

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”)

-and-

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”)

Highways Act 1980

And

Acquisition of Land Act 1981

Statement of Case

submitted on behalf of Commercial Estates Group Limited and CEG Land Promotions II Limited (OBJ/25)

PINS Reference: NATTRAN/SE/HAO/286 (DPI/U3100/23/12)

December 2023

1. Introduction and Background

- 1.1 This Statement of Case is submitted on behalf of Commercial Estates Group Limited and CEG Land Promotions II Limited (“together referred to as **CEG**”). It is prepared further to the public inquiry that been arranged to consider the confirmation of the CPO and Side Roads Order (together referred to as “**the Orders**”), and following the notice issued by the Inspector pursuant to Rule 7(3) of the Compulsory Purchase (Inquiries Procedure) Rules 2007 dated 19 October 2023.
- 1.2 The CPO and Side Roads Order were both made by Oxfordshire County Council (“**the Council**”) on 21 December 2022. The CPO and Side Roads Order have been made by the Council to facilitate the delivery of the Access to Didcot Graden Town Highway Improvements Scheme (“**the Scheme**”). As is discussed in paragraph 1.5 of the Council’s Statement of Case, the Scheme broadly comprises of a highway scheme approximately 11 kilometres in length, with single carriageway being dualled, and approximately 20 kilometres of new pedestrian and cycling infrastructure.
- 1.3 CEG is a statutory objector both to the CPO and the Side Roads Order having submitted objections to the Secretary of State for Transport by way of written letter dated 21st March 2023. This Statement of Case reiterates and supplements those objections where relevant.

2. Role and Business of CEG

- 2.1 CEG is a national developer and strategic land promoter. It 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 on the plan enclosed with this Statement of Case at Appendix 1 (drawing number DE_199_650) (“**the Promoted Land Plan**”).
- 2.2 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 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 at least 7.3 hectares of replacement employment land in combination with the adjacent Science Centre, as well as supporting services and facilities (“**the Proposed Development**”). 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.
- 2.3 An outline planning application for the first phase of the Proposed Development (known as “**Culham No 1**”) is being finalised. It is anticipated that this will be submitted at the start of 2024, prior to the opening of this public inquiry. The first phase envisages the employment-led development of the part of the Promoted Land located to the east of the railway track. An Illustrative Masterplan outlining the currently envisaged development layout for the Culham No 1 development is enclosed with this Statement of Case at Appendix 2 (drawing number CUL1-NBBJ-ZZ-00-DR-A-011001 (“**the Indicative Masterplan**”).

- 2.4 The land located to the west of the railway track is intended to be brought forward for residential-led development through later phases (**the Residential Led-Development**).

3. Principle of the Orders and the Scheme

- 3.1 CEG does not object to the CPO or the Scheme in principle. Indeed, CEG acknowledges that additional highway capacity will be necessary to accommodate all of the Proposed Development and mitigate the effects of other proposed development schemes in the locality, although modelling indicates that some development within the Culham No 1 development can be delivered and occupied before the highway improvements proposed by the Scheme are delivered.
- 3.2 CEG is therefore supportive of the Scheme in principle, particularly as the proposed highway works offer an opportunity to assist in the realisation of the significant social and economic benefits that the Proposed Development will provide. CEG agrees with the comments made at paragraph 6.2 of the Council's Statement of Case in noting that the Scheme provides critical mitigation for the total planned growth in the South Oxfordshire area.
- 3.3 However, the current terms of the Orders extend beyond what is necessary to successfully deliver the Scheme. In their current form, the Orders risk delivery of the Proposed Development in a number of important respects, and therefore undermine the achievement of the Scheme's objectives. The basis upon which CEG objects to the Orders in their current form is discussed below. However, it might be that these objections can be addressed through appropriate modifications to the Orders, and/or completion of private agreements with the Council and relevant landowners.

4. Objections to the CPO

- 4.1 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 Scheme that would be undertaken within these areas are shown on sheets 14 to 16 of the General Arrangement Plans.
- 4.2 Copies of drawings overlaying the works shown on the relevant General Arrangement Plans upon sheets 14 and 16 of the CPO Map are enclosed at Appendix 3 to this Statement of Case for ease of reference ("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"**).
- 4.3 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 works involved with the completed Scheme. The Sheet 14 Overlay Plan shows a large plot to the north (marked 14/1a) upon which the Scheme works will not be delivered. The Sheet 16 Overlay Plan also identifies various plots that would not be utilised as part of the

completed Scheme works, including land within plots 16/6a, 16/6b, 16/6c and 16/6z as shown on the CPO Map.

- 4.4 CEG contends that the CPO boundary should be amended to reflect that shown dashed green on the Overlay Plans. Paragraph 16.102 of the Council's Statement of Case states that plots 16/6a, 16/6b, and 16/6z are all required for temporary use during the Scheme's construction period for the provision of works compounds. However, CEG considers that any such compound should be sited in an alternative location given that acquisition and use of these plots by the Council would prejudice delivery of the Culham No 1 development.
- 4.5 Specifically, plots 16/6a, 16/6b, and 16/6z involve 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. An extract of the Indicative Masterplan overlaid with the CPO boundary is attached at Appendix 4 ("**the Overlay Masterplan**"). The topography and ground conditions of the Culham No 1 site are particularly conducive to the provision of drainage infrastructure in this location, and it is unclear whether such infrastructure could be located elsewhere within the site without significantly impacting on the currently proposed development quantum and layout.
- 4.6 If such plots remain within the scope of the CPO, then the order will 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 Council has not demonstrated that any works compound needs to be sited in the currently proposed location, and CEG considers that reasonable alternative locations are available.
- 4.7 It is also understood that plot 14/1a has been included within the CPO on the basis that such land will accommodate a works compound during the Scheme's construction phase. However, such use may adversely impact upon the proposed delivery timescales for the Residential Led Development, and prejudice the benefits that would otherwise be achieved by the same.
- 4.8 As is discussed in paragraphs 16.104 to 16.106 of the Council's Statement of Case, discussions have taken place and are ongoing between the Council, CEG, and the relevant landowners with a view to agreeing the terms of suitable agreement(s) that would enable CEG's objections on this point to be withdrawn. It is regrettable that the Council did not engage with CEG when preparing the CPO, and prior to it being made. Indeed, paragraph 17 of the Guidance on Compulsory Purchase Process and the Crichel Down Rules ("**the Guidance**") expressly emphasises the benefits of negotiating with third parties in parallel with preparing an order.
- 4.9 Engagement with CEG and the relevant landowners by the Council since the Orders were made has also unfortunately been sporadic, and the comments made at paragraph 11.11 of the Council's Statement of Case in suggesting that the authority has pursued all reasonable steps to acquire the necessary land and rights by private

agreement prior to this time are not accepted. Notwithstanding, CEG remains willing to discuss the terms of a voluntary agreement(s) with the Council in seeking to resolve its objections.

- 4.10 Paragraph 16.105 of the Council's Statement of Case indicates that land proposed for a new north-easterly access towards Culham Science Centre could also be removed from the scope of the CPO if sufficient alternative mechanisms were in place to ensure that private rights of access were granted over the road to the relevant premises. CEG is willing to continue negotiations on the terms of a private agreement with the Council and the relevant landowners to grant such rights.
- 4.11 Paragraph 16.108 of the Council's Statement of Case similarly confirms that plot 16/c does not need to be permanently acquired by the Council, but would be utilised by the authority during the construction phase. CEG is willing to continue discussions upon a suitable private agreement relating to plot 16/6c, and which would enable that land to be removed from the CPO boundary. Indeed, it might be that agreement upon an alternative location for the proposed construction compound would avoid the need for the currently envisaged turning head feature entirely, and for other plots to be removed from the scope of the CPO.

5. Objections to the Side Roads Order

- 5.1 Site Plan 16 of the Side Roads Order identifies various private accesses and public highways that are proposed to be stopped up as part of the Scheme (given references 16/2 to 16/8 and 16/S1-S2). CEG accepts that some of these highways will need to be stopped up as part of the Scheme, and it is noted that new means of access and highways are proposed to be provided along the routes shown on Site Plan 16A of the Side Roads Order.
- 5.2 However, the sequencing of the proposed works and how the 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 is unclear. 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 Scheme works in this area being completed, something which is accepted by the Council
- 5.3 Paragraphs 16.112 and 16.113 of the Council's Statement of Case expresses an intention for the Council to grant sufficient access rights to beneficiary premises on the Culham No 1 site. However, and whilst it is accepted that the Council would need to implement the Orders and come into title possession of the relevant land in order to formally grant such rights, no assurances are given as to timings and sequencing of the Scheme works. This is particularly important given that it is readily foreseeable that at least some development of the Culham No 1 site will come forward in advance of the Scheme works being undertaken.
- 5.4 As discussed in section 4 above, CEG considers that the proposed north-easterly access towards Culham Science Centre (reference 16/b) could be removed from the scope of the CPO should an appropriate private agreement be completed with the

Council and relevant landowners. In such circumstances the Side Roads Order would similarly need to be amended to remove reference to that access. Should the access continue to form part of the Side Roads Order, enforceable assurances should be given by the Council to ensure that appropriate rights for beneficiaries would be granted, and that the delivery programme would not prejudice existing access arrangements.

6. Costs

- 6.1 CEG considers that the lack of consultation by the Council upon the terms of the Orders prior to their being made, as well as sporadic engagement by the Council upon the terms of private agreements following the Orders being made, has resulted in CEG incurring significant fees associated with these inquiry proceedings that might otherwise have been avoided. CEG shall therefore be seeking its costs in objecting to the Orders, as well as preparing for and attending the inquiry.

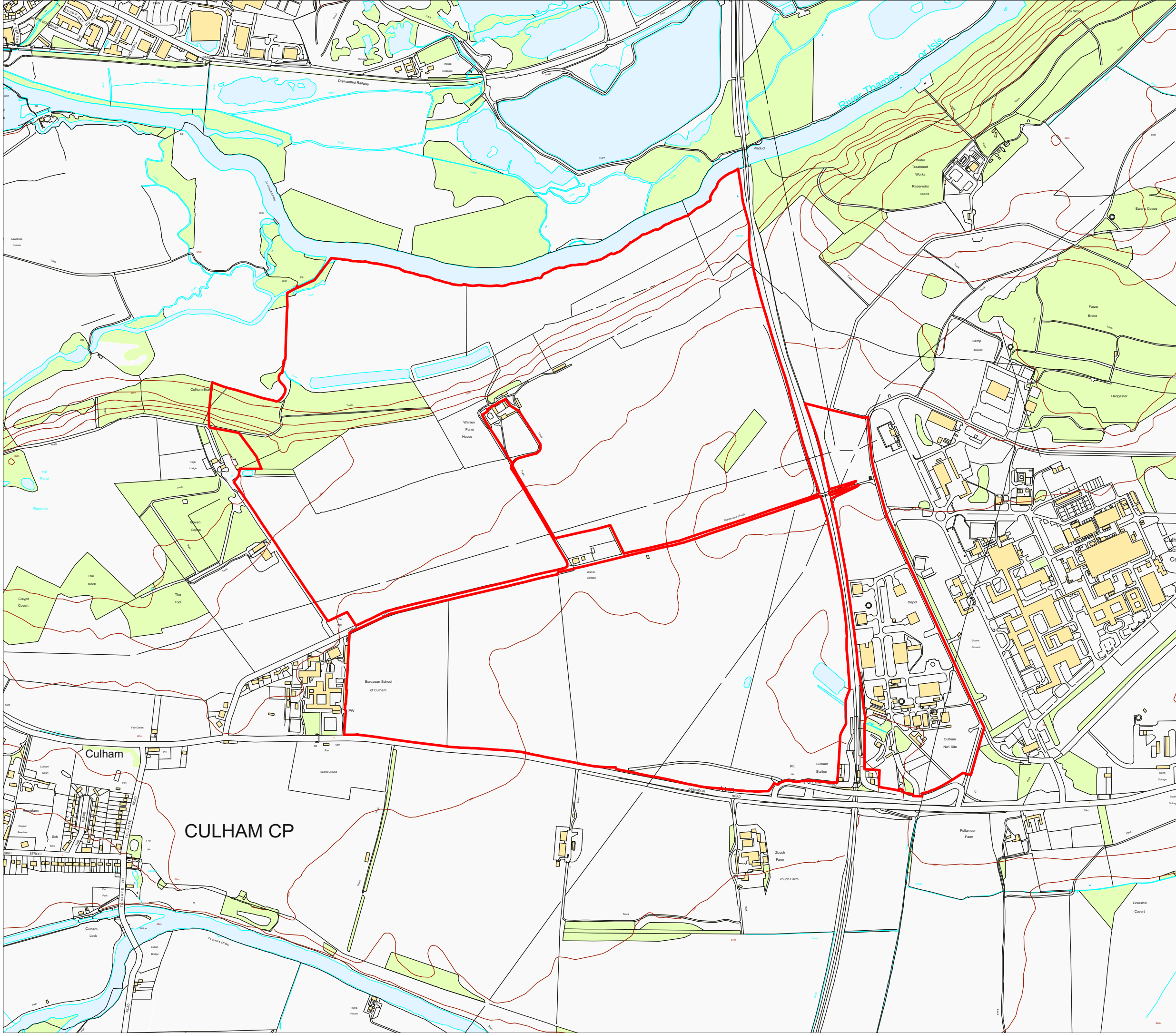
7. Documents to be Referred to in Evidence

- 7.1 The nature of any evidence presented by CEG to the inquiry will depend upon how any discussions on private agreements to resolve its objections proceed. However, and in the absence of any such agreements being finalised, CEG's evidence will refer to relevant documentation and plans associated with the Proposed Development, in particular the proposals for the Culham No 1 development. Reference will also be made to potential alternative locations for works compounds which the Council considers to be necessary during the construction phase.
- 7.2 CEG's evidence will also refer to the application documentation for the Orders and any subsequent correspondence and/or revisions to the proposed Scheme. Reference will also be made to applicable statutory provisions and guidance, as well as relevant core documents.

8. Other Matters

- 8.1 CEG reserves the right to add to its arguments or introduce additional documents in responding to any amendments to the Scheme or the Orders. This is particularly relevant given that the Council is proposing various modifications to the Orders and their associated maps that are relevant to the Promoted Land (discussed in section 17 of the Council's Statement of Case), with the authority to supply modified documents in due course.

Appendix 1
Promoted Land Plan



LEGEND

 Site boundary

SCALE 1:10,000



Rev	Description	Date
-	Rev	
DE_199_650	Drg No	
CEG	Client	
Culham	Project	
Site Location Plan	Title	
1:10,000 @ A3	Scale	

Appendix 2

Culham No 1 Indicative Masterplan



CULHAM NO.1 SITE INDICATIVE MASTERPLAN

- | | | |
|---------------------------|---------------------------------|----------------|
| — SITE NO.1 BOUNDARY | AMENITY BUILDING | DECKED PARKING |
| ● EXISTING TREES | MIXED USE AMENITY / LAB/ OFFICE | |
| ● PROPOSED TREES | LAB / OFFICE | |
| ■ PROPOSED ACID GRASSLAND | LIGHT INDUSTRIAL | |
| ■ EXISTING LANDSCAPING | MIDTECH | |

nbbj

CEG CULHAM SCIENCE PARK
ISSUE DATE: 28th September 2022
DRAWING NUMBER:
CUL1-NBBJ-ZZ-00-DR-A-011001

0 25m 50m 100m SCALE: 1:2500@A1

Appendix 3
CPO Overlay Plans



NOTES

1. This drawing is to be read in conjunction with all relevant documents and specifications.

2. Dimensions are not to be scaled.

Source: AECOM's drawing number
GEN_PD-AMC-GEN-DGT_ZZ_ZZ-DR-T-0016 Rev P02.
Oxfordshire County Council drawing number
GH-132861001-CPO-16-FINAL


KEY

Current extent of CPO

Suggested alternative CPO extents

© Crown Copyright 2023. Reproduced by
Glanville Consultants Ltd under Licence
100018363, 2023.
Crown Copyright data or documents are not to
be used, copied or reproduced beyond the
original scope of this project.



Rev.	Description	Date	Chkd
<div><div></div><div><div>Glanville</div><div>Cornerstone House 62 Foxhall Road, Didcot Oxon, OX11 7AD Tel: (01235) 515550 Fax: (01235) 817799 postbox@glanvillegroup.com www.glanvillegroup.com</div></div></div>			
Client :		CEG	
Project :		Culham	
Title :		CPO Extents Overlay - Culham No.1 Site Access	
Project Engineer :		T. Hart	Scale : 1:2000 @ A3
Project Director :		T. Foxall	Date : March 2023
Status :		INFORMATION	
Drawing No.		8150529/6007	Rev

Appendix 4

Masterplan for Culham No 1 Development Overlaid with CPO Boundary



NOTES

1. This drawing is to be read in conjunction with all relevant documents and specifications.

2. Dimensions are not to be scaled.

Source: NBBJ's drawing number CUL-NBBJ-ZZ-00-DR-A-011001
Oxfordshire County Council drawing number
GH-132861001-CPO-16-FINAL

KEY

Current extent of CPO

© Crown Copyright 2023. Reproduced by
Glanville Consultants Ltd under Licence
100018363, 2023.
Crown Copyright data or documents are not to
be used, copied or reproduced beyond the
original scope of this project.



Rev.	Description	Date	Chkd
<div><div></div><div><div>Glanville</div><div>Cornerstone House 62 Foxhall Road, Didcot Oxon, OX11 7AD Tel: (01235) 515550 Fax: (01235) 817799 postbox@glanvillegroup.com www.glanvillegroup.com</div></div></div>			
Client :		CEG	
Project :		Culham	
Title :		Culham No.1 Site Masterplan and Proposed CPO Overlay	
Project Engineer :		T. Hart	Scale : 1:2000 @ A3
Project Director :		T. Foxall	Date : March 2023
Status :		INFORMATION	
Drawing No.		8150529/6010	Rev