

Our ref: AC/DW

Your ref:

Date: 21 March 2023

Secretary of State for Transport  
National Transport Casework Team  
Department for Transport  
Tyneside House  
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NE4 7AR

By Email Only to [nationalcasework@dft.gov.uk](mailto:nationalcasework@dft.gov.uk)

Dear Sirs

**The Oxfordshire County Council (Didcot Garden Town Highways Infrastructure – A4130 Improvement (Milton Gate to Collett Roundabout), A4197 Didcot to Culham Link Road, and A415 Clifton Hampden Bypass) Compulsory Purchase Order 2022 (“the CPO”)**

**The Oxfordshire County Council (Didcot Garden Town Highways Infrastructure – A4130 Improvement (Milton Gate to Collett Roundabout), A4197 Didcot to Culham Link Road, and A415 Clifton Hampden Bypass) Side Roads Order 2022 (“the Side Roads Order”)**

We write on behalf of Commercial Estates Group Limited and CEG Land Promotions II Limited (“together referred to as **CEG**”) of Slone Square House, 1 Holbein Place, London, SW1W 8NS in relation to the above CPO and the Side Roads Order (together referred to as “**the Orders**”), which were made by Oxfordshire County Council (“**the County Council**”) on 21 December 2022.

CEG is the beneficiary of Promotion / Project Management Agreements entered into in respect of various land holdings to the north of the A415 Abingdon Road. The extent of the land subject to the Promotion and Project Management Agreements (“**the Promoted Land**”) is shown edged red and blue on the enclosed plan (drawing number CUL1-NBBJ-ZZ-00-DR-A-001001 (“**the Promoted Land Plan**”)).

The Promoted Land is allocated for large-scale strategic development in the South Oxfordshire Local Plan 2035 (“**the Local Plan**”), which was adopted by South Oxfordshire District Council (“**the District Council**”) on 10 December 2020. Specifically, policy STRAT 9 allocates the Promoted Land for the delivery of approximately 3500 new homes and a net increase of 7.3 hectares of replacement employment land in combination with the adjacent Science Centre, as well as supporting services and facilities (“**the Proposed Development**”).

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The Proposed Development is the largest residential-led allocation in the Local Plan, and is of central importance to the Local Plan delivering its targets.

An outline planning application for the first phase of the Proposed Development (known as **“Culham No 1”**) is the process of being prepared. That phase envisages development of the part of the Promoted Land located to the east of the railway track shown edged red on the Promoted Land Plan for employment, office, and industrial uses. The land located to the west of the railway track edged blue on the Promoted Land Plan is intended to be developed as part of later phases (known as **“Culham No 2”**). An Illustrative Masterplan outlining the currently envisaged development layout for the Culham No 1 development has been prepared and is enclosed with this correspondence (drawing number CUL1-NBBJ-ZZ-00-DR-A-011001 (**“the Indicative Masterplan”**)).

CEG would welcome clarification about the timetable for the delivery of the junctions adjacent to the Culham No. 1 and No. 2 sites to avoid unnecessary and abortive expenditure being incurred by any party.

As is confirmed in the County Council’s Statement of Reasons accompanying the Orders (**“the Statement of Reasons”**), the Orders and the Access to Didcot Garden Town Highway Improvements Scheme (**“the Road Improvements Scheme”**) are being progressed in order to (amongst other matters) facilitate the Proposed Development. Indeed, the Proposed Development is central to a number of the objectives identified in Table 2 of the Statement of Reasons, including the unlocking of market / affordable housing in the Science Vale and commercial space at key employment sites. The Road Improvement Scheme’s role in supporting the Proposed Development, as well as the development of other strategic sites within the Didcot Garden Town area, is a primary reason for the Housing Infrastructure Fund (**“HIF”**) grant awarded by Homes England, and which underpins the economic viability case for the project.

CEG accepts that additional highways capacity will be necessary to mitigate the effects of all the Proposed Development, although preliminary modelling indicates that some development within the Culham No 1 development could be delivered and occupied before such time. CEG is therefore supportive of the Road Improvements Scheme in principle, particularly as the proposed highway works offer an opportunity to assist in the realisation of the significant social, economic, and environmental benefits that the Proposed Development will provide.

However, the current terms of the Orders extend beyond what is necessary to successfully deliver the Road Improvements Scheme. Indeed, in their current form, the Orders risk delivery of the Proposed Development in a number of important respects, and therefore prevent the objectives of the Road Improvements Scheme from being achieved. CEG therefore objects to the Orders upon the grounds set out below. Our clients reserve the right to expand or otherwise modify these grounds in the event of a public inquiry in respect of both or either of the Orders being arranged, and will produce a Statement of Case as may be required at the appropriate time directed.

### Objection to the CPO – Unnecessary Acquisition of Land

The parts of the Promoted Land proposed to be acquired by the CPO are shown shaded red on sheets 14, 15, 16 of the CPO Map. The specific works comprised within the Road Improvements Scheme that would be undertaken within these areas are shown on sheets 14 to 16 of the General Arrangement Plans. Our client has prepared separate drawings overlaying the works shown on the relevant General Arrangement Plans upon sheets 14 and 16 of the CPO Map for ease of reference, and which enable the Road Improvements Scheme works to be properly understood in context (copies enclosed) (“together referred to as **“the CPO Overlay Plans”**”). Specifically, the CPO Overlay Plans comprise of a drawing titled ‘CPO Extents Overlay – Land West of the Railway Line (drawing number 8150529/6008) (**“the Sheet 14 Overlay Plan”**)’, and a plan titled ‘CPO Extents Overlay – Culham No 1 Site Access’ (drawing number 8150529/6007) (**“the Sheet 16 Overlay Plan”**).

As can be seen from the CPO Overlay Plans, the CPO proposes to acquire various land parcels within the Promoted Land that would not accommodate the completed Road Improvement Scheme works. The Sheet 14 Overlay Plan shows a large plot to the north (marked 14/1a) upon which the Road Improvement Scheme works will not be delivered. It is therefore unclear why the significant majority of the land comprised within plot 14/1a has been included within the scope of the CPO, and why its acquisition is justified in delivering the Road Improvements Scheme.

Paragraph 2 of the Guidance on Compulsory Purchase Process and the Crichel Down Rules (**“the Guidance”**) makes expressly clear that acquiring authorities should only use compulsory purchase powers where it is expedient to do so, and where the use of such powers are in the public interest. Plainly, these tests will not be satisfied where any land is proposed to be acquired that would not be necessary to delivery of the works to which an order relates. With the above in mind, it is suggested that the CPO boundary be amended so as to exclude the significant majority of plot 14/1a, and so that the CPO boundary reflects that shown dashed green on the Sheet 14 Overlay Plan.

Paragraph 9.9.35 of the Statement of Reasons discusses plot 14/1a alongside various other land parcels, and mentions that the plots are required (amongst other matters) for the “construction of working space / use land, including a works compound”. It is unclear whether the working space and compound referred to in that paragraph is intended to be accommodated on plot 14/1a. Noting the comments made at paragraph 9.7 of the Statement of Reasons, our client would (in principle) be willing to enter into negotiations with the County Council and the relevant landowners upon the terms of a licence authorising the temporary use of plot 14/1a for working space and compound purposes if indeed that is its intended use by the County Council. However, those negotiations would need to proceed on the basis that the land comprised within plot 14/1a and which is outside of the land dashed green on the Sheet 14 Overlay Plan would be removed from the scope of the CPO upon completion of such licence. The period to which the licence related would also need to align with the intended development programme for the Culham No 2 scheme, with the land being returned following use by the County Council in an agreed condition.

The Sheet 16 Overlay Plan also identifies various plots that would not be utilised as part of the completed Road Improvements Scheme works, including land within plots 16/6a, 16/6b,

and 16/6z shown on the CPO Map. The same comments made above in respect of plot 14/1a therefore similarly apply to these plots, and their acquisition is not necessary to deliver the Road Improvements Scheme. Land identified on the CPO Map as plot 16/6c is also included within the CPO and which is ostensibly intended to provide a turning head. Although sheet 16 of the General Arrangements Plan identifies the turning head as providing new 'carriageway', SRO Site Plan 16A does not suggest that any improvement works will be undertaken to it, or that the turning head land will become new public highway.

Furthermore, the CPO boundary includes various areas within plots 16/6aa to 16/6p that are ostensibly intended to deliver a new internal access in a north-easterly direction toward Culham Science Centre. Subject to agreement of terms and consent to this approach from the relevant landowners, our client would be willing to enter into a licence authorising the County Council to enter upon to such land to deliver the relevant Road Improvements Scheme Works. Plainly, provision of any such licence would avoid the need for compulsory acquisition, with the effect that such land out to be removed from the scope of the CPO.

With all the above in mind, the extent of the land acquired through the CPO should therefore be reduced to that shown dashed green on the Sheet 16 Overlay Plan. The need for the CPO boundary to be limited strictly to the extent necessary to deliver the Road Improvements Scheme is heightened by the fact a planning application relating to the Culham No 1 development is expected to be finalised shortly. An extract of the Indicative Masterplan overlaid with the CPO boundary is enclosed with this correspondence (drawing number 8150529/6010) (**"the Overlay Masterplan"**). As can be seen from that plan, the CPO currently proposes to acquire land upon which new employment buildings are expected to be constructed as part of the Culham No 1 development, as well as land identified for provision of drainage infrastructure intended to support that phase of the Proposed Development. The topography and ground conditions of the Culham No 1 site are particularly conducive to the provision of drainage infrastructure in the location shown on the Indicative Masterplan, and is unclear whether such infrastructure could be located elsewhere within the site without significantly impacting on the currently proposed development quantum and layout.

The CPO would therefore unnecessarily reduce the amount of developable land that could be comprised within the Culham No 1 development. Not only would this frustrate the level of social, economic and environmental benefits that would otherwise be provided as part of the Proposed Development, but it also prejudices the policy expectations of the Local Plan and assumptions underlying the HIF grant. The extent of the CPO should be therefore be reduced to that shown dashed green on the Sheet 16 Overlay Plan accordingly.

Paragraph 9.3.36 of the Statement of Reasons states that plots 16/6a, 16/6b, 16/6f and 16/6z (amongst a number of other areas) may be used to provide "construction working space/use land". However, the specific plots amongst those named that are expected to be utilised for such purposes is unclear. The need for any land within the Culham No 1 site for use as working space has not been demonstrated, and any such land should not be included within the CPO. However, CEG is in principle, and subject to the views of the landowners, willing to discuss the terms of a licence that would provide the County Council with additional land for use as working space in enabling any land outside of that dashed green on the Sheet 16 Overlay Plan to be removed from the CPO boundary. In order to avoid prejudicing delivery of the

Culham No 1 development, the land to which any such licence would relate should be located to the west of the railway track within the Culham No 2 site.

#### *Objection to the SRO – Insufficient Access Arrangements for the Culham No 1 Development*

Site Plan 16 of the SRO identifies various private accesses and public highways that are proposed to be stopped up as part of the Road Improvements Scheme (given references 16/2 to 16/8 and 16/S1-S2). It is accepted that some of these highways will need to be stopped up as part of the Road Improvements Scheme, and we note that new means of access and highways are proposed to be provided along the routes shown on Site Plan 16A of the SRO.

However no information has been provided as to the sequencing of the proposed works, and how the Road Improvement Scheme design will ensure that access to the existing public highway is properly maintained for vehicles needing to access the Culham No 1 site at all times during the construction phase. This is particularly important given that current modelling indicates that at least part of the Culham No 1 development can be accommodated by the existing highway network prior to the relevant Road Improvement Scheme works in this area being completed.

#### *Objections to the SRO – Stopping-Up of Private Means of Access Reference 16/1 and Adjoining Turning Head*

Site Plan 16 of the SRO indicates that the private access identified with reference 16/1 will be stopped up, with the part of the existing access immediately adjoining such area being converted to form a turning head. As discussed above, SRO Site Plan 16A does not suggest that any improvement works will be undertaken to that land, or that the turning head land will become new public highway. The nature of any works envisaged by the SRO to the turning head and the status of such land upon completion of the Road Improvement Scheme works is therefore entirely unclear.

Plainly any land that the County Council is proposing to acquire through the CPO for highway purposes should be dedicated and adopted as public highway to the extent that it is not already. Otherwise, the Orders will extinguish existing access rights over land without properly securing replacement highway rights for existing and future users. The turning head and its associated land should therefore be removed from the scope of the CPO, with the SRO also amended accordingly.

#### *Objection to the SRO – Access Road Reference 16/b*

As discussed above, our client would be willing to agree the terms of a licence that would enable the County Council to deliver the access on this land without requiring compulsory purchase powers. However, and in the event that any such licence is unable to be agreed and the County Council proceeds to acquire the land, then our clients and all other relevant users would need to be provided with sufficient rights to pass and repass along access road reference 16/6b once it has been constructed. The SRO does not confirm how such rights

would be provided, and the point in time at which the access would be delivered so as to ensure that existing access arrangements are not prejudiced.

### Conclusions

For the reasons discussed above, and although CEG is supportive of the Road Improvements Scheme in principle, the Orders should not be confirmed in their current form. However, our clients' objections to the Orders may be able to be addressed through amendments to the CPO boundary and revisions to particular elements of the SRO. Paragraph 2 of the Guidance makes clear that acquiring authorities will be expected to take reasonable steps to acquire necessary land or rights by agreement, and that powers of compulsory acquisition are a measure of last resort. Our client is willing to discuss matters with the County Council with a view to resolving its current objections to the Orders, and we note the comments made in the Statement of Reasons indicating that the County Council will seek to agree licenses instead of utilising compulsory purchase powers insofar as is possible.

Please contact us if the Secretary of State requires any further information at this time. We would be grateful if all future correspondence regarding this objection and the progression of any inquiries relating to the Orders could be directed to Alec Cropper and David Walton of this firm at the address specified in this letter, and by email to [alec.cropper@walton-co.co.uk](mailto:alec.cropper@walton-co.co.uk) and [david.walton@walton-co.co.uk](mailto:david.walton@walton-co.co.uk).

Yours faithfully



### **Walton & Co**

Encs

CC: Mr Timothy Mann, Programme Lead, Oxfordshire County Council (by email to [hif1project@oxfordshire.gov.uk](mailto:hif1project@oxfordshire.gov.uk))