

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 OXFORDSHIRE COUNTY COUNCIL (DIDCOT TO CULHAM THAMES BRIDGE) SCHEME 2022

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 CALLED-IN PLANNING APPLICATION BY OXFORDSHIRE COUNTY COUNCIL FOR THE DUALLING OF THE A4130 CARRIAGEWAY, CONSTRUCTION OF THE DIDCOT SCIENCE BRIDGE, ROAD BRIDGE OVER THE APPLEFORD RAILWAY SIDINGS AND ROAD BRIDGE OVER THE RIVER THAMES, AND ASSOCIATED WORKS BETWEEN THE A34 MILTON INTERCHANGE AND THE B4015 NORTH OF CLIFTON HAMPDEN, OXFORDSHIRE (APPLICATION NO: R3.0138/21)

APP/U3100/V/23/3326625 and NATTRAN/SE/HAO/286 (DPI/U3100/23/12)

**OPENING STATEMENT IN RESPECT OF THE ORDERS
ON BEHALF OF OXFORDSHIRE COUNTY COUNCIL
AS ACQUIRING AUTHORITY**

1. Oxfordshire County Council (“**OCC**”) is the Acquiring Authority in respect of three orders (“**the Orders**”): a compulsory purchase order (“**the CPO**”)¹; a side roads order (“**the SRO**”)²; and a bridge scheme (“**the Bridge Scheme**”)³. The Orders are required to deliver the HIF1 Scheme (“**the Scheme**”). OCC briefly introduced the Orders in its opening statement when the conjoined inquiries into the called-in planning application and the Orders were opened on 20 February 2024⁴. It does so more fully now at the start of the Orders part of the conjoined inquiries and also provides an update on objections.

¹ CDH.1.

² CDH.3.

³ CDH.5.

⁴ INQ-01 (Oxfordshire County Council as Applicant and Acquiring Authority Opening Statement dated 20 February 2024).

The Orders

2. The Orders are made to facilitate the delivery of the Scheme which consists of a highway scheme approximately 11km in length, including converting 1.8km of single carriageway to dual carriageway, 6.8km of new single carriageway, together with approximately 20km of new and/or improved off-carriageway cycling and pedestrian infrastructure. Connections into the existing public rights of way network will also be provided. The Scheme includes three over bridges. The Orders were made by OCC on 21 December 2022 and submitted to the Secretary of State for Transport on 26 January 2023.
3. The land and rights to be compulsorily acquired for the Scheme ("**the Order Land**") pursuant to the CPO were identified as part of the land referencing process. Delivery of the OCC's Scheme requires the acquisition of the Order Land. The Order Land comprises only land required to facilitate the Scheme. The boundary of the Order Land and the plots are shown on the plans accompanying the Order ("**the Order Map**")⁵.
4. The Order Land comprises a total area of 135.731 hectares of land in the County of Oxfordshire. The Scheme will be constructed on land comprised of agricultural land, residential development land, enterprise zone development land, former quarry land, landfill waste site land, industrial/commercial land, including curtilage landscaped frontages, private means of access roads and tracks, commercial development land, and lands of existing public highways, including roads, restricted byways, footpaths, and bridleways. A schedule of the interests in the land is set out in CPO. The CPO is made pursuant to ss.239, 240, 246, 250 and 260 of the Highways Act 1980.
5. The SRO is made under ss.14 and 125 of the 1980 Act. The SRO would, if confirmed by the Secretary of State, enable the construction of the Scheme and other necessary and associated highway works. The making and confirmation of the SRO will, as shown on the SRO plans⁶, enable the Acquiring Authority to improve, raise, lower, divert or otherwise alter highways; stop up highways; construct new highways; stop up private means of access to premises required as a consequence of the construction of the Scheme and to provide new private means of access to premises.

⁵ CDH.2a-e.

⁶ CDH.3a-f.

6. The Bridge Scheme is made under s.106(3) of the 1980 Act to enable the construction of a road bridge over the River Thames, being a navigable, non-tidal, waterway, of the design dimensions set out in the Bridge Scheme. The Bridge Scheme is in addition to needing to secure, through the CPO, the acquisition of the airspace through which the bridge structure will be constructed, together with the land either side of the River Thames on the Bridge approach, which will be acquired for the Scheme, and the acquisition of new rights as required to maintain and repair the bridge structure in the future (together with other such rights as may be necessary).
7. OCC requests that the Orders are confirmed subject to modifications. An initial table of modifications included in OCC's Statement of Case (section 17)⁷ and this has now been updated, which includes further modifications to address matters raised by objectors.

The case in support of the Orders

8. The case in support of the Orders has been set out in the Joint Statement of Reasons accompanying the Orders⁸, and OCC's Statement of Case for the Orders⁹.
9. In overview, a compelling case in the public interest exists for the CPO, in accordance with the CPO Guidance¹⁰, in light of the urgent need for and substantial benefits of the Scheme. The Scheme will provide modern, fit for purpose transport infrastructure which the thousands of homes and jobs planned for the area need in order to come forward. The Scheme is a fundamental plank of adopted development plans for the area and will enable their ambitions to be realised. Very significant benefits flow from this: meeting housing and employment need, enabling economic growth in an area which is vitally important to the local, regional and national economy, and doing so in a way that will facilitate sustainable modes of travel. The Scheme will have environmental benefits, particularly in taking existing and future traffic away from villages and improving residential amenity. The need for and benefits of the Scheme can only attract very substantial weight. The adverse effects are restricted in scope and number. It is inevitable that some such effects will arise when providing large-scale infrastructure such as the Scheme, and the Scheme has been

⁷ CDM.10.

⁸ CDH.6.0.

⁹ CDM.10.

¹⁰ Guidance on Compulsory Purchase Process and the Crichel Down Rules, July 2019 (CDH.10).

sensitively designed to ensure the effects are minimised and accompanied by appropriate mitigation so far as is necessary. Overall, this is an important, significantly beneficial and urgently needed Scheme and there is a compelling basis for confirming the Orders in order to ensure that it can come forward.

10. Due to the conjoined nature of the inquiries, the evidence on the need for and benefits of the Scheme has already been heard. It was set out in detail in OCC's evidence and tested through questioning, in particular in the evidence of Aron Wisdom, and also the other evidence on highways matters (Issues 1 – 4 on the Inspector's list of issues for the called-in planning part of the conjoined inquiries), environmental effects (Issues 5 – 12), and planning matters (Issues 13 – 14). That also included detailed evidence on alternatives to the Scheme, which is relevant to the case for the Orders, both strategic alternatives and alternatives in respect of detailed design and routeing matters. OCC relies on all the above evidence in support of the Orders.
11. OCC will call further evidence in this Orders part of the conjoined inquiries to explain the funding position and confirm that, in accordance with the CPO Guidance (para. 13), all the necessary resources are likely to be available within the required timescale.
12. OCC's evidence will also show that, in accordance with the CPO Guidance (para. 2), it has taken reasonable steps to acquire all of the land and rights included in the CPO by agreement, and continues to do so¹¹. There was significant engagement with landowners both before and after the making of the Orders in December 2022 (noting that we are now 16 or so months on from that date, during which negotiations with the large number of landowners have been proceeding in earnest), which is set out to the inquiry in from Mr Moon's very full written evidence.
13. OCC's evidence will explain that the statutory tests in respect of the SRO and the Bridge Scheme are met:

¹¹ Noting that the CPO Guidance also provides that *"if an acquiring authority waits for negotiations to break down before starting the compulsory purchase process, valuable time will be lost. Therefore, depending on when the land is required, it may often be sensible, given the amount of time required to complete the compulsory purchase process, for the acquiring authority to: plan a compulsory purchase timetable as a contingency measure; and initiate formal procedures"* (para. 2).

- a. As to the SRO, the tests in s.14(6) (another reasonably convenient route) and s.125(3) (no access reasonably required / another reasonably convenient means of access available) are satisfied.
- b. As to the Bridge Scheme, the new bridge will not impede the reasonable requirements of navigation, in accordance with s.107(1).

Objections

14. Objections which are remaining and have not been withdrawn at the time of writing are as follows (with the withdrawn objections struck through for ease of reference):¹²

No.	Party	Date received	Statutory / Non-statutory	Objection type
1	Network Rail Infrastructure Limited	3 February 2023	Statutory	Objection to the CPO and SRO
2	Alan and Penny Aries	17 February 2023	Statutory	Objection to the CPO and SRO
3	Mandy Rigault	21 February 2023	Non-statutory	Objection to the CPO and SRO
4	Nuneham Courtenay Parish Council	21 February 2023	Non-statutory	Objection to the CPO and SRO
6	Stephen Smith	8 February 2023	Statutory	Objection to the CPO and SRO
7	Mays Properties Limited	24 February 2023	Statutory	Objection to the CPO and SRO
8	John Peters	26 February 2023	Non-statutory	Objection to the CPO and SRO
9	CPRE, The Countryside Charity	1 March 2023	Non-statutory	Objection to the SRO
10	Sutton Courtenay Parish Council	7 March 2023	Non-statutory	Objection to the CPO and SRO
11	Thames Water Utilities Limited	17 March 2023	Statutory	Objection to the CPO
12	Appleford Parish Council	20 March 2023	Non-statutory	Objection to the CPO and SRO
13	UKAEA (United Kingdom Atomic Energy Authority)	20 March 2023	Statutory	Objection to the CPO and SRO

¹² The objections are contained in CDJ.

14	Caudwell & Sons Limited	17 March 2023	Statutory	Objection to the CPO
15	Anthony Mockler and Gwendoline Marsh as Trustees of the Milton Manor Estate	20 March 2023	Statutory	Objection to the SRO
16	Anthony Mockler	20 March 2023	Statutory	Objection to the SRO
17	Anthony Mockler	20 March 2023	Statutory	Objection to the CPO
18	Anthony Mockler and Gwendoline Marsh as Trustees of the Milton Settled Estate	20 March 2023	Statutory	Objection to the CPO
19	The occupiers of New Farm	17 March 2023	Statutory	Objection to the CPO
20	Morrells Farming Limited	17 March 2023	Statutory	Objection to the CPO
21	Emmett of Drayton Limited	17 March 2023	Statutory	Objection to the CPO
22	Mrs Veitch	17 March 2023	Statutory	Objection to the CPO
23	David Morrell, Lavinia Taylor and Catherine Ballard	17 March 2023	Statutory	Objection to the CPO
24	Morrells Holdings Limited	17 March 2023	Statutory	Objection to the CPO
25	Commercial Estates Group Limited and CEG Land Promotions II Limited	21 March 2023	Statutory	Objection to the CPO and SRO
26	Leda Properties Limited	21 March 2023	Statutory	Objection to the CPO and SRO
27	W E Gale Trust	21 March 2023	Statutory	Objection to the CPO and SRO
28	Neighbouring Parish Councils Joint Committee	21 March 2023	Non-statutory	Objection to the CPO and SRO
29	Bernard Wallis	22 March 2023	Statutory	Objection to the CPO
30	Oxford Fieldpaths Society	22 March 2023	Non-statutory	Objection to the SRO
31	RWE Generation UK plc	22 March 2023	Statutory	Objection to the CPO and SRO
32	Jacqueline Mason	22 February 2023	Statutory	Objection to the CPO
33	National Grid Electricity Transmission plc	12 October 2023	Statutory	Objection to the CPO
34	The Ramblers	22 March 2023	Non-statutory	Objection to the SRO

15. A representation under s.16 of the Acquisition of Land Act 1981 has been made to the appropriate minister by Network Rail Infrastructure Limited as a statutory undertaker. OCC will say that it can be purchased 'without serious detriment to the carrying on of the undertaking' (s.16(3)), such that the CPO can be confirmed notwithstanding this representation, albeit OCC anticipates that it will be withdrawn along with Network Rail Infrastructure Limited's objection.
16. OCC will deal with each of the remaining objections in its evidence and say that none provide a basis not to confirm the Orders. No objector puts forward any cogent challenge to the need case for the Orders. OCC is at an advanced stage of negotiations with many of the remaining objectors with a view to entering into private agreements which will mean that the objectors withdraw the objections. The Scheme has mitigated its impact on landowners and on rights of way so far as is reasonably possible, and compensation will of course be payable in accordance with the compensation code. In all the circumstances, OCC will say that the compelling case in the public interest for the Scheme heavily outweighs the private loss.
17. OCC will continue to engage with objectors who are willing to do so, with a view to resolving their objections.

Conclusion

18. For all the above reasons, OCC will in due course ask that the Orders be confirmed, subject to modifications.

Michael Humphries KC

Hugh Flanagan

24 April 2024

Francis Taylor Building

Inner Temple,

London EC4Y 7BY