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STATEMENT OF CASE OF SEAN FEENEY

"The proposed changes to the submitted Core Strategy have received no authorisation from the City Council : they are no more than officers' responses made without political backing and without due process from the political decision-making arrangements of the council's constitution."

Oxford City Council Wolvercote Cllr Goddard's consultation response to the "Further Proposed Changes to the Submission Core Strategy".

"to meet demand over a 10-year period would mean at least doubling the size of the city"
Proposed Changes to Submission Core Strategy, Oxford City Council, p15.

The need for the Order Scheme and the doubling of Oxford

The applicant's statement of case (received by post today) cite's Oxford City Council's (OCC) emerging Core Strategy policy - which is currently under statutory Examination by two planning Inspectors - and the South East Plan Regional Spatial Strategy (which has been revoked) as evidence for the need for the Order Scheme. The applicant states both policies support growth of Oxford and therefore the need for its infrastructure improvements.

The South East Plan has now been revoked by the Secretary of State. I submit that this revocation is evidence that the potential growth advocated by the South Easts plan is no longer Government policy and that this revocation is evidence that the applicant's infrastructure improvement is not needed, and that, in any case, a *revoked* Government policy cannot be used as policy support and/or evidence for the need for the scheme.

Current Oxford City Council Lord Mayor and ex-City Council Leader Councillor Goddard has alleged that "The proposed changes to the submitted Core Strategy have received no authorisation from the City Council : they are no more than officers' responses made without political backing and without due process from the political decision-making arrangements of the council's constitution."

As stated in the provisional draft minutes of Oxford City Council's meeting of full council on 12 July 2010, I currently intend to use the argument in Cllr Goddard's allegation as evidence to ask the District Auditor to declare the Core Strategy costs in 2009/2010 unlawful since the "Proposed Changes to the Submission Core Strategy" policy was not authorised by full Council either. I submit that the emerging Core Strategy has not finished its Examination phase and is fiercely opposed by a variety of residents and residents groups, who have threatened to consider a judicial review.

I submit that, given its contentious nature, and the fact that it has not finished its Examination and not been finally adopted, little weight can be given to the OCC Core Strategy and therefore (together with the revocation of the South East Plan) the applicant has failed to provide robust evidence of the need for the Order Scheme.

I believe the real intention for the growth of Oxford is given in the Proposed Changes to Submission Core Strategy (Oxford City Council, p15):

10/08/2010

"to meet demand over a 10-year period would mean at least doubling the size of the city"

I submit that, contrary to the applicant's statement of case, that is the real growth intention for Oxford - doubling the size of the city- and this intended growth has no political mandate or support from the residents of Oxford. I intend to argue this point fully at the Inquiry

Aint the exercise of Article 10 of the European Convention of Human Rights grand?

Unsustainable location of Water Eaton station and Green Belt development

The applicant plans to make a major station improvement at Water Eaton village (hamlet?), which is outside the City of Oxford's administrative boundary.

The attached expert-opinion report by Peter Headicar, a reader in transport at Oxford Brookes University, critiques the separation of the this proposed station from the proposed Northern Gateway employment development site.

The Headicar report has been suppressed by Oxford City Council (in particular it was not presented to the core Strategy Examination) and was only uncovered by a resident during the Audit and Inspection of the Council's accounts. I am currently unclear if the evidence on which it is based is in the public domain or not (particularly the transport testing in footnote 15).

I intend to argue - using *inter alia* this report, and Peter Headicar as a witness, if he is willing - that the proposed station is in an unsustainable location and is contrary to national policy guidance in PPS1 and PPG13.

In particular, that a station in a field distant from houses in either North Oxford or Kidlington is unsustainable in that it will increase car journeys contrary to National policy.

I also intend to argue that PPG2 is breached or the applicant has failed to demonstrate the exceptional circumstances needed to develop in the Green Belt. In this regard I submit that, since the applicant argues that the need for the Order is predicated on growth in the Core Strategy and south East Plan policies that the evidence to the Examination and Examination in public of these policies is relevant (and any Inspectors or Secretary of States findings or decisions), in particular the failure to make out a case for exceptional circumstances for building in the Green Belt around Oxford.

Environmental impact

The Order Scheme has an impact on protected environments, particularly Port Meadow, I submit that the applicant has failed to provide robust evidence that potential harms to these protected environments (including the resident flora and fauna) have been mitigated and that the Order Scheme should therefore not be granted.

In particular, there has been a failure to demonstrate mitigation of the harms caused by diesel emission, that the protected species surveys may be inadequate, and that the economic case for continuing in light of these unmitigated harms is not supported by robust evidence from the applicant.

Danger of Death and Civil rights of neighbouring residents

I submit that diesel is a carcinogen and is otherwise harmful to health. The proximity of the line is such that exposure to residents, particularly children approaches occupational exposures and poses a risk of ill-health, particularly death.

There is also historic evidence from residents (possibly including historic reports) of structural damage to houses and, if no-one else does I (or my agent) intend to present evidence of this to the inquiry.