

**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

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

Introduction

- 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 This proof of evidence has been prepared regarding planning policy matters relating to:
 - 1.3.1 The Oxfordshire County Council (A40 Access to Witney) Compulsory Purchase Order 2023 (the **CPO**) [CDs A.1 and A.2]; and
 - 1.3.2 The Oxfordshire County Council (Highways Infrastructure – A40 Access to Witney) Side Roads Order 2023) (the **SRO**) [CDs A.3 and A.4].
- 1.4 The purpose of my evidence is to provide an overview of the local and national planning policy relevant to the Scheme; give an assessment of the Scheme against relevant planning policy; confirm the position as regards to the planning permission for the Scheme; and 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.
- 1.5 My proof of evidence should be read in conjunction with other separate but interrelated proofs of evidence submitted on behalf of the Council.

The Scheme and Planning Application Status

- 1.6 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.
- 1.7 In April 2022, a planning application for the scheme was validated by OCC as the determining County Planning Authority (**CPA**) and assigned reference: R3.0039/22. Following consideration by OCC's Planning and Regulation Committee in June 2023, planning permission was formally issued on 15 July 2023 [CD F.1].
- 1.8 In September 2023, a planning application pursuant to Section 73 of the Town and Country Planning Act 1990 was validated by the Council to amend planning conditions attached to R3.0039/22. Amendments to conditions 1 proposed to amend the approved drawings 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). The CPA has recommended approval of the Section 73 planning application subject to the completion of a Unilateral Undertaking to provide traffic calming measures in South Leigh.

Development Plan

- 1.9 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.
- 1.10 The Development Plan for the Scheme comprises the following documents:
 - West Oxfordshire Local Plan (WOLP) 2031, adopted September 2018;
 - South Leigh Neighbourhood Plan (SLNP), made January 2019; and
 - Oxfordshire Minerals and Waste Local Plan Part 1, adopted September 2017.

1.11 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

Planning Assessment

1.12 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.

1.13 Pertinently, WOLP Policy WIT1 sets out the framework for land to the east of Witney to accommodate around 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 scheme, thereby facilitating the delivery of new homes in the area. The Scheme supports WOLP Policy WIT1 part C) which 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.

1.14 Whilst 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, such policy requirement must be understood and applied on the basis of the technical justification for that requirement. My understanding is that provision of the Scheme will better enable the local highways network to accommodate the EWSDA, but that such development is not dependant on the delivery of the Scheme in its entirety. Whilst delivery of some proportion of the EWSDA would require provision of the west-facing off-slip, there would be no requirement for provision of the on-slip, as a result of the development of the EWSDA.

1.15 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 as necessary to support planned growth at Witney. WOLP Policy WIT6 also gives priority to 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.

1.16 Overall, it is clear that the principle of the Scheme has been 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 LTP4.

1.17 The Scheme will bring a series of planning benefits. These are summarised as follows:

- Facilitate the Witney area developing in accordance with local planning policy, and facilitate strategic housing developments in accordance with the WOLP.
- Improve access to the A40 and the wider strategic road network without having to travel through Witney town centre;
- Provide greater travel choice for people walking, cycling, and travelling by public transport along the A40 corridor, thereby encouraging greater use of sustainable transport options;

- Reduce congestion in central Witney and associated improvements to air quality within the Witney Air Quality Management Area;
- Improve the safety of pedestrian routes and cycle lanes supporting along the B4022 as well as enabling future linkages with development within the EWSDA; and
- Provide a net gain in biodiversity.

1.18 The scheme will also bring about some adverse effects. These are limited to:

- Adverse temporary noise impacts upon residential properties situated close to the existing A40 during construction;
- Increases in road traffic noise for properties on the B4022 between the A40 and Cogges Hill Road junction during operation;
- Slight adverse impact to the setting of two listed buildings: Ladymead Cottage, and High Cogges Farmhouse and Granary; and
- Visual intrusion for some residential properties at High Cogges until new planting becomes established.

1.19 Overall, I consider that 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, and other material considerations including the NPPF, which contains a presumption in favour of sustainable development. This same conclusion was reached by the CPA within its report to the Council's Planning and Regulation Committee in June 2023.

RESPONSE TO REPRESENTATIONS AND OBJECTIONS

1.20 An objection raised states that the Scheme planning permission 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 and therefore, the Scheme does not benefit from an implementable planning permission.

1.21 Planning permission for an iteration of the Scheme was granted on 15 July 2023 subject to a number of planning conditions [CD F.1]. These are considered typical planning conditions for an infrastructure scheme of this nature.

1.22 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.

1.23 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.

CONCLUSION

1.24 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.

B. Tiwana

BALJINDER SINGH TIWANA

21 February 2024