a request for further information required to support the determination of the planning application under Regulation 25 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.
 - **31.10.2022:** The Council formally responded to the CPA's Regulation 25 request, and also submitted amended versions of the Scheme drawings.
 - **17.04.2023:** The planning application was due to be presented for determination at a meeting of the Council's Planning and Regulation Committee, but was deferred by the committee to enable time for the consideration of comments made by South Leigh and High Cogges Parish Council.
 - **05.06.2023:** Planning application ref: R3.0039/22 was presented at a meeting of the Council's Planning and Regulation Committee. Members unanimously resolved to grant planning permission for the Scheme, subject to a number of conditions and the provision of a Unilateral Undertaking to secure a commitment by the Council to deliver a complementary scheme of traffic calming measures in South Leigh.
 - **15.07.2023:** Planning permission for application ref: R3.0039/22 was formally issued [CD F.1].

- **15.09.2023:** Planning application pursuant to Section 73 of the Town and Country Planning Act 1990 [CD F.2] validated by the Council to '*continue the development permitted by R3.0039/22 (construction of two new west-facing slip roads at the Shores Green junction of the A40; an off-slip to allow eastbound vehicles to exit the A40 on to the B4022 towards Witney and an on-slip to allow westbound vehicles to enter the A40 from the B4022 at this junction. Two existing lay-bys to the west of the A40 overbridge will be removed to accommodate the construction of the slip roads) without complying with conditions 1 and 18 in order to replace a proposed shared-use path with a footway, merge two balancing ponds into one, re-align a drainage ditch, extend the highway boundary and make amendments to the landscaping scheme to include additional planting.* In addition, the Section 73 planning application sought to vary condition no. 18 of the original permission, in order to enable flexibility to amend off-site Biodiversity Net Gain requirements. (Council Ref: R3.0142/23).
- **21.02.2024:** The Council's Head of Strategic Planning issued a letter advising that subject to the completion of a Unilateral Undertaking to provide traffic calming measures in South Leigh, he is recommending that planning permission be granted for the Section 73 planning application (see Appendix BT3.2).

Development Plan

- 2.6 Section 38(6) of the Planning and Compulsory Purchase Act 2004, together with Section 70 of the Town and Country Planning Act 1990, provides that planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 2.7 The Development Plan for the Scheme comprises the following documents:
- West Oxfordshire Local Plan 2031, adopted September 2018;
 - South Leigh Neighbourhood Plan, made January 2019; and
 - Oxfordshire Minerals and Waste Local Plan Part 1, adopted September 2017.

West Oxfordshire Local Plan 2031

- 2.8 The West Oxfordshire Local Plan 2031 (**WOLP**) was formally adopted on 27 September 2018. The WOLP sets out a vision for West Oxfordshire District in 2031 and provides an overarching framework to guide and deliver that vision. The WOLP policies most relevant to the consideration of the Scheme are:
- Policy OS1: Presumption in Favour of Sustainable Development
 - Policy OS2: Locating development in the right places
 - Policy OS4: High quality design
 - Policy OS5: Supporting Infrastructure
 - Policy H1: Amount and distribution of housing
 - Policy T1: Sustainable Transport
 - Policy T2: Highway Improvement Schemes
 - Policy T3: Public transport, walking and cycling
 - Policy EH2: Landscape Character
 - Policy EH3: Biodiversity and geodiversity

- Policy EH7: Flood risk
- Policy EH8: Environment protection
- Policy EH9: Historic Environment
- Policy WIT1: East Witney Strategic Development Area ('EWSDA')
- Policy WIT6: Witney Sub-Area Strategy

2.9 The planning policy table within my Appendix BT3.3 sets out the relevant policy wording.

South Leigh Neighbourhood Plan

2.10 The South Leigh Neighbourhood Plan (**SLNP**) was made on 8 January 2019. The southern and eastern sections of the planning application red line boundary are situated within the boundary of the SLNP plan area. The relevant policies of the SLNP that are most relevant to this application are:

- Policy SLE1: Countryside and Landscape
- Policy SLE2: Countryside Access
- Policy SLE5: Biodiversity
- Policy SLE6: Heritage Assets
- Policy SLE7: Dark Skies
- Policy SLD2: Design
- Policy SLT1: Traffic Management

2.11 The planning policy table within my Appendix BT3.3 sets out the relevant policy wording.

Oxfordshire Minerals and Waste Local Plan Part 1 – Core Strategy (2017)

2.12 The Oxfordshire Minerals and Waste Local Plan Part 1 – Core Strategy (**OMWLP**) was adopted in September 2017. The OMWLP sets out the vision, objectives, spatial planning strategy and policies for meeting development requirements for the supply of minerals and the management of waste in Oxfordshire until 2031.

2.13 I consider that the OMWLP does not contain policies which are of relevance to the Scheme.

Other material considerations

2.14 Other material considerations include:

- National Planning Policy Framework
- Planning Practice Guidance
- Connecting Oxfordshire: Local Transport Plan 2015-2031
- Oxfordshire Local Transport and Connectivity Plan
- West Oxfordshire Infrastructure Delivery Plan
- Witney Local Cycling and Walking Implementation Plan

National Planning Policy Framework

- 2.15 The latest iteration of the National Planning Policy Framework (**NPPF**) was published in December 2023 to set out the Government's planning policies for England and how they are expected to be applied.
- 2.16 The key sections of the NPPF of relevance to the Scheme include:
- Section 2 – Achieving sustainable development;
 - Section 4 – Decision-making;
 - Section 6 – Building a strong, competitive economy;
 - Section 7 – Ensuring the vitality of town centres;
 - Section 8 – Promoting health and safe communities;
 - Section 9 – Promoting sustainable transport;
 - Section 12 – Achieving well-designed places;
 - Section 14 – Meeting the challenge of climate change, flooding and coastal change;
 - Section 15 – Conserving and enhancing the natural environment; and
 - Section 16 – Conserving and enhancing the historic environment.

Planning Practice Guidance

- 2.17 The online national planning guidance resource – the Planning Practice Guidance (**PPG**), which provides additional context and clarity to the NPPF – was launched by the Government on 6 March 2014 and has been updated on numerous occasions since.
- 2.18 The key sections of the PPG considered of relevance to the Scheme are:
- Air Quality
 - Environmental Impact Assessment
 - Historic Environment
 - Natural Environment
 - Light Pollution
 - Noise
 - Use of planning conditions

Connecting Oxfordshire: Local Transport Plan 2015-2031

- 2.19 Connecting Oxfordshire: Local Transport Plan (**LTP4**) sets out the Council's policy and strategy for developing the transport system in Oxfordshire over the period to 2031. LTP4 was agreed by the Council in 2015 and updated in 2016 to strengthen the emphasis on improving air quality and making better provision for walking and cycling.
- 2.20 LTP4 has four key transport goals, concerning supporting job/housing growth and economic vitality; reducing emissions; protecting or improving the environment and quality of life levels; and to improve public health, air quality, safety and wellbeing.

2.21 LTP4, Volume 8 Part II contains the Witney Area Strategy, which remains the current transport strategy for the area. The following policies are deemed of particular relevance:

- Policy WIT1: *“to establish a transport network that supports future growth and attracts economic investment at Witney we will work closely with the District Council, developers and local partners to improve access to the strategic transport networks and manage through traffic”.*
- Policy WIT3: *“we will work with West Oxfordshire District Council to safeguard land for future transport infrastructure, to support Local Plan growth”.*
- Policy WIT5: *“the County Council will improve facilities for pedestrians and cyclists focusing on enhancing links between homes, schools, employment and the town centre”.*
- Policy WIT7: *“to mitigate the cumulative impact of development across the Witney area and implement the transport measures identified in the Witney area strategy.”*

2.22 As part of the aforementioned policies, several Witney-based transport options were included in the Witney Area Strategy (see Appendix 10 of the Council’s Statement of Case) [CD A.6], in order to support future growth and attract economic investment. In relation to the Scheme, reference is made to:

- West-facing slip roads at A40 Shores Green junction and improvements to the B4022 Oxford Hill junction with Jubilee Way and Cogges Hill Road to be delivered by housing development at East Witney. (Policy WIT1)
- Protecting the line of the Shores Green Slip Roads and promoting its safeguarding in the Local Plan. (Policy WIT3)

Oxfordshire Local Transport and Connectivity Plan

2.23 In July 2022, the Council adopted a new Local Transport and Connectivity Plan (**LTCP**) for Oxfordshire (Appendix 22 of the Council’s Statement of Reasons) [CD A.5]. The LTCP sets out the target for a net-zero transport network by 2040 and outlines the policies which will help to achieve this, focusing on reducing the need to travel, reducing journeys by car and the promotion of walking, cycling, public and shared transport.

2.24 Appendix 1 of the LTCP comprises a review of the Witney Area Strategy contained within LTP4. The document identifies ‘no change’ to Policy WIT3 (protecting the line of the Shores Green Slip Roads and promoting its safeguarding in the Local Plan).

West Oxfordshire Infrastructure Delivery Plan

2.25 The West Oxfordshire Infrastructure Delivery Plan (**IDP**) was updated in November 2016 and forms part of the evidence base underpinning the WOLP (extracts at Appendix 12 of the Council’s Statement of Reasons) [CD A.5]. The main purpose of the IDP is to identify the infrastructure needed to support future growth planned in West Oxfordshire.

2.26 IDP paragraph 3.8 explains that the WODC has identified a number of highway improvements needed to support future growth in the district. Paragraph 3.9 goes on to list a series of key schemes in Witney, notably:

“Shores Green Slip Roads. The provision of west facing slip roads at the Shores Green junction onto the A40 has been identified as part of a package of preferred transport measures for Witney (including the Downs Road and Ducklington Lane schemes – above) and is a pre-requisite of the proposed Strategic Development Area at East Witney (450 homes) allocated in the pre-submission draft Local Plan (2015).”

2.27 Appendix 1 of the IDP includes a ‘priority’ categorisation for each infrastructure item. Highways improvements at Shores Green Slip Roads is identified as ‘critical’.

Witney Local Cycling and Walking Implementation Plan

- 2.28 The Witney Local Cycling and Walking Implementation Plan (**LCWIP**) was adopted by the Council in March 2023 (Appendix 6 of the Council's Statement of Reasons) [CD A.5]. The LCWIP provides a strategy to improve cycling and walking in Witney (as well as surrounding towns and villages), including a series of priorities for enhanced active travel connectivity.

Emerging Planning Policy

- 2.29 WODC is preparing a new Local Plan to cover the period to 2041. Consultation on draft plan objectives and pattern of development, as well as a call for ideas, opportunities and sites, was undertaken by WODC between August and October 2023. The emerging Local Plan is currently at a very early stage and there are no draft policies to consider. The formal publication of preferred policy approaches (Regulation 18) is scheduled to take place in June 2024.

3 ASSESSMENT OF THE SCHEME AGAINST RELEVANT PLANNING POLICY

Principle of Development

- 3.1 As set out in the Statement of Case [CD A.6], and with reference to the Proof of Evidence of Mr Blades in respect of the strategic case and need [CD G.2], the Scheme forms part of the Council's wider investment strategy for the A40 between Witney and Duke's Cut, which aims to improve travel times and journey reliability along the A40 corridor, support housing development, stimulate economic growth, improve safety, and reduce environmental impacts such as noise and air pollution.
- 3.2 The Scheme supports WOLP Policy H1 to provide at least 15,950 homes across West Oxfordshire in the period 2011-2031, of which approximately 4,702 homes are expected to be delivered within the Witney sub-area (Policy WIT6). The Scheme also supports WOLP Policy OS2, which states that a significant proportion of new homes will be focused within and on the edge of the main service centres of Witney, Carterton and Chipping Norton.
- 3.3 Pertinently, WOLP Policy WIT1 sets out the framework for land to the east of Witney to accommodate a sustainable community including about 450 homes, known as the East Witney Strategic Development Area (**EWSDA**). This land is located immediately west of the site and the Scheme will help unlock this strategic development area by mitigating the traffic impact of the residential development, thereby facilitating the delivery of new homes in the area. The Scheme supports WOLP Policy WIT1 part C), which requires the phasing of the EWSDA to be in accordance with the timing of provision of supporting infrastructure and facilities including the essential improvements to the Shores Green junction.
- 3.4 WOLP Policy WIT6 also prioritises the delivery of west-facing slip roads at Shores Green junction as a mechanism to reduce traffic and pollution and to improve the general flow of traffic and access to primary transport routes.
- 3.5 WOLP Policy T2 and supporting paragraph 7.35 also identifies the provision of west facing slip roads at the Shores Green junction onto the A40 to the east of Witney as necessary to support planned growth at Witney.
- 3.6 WOLP Policy OS5 states that on larger development sites, phasing of development will be required, and that later phases may be contingent on essential infrastructure being in place. The supporting West Oxfordshire IDP identifies the provision of west-facing slip roads at the Shores Green junction onto the A40 as 'critical' infrastructure.
- 3.7 Furthermore, the principle of the Scheme is also supported by LTP4, Volume 8, Policy WIT1, which states that the Council will secure the delivery of west-facing slip roads at A40 Shores Green, alongside LTCP4 Policy WIT3 which protects the route of the Scheme.
- 3.8 Overall, it is clear that the principle of the Scheme is firmly established within adopted planning policy. The Scheme complies with the overall objectives and policies of the WOLP, as well as other important material planning considerations including the Witney Area Strategy contained within the LTP4. This same conclusion was reached by the CPA, as set out within the report to the Council's Planning and Regulation Committee in June 2023 (Appendix BT3.4).

East Witney Strategic Development Area (EWSDA)

- 3.9 WOLP Policy WIT1 part C) requires that the EWSDA is phased in accordance with the timing of provision of supporting infrastructure and facilities including the essential improvements to the Shores Green junction. Paragraph 3.9 of the IDP also identifies the Scheme as a '*pre-requisite of the proposed Strategic Development Area at East Witney*'.
- 3.10 As set out in Mr Genis's evidence [CD G.14], the Council commissioned Stantec to undertake an assessment to determine the degree of dependency of the EWSDA on the proposed Scheme.

- 3.11 The assessment showed that there is a dependency between the EWSDA and the Scheme, and that prior to 248 dwellings (circa 50 per cent) of the EWSDA development coming forward, there is a need to introduce the west-facing off-slip (north of the A40) to mitigate the full development's traffic impacts on the local road network. The latest modelling shows that the west-facing on-slip (south of the A40) is not required to deliver the EWSDA, and that the northern off-slip is only required at a certain trigger point.
- 3.12 As such, whilst the IDP – which is a material planning consideration – states that the EWSDA cannot come forward without the Scheme, the traffic modelling has demonstrated that this is not in fact the case. Some extent of development on the EWSDA could in fact be accommodated on the local highway network without delivery of any part of the Scheme.
- 3.13 There is a policy requirement that the Scheme – both the off-slip and the on-slip – be delivered as part of (or prior to) the EWSDA development. However, such policy requirement must be understood and applied on the basis of the technical justification for that requirement. In this regard, it should be noted that those promoting the planning application for the EWSDA (WODC ref: 20/02654/OUT) provided a technical highways report which demonstrated that 371 units of the proposed development could come forward without any part of the Scheme, and that whilst delivery of the remaining 79 units would require provision of the off-slip, there would be no requirement for the provision of the on-slip as a result of the EWSDA development. That report was previously accepted by both the Council and WODC. Whilst WODC has refused planning permission for the EWSDA, there is no highways reason for refusal, as set out in the decision notice.
- 3.14 As set out in Mr Genis's evidence, the Stantec assessment has concluded that whilst delivery of some proportion of the EWSDA would require provision of the west-facing off-slip (notably a smaller proportion than the promoters of the EWSDA planning application previously acknowledged), there would be no requirement for provision of the on-slip, as a result of the development of the EWSDA.
- 3.15 Notwithstanding this, the assessment finds that delivery of the complete Scheme (both off-slip and on-slip) will result in greater benefits and better meet the objectives of the Scheme, in terms of reducing congestion, improving air quality and facilitating development. The complete Scheme will provide substantially greater congestion reduction benefits for trips crossing the town centre (via the A4095 Bridge Street), further reduce demand along A4095 Bridge Street and deliver greater wider road network benefits (by re-routing traffic away from unsuitable minor local roads).

Transport and Highways

- 3.16 The Scheme is designed to significantly improve the A40/B4022 Shores Green interchange to facilitate movement, reduce congestion and offer active travel enhancements. A Transport Assessment (TA) was prepared by AECOM in support of the planning application (see Appendix 7 of the Council's Statement of Reasons) [CD A.5]. The TA demonstrates how the Scheme will provide an alternative route between the A40 and destinations to the east of Witney, allowing this traffic to bypass the urban area by using the A40 and Jubilee Way in preference to town centre routes. In respect of this, I refer to the evidence of Mr Nirmalendran in relation to technical highways engineering and modelling matters [CD G.17] and I refer to the evidence of Mr Genis in respect of traffic modelling [CD G.14].
- 3.17 The Scheme will provide additional highways network capacity for future growth in the area and support the development of strategic development proposals in the area, including the EWSDA, by providing greater accessibility to the A40. The proposals demonstrate safe access and an acceptable degree of impact on the local highway network in line with WOLP Policy T2.
- 3.18 The proposals also include integral footways within the A40 improvement, which will connect with the network of Footpaths to the north west and south east of the Scheme, with the north western footway having the potential for conversion to an integral cycle

track to connect with any future cyclist facilities to and from existing or proposed residential areas to the north of the A40, which may be proposed in the future.

- 3.19 Additionally, a pedestrian/cyclist crossing will be provided on the B4022, just to the east of the proposed A40 on-slip, and another crossing provided just to the west of the proposed A40 off-slip, which will provide convenient connections with facilities within the B4022 and A40 around the junction and to the Footpaths network either side of the A40.
- 3.20 These proposals will maximise opportunities for walking and cycling, in line with WOLP Policies T1 and T3 and SLNP Policy SLE2.
- 3.21 On 21 June 2023, the Council signed a unilateral undertaking to provide traffic calming measures in response to issues raised by South Leigh and High Cogges Parish Council. The proposal is therefore deemed to accord with SLNP Policy SLT1.

Design

- 3.22 Section 4 of the Statement of Case [CD A.6] and the evidence of Mr Nirmalendran [CD G.17] explain how a range of alternative options to the Scheme were considered throughout the design process to ensure that the final proposals represent best practice and the optimum opportunity to achieve the Scheme objectives whilst delivering safe design. I also refer to the evidence of Ms Morrissy [CD G.20] in terms of how the Scheme design takes account of the site's surrounding context including environmental and landscape character.
- 3.23 In the light of the above, I consider that the Scheme complies with WOLP Policy OS4 and SLNP Policy SLD2 in respect of design matters.

Other Technical and Environmental Considerations

- 3.24 The planning application was supported by an Environmental Statement (**ES**) in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. The scope of the EIA was agreed with the CPA, through the submission of a Scoping Report in May 2021 and subsequent issue of a Scoping Opinion by the CPA in June 2021. The following technical matters were assessed within the ES:
- Air Quality
 - Biodiversity
 - Climate Change
 - Cultural Heritage
 - Geology and Soils
 - Landscape and Visual
 - Material Assets and Waste
 - Noise and Vibration
 - Population and Human Health
 - Road Drainage and the Water Environment
 - Traffic and Transport
- 3.25 I refer to the evidence prepared by Ms Alison Morrissy [CD G.20] in respect of environmental effects. I focus on the specific matters in respect of planning policy compliance below.

Air Quality

- 3.26 As explained within Ms Morrissy's evidence, an air quality assessment was undertaken in support of the planning application and the ES describes the findings. The ES finds that no significant effects at public exposure receptors are expected as a result of the Scheme, but that there are beneficial air quality impacts within the Witney Air Quality Management Area (**AQMA**).
- 3.27 As such, relying on the expert evidence of Ms Morrissy, and with reference to the report to the Council's Planning and Regulation Committee in June 2023 (Appendix BT3.4), I consider that the Scheme is in accordance with WOLP Policy EH8 in terms of air quality.

Biodiversity

- 3.28 As explained within Ms Morrissy's evidence, temporary slight non-significant environmental effects were reported within the ES in relation to the loss of hedgerows, broadleaved woodland and foraging habitat for bats. The position would improve with the establishment of new planting, with the exception of the loss of bat foraging habitat. Whilst new planting would support in mitigating against the loss of such habitat, there may be some residual effect that remains in operation. Notwithstanding this, the design for the Scheme provides a biodiversity net gain (**BNG**) in excess of 10 per cent.
- 3.29 In light of the inclusion of a planning condition attached to the planning permission to secure BNG (condition no.18), I consider that the Scheme is in accordance with WOLP Policy EH3 and SLNP Policy SLE5.

Contamination

- 3.30 Planning condition no.4, attached to the planning permission, requires that in the event that contamination is found, it must be reported to the CPA and an investigation and a risk assessment should be undertaken along with possible required remediation.
- 3.31 Given the inclusion of such planning condition, and with reference to the report to the Council's Planning and Regulation Committee in June 2023 (Appendix BT3.4), I consider that the Scheme is in accordance with WOLP Policy EH8 in relation to contaminated land.

Landscape and Visual

- 3.32 As explained within the Statement of Case and within Ms Morrissy's evidence, moderate adverse landscape impacts are forecast at Site level during construction, as there will be excavation of fields, vegetation clearance, removal of a number of trees and sections of hedgerow, plus the introduction of new areas of plantation woodland and construction activity. These changes will also result in moderate adverse visual effects for recreational receptors using Public Right of Way (**PRoW**) Footpath 410/42/10 (Witney) at Cogges Hill and PRoW Footpath 353/31/10 (South Leigh) behind The Paddocks, High Cogges during construction.
- 3.33 Multiple landscape and visual receptors would experience non-significant adverse effects which would be worse during construction, improving with the establishment of planting up to 15 years after opening.
- 3.34 The primary mitigation measures that form part of the Scheme design include new hedgerow and tree planting adjacent to the new slip roads; retention of vegetation along the elevated embankment to the east of the B4022 underpass; new and enhanced woodland screening alongside hedgerow trees and the use of the lowest possible output LED luminaires on road lighting columns (dimmed to 75 per cent output between the hours of 00:00 and 06:00 to mitigate light intrusion).
- 3.35 Some additional planting was also agreed through discussion between the Council and, South Leigh and High Cogges Parish Council in summer 2023. This additional tree planting alongside the on-slip and around the balancing pond is reflected within the amended landscaping design drawings included in an application made by the Council as

part of the Section 73 application which was validated by the CPA in September 2023 [CD F.2].

- 3.36 Given that the planning permission is subject to planning condition no. 10 which requires a detailed landscaping scheme to be submitted to the CPA, prior to the commencement of development, in the interests of the visual amenity of the area and to ensure the creation of a high-quality environment, I consider that the Scheme is in accordance with WOLP Policy EH2 and SLNP Policy SLE1.
- 3.37 Furthermore, lighting at the Scheme will be controlled via the agreement of planning condition no. 8 attached to the planning permission, and therefore I consider that the Scheme is in accordance with WOLP Policy EH8 and SLNP Policy SLE7.

Flood Risk and Drainage

- 3.38 The Scheme is situated with Flood Zone 1. As set out within Ms Morrissy's evidence, there would be a slight adverse effect in terms of the flood risk upon essential road infrastructure (the A40 and the B4022).
- 3.39 A surface water drainage strategy for the Scheme has been agreed in a series of meetings with the Council as the Lead Local Flood Authority (**LLFA**). The drainage strategy has been designed so that surface water draining onto the B4022 from the slip roads will be attenuated via attenuation basins prior to discharge to the existing watercourse, Limb Brook. Runoff from the slip road onto the A40 in addition to the existing A40 runoff will also be attenuated through the use of an attenuation basin prior to discharge into the existing A40 drainage network.
- 3.40 The LLFA requested that planning conditions should be attached to the planning permission requiring the approval of a detailed drainage strategy (condition no.21) and for the approved SuDS details to be deposited in the LLFA register (condition no.22).
- 3.41 Given that such conditions have been attached to the planning permission, as requested by the LLFA, I consider that the Scheme is in accordance with WOLP Policy EH7.

Historic Environment

- 3.42 As set out within Ms Morrissy's evidence, the setting of Grade II listed properties (Ladymead Cottage and The Farmhouse and Granary at High Cogges Farm) would be affected during construction, resulting in slight adverse effects. The slight adverse effect on the setting of Ladymead Cottage would remain during operation. Ladymead Cottage is located approximately 140 metres to the south east of the Site, whilst The Farmhouse and Granary at High Cogges Farm are located approximately 260 metres to the south east. With reference to the relevant policies contained within the NPPF, given the distances involved, I consider that any identified harm of the Scheme is very much at the lower end of 'less than substantial'.
- 3.43 The Council's Archaeologist has requested that a programme of archaeological evaluation and mitigation is required to be undertaken ahead of any development, but the Archaeologist stated that this can be secured through appropriately worded conditions.
- 3.44 Given the inclusion of planning conditions requiring a Written Scheme of Investigation and a staged programme of evaluation prior to demolition (condition nos.12 and 13), I consider that the Scheme is deemed to be in accordance with WOLP Policy EH9 and SLNP Policy SLE6.

Noise

- 3.45 As explained within Ms Morrissy's evidence, a Noise and Vibration Assessment has been undertaken in support of the planning application and the ES describes the findings. The assessment finds that there is the potential for an increase in ambient noise levels resulting in adverse noise impacts at the closest receptors to the works, in particular if evening/weekend and night-time works are required. The potentially worst affected

receptors were noted to be residential properties situated close to the existing A40. The assessment also noted this is a likely worst-case assessment, and that the exact significance of any adverse noise impact resulting from construction works would be highly dependent upon the methods, timing and duration of the works required.

- 3.46 The Scheme would be subject to measures and procedures as defined within a Construction Environmental Management Plan (**CEMP**), which would include a range of measures associated with mitigating potential environmental impacts for both construction dust and noise. The measures detailed within the CEMP would be implemented for the duration of the construction phase.
- 3.47 As required by planning condition 3, the CEMP will be submitted to the CPA for its agreement and sign off prior to commencement of construction, in order to prevent unacceptable amenity effects to local residents, and environmental impacts during the construction of the Scheme.
- 3.48 The assessment predicts permanent increases in road traffic noise for properties on the B4022 between the A40 and Cogges Hill Road junction. These effects are assessed as being significant adverse at seven residential properties and the Windrush Cemetery. The ES predicts that, at four noise sensitive receptors (three residential properties and Windrush Cemetery), road traffic noise levels would be above the Significant Observed Adverse Effect Level (**SOAEL**) only with the proposed development in place. Levels above the SOAEL are also predicted at further properties with or without the proposed development.
- 3.49 Whilst affected properties could be provided with double glazing, such mitigation measures are not considered practical. The Council has investigated the use of sound boards (noise fencing) and found that they would not provide a noticeable benefit to the residents due to the distances of the receptors from the source of the noise. In addition, the use of a quiet road surface would not provide a noticeable benefit to residents due to the existing background noise generated by the A40 mainline. As set out within the June 2023 report to the Council's Planning and Regulation Committee (Appendix BT3.4), WODC's Environmental Health Officer (**EHO**) agrees that there are no practical effective mitigation measures due to the low vehicle speed in the vicinity of the site.
- 3.50 As such, the Scheme would cause permanent noise disturbance at a small number of properties and is therefore not fully compliant with WOLP Policy EH8. I understand that to the extent material disturbance is caused, a right to compensation may be engaged.

Summary

- 3.51 The Scheme has been carefully designed to deliver identified scheme objectives and represents essential infrastructure that will support the delivery of housing and employment growth in West Oxfordshire and will deliver wide reaching benefits to users of the A40 along with improved facilities for walking and cycling which will increase the attractiveness of the route for non-car users.
- 3.52 The proposals are in accordance with development plan policies regarding highways, design, biodiversity, contamination, landscape and visual, biodiversity, flood risk and drainage, and the historic environment. There would be residual permanent significant noise impacts which render the development to not be entirely in accordance with development plan policy with regard to noise. However, I consider that this is outweighed by the wider overall benefits of the development. This same conclusion was reached by the CPA, as set out within the report to the Council's Planning and Regulation Committee in June 2023 (Appendix BT3.4).

4 PLANNING BALANCE

Principle of Development

- 4.1 The Scheme supports the WOLP objective to provide at least 15,950 homes within the period 2011-2031. The need for the Scheme is specifically noted in WOLP Policy WIT1 part c), which states that development of the EWSDA will be phased in accordance with the timing of provision of supporting infrastructure, including essential improvements to the Shores Green junction. WOLP Policy OS5 states that new development will be required to deliver or contribute towards the timely provision of essential infrastructure.
- 4.2 WOLP Policy T2 identifies 'Shores Green Slip Roads' as one of six strategic highway infrastructure schemes which will be safeguarded as part of allocated urban extensions. WOLP Policy WIT6 also makes specific reference to the delivery of west-facing slip roads at Shores Green junction. As such, the principle of improving the capacity at Shores Green is established by the WOLP.
- 4.3 The LTCP, which does not form part of the development plan but is a material planning consideration, sets a clear vision to deliver a net-zero transport and travel system in Oxfordshire. The LTCP identifies that there are situations where new road schemes and road capacity enhancements will be required.
- 4.4 The Witney Area Strategy set out in LTP4 remains adopted policy. Witney Area Strategy Policy WIT1 states that to establish a transport network that supports future growth and attracts economic investment at Witney, the Council will work with the District Council and local partners to deliver west-facing slips at Shores Green and improvements to the B4022 Oxford Hill junction to provide an all-movement junction to the east of Witney. Policy WIT3 protects the line of the Shores Green slip roads and promotes its safeguarding in the Local Plan.
- 4.5 The NPPF, as well as WOLP Policy OS1, contains a presumption in favour of sustainable development.

Benefits

- 4.6 The scheme will bring a series of planning benefits, which are summarised as follows:
- 4.6.1 Facilitate the Witney area developing in accordance with local planning policy, and facilitate strategic housing developments in accordance with the WOLP;
 - 4.6.2 Improve access to the A40 and the wider strategic road network without having to travel through Witney town centre;
 - 4.6.3 Provide greater travel choice for people walking, cycling, and travelling by public transport along the A40 corridor to encourage greater use of sustainable transport options;
 - 4.6.4 Reduce congestion in central Witney, and associated improvements to air quality within the Witney Air Quality Management Area (AQMA);
 - 4.6.5 Improve the safety of pedestrian routes and cycle lanes along the B4022 as well as enabling future linkages with development within the EWSDA; and
 - 4.6.6 Provide a net gain in biodiversity.
- 4.7 Importantly in this context, I note that whilst policy identifies provision of the Scheme as being a pre-requisite to delivery of the EWSDA, as considered earlier in this proof, the position is that in fact such delivery is not technically required in totality. The situation in this regard is clarified within the evidence of Mr Genis [CD G.14]. However, my understanding is that provision of the entirety of the Scheme will better enable the local highways network

to accommodate development of the EWSDA, but that such development is not dependant on delivery of the Scheme.

Adverse effects

- 4.8 The Scheme will also bring about some adverse effects, but they are limited to:
- 4.8.1 Adverse temporary noise impacts upon residential properties situated close to the existing A40 during construction;
 - 4.8.2 Increases in road traffic noise for properties on the B4022 between the A40 and Cogges Hill Road junction during operation;
 - 4.8.3 Slight adverse impact to the setting of two listed buildings: Ladymead Cottage (c. 140 metres to the south east of the Site) and High Cogges Farmhouse and Granary (c. 260 metres to the south east). However, given the distances involved, it has been assessed by the Council's appointed heritage expert that the identified harm of the Scheme is very limited, and certainly 'less than substantial' for the purposes of national guidance; and
 - 4.8.4 Visual intrusion for some residential properties at High Cogges until new planting becomes established.

Conclusion

- 4.9 The Scheme is in accordance with development plan policies regarding highways, design, biodiversity, contamination, landscape and visual, biodiversity, flood risk and drainage, and the historic environment. There would be residual permanent significant noise impacts which render the development to not be entirely in accordance with development plan policy with regards to noise. However, I consider that this is outweighed by the wider overall benefits of the development and other material considerations including the NPPF, which contains a presumption in favour of sustainable development (which is reflected in WOLP Policy OS1).

5 RESPONSE TO REPRESENTATIONS AND OBJECTIONS

- 5.1 The objection raised by Eileen Norah Mawle, James Edward Mawle, Stephen Francis Mawle and the Northfield Life Interest Settlement [CD D.5] states that the planning permission for the Scheme is subject to a number of pre-commencement conditions that must be fulfilled before the works can be undertaken, that those pre-commencement conditions have not yet been fulfilled such that works can be carried out and, therefore, the Scheme does not benefit from an implementable planning permission.
- 5.2 Planning permission for an iteration of the Scheme was granted on 15 July 2023 subject to a number of planning conditions [CD F.1]. I consider that these are typical planning conditions for an infrastructure scheme of this nature.
- 5.3 The PPG section titled 'Use of planning conditions' advises that:
- “When used properly, conditions can enhance the quality of development and enable development to proceed where it would otherwise have been necessary to refuse planning permission, by mitigating the adverse effects.”*
- (PPG Reference ID: 21a-001-20140306)
- 5.4 The 'Use of planning conditions' section of the PPG includes a specific section in relation to 'the use of pre-commencement conditions'. Notably, the guidance states:
- “Such pre-commencement conditions should only be used where there is a clear justification, which is likely to mean that the requirements of the condition (including the timing of compliance) are so fundamental to the development permitted that it would otherwise be necessary to refuse the whole permission:*
- (PPG Reference ID: 21a-007-20180615)
- 5.5 The fact that the CPA has attached pre-commencement conditions to the decision notice, does not mean that the Scheme does not benefit from an implementable planning permission.
- 5.6 The Council has a programme of work and resources in place to prepare the material required to discharge these pre-commencement conditions. This will take place alongside the detailed design of the Scheme (and ahead of the currently programmed commencement of works). I do not consider it significant that the pre-commencement conditions have not yet been discharged. Further, I see no reason why they cannot/will not be discharged in timely fashion following any confirmation of the Orders.

6 OVERALL CONCLUSION

- 6.1 The Scheme has been carefully designed to deliver identified objectives and represents essential infrastructure that will support the delivery of housing and employment growth in West Oxfordshire.
- 6.2 The Scheme will deliver wide reaching benefits to users of the A40 along with improved facilities for walking and cycling and will increase the attractiveness of the route for non-car users.
- 6.3 The Scheme is in accordance with development plan policies regarding highways, design, biodiversity, contamination, landscape and visual, biodiversity, flood risk and drainage, and the historic environment. There would be residual permanent significant noise impacts which render the development to not be entirely in accordance with development plan policy with regards to noise. However, I consider that this is outweighed by the wider overall benefits of the development.
- 6.4 Overall, I consider that the principle of the development has been firmly established with respect to the development plan and there are no planning policy grounds as to why the Orders should not be confirmed.

7 STATEMENT OF TRUTH AND DECLARATION

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

B. Tiwana

BALJINDER SINGH TIWANA

21 February 2024