

**PROOF OF EVIDENCE IN RESPECT OF THE ORDERS INQUIRY
SUBMITTED ON BEHAL OF THE TRUSTEES OF THE W E GALE TRUST**

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”)

Oxfordshire County Council (Didcot to Culham Thames Bridge) Scheme 2022 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 (the SRO”)

**PROOF OF EVIDENCE OF TIM BROOMHEAD
FOR THE TRUSTEES OF THE WILLIAM EDWARD GALE TRUST (BEING MR PATRICK
ROSSINGTON GALE, MRS ELIZABETH ANNE MASON, and MR EDWARD
ROSSINGTON GALE**

SUMMARY

- 1 I, Tim Broomhead, am a partner at Knight Frank LLP Property Consultants. I specialise in rural property, compulsory purchase and compensation. I am the joint head of the firm’s Compulsory Purchase and Compensation national team. I am a Chartered Surveyor (Qualified 1996) and Fellow of the Central Association of Agricultural Valuers (Qualified 1997). I have acted for the Trustees of the William Edward Gale Trust (“the Trustees”) since late November 2022 regarding another project, and have been acting in respect of the road scheme since February 2023.

Land to be Acquired

- 2 The Trustees’ Property registered under title number ON316754 (“the Property”) is significantly impacted by the Orders. The plan at **P.01** shows the Land to be Acquired by the CPO. The land shaded pink is described by the Council as land required permanently (“the Pink Land”). The land shaded green comprises plots 6/3d and 7/1a and is referred to in the Council’s statement of case (**M.10, para 16.129**) as “*land only required temporarily*”

during construction...for the siting of a construction compound for the scheme” ie. as a worksite. The Green Land represents 75% of the Land to be Acquired from the Trustees.

- 3 The suggestion that the Crichel Down Rules would ameliorate a situation where Plots 6/3d and 7/1a have been compulsory purchased is misplaced and such would place put the trustees at a significant disadvantage.

No Need for Green Land

- 4 It is the Trustees’ position that the Council does not “require” the Green Land because:
 - a. the Green Land is required only temporarily during the construction period,
 - b. the worksite could have been located elsewhere without the need for compulsory acquisition of land that is otherwise not required for highway purposes;
 - c. the Council has provided no specifications setting out the requirements, or size, of the works area and why it is required to be located on the Trustees’ land;
 - d. the Trustees have always been willing to grant a license or lease in the Green Land for the reasonable duration of the construction period on reasonable terms. The Council has engaged in negotiations with the Trustees to take a lease or licence of the Green Land instead of compulsory acquisition. Therefore, there can be no basis upon which compulsory purchase of the Green Land is required.

Negative Impact of the Scheme on the Property

- 5 The Property is affected by the CPO and the SRO.
- 6 The Pink Land includes the whole of the frontage of the Property with the A4130 and the existing access into the Property from the road.
- 7 The Green Land separates the Pink Land from the Trustees’s retained land and the Orders make no provision for any access route from the proposed new access to the retained land to the north of the Green Land.
- 8 Therefore, if the Orders are approved, the Trustees’ retained land will be entirely landlocked and will have no access from the A4130.
- 9 The Green Land would in the absence of the Scheme be redeveloped for development that would contribute significantly towards the planning objectives of the Science Vale and is identified in the development plan for those purposes.

- 10 The acquisition of the Green Land and the inadequacy of the access provision to the retained land represents a missed opportunity for sustainable development which undermines the notion of the compelling case in the public interest. The Scheme is holding back land that could come forward for development only to support a temporary construction compound and access to it.
- 11 If the Orders are approved as made, the Trustees require the following from the Council to ensure that they are able to use, develop or dispose of their retained land in the future:
 - a. Covenant that the Trustees and their successors in title will always have access to their retained land;
 - b. The Pink Land and Green Land will be used for highways purposes only and will not be sold off to a third party. Otherwise a ransom situation would arise for the Trustees;
 - c. The Trustees or their successors in title will not be prevented from constructing an alternative access into the Property from the A4130 at any location along the road frontage with the Property.

Proposed sale of land to third party buyer

- 12 The Trustees are in advanced negotiations with a third party buyer who is interested in a purchase, but only if it can purchase the Green Land and the Trustees' retained land together. It will not proceed on a sale of the retained land alone.
- 13 Very reasonably the third party needs confirmation that the Council will not seek to acquire the Green Land by compulsory purchase in the future.
- 14 The case of Ayr Harbour Trustees v Oswald (1883) 8 App Cas 623, HL (a copy of which is annexed to this document at **TB1**) provides that an Acquiring Authority cannot fetter its compulsory purchase powers. Therefore, the third party (and the Trustees) needs an undertaking from the Council that it will not permanently acquire the Green Land and confirmation that the Green Land has been removed from the Orders, or at the very least that the Council has requested the removal of the Green Land to the Inspector and Secretary of State.

Benefits for the Council of a sale to the third party

- 15 The benefits for the Council of the sale of the Green Land and retained land to the third party buyer are as follows:
 - a. The Council would not incur the cost of the purchase of the Green Land;
 - b. The Council would not incur the cost of a claim for compensation from the Trustees.

- c. The retained land and the Green Land would be available for sustainable development in accordance with the purpose of the Scheme.

Ongoing negotiations with the Council

- 16 The Council is very eager for the Trustees to remove their objection to the CPO.
- 17 It has confirmed that it would be willing to take an option to lease or license the Green Land, rather than acquire it permanently, which would enable the sale to the third party and in the alternative would allow for development by the Trustees at a later date.
- 18 Without prejudice negotiations between the Trustees and the Council have got to an advanced stage. However:
 - a. Heads of terms are still in draft;
 - b. the Council has not yet produced a draft Option for Lease, or a lease or license for discussion and negotiation;
 - c. the Council has taken no steps to negotiate the wording of an undertaking not to acquire the Green Land; and
 - d. the Council has not acted on the Trustees' request to write to request the removal of the Green Land from the Orders.
- 19 The Trustees' solicitors' letter to the Council's legal team dated 23 January 2024 is annexed to this summary at **TB2**. The Council has not yet responded to the letter or the requests.
- 20 Therefore, the sale to the third party is stalled and the Trustees do not have the necessary assurances from the Council to be able to withdraw its objection. Accordingly, the Trustees are maintaining their objection to the Inquiry and are having to incur the costs of doing so.

Lack of engagement before Orders made and slow negotiations since

- 21 I understand that other than informal discussions with some of the Trustees, the first contact from the Council's agents to the Trustees came by email on 23 November 2022, less than four weeks before the Orders were made on 21 December 2022. A copy of the email from the Council's agents is annexed to this document at **TB3**. The landowner plan at **P.01** was attached to that first email contact which misleadingly stated that the Green Land was "*Land to be Acquired Temporarily*".

- 22 Had the Council and its agents made contact with the Trustees at an earlier date and had the Council allowed a reasonable amount of time for negotiations, the parties could have reached an agreement for the Council to lease or take a license of the Green Land and the Green Land need not have been included in the Orders.
- 23 The late engagement and slow engagement and negotiations from the Council since contact was made, has meant that negotiations have been protracted and terms have not been finalised between the parties.

FULL PROOF OF EVIDENCE

The Property

- 24 The Trustees own the freehold land shown edged red on the registered title plan and described in the registered title number ON316754 (“the Property”). A copy of the title plan was at Annex 1 of the Trustees’ Statement to Planning Committee of July 2023 at **P.05**. However, the annexes to that Statement have not been included in the Core Documents and therefore I annex a further copy of the title plan to this proof of evidence at **TB4**.
- 25 The Property is situated just inside the boundary of the Vale of the White Horse District and is part of the Science Vale, which stretches across the boundaries of the Vale of White Horse and South Oxfordshire District Councils. Immediately to the west of the Property is the Didcot power station. Immediately to the east is an area called D-Tech designated as an “Enterprise Zone”, and part of what is called the “Didcot Growth Accelerator” and the Didcot to Oxford railway line.

The Land to be Acquired

- 26 The Property is significantly impacted by the CPO and SRO made by Oxfordshire County Council (“the Council”). In terms of the scheme, the Property is shown on the CPO plan GH-132861001-CPO-6-FINAL (**H.2-c page 3**) and CPO plan GH-132861001-CPO-7-FINAL (**H.2-d, page 1**) and proposed amendments to the existing access into the Property are shown on the SRO Site Plan 6 (GH-132861001-SRO-6) (**H.4-c, page 3**). The General Arrangement Plan 6 (GEN_PD-ACM-GEN-DGT_ZZ_ZZ_ZZ-DR-T-0006-PO3) from the Council’s website has not been included in the Core Documents, but is also helpful to show the extent of the land take at the Property on the same page. I attach a copy of that plan at **Annex TB5**.
- 27 And finally, a copy of the Landowner’s plan GH-132861001-LOLP-GALE produced by the Council is at **P.01**. This plan shows clearly the extent of the Trustees’ land which has been included in the CPO and the purpose for its acquisition. The land shown shaded pink is described by the Council as land required permanently (“the Pink Land”).
- 28 The land shown shaded green comprises plot 6/3d and 7/1a (which are the two largest plots of the Trustees’ land included in the CPO) (“the Green Land”). It is not at all clear

from the Council's Statement of Reasons why these plots have been included in the CPO. That document bunches all the Land to be Acquired together and gives a general description of the various intended uses of all plots comprising the Property (see paragraph 9.9.15 of the Statement of Reasons, a copy of which is annexed to this document at **TB6**). The Green land is only more clearly described by the Council in its Statement of Case for the Inquiry (**M.10**) where at paragraph 16.129, it is confirmed that the Green Land is "*only required temporarily during construction...for the siting of a construction compound for the scheme*" ie. as a worksite.

- 29 The Green Land represents a combined land area of 4.87 acres. The total area of the Land to be Acquired from the Trustees is 6.46 acres. Therefore, 75% of the land included in the Order is only required on a temporary basis. The Green Land is not required for the operation or maintenance of the scheme.
- 30 It is clear that the acquisition of the majority of the Property is sought to be justified only by reference to its use as the temporary works compound. The entire construction programme is stated in the Council's Statement of Reasons (paragraph 11.15) to be between 18 months and two years.
- 31 The Statement of Case (**M10**) the Acquiring Authority states at 16.130 that "*Under a CPO scenario the Acquiring Authority would not have powers of temporary possession and as such would have to acquire all land that is required for the scheme permanently*. The Statement continues that on the basis that the land becomes "*surplus and no longer be required following completion of the Scheme then the Acquiring Authority can confirm that in accordance with the Crichel Down Rules they would offer this land back to the landowner for re-purchase.*"
- 32 It seems clear that 6/3d and 7/1a would be surplus at the end of the scheme as the stated purpose is for a temporary use. The Crichel Down Rules however are no guarantee that the Trustees would be offered their land back for re-purchase. If, for instance, the Acquiring Authority considered it had a use for the land after the completion of the Scheme it could choose to retain it for another purpose.
- 33 The procedures under the Crichel Down Rules seem likely to put the Trustees at a significant disadvantage. The rules oblige an Acquiring Authority to dispose of surplus land at Market Value (Para 26 Annex A Guidance on Compulsory purchase process and The Crichel Down Rules). Furthermore, at Para 27 states: "*As a general rule, departments should obtain planning consent before disposing of properties which have potential for*

development.” Based on the rules there is a significant risk that the Market Value of the land offered back could be at a higher value than that paid in compensation at the acquisition under the CPO. In addition the Trustees would incur fees and Stamp Duty Land Tax on the repurchase.

- 34 In short, the suggestion that the Crichel Down Rules solve the problem appears to be an incorrect solution to the acquisition of land which the Acquiring Authority concedes will be surplus at the completion of the Scheme.

Green Land not required for the scheme

- 35 It is the Trustees’ position that compulsory purchase of the Green Land is not “required”. This is on the basis that:

- a. the Green Land is required only temporarily during the construction period,
- b. the worksite could have been located elsewhere without the need for compulsory acquisition of land that is otherwise not required for highway purposes;
- c. the Council has provided no plans or specifications setting out the requirements, or size, of the works area and why it is required to be located on the Trustees’ land;
- d. the Trustees have always been willing to enter into an agreement to grant a license or leasehold interest in the Green Land for the reasonable duration of the construction period on reasonable terms. If the Council is also willing to enter into such an agreement, then there can be no basis upon which compulsory purchase of the Green Land is required; and
- e. the Green Land would in the absence of the Scheme be redeveloped for development that would contribute significantly towards the planning objectives of the Science Vale and is identified in the development plan for those purposes.

CPO and SRO have effect

- 36 It is important to note that the Property is affected by both the CPO and the SRO.
- 37 The SRO provides for the stopping up of the current agricultural access to the Property and provides for a new access into the Property set further back from the A4130. The new access and the part of the Property into which that new access leads, are both areas within

the Pink Land scheduled to be permanently acquired. Therefore, if the CPO and SRO are approved, the Trustees will have no owned access to their retained land.

- 38 Furthermore, there is no provision at all for any access route between the new access and across the Green Land, to the retained land. This further obstacle compounds the inadequacy of the provision in the scheme for the Trustees and their retained land, and means that their retained land will be entirely landlocked.

Lack of engagement from the Council

- 39 The CPO and SRO (“The Orders”) were sealed and dated by the Acquiring Authority on 21 December 2022.

- 40 It is evident that there was minimal contact with the Trustees from the Council about the scheme before the CPO and SRO were made. I attach at Annex **TB3** to this proof of evidence an email from the Council’s agents, Gateley Hamer, to the Trustees, on the afternoon of 23 November 2022, less than a month before the Orders were made in which it is stated:

“As you are aware, Oxfordshire County Council are progressing with the HIF1 Access to Didcot Garden Town Scheme, and would like to enter into an option agreement with you in respect of your land that is required for the scheme, prior to the Compulsory Purchase Order and I would be grateful if you would confirm you are happy to discuss this with me.... Can you please confirm if you have a surveyor appointed to act on your behalf and if so can you please provide me with their name and contact details. I am more than happy to meet with you and/or your surveyor to discuss the above”.

- 41 I understand that this was the first written contact from the Council. The e mail attached the Landowner Plan illustrating the extent of the CPO land take (**P.01**). I further understand that the Trustees took some reassurance from the attached plan, the key to which confirmed that the Green Land was only to be “Acquired Temporarily.”

- 42 It was not until the New Year of 2023 when the Trustees had digested the Order Papers and the Plans that the extent of land under threat from permanent acquisition became apparent.

- 43 I was instructed by the Trustees in early February 2023 to act for them (in addition to other work) in relation to the Scheme.

- 44 Having reviewed the CPO, I held a telephone conversation with Ian Miles of Gatley Hamer on 7 February 2023. During that conversation I identified access for development was a key issue and the permanent land take for a temporary use was a significant anomaly. During that call it was explained the reason that the “Green Land” had been included in the Order was that the Council was unable to compel temporary occupation of the land, due to the Scheme being one under the Highways Act. This call gave rise to the engagement between Knight Frank and Gately Hamer seeking a resolution.
- 45 The late contact in November 2022 from the Council, less than four weeks before the Orders were made, is an exact example of ‘too little, too late’. It was perhaps misleading to provide a Plan identifying “Land to be Acquired Temporarily” when Temporary Acquisition was not something available to the Council under the Highways Act.
- 46 Even if the Trustees had been professionally represented in November 2022 time, was very short to negotiate and finalise an Option to Lease the Green Land.
- 47 Had the Council and its agents allowed a reasonable amount of time for negotiation, the parties could have agreed an option for lease of the Green Land in advance of the Order being made, which would have avoided the inclusion of that Green Land in the Order and largely could have obviated the need for the Trustees to object to the scheme or to continue as a remaining objector to the Inquiry. As stated at paragraph 19 of the Trustees’ objection to the CPO in March 2023:
- “The Trustees are happy to make clear that they do not object to the principle of the acquisition of some of the Property in order to provide highway improvements and the delivery of the ‘Didcot Science Bridge’. However, this acceptance should not be taken as acceptance that there is a compelling case in the public interest for the land acquisition proposed at the Property. The Trustees’ objection relates (a) to the extent of the land taken, and (b) to the failure of the scheme to provide an appropriate access to the Trustees’ retained land as part of the scheme”.*
- 48 As set out in paragraph 2 of the Guidance on Compulsory Purchase and the Crichel Down Rules (“the Guidance”) “the confirming authority will expect the acquiring authority to demonstrate that they have taken reasonable steps to acquire all of the land and rights included in the Order by agreement”. In that same paragraph, the Guidance states that “compulsory purchase is intended as a last resort to secure the assembly of all the land needed for the implementation of projects“. The Guidance also provides that “*when making*

and confirming an order, acquiring authorities and authorising authorities should be sure that the purposes for which the compulsory purchase order is made justify interfering with the human rights of those with an interest in the land affected”.

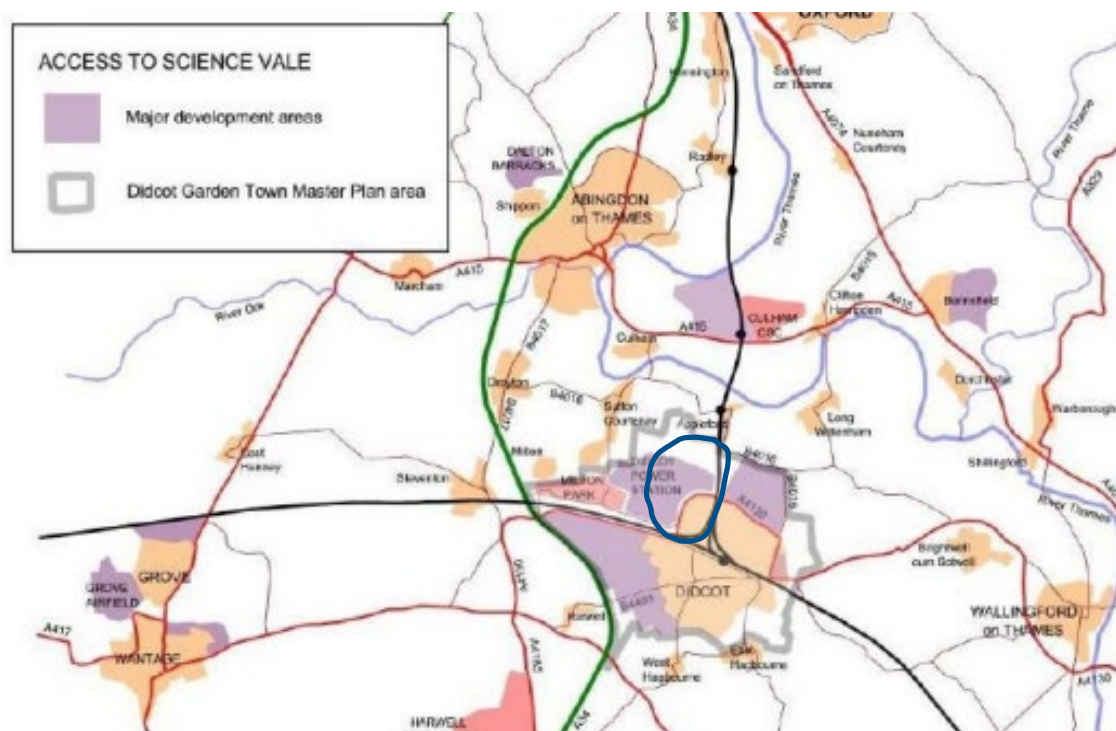
- 49 The late engagement, and lack of correspondence, from the Council before the Orders were made means that the Trustees’ human rights have not been taken into account. Compulsory Purchase has not been used as a last resort in this case and the acquiring authority certainly has not taken reasonable steps to acquire the Trustees’ land by agreement.

Lack of Engagement about Compensation

- 50 I am not aware of any substantive correspondence from the Council offering compensation to the Trustees. Certainly, since Knight Frank have been instructed, the Council has sought to maintain that compensation for the Trustees under the Compensation Code would be based on agricultural value only for the land acquired and that betterment would rule out compensation in respect of any land they retained, reducing compensation to nil. This is strongly refuted on behalf of the Trustees for the reasons set out in this document below.
- 51 Also against the Guidance, the Council does not appear to have given any account either for the costs involved in the compulsory purchase process. Paragraph 3 of the Guidance provides that “*acquiring authorities can consider all of the costs involved in the compulsory purchase process when assessing the appropriate payments for purchase of land in advance of compulsory purchase. For instance, the early acquisition may avoid”...legal fees that would be incurred in dealing with the Trustees as an objector, the wider compulsory purchase order process costs, the overall costs of project delay and any other reasonable linked costs.*
- 52 In failing to properly engage with the Trustees effectively at an early stage, or at all, prior to the Orders being made, the Council has failed to follow the Guidance and has created a situation where the Trustees have been forced to object to the Orders, at considerable cost to the Council and to the Trustees themselves. This could easily have been avoided with early engagement before the Orders were made, and meaningful and reasonable discussion about Compensation could well have solved matters at issue.

Existing development potential of the Property

53 In respect of the Council's suggestion of betterment, Knight Frank's position is that the Property as one whole land parcel was already well placed in terms of prospects for future development of the site with or without the Scheme. The Council's own Statement of Reasons (at pages 9 and 10) shows that the Property is situated within a "*major development area*". A copy of the image at figure 1 on page 10 of the Statement of Reasons is reproduced below with a blue circle to illustrate the approximate location of the Property.



54 This is important to note because it explains why it is so important to the Trustees that they are able to retain as much of their land as possible for their future use, development or disposal. The reason for their objection to the scheme is not one relating to the scheme as a whole, but rather to maintain their objection as to the amount of land being compulsorily acquired for a temporary purpose and to maintain their position in respect of the inadequacy of the access that is intended to be constructed to replace their existing access.

Negative effect of the ability of the land to deliver sustainable development so undermining a compelling case in the public interest

55 Quite contrary to the Council's suggestion of betterment, the development of the scheme would mean that the Green Land would not be available to deliver sustainable

development. The Trustees' retained land also would not be able to be used for sustainable development, particularly given the alteration of the existing access and lack of adequate provision of access to the retained land. On both counts, this unnecessary acquisition of land undermines a compelling case in the public interest for the acquisition. Therefore, the scheme and the extent of the land take provided for in the Orders, specifically the inclusion of the Green Land in the CPO and the alteration to the existing access provided for in the SRO, have a negative impact on the ability of the land to deliver sustainable development on any part of the Trustees' Property.

56 First, the fact that the Pink Land extends to the entire length of the frontage of the Property to the A4130 (see **P.01** and **H.4-c, page 3**) means that the access to the Property from the A4130 is severed and the Property is entirely landlocked. If approved and the whole of the Pink Land is acquired, the Trustees' will have no owned access across the Pink Land. Apart from making their retained land inaccessible, this significantly reduces the ability to promote the retained land for sustainable development. Accordingly, the scheme has a substantial detrimental effect on the Trustees' ability to use, dispose or develop the Property.

57 Secondly, there is no provision at all for any access route across the Green Land to the Trustees' retained land (see **P.01**). Again, not only is the Trustees' retained land entirely landlocked, it significantly reduces the ability to use the retained land or to promote it for sustainable development.

58 Thirdly, the new access is not suitable for any future sustainable development of the Trustees' retained land.

59 Fourth, the reduction in size from the area of the Property down to the extent of the retained land, from approximately 20 acres reduced to 13.54 acres, has a significant impact on the development potential and salability of the Trustees' land, as is evidenced by the Trustees' current position, discussed below. There is marriage value in the Trustees owning the retained land and the Green Land. If the Green Land is permanently acquired, that marriage value is lost and the retained land is less usable for sustainable development.

60 In the No Scheme World (ie. disregarding the new road), the Property would be capable of development. It is immediately adjacent to the already existing A4130 and surrounding transport network and is embedded within the developed land around it. Conversely, with the effect of the Orders, the development opportunities are significantly more limited.

61 In the No Scheme World, the Trustees' land is directly adjoining the highway. The implementation of the Orders would see the retained land severed from the road frontage as the proposed scheme provides for the highway to be separated from the Trustees' retained land by embankment or landscaped areas, a flood attenuation area, a ditch and the cycleway as shown on the General Arrangement Plan 6 at **TB5**.

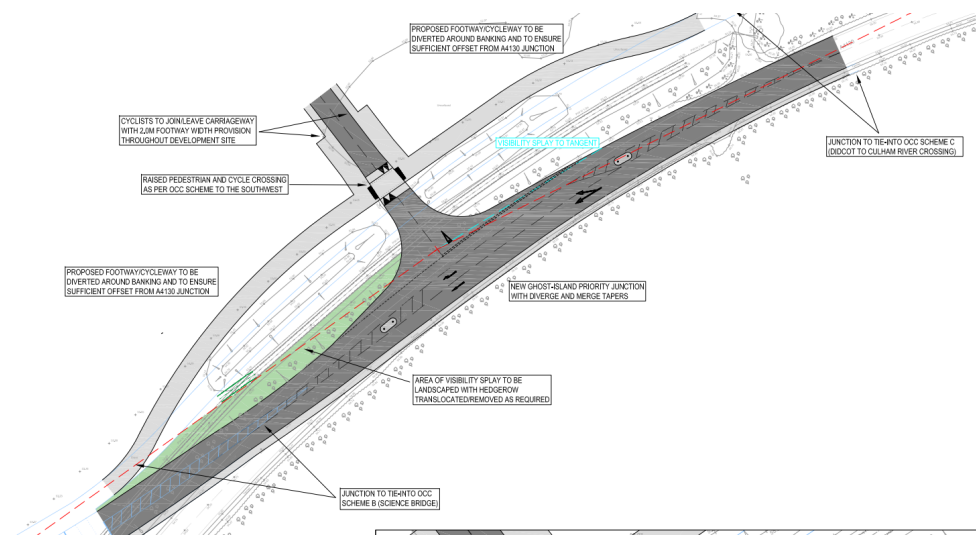
62 As it stands, the scheme means that the retained land is landlocked for anything other than agricultural use via the proposed access in the south east corner of the Property.

63 On the basis of the above the Trustees' claim remains that the scheme as currently proposed has a negative effect on the ability for other land to come forward in support of the local economy and in line with local planning policy and as such represents a missed opportunity which undermines the notion of the compelling case in the public interest. The scheme is holding back land that could come forward for development only to support a temporary construction compound and access to it.

Proposed alternative access into the Property

64 In September 2020 the Trustees commissioned from what is now HUB Transport Planning Limited ("HUB Transport") a design and report on an alternative access into the Property from the A4130 to allow for the future development potential for the Property alongside the proposed scheme and to minimise the adverse effects of the scheme on the Trustees' retained land.

65 The HUB Transport report produced by director, James Parker, (**P.03**) included a detailed proposal for a ghost island priority junction with a right turn lane. See the image below taken from page 20 of the report:



- 66 Whilst it is accepted that there is a cost to the Council of incorporating the ghost island turn, such costs would be offset by the benefit of enabling the retained land to be used for sustainable development for commercial or residential purposes, which I understand is one of the objective of the Scheme overall, and of course that of the Trustees.
- 67 The proposed alternative access was proposed by the Trustees' former advisors, Savills, in their response to the consultation on the scheme in April 2020 (**P.02**).
- 68 The proposed alternative access also received a favourable response from the Council in its at pre-application advice (**P.04**).
- 69 More recently, HUB Transport's proposed alternative access was again proposed by Knight Frank in its statement to the Planning Committee in July 2023 ahead of the Planning Committee meeting on 18 July 2023 (**P.05**). Due to lack of notification from OCC, the statement was submitted on the first day of the Planning Committee meeting to consider the planning application. On submission, Knight Frank were assured that the Statement and enclosures would be made known and circulated at the Committee Meeting. Despite this assurance, we note that no reference is made to the Statement made on behalf of the Trustees in the draft minutes of the Planning Committee (at **F.2**).
- 70 However, despite the access issues to the Property created by the Orders and the negative impact upon the ability to use the land for sustainable development and hence on the scheme objectives, the Council has not been minded to include provision for the alternative access within the Orders.
- 71 On the basis that the Council will not include provision for the proposed alternative access and given the resultant access issues to the Trustees' retained land, the Trustees need the following assurances from the Council:
- a. The Trustees and their successors in title will always have access to their retained property;
 - b. The Pink land and the Green Land will be used for highway purposes only and/or those land parcels will not be sold off to a third party. Otherwise, a ransom situation will be created for the Trustees or their successors in title; and

- c. Subject to obtaining the requisite planning permission, the Trustees or their successors in title will not be prevented from constructing an alternative access into the Property from the A4130 at any location along the frontage of the Property with the A4130.

Negotiations with the Council – slow and intermittent

72 After the Orders were made in December 2022, Knight Frank had its first meeting with the Council and its agents, Gateley Hamer, on 24 February 2023.

Proposed Agreement

73 During the meeting I confirmed to the Council's agents that the Trustees would strongly object to the Green Land being taken by compulsory purchase, but that the Trustees were open to an agreement for the use of that land for a temporary period as a worksite. Gateley Hamer confirmed that an agreement in respect of the Green Land would be the Council's preference. It was proposed that:

- a. the Council would not exercise compulsory purchase powers in respect of the Green Land but would instead take an option to lease the Green Land for a temporary period to expire in July 2026;
- b. the Council would purchase the Pink Land by agreement. The Trustees reserved their position on the sale price for the Pink Land. However, the Trustees would be willing to sell the Pink Land to the Council provided that the Council takes an option to lease the Green Land, rather than permanently acquiring it.
- c. The Trustees reserved their right to claim development/hope value on the whole of the Pink Land and Green Land in the event that terms with the Council could not be agreed.

74 An email dated 24 February 2023 from me to Ian Miles after the meeting documenting what was discussed is annexed to this document as **TB7**.

Delays in negotiations

75 At the end of the meeting, the Council agreed to send Heads of Terms for the temporary use of the Green Land. However, despite time being of the essence (given the need for

the Trustees to prepare and submit an objection to the CPO by 21 March), frustratingly Heads of Terms were not received from the Council until a few days before that deadline, on 16 March 2023.

76 Discussions continued with the Council but were slow and protracted. On 13 July 2023, I met with Rob Brown at Gateley Hamer to discuss terms of agreement and to try to provoke progress.

Halt to negotiations

77 However, five days later on 18 July 2023, the HIF1 Planning Application was refused and on 24 July 2023, Gateley Hamer wrote to me to confirm: *“further to my email of Wednesday advising you that the HIF 1 planning application was refused by the planning committee at OCC, I am now writing to advise you that no further work is to be undertaken by you on the scheme for now unless you are instructed to do so either by Gateley Hamer or OCC.”*

78 This prompted a total halt to all communications with the Council for a further nine weeks until 15 September 2023 when Gateley Hamer wrote to confirm that they had been instructed by the Council to re-enter negotiations for the option of the Green Land.

Negotiations with Third Party Buyer

79 The Trustees have received offers to purchase the Property from interested buyers. However, the majority of those prospective buyers have been deterred by:

- a. the existence of the Orders made and particularly the inclusion of the Green Land in the CPO;
- b. The fact that the Orders do not provide for an access route to the retained land from the A4130 and hence landlock the retained land;
- c. The perceived difficulties in seeking to amend or move the existing access to another location along the Property frontage with the A4130; and/or
- d. The risk the Orders impose on the retained land and the buyer’s intended future use or development of the Property.

80 However, the Trustees are in advanced discussions with one particular buyer, which is wanting to exchange contracts imminently on a purchase of the Green Land and the Trustees’ retained land, subject to receiving confirmation that the Green Land will not be

compulsorily purchased. The Council and its agents are aware of the buyer and the proposed sale of land to it. However, negotiations with the buyer have been hampered and held up by the Council's reticence or inability to finalise a deal with the Trustees and the existence of the Orders generally.

81 The buyer is not interested in purchasing only the retained land. It needs the retained land and the Green Land together. Therefore, it will only proceed with the purchase, if it is able to acquire both the retained land and the Green Land together in the same transaction. This highlights, and adds weight to, the point touched on previously in this proof of evidence that the retained land is more attractive to prospective purchasers, and suitable for development, when combined with the Green Land. Hence the inclusion of the Green Land in the CPO has a significantly damaging affect on the value of the Trustees' retained land.

82 Whilst the Council may currently propose that it will take only an option to lease in respect of the Green Land, the buyer is conscious of course of the fact that the Council cannot fetter its rights to acquire the Green Land by compulsory purchase if the Orders are approved, and therefore there is a risk that, unless the powers of compulsory purchase in respect of the Green Land are removed from the Orders, the Council could revert to using those compulsory purchase powers in the future. Therefore, quite understandably, the buyer needs confirmation that the Green Land will be removed from the Orders, before it can proceed with the sale.

Action required by the Council

83 Therefore, Knight Frank and the Trustees' Solicitors have been asking the Council to provide:

- a. an undertaking that it will not use compulsory purchase powers in respect of the Green Land; and
- b. evidence that the Council has formally written to the Planning Inspector and the Secretary of State to request the removal of the Green Land from the Orders prior to or at the point of the decision of the Secretary of State or the Planning Inspector, subject to the Trustees having previously withdrawn their objection to the CPO.

84 We need the Council to act to unlock the current stalemate on negotiations on the proposed sale between the buyer and the Trustees, such stalemate having been created by the inclusion of the Green Land in the Orders and the Council's stalling in providing the

assurances needed to enable both deals (between the Trustees and the Council and between the Trustees and the buyer) to proceed.

Benefit to the Council of the third party sale

85 The benefits for the Council of the sale of the Green Land and retained land to the third party buyer are as follows::

- a. The Council would not incur the cost of the purchase of the Green Land;
- b. The Council would not incur the cost of a claim for compensation from the Trustees.
- c. The retained land and the Green Land would be available for sustainable development in accordance with the purpose of the Scheme.

86 Negotiations are currently stalled while the Council seeks legal advice as to whether it can agree to give an undertaking not to compulsory purchase the Green Land and whether it can formally request the removal of the Green Land from the Orders. The Trustees' solicitor wrote to the Council's legal team on Tuesday 23 January 2024 requesting progress and setting out the action required from the Council. As at the time of drafting this document, the Trustees' solicitors have not received a response. A copy of the letter from the Trustees' solicitors to the Council's legal team is annexed to this document at **TB2**.

87 Pending negotiations concluding, we and the Trustees are continuing to prepare to attend the Inquiry, which is now less than four weeks away.

88 The intermittent contact and delays from the Council has stalled negotiations between the parties and the Council's reticence to be proactive to resolve the outstanding issues means that the Trustees have no choice but to proceed with their objections to the Inquiry and sadly to incur the cost of doing so.

Statement of truth

I confirm that I have made clear which facts and matters referred to in this report are within my own knowledge and which are not. Those that are within my own knowledge I confirm to

be true. The opinions I have expressed represent my true and complete professional opinions on the matters to which they refer. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

Declaration

I confirm that my report has drawn attention to all material facts which are relevant and have affected my professional opinion.

I confirm that I understand and have complied with my duty to the Inspector as an expert witness which overrides any duty to those instructing or paying me, that I have given my evidence impartially and objectively, and that I will continue to comply with that duty as required.

I confirm that I am not instructed under any conditional or other success-based fee arrangement.

I confirm that I have no conflicts of interest.

I confirm that my report complies with the requirements of RICS – Royal Institution of Chartered Surveyors, as set down in the RICS practice statement Surveyors acting as expert witnesses.



Signed:..... Date 30 January 2024

Tim Broomhead MRICS FAAV

*623 Ayr Harbour Trustees v Oswald



Positive/Neutral Judicial Consideration

Court

House of Lords (Scotland)

Judgment Date

23 July 1883

Report Citation

(1883) 8 App. Cas. 623



House of Lords

Lord Blackburn , Lord Watson , and Lord Fitzgerald .

1883 July 23

Harbour Trustees—Compulsory Purchase of Land— Powers under Special Act —Compensation—Invalidity of Agreement purporting to restrain Powers over Land taken— *Lands Clauses Consolidation (Scotland) Act, 1845, ss. 48 and 61* .

Where the legislature confer powers on any body, whether one which is seeking to make a profit for shareholders, or one acting solely for the public good, to take lands compulsorily for a particular purpose, it is on the ground that the using of that land for that purpose will be for the public good; and a contract purporting to bind such a body and their successors not to use those powers is void.

Harbour trustees, constituted for the management and improvement of a public **harbour** by a special Act, which incorporated the *Lands Clauses Consolidation (Scotland) Act, 1845* , were empowered to take lands scheduled (which included that part of O.'s land having an unrestricted frontage to the **harbour**) for the undertaking. While the question of compensation to O. for his land was before the arbiter the trustees lodged a minute agreeing that the conveyance should restrict their use of the ground taken so as not to interfere with the access from the remaining property of O. to the **harbour**. To this minute O. did not assent. The arbiter found £4900 payable by the trustees as compensation for an unrestricted use, or £2786 if it were competent for the trustees to bind themselves and their successors by the above-mentioned minute. O. raised an action for declarator of an absolute purchase and unrestricted right in the subject, and for payment of the larger sum:—

Held, affirming the decision of the Court below, that the trustees had power under their special Act, now or at any future time, to make erections on the piece of ground taken, which would effectually destroy the frontage of O.'s remaining property to the **harbour**; secondly, it was not competent to the trustees to dispense with future exercise of their powers by themselves and their successors.

Per LORD BLACKBURN:—If the trustees could bind themselves and their successors by the agreement, and that agreement would prevent O.'s land from being injuriously affected, O., by refusing his assent, could not get compensation for the injury he might have prevented.

APPEAL against an interlocutor of the Second Division of the Court of Session, Scotland,

The respondent, Mr. Oswald, is the heir of entail in possession of the estate of Auchencruive and others, in the county of Ayr. The appellants are the AyrHarbour Trustees, incorporated by the *624AyrHarbour Act, 1855, confirmed by the AyrHarbour Amendment Act of 1879 which incorporated the Land Clauses Consolidation (Scotland) Act of 1845 (8 & 9 Vict. c. 19), the Lands Clauses Consolidation Act, 1860 (23 & 24 Vict. c. 106), and the Harbours, Docks, and Pier Clauses Act of 1847 (10 & 11 Vict. c. 27), except the 25th and 26th sections of the last-named Act.

The question in this appeal has arisen out of proceedings under the Land Clauses Consolidation (Scotland) Act, 1845. Under that Act the trustees gave notice on the 31st of December, 1879, that they required to take a portion of the land belonging to Mr. Oswald for the purposes of the AyrHarbour Improvement Act, 1879, and had in that notice stated that they were willing to treat for the purchase thereof, "and as to the compensation to be made to all parties for the damage that may be sustained by reason of the works authorized." The piece of ground thus compulsorily taken was in extent 246 decimal parts of an acre, and formed part of a yard about 1.371 of an acre in extent, situated on the north side of the harbour of Ayr, and having a direct and uninterrupted harbour frontage. The portion scheduled as taken formed the portion of the yard which formed the frontage to the harbour. The parties not being able to agree as to the amount of compensation, arbiters were appointed to settle the amount to be paid by the trustees.

The arbiters duly appointed an oversman. While the former were taking the proof, a minute signed by Mr. Thomas Steele, the chairman of the AyrHarbour Trustees was lodged in the reference. It was in these terms:—

"The minuters hereby agree, with the view of saving expense in this reference, that the conveyance to be granted by Mr. Oswald in their favour, of the piece of ground forming the subject of reference, shall be qualified by a declaration, that they shall not erect sheds or warehouses thereon, and that on the portion of said ground immediately adjoining the remainder of Mr. Oswald's yard a road of not less than thirty feet wide shall be formed and maintained by them."

The arbiters having differed it fell to the oversman to decide. He had to decide the two questions, the value of the land taken, as to which award no question is raised, and also the sum of money to be paid under the 48th and 61st sections of the *625Land Clauses Consolidation (Scotland) Act, 1845, as compensation for the damage, if any, to be sustained by the owner of the lands by reason of the severance of such lands or otherwise in injuriously affecting such lands by the exercise of the Land Clauses Act or the special Act. And it is on this question this action has been brought. The material clauses of the AyrHarbour Act of 1879 are as follows:—

(4.) Subject to the provisions of this Act, the trustees may make and maintain, in the lines and according to the levels shewn on the deposited plans and sections, the works hereinafter specified, and all proper approaches and other works and conveniences in connection therewith respectively; and may enter upon, take, and use such of the lands delineated on the said plans and described in the deposited book of reference (except as hereinafter provided) as may be required for and in connection with those works, and for the other purposes of the harbour. The works hereinbefore referred to and authorized by this Act are,—

(1.) A slip dock, extending from the southern bank of the river Ayr, at a point about fifty yards northward from the lifeboat house at the harbour, to a point about ninety yards north-westward from Cromwell Cottage, with a drawbridge or swing-bridge across the same near the lifeboat house, and ways, rails, an engine-house, hydraulic and other machinery and appurtenances;

(2.) A road of access and wharf along and adjoining the north quay of the **harbour**, and the quay on the eastern side of the entrance to the said wet dock, commencing at or near the junction of York Street with North **Harbour** Street, and terminating at or near the entrance gates of the said wet dock; and

(3.) A drawbridge or swingbridge across the entrance to the said wet dock, at or near the dock gates thereof.

(10.) The trustees may from time to time erect sheds, warehouses, offices workshops, hydraulic and other machinery, and cranes, and lay down wharves lines of rails, and sidings, and construct other works and conveniences upon and around the docks, quays, and other portions of the **harbour**, and make junctions between the said lines of rails and sidings and the **Ayr** Dock lines authorized by the Railway Act of 1878 , and any other lines of railway which may hereafter be formed to the **harbour**, and may from time to time maintain remove, and alter the said several works and conveniences: Provided always, that nothing in this section shall authorize the trustees to take any lands otherwise than by agreement: Provided further, that the power hereby conferred of making junctions shall be subject to the provisions of [sect. 9 of the Railways Clauses Act, 1863](#) , with respect to junctions.

The oversman, on the 28th of June, 1881, pronounced the following decree-arbitral:—

In the first place, in the event of its being admitted or judicially determined that the said the **AyrHarbour** Trustees, either under their Acts or in consequence *626 of its being admitted or judicially determined that the agreement tendered by the said minute lodged by them in process as aforesaid is invalid, are entitled to build or make erections on the ground taken from the said Richard Alexander Oswald, and thus shut out his remaining ground from a frontage to the street and **harbour**, I hereby find, fix, and determine, under and in terms of the said nomination, and under and in terms of the said Acts, and in conformity therewith, the sum of £4900 sterling to be the amount to be paid by the said The **AyrHarbour** Trustees, constituted as aforesaid, to the said Richard Alexander Oswald, and that for and in respect of and as the value of the said land or property taken as aforesaid, extending to 246 decimal or one thousandth parts of an acre imperial measure or thereby, and as the amount of compensation to be made by the said The **AyrHarbour** Trustees to the said Richard Alexander Oswald in respect thereof, and also in respect of all damage done or to be done to the remaining land and property of the said Richard Alexander Oswald by the taking of such land or property, or by the construction of the works of the said The **AyrHarbour** Trustees; or, alternatively, in the second place, in the event of its being admitted or judicially determined that the said The **AyrHarbour** Trustees are not entitled under their Acts to build or make erections on the ground taken from the said Richard Alexander Oswald, and thus shut out his remaining ground from a frontage to the new street along the **harbour**, or that the agreement tendered by the said minute lodged in process as aforesaid is valid, I hereby find, fix, and determine, under and in terms of the said nomination, and under and in terms of the said Acts and in conformity therewith, the sum of £2786 12s. 2d. sterling to be the amount to be paid by the said The **AyrHarbour** Trustees, constituted as aforesaid, to the said Richard Alexander Oswald, and that for and in respect of, and as the value of the said land or property taken as aforesaid, extending to 246 decimal or one thousandth parts of an acre imperial measure or thereby, and as the amount of compensation to be made by the said The **AyrHarbour** Trustees to the said Richard Alexander Oswald in respect thereof, and also in respect of all damage done or to be done to the remaining land and property of the said Richard Alexander Oswald, by the taking of such land or property, or by the construction of the works of the said The **AyrHarbour** Trustees: and further, as consented to by the said Richard Alexander Oswald and the said The **AyrHarbour** Trustees, I find interest at the rate of £5 per centum per annum to be due to the said Richard Alexander Oswald on the said sum of £4900, or alternatively on the said sum of £2786 12s. 2d., from the 2nd day of February, 1880, till paid: and further, I find the said The **AyrHarbour** Trustees liable to the said Richard Alexander Oswald for the expenses incurred by him in the arbitration and incident thereto, in terms of the statutes; and I remit the account thereof to the auditor of the Court of Session for taxation.

As the parties were at issue according to which alternative of the decree-arbitral the compensation was to be paid, Mr. Oswald raised this action on the 15th of November, 1881, concluding for decree of declarator, substantially as follows:—

(1.) That the **AyrHarbour** Trustees had, by their statutory notice, dated the 31st of December, 1879, taken compulsorily the piece of land in question from *627 Mr. Oswald absolutely, and without restriction or limitation as to the use to be made of it, and were liable to pay the full value or compensation for the land so purchased and taken, and also the compensation due for the damage done or to be done to Mr. Oswald's other property by the taking of this land, or by the construction of the works of the trustees. (2.) That the trustees under their Acts, and the **Harbours**, Docks, and Piers Clauses Act, 1847, and other Acts incorporated therewith, were entitled to build or make erections on the land taken from Mr. Oswald, and thus shut out his remaining ground from a frontage to the **harbour**. (3.) That the minute lodged by the trustees on the 17th of November, 1880, on the second day of the proof in the reference (given above) was incompetent and invalid, and of no effect; and (4.) That the sum of £4900, being the sum found due by the first alternative in the decree arbitral, was the amount due by the trustees.

The trustees lodged defences, in which they admitted their liability for the sum of £2786 12s. 2d., but denied their liability for the larger sum.

The respondent averred, inter alia:—

(Cond. 10.) When the **AyrHarbour** Amendment Act, 1879, was before the Committee of the House of Lords his counsel proposed for the acceptance of the trustees a proviso to be added to the 10th section of the said Act, in the following terms:—"Provided also that nothing in this Act contained shall authorize the trustees to construct between any part of the lands of R. A. Oswald, Esquire, of Auchencruive, situated on the north side of the **harbour** of **Ayr**, and the face of the quay wall in front of such lands, any sheds, warehouses, offices, workshops, hydraulic and other machinery, and cranes or other erections which might interfere with the full and free use of the said road of access and wharf." The counsel for the said trustees refused to accept the said proviso, and with reference thereto observed, "I should like to know why we are to be prohibited from building requisite things on our own property. Is it not the right of all men to build things on their own property?" In accordance with this view, no such proviso was inserted in the Act; but, on the contrary, the said 10th section of the **AyrHarbour** Amendment Act, 1879, confers upon the trustees full power to make any such erections or buildings as they may from time deem requisite. The proceedings in the action of declarator, and Lord Young's interlocutor of the 13th of November, 1879, which it is admitted the parties acquiesced in, are referred to. Quoad ultra the counter-statements are denied.

In their answer the appellants stated:—

Admitted that the pursuer appeared by counsel when the **AyrHarbour** Amendment Act, 1879, was before the Committee of the House of Lords, and that the proviso quoted was proposed by him, opposed by the defenders, and rejected. Explained that at that time the pursuer claimed a right of property in the roadway then existing between his yard and the river, and that it was on this footing that he proposed the proviso. The defenders believed and maintained that the property of the roadway was not vested in him but in them (the defenders), and opposed its insertion. An action of declarator was subsequently *628 brought by the defenders against the pursuer, to determine inter alia the rights of parties in the road. In this action the Lord Ordinary (Lord Young), on the 13th of November, 1879, decided that the roadway formed part of the **harbour** of **Ayr**, and was subject to the control of the defenders, but that neither they nor the pursuer had a right of property in its solum.

The material pleas in law for the respondent were as follows:—

(2.) The minute lodged on behalf of the defenders in the course of the proof in the reference is incompetent and invalid, in respect (1.) that it is unauthorized by and illegal under the provisions of the **Lands Clauses Consolidation (Scotland) Act, 1845**, with regard to the compulsory taking of land. (2.) That the ground taken had been already purchased and taken from the pursuer absolutely and without qualification, by force of the said statutory notice served upon him. (3.) That the arbiters and oversman were bound by the terms of the reference to award compensation for the said ground so taken, and also for the damage done or to be done to the pursuer's remaining land by the taking of the said ground, or by the construction of the works of the **AyrHarbour** Trustees thereon; and an award upon any other footing is ultra fines compromissi. (4.) That the said minute is not legally binding upon the **AyrHarbour** Trustees. (5.) That the said minute was an illegal and ineffectual attempt to change, in the course of the proof and without notice, the question referred to the arbiters.

The appellants pleaded, inter alia:—

(2.) The pursuer is only entitled to receive the sum awarded under the second alternative finding of the said decree-arbitral, in respect (a) that the defenders are not entitled under their Acts to build or make erections on the ground taken from the pursuer, and thus shut out his remaining ground from a frontage to the new road or street along the **harbour**; and (b) that their minute of the 17th of November, 1880, is valid and binding upon the defenders.

On the 31st of January, 1882, the Lord Ordinary ¹, pronounced an interlocutor in favour of the appellants that only the sum of 2,786*l.* 12*s.* 2*d.* was due.

Against this interlocutor the respondent presented a reclaiming note.

The Lords of the Second Division along with three consulted judges of the First Division, after having heard counsel, in conformity with the opinion of the majority, recalled the Lord Ordinary's interlocutor and ordained the appellants to make payment to the respondent of the larger sum of 4900*l.*, with interest ².

The Lord President, the Lord Justice Clerk, Lord Mure, and Lord Young, decided in favour of the respondent. And Lord Shand, Lord Craighill, and Lord Rutherford Clark, decided in **629* favour of the appellants, the judges, including the Lord Ordinary, were thus equally divided, four on each side.

On appeal,

July 6, 9, 10. *The Lord Advocate* (*Balfour* , Q.C.), and *Webster* , Q.C., maintained for the appellants that they were liable only for the smaller sum. (1.) Because the trustees were not entitled under their Acts to build or make erections on the ground taken from the respondent, and thus shut out his remaining ground from a frontage to the **harbour**. They were not left free to exercise all or any of their powers thereupon, but it is provided that the space is to be used by them as a road of access and wharf. If the road is put immediately outside his ground, then his frontage is not shut off, and in their reading of the Acts it must be put in that position.

(2.) The appellants were entitled to bind themselves to the effect stated in their minute, and such a minute was valid and obligatory both as regards appellants and respondent. Where a body of trustees had a large variety of powers, not expressly bound to do all, then it was within the right execution of such powers that for the proper consideration of saving a large sum of money, here £2000, of the parishioners, the trustees could decide permanently to what use a certain piece of land was to be put. There was no reason why such a body should not have the same powers as a prudent man had in the administration of his affairs. They were compelled to have a road somewhere, and even if open to them to place the road next the water, surely they could elect once for all where the road was to be?

Such a body as the appellants could bind their successors, at least for an indefinite period. They submitted that the minute did not make the statutory notice qualified. By the Lands Clauses Act, a proprietor is to receive compensation, certainly for the value of the land taken; and, contingently, under sects. 48 and 61, for a perfectly different element of damage. According to those sections compensation is to be paid for the damage done or *to be* done, and, therefore, no compensation is due where, as here, no damage has been done, and the appellants bind themselves that none shall be done. If the respondent insists on being **630* damaged then the maxim applies, *volenti non fit injuria*. He cannot insist on being injured that he may get money. The appellants were not offering the respondent an easement, they were only prepared to secure him against loss, and therefore against any claim for damage on his part. They commented on *Staffordshire and Worcestershire Canal v. Birmingham Canal* , Lords Chelmsford and Westbury's opinions ³ ; *Taylor v. Chichester and Midhurst Railway*⁴ .

The Solicitor-General for Scotland (*Asher* , Q.C.), and *Davey* , Q.C., for the respondent, were relieved from arguing that the appellants had power to make erections on the ground taken so as to exclude the respondent's remaining ground from the **harbour** frontage. As to the minute, they contended that it was perfectly invalid, and *ultra vires*; because the appellants, being **Harbour** Commissioners acting under a public trust, could not impose restraints which would prevent the trustees in all time coming from using their statutory powers as **Harbour** Commissioners for the public benefit. They could not, like private individuals or a company working for profit, act as they please. Their powers are conferred by, and must be exercised in conformity with, their statutes. They could not have got this land from Mr. Oswald unless under their statute, and the notice to take developes on service into a complete right to the land and an absolute sale; and having got the land, sect. 10 of

the Act of 1879 applies to it, and they and their successors have power to use such land for the erection of warehouses, sheds, &c., and also, under sect. 4, to use such land for any **harbour** purposes. Such then being their powers, they propose to renounce certain of these powers, and to impose on the ground a restraint of the nature of a well-known servitude against a particular class of buildings in favour of the adjoining land. In fact the minute was an attempt to divest the trustees—a fluctuating body—of their statutory right in a certain portion of the ground. This was altogether ultra vires, no such power is given by the statutes to the appellants, and there is no common law rule or principle which enables statutory trustees in the position of the appellants to renounce on behalf of their ***631** trust the powers given them by statute for public purposes: *Staffordshire and Worcestershire Canal v. Birmingham Canal*⁵; *Mulliner v. Midland Ry. Co.*⁶ applied here.

Certainly, after the notice, the amount of compensation remained to be fixed from the evidence produced before the valuation tribunal; but it is settled that the notice fixes what is taken, and the conditions under which alone it can be taken, namely as a certain quantity of land purchased absolutely without restriction as to its use for the statutory purposes; and the only question referred to the arbiters is what is due in respect of such compulsory taking. The only power such arbiters possess is to take evidence as to the value of what has been already taken.

[The following cases were referred to in the respondent's printed case:

(A proposal to restrict statutory powers, *ultra vires*): *Llanelly Railway and Dock Co. v. South Wales Ry. Co.*⁷; *Rochdale Canal v. Radcliffe*⁸; Brice's *Ultra Vires*, 2nd Ed. pp. 128, 130; *Bostock v. North Staffordshire Ry. Co.*⁹. (Nothing but an absolute sale is authorized): *Bird v. Great Eastern Ry. Co.*¹⁰; *Pinchin v. London and Blackwall Ry. Co.*¹¹. (Notice constitutes a statutory contract): *Laing v. Caledonian Ry. Co.*¹²; *Campbell and Others v. Edinburgh and Glasgow Ry. Co.*¹³; *Forth and Clyde Junction Ry. Co. v. Ewing*¹⁴; *Mackenzie v. Inverness and Aberdeen Junction Ry. Co.*¹⁵; *Caledonian Ry. Co. v. City of Glasgow Union Ry. Co.*¹⁶; *Lockerby v. City of Glasgow Improvement Trustees*¹⁷; *Rex v. Hungerford Market Co.*¹⁸; *Stone v. Commercial Ry. Co.*¹⁹; *Tawney v. Lynn and Ely Ry. Co.*²⁰; ***632***Haynes v. Haynes*²¹. (Only question to be entertained by the arbiter is what compensation is to be paid for it as so taken): *In re Byles and Ipswich Dock Commissioners*²². (After notice subject-matter of the reference cannot be varied): *Sparrow v. Oxford, Worcester and Wolverhampton Ry. Co.*²³. (After notice owner debarred from selling): *Metropolitan Ry. Co. v. Woodhouse*²⁴. And (no interest created after service of notice is a subject for compensation); *Marylebone Improvement Act, Ex parte Edwards*²⁵; *Carnochan v. Norwich and Spalding Ry. Co.*²⁶; *City of Glasgow Union Ry. Co. v. M'Ewen & Co.*²⁷. (A notice to take an easement or servitude would be invalid): *Macey v. Metropolitan Board of Works*²⁸.]

The Lord Advocate, in reply.

LORD BLACKBURN

(after stating the difference of opinion in the Court of Session):—

I need hardly state that where there is such an even division below, the case is one of doubt, and requires careful consideration. [His Lordship then quoted the notice to take.]

This had the effect of a purchase by the trustees absolutely of the piece of ground; and the trustees and Mr. Oswald not being able to agree as to the amount of compensation it fell to be settled by arbitration, the arbiters duly appointed an oversman who had all the powers given by the **Lands Clauses Consolidation (Scotland) Act**, and no more.

What the oversman had to determine was not only the sum of money to be paid for the purchase of the land actually taken, as to which no question is now raised; but also, to quote the words of the **48th and 61st sections of the Lands Clauses Consolidation (Scotland) Act**, “the sum of money to be paid by way of compensation for the damage, if any, to be sustained by the owner of ***633** the lands by reason of the severing of the lands taken from the other lands of the said owner, or otherwise injuriously affecting such lands by the exercise of this or the special Act.”

The clauses of the special Act, “The **AyrHarbour** Amendment Act 1879,” which are material, are the following:—[sections 4 and 10, set out ante, p. 625.]

I think, and I believe no one of the eight judges below expresses a contrary opinion, that the trustees, though taking the land

for the main purpose of making a road of access and wharf along and adjoining the north quay of the **harbour**, as described in sect. 4, sub-sect. 2, are not restricted from using from time to time parts of the land so taken for the purposes mentioned in sect. 10. I do not think they have unlimited power to erect across that land continuous warehouses or sheds, so as to intercept all access along that quay, but so long as they give effect to the main purpose they may and ought to make such erections as they, in a bonâ fide exercise of their discretion, think for the benefit of the **harbour**, and if, in a bonâ fide exercise of their discretion, they think it fit to make them on the portion of land taken from Mr. Oswald, there is nothing in the Act to prevent their doing so, even though the effect should be to deprive his remaining land of a frontage to the new road and of access to the quay. Such a deprivation of frontage would, beyond controversy, be an injurious affecting of Mr. Oswald's land.

I think the oversman, in estimating the compensation for such injurious affecting, ought to take into account very much the same considerations as those which, in case Mr. Oswald were selling it, would influence a purchaser who wanted it for a purpose requiring the use of the frontage. Such a purchaser would give a higher price if convinced that the trustees could not legally interfere with the frontage; a smaller price if the right to use the frontage was liable to be injured by an exercise by the trustees of powers which he was convinced they would not, or at least were very unlikely to, ever use; and a much smaller price if he thought it probable that they were likely to exercise such powers, if, indeed, in the case last supposed, he would buy at all. The oversman is to fix the sum. In cases where, to adopt Lord Young's phrase, there is "a possible and more or less probable injury," I do not think he is bound to act on the supposition that *634 the trustees will exercise their powers in the way most injurious to the land, but he is to fix the sum at what seems on the evidence a fair estimate of the probabilities. In doing so, he may over estimate the probabilities, or not estimate them high enough, but the Court has not the jurisdiction, nor, if it had the jurisdiction, has it the materials for reviewing his estimate.

But in this case the trustees, during the course of the arbitration, endeavoured by a minute to fix once for all the way in which they and their successors in office would use their powers. And if they could at that time bind themselves by a bargain with Mr. Oswald, if he had agreed to it, and that agreement would prevent his land from being injuriously affected, I should be unwilling to hold that he could, by refusing his assent to that agreement, get compensation for the injury which he might have prevented. As Lord Shand says, "he cannot insist on being injured that he may get money." There are great technical difficulties in the way of working out this, but if I thought that his assent to the minute would have made the minute effectual to prevent the trustees and their successors from using their powers so as to injuriously affect the lands, I should have tried to overcome them. But I do not think that if Mr. Oswald had assented to the minute it would have bound the successors of the present trustees.

I think that where the legislature confer powers on any body to take lands compulsorily for a particular purpose, it is on the ground that the using of that land for that purpose will be for the public good. Whether that body be one which is seeking to make a profit for shareholders, or, as in the present case, a body of trustees acting solely for the public good, I think in either case the powers conferred on the body empowered to take the land compulsorily are intrusted to them, and their successors, to be used for the furtherance of that object which the legislature has thought sufficiently for the public good to justify it in intrusting them with such powers; and, consequently, that a contract purporting to bind them and their successors not to use those powers is void. This is, I think, the principle on which this House acted in *Staffordshire Canal v. Birmingham Canal*²⁹, and on which the late Master of the Rolls acted in *Mulliner v. Midland Ry. Co.* *635³⁰. In both those cases there were shareholders, but, said the Master of the Rolls, at p. 619, "Now for what purpose is the land to be used? It is to be used for the purposes of the Act, that is, for the general purposes of a railway. It is a public thoroughfare, subject to special rights on the part of the railway company working and using. But it is in fact a property devoted to public purposes as well as to private purposes; and the public have rights, no doubt, over the property of the railway company. It is property which is allowed to be acquired by the railway company solely for this purpose, and it is devoted to this purpose."

This reasoning, which I think sound, is à fortiori applicable where there are no shareholders, and the purposes are all public.

Much stress was laid, both in the judgments below and on the argument at the bar, on the supposed hardship of obliging the trustees to buy and pay for the whole interest in the land when the purchase of a more limited interest would be cheaper, and would answer the purposes of the trust as well. I think that was a matter to be considered and provided for when passing the bill through Parliament.

I do not know whether the legislature would have passed an Act giving the promoters power, at their option, to take the whole interest in the land or a more limited interest. They were apparently not asked to do so, and they certainly have not

done so. But it appears that there was an endeavour to obtain for Mr. Oswald a proviso which, if it had passed, would have prevented the possibility of his land being injuriously affected by the exercise of the powers in question, and would therefore have prevented his claiming any compensation for such use.

It is stated and admitted in the 10th condescendence and answer, that when before Parliament the counsel for the respondent sought to add to the 10th section a proviso in the following terms:—"Provided also that nothing in this Act shall authorize the trustees to construct between any part of the lands of R. A. Oswald, Esq., of Auchencruive, situate on the north side of the **harbour** of **Ayr**, and the face of the quay wall in front of such lands, any sheds, &c., which might interfere with the full and free *636 use of the said road of access and wharf," and that the counsel for the trustees successfully opposed it. I do not think this can have any effect on the construction of the Act. Whatever powers the trustees had given them by the Act as it passed they may exercise, and whatever rights Mr. Oswald has under the Act as it passed he may insist on, just as much and no more than if no such proviso had been proposed and rejected. It does, however, appear that at that time both parties thought it not only possible but probable that the trustees would exercise their powers in such a way as to injuriously affect the respondent's land. This, I think, rather bears on the question whether the oversman may not have over estimated the probabilities when fixing the compensation; a question which (as I have already said) we have neither jurisdiction to enter upon, nor materials to enable us to decide.

There is only, I think, one further point on which I think it necessary to remark. The trustees are under no obligation to make erections on any part of the land. If they in the bonâ fide exercise of their discretion think it best for the interest of the **harbour** to leave the portion of the land between Mr. Oswald's land and the quay wall open as a road of access and wharf, they may do so. If they think it best to make erections there not inconsistent with the main purpose of leaving a road of access from York Street to near the gates of the wet dock, though injuriously affecting the frontage of Mr. Oswald's remaining land, they may do so. And it was strongly argued that the trustees at the present time in the exercise of their general administrative powers may fix what is to be done now; and that if they do so they practically fix what will be done for all time to come; if the present trustees now lay out an open road thirty feet wide, along the inner side of the land, erecting what erections they think advisable on other parts of the wharf, their successors can hardly be supposed likely to change this plan.

I think that it is quite true that as to all such things as from their nature must be done once for all at the beginning of the trust, the present trustees must bind their successors. And if the Act had required the trustees to make and maintain a road thirty feet wide upon the land taken along the north quay, I am by no means prepared to say that their successors could have closed the *637 road they laid out and made a new one; something would depend on the very terms of the enactment. But such is not the enactment in this Act. And though I think that the mode in which the trustees now lay out the road of access and wharf will probably have great influence on the exercise of the discretion of their successors, and is therefore an element which ought to be, and I do not doubt was, considered by the oversman in fixing the fair compensation for the probable injury to the frontage, it goes, I think, no further.

I come therefore to the conclusion that the interlocutor appealed against should be affirmed and the appeal dismissed with costs.

LORD WATSON:—

I am of opinion, also, that the judgment under appeal must be affirmed.

If the appellants have not the right which they assert to fix and determine now and for all time coming the particular statutory uses to which the land compulsorily taken by them from the respondent is to be turned, their case entirely fails.

If, however, the right thus asserted by the appellants be conceded or established the question arises whether they are entitled to diminish the amount of compensation payable to the respondent, by imposing an obligation upon themselves and their successors in the **harbour** trust to use the land taken by them for no other purposes than those specified in the minute of the 17th of November, 1880. On the one hand it was not disputed that by the provisions of their special Act, and of the **Lands Clauses (Scotland) Act, 1845**, therewith incorporated, the appellants must take and pay for the whole proprietary interests of the respondent, and that they cannot reduce the compensation payable to him by giving him back an integral part of what they are under obligation to take. On the other hand it was mutually conceded in argument that statutory trustees like the appellants may, whenever they have the power, so limit and define the uses which they and their successors in office are to

make of the ground taken by them as to minimise the injury which will be occasioned by the execution of their works to the lands from which that ground is *638 dissevered. Accordingly the controversy between the parties, assuming the validity of the minute, was narrowed to this point. The respondent maintained that to give effect to the minute would be, in substance, to give back to him part of the proprietary interest taken, in the shape of a predial servitude non ædificandi; whilst it was contended for the appellants that the undertaking given in their minute, though in form somewhat analogous to the creation of a servitude right, was in reality nothing more than a declaration, binding on themselves and their successors, of the harbour purposes for which the ground was to be used in perpetuity.

I do not consider it necessary to determine which of these views, as to the character and effect of the minute, ought to prevail, because I am of opinion that the appellants have not the power to subject future trustees of the harbour to the restraints which the minute professes to impose upon them. All the judges in the Court below held, and in my opinion rightly held, that their special Act gives the appellants power, now or at any future time, to make erections upon the piece of ground taken from the respondent, which would effectually destroy the frontage of his remaining ground to the harbour, but they differed as to the competency of the appellants to dispense with the future exercise of that power by themselves or their successors in the trust. It humbly appears to me that the Lord Ordinary, and the learned judges who constituted the minority in the Inner House, in coming to the conclusion that the appellants could, by a present resolution, deprive the harbour trustees, in all time to come, of the right to exercise the powers conferred upon them by statute, did not sufficiently keep in view the very specific provisions of the “AyrHarbour Amendment Act, 1879 .”

The 4th section of the Act empowers the trustees to make and maintain, in the lines and on the levels shewn on the deposited plans, the works thereafter specified, “and all proper approaches and other works and conveniences in connection therewith respectively;” and authorizes them to take and use such of the lands scheduled (including the piece of ground taken from the respondent) as may be required in connection with those works, “and for the other purposes of the harbour.” The works so referred to *639 are particularly described in the two sub-sects. forming part of sect. 4; and the second of these sub-sects. includes “a road of access and wharf, along and adjoining the north quay of the harbour, and the quay on the eastern side of the entrance to the said wet dock.” The only works shewn by the deposited plans, upon the respondent’s land which has been taken, are the said “road of access and wharf;” but neither on the plans, nor in the words of the Act, is there to be found any indication of what part of that land is to be used as road and what as wharf. That is a matter left to the discretion of the trustees. “The other purposes of the harbour,” for which the land in question was to be used, are defined in the 10th section of the Act. It provides that the trustees “may from time to time” erect sheds, warehouses, offices, workshops, &c., upon the docks, quays, and “other portions of the harbour,” and also that they “may from time to time” maintain, remove, and alter the said several works and conveniences. The Lord Advocate ingeniously argued that these enactments are permissive, and not imperative, and consequently that the powers which they confer might be waived by the trustees; but the fallacy of such reasoning is transparent. Section 10 is permissive in this sense only, that the powers which it confers are discretionary, and are not to be put in force unless the trustees are of opinion that they ought to be exercised in the interest of those members of the public who use the harbour. But it is the plain import of the clause that the harbour trustees for the time being shall be vested with, and shall avail themselves of, these discretionary powers, whenever and as often as they may be of opinion that the public interest will be promoted by their exercise.

The case, according to the view which I take of the provisions of the Harbour Act of 1879 , stands thus: The statute expressly says that the trustees shall, in all time coming, possess, and may, whenever they think fit, exercise the power of altering the condition of the harbour works ex adverso of the respondent’s land, so as to exclude direct access from it to the harbour. The minute lodged in the arbitration by Provost Steele, as representing the present body of trustees, especially declares that in future the trustees shall not possess, or at least shall not exercise, that power. To give effect to the terms of the minute would, in my *640 opinion, be to affirm that the appellants have power to repeal the provisions of the Act, in so far as these apply to the land taken from the respondent; and as I can find no indication of an intention on the part of the legislature to vest any such power in the appellants, I think the minute is altogether invalid.

LORD FITZGERALD:—

I concur in the judgments of the noble and learned Lords, but do not desire to rest my opinion on the technical though substantial ground that the defenders had no right to create an easement or servitude over the land acquired by them under the powers of the AyrHarbour Amendment Act of 1879 . I prefer adopting the language of the contention of the defenders “that the substance of the proposal by the harbour trustees was not to constitute a servitude, but to bind themselves to abstain from

an apprehended use, injurious to Mr. Oswald's adjoining land, so that they should not be required to pay him compensation on the footing that such use was open to them."

When the defenders shall have completed their title to the land in question, they will acquire that land in full ownership for the purposes defined by their special Act and cannot lawfully accept it otherwise. My Lords, I am of opinion that having so acquired that land for the purposes expressed in sect. 4 and amplified in sect. 10 of their special Act, they have no power in law to preclude themselves or their successors from the exercise of their statutable powers over it, as should be from time to time required for the purposes of the **harbour**. The minuters are not bound by their own minute.

I am further of opinion that even if the minute was not ultra vires, yet the minuters had no right at the time, and under the circumstances stated, to force on the pursuer a minute of doubtful import and effect in lieu of the compensation to which he was otherwise entitled.

Representation

Agents for appellants: Grahames, Curry, & Spens .

Agent for respondent: W. A. Loch .

Interlocutor appealed from affirmed; and appeal dismissed with costs. Lords' Journals, 23rd July, 1883.

Footnotes

- 1 Lord Kinneir.
- 2 10 Court Sess. Cas. 4th Series, 472.
- 3 Law Rep. 1 H. L. 254.
- 4 Law Rep. 4 H. L. 628.
- 5 Law Rep. 1 H. L. 254.
- 6 11 Ch. D. 611 .
- 7 14 Q. B. Rep. Q.B. 902.
- 8 18 Ibid. Q.B. 287.
- 9 5 De G. & Sm. 584; 4 E. & B. 798 .
- 10 34 L. J. (C.P.) 366 .
- 11 5 De G. M. & G. 851 .
- 12 9 Court Sess. Cas. 2nd Series, 70.
- 13 17 Court Sess. Cas. 2nd Series, 613.
- 14 2 Court Sess. Cas. 3rd Series, 684.
- 15 4 Court Sess. Cas. 3rd Series, 810.
- 16 7 Court Sess. Cas. 3rd Series, 959.

- 17 10 Court Sess. Cas. 3rd Series, 971.
- 18 4 B. & Ad. 327 .
- 19 1 Rail. & Can. Cas. 375.
- 20 16 L. J. (Ch.) 282 ; 4 Ry. & Can. Cas. 615.
- 21 1 Dr. & Sm. 426 .
- 22 25 L. J. (Ex.) 53 .
- 23 2 De G. M. & G. 94 .
- 24 34 L. J. (Ch.) 297 .
- 25 Law Rep. 12 Eq. 389 .
- 26 26 Beav. 169 .
- 27 8 Court Sess. Cas. 3rd Series, 747.
- 28 33 L. J. (Ch.) at p. 381.
- 29 Law Rep. 1 H. L. 254.
- 30 11 Ch. D. 611 .

(c) Incorporated Council of Law Reporting for England & Wales

Mr Richard Hodby
County Hall
New Road
Oxford
OX1 1ND

Our Ref: SEB/TRU0711
Your Ref: HIF1 CPO Inquiry

23 January 2024

By email only: Richard.hodby@oxfordshire.gov.uk

Dear Mr Hodby

URGENT

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 (“the CPO”)

Our clients: The Trustees of the W E Gale Trust (“the Trustees”)

Your client: Oxfordshire County Council (“the Council”)

We act for the Trustees of the W E Gale Trust in respect of the Compulsory Purchase Order made by the Council (but not yet approved) in respect of the Trustees’ land at Didcot. Our client’s land is shown shaded pink and green on the Council’s drawing number GH-132861001-LOLP-GALE, a copy of which is annexed to this letter.

As things stand all land parcels shaded pink and green have all been included in the CPO. However, by the Council’s own admission, only the land shaded pink is required on a permanent basis for the scheme. The land shaded green is required only temporarily for a period up to July 2026 to be used as a worksite (“The Temporary Land”).

You will no doubt have seen our client’s objection to the CPO and its statement of case lodged for the Inquiry, and therefore will be aware of our reasons for objection to the CPO, particularly of course the fact that the Council is currently seeking to acquire land permanently, by compulsory purchase, land that is required only for a temporary period. This combined with the lack of contact and correspondence from the Council with our clients prior to the making of the

CPO we consider to be significant issues for the Council and will be difficult to overcome in the eyes of the Inspector, and of course the Secretary of State.

Proposed Agreement

You will also no doubt be aware that our client has been in discussions with the Council to reach a mutually agreeable solution. The basis of the solution discussed is as follows:

1. The Council will acquire permanently the land shaded pink on the plan;
2. The Council undertakes not to acquire the Temporary Land by compulsory purchase. The Council will instead take an option to lease the Temporary Land, the term of such lease to expire on 31 July 2026.
3. Provided the Council gives the written undertaking required at point 2 above, then simultaneously with the exchange of the sale contract, the completion of the option to lease, and the giving of the written undertaking, our client will withdraw its objection to the CPO.
4. Both parties reserve their position with regards any compensation claim that will arise if the CPO is granted and the agreements proposed above fail.

The Council's undertaking in respect of the Temporary Land is important to our client because without that land, it is a much less viable prospect for development and limits our client's options in respect of the future use of its land. In addition, our client has a willing buyer for the Temporary Land and its retained land to the north ("the Retained Land"). The Buyer is pushing to exchange contracts with our client as quickly as possible provided that the CPO powers in respect of the Temporary Land are removed.

The Retained Land on its own is not a viable prospect for the third party buyer and therefore it will not proceed with the purchase of the Trustees' land unless it is satisfied that the Council cannot acquire any part of the Temporary Land, hence the need for certainty. Of course if our client does sell the Temporary Land and the Retained land to this buyer with the benefit of the Option to Lease, our client will not pursue a claim for compensation in respect of the scheme. That will constitute a significant cost saving for the Council.

Discussions have been ongoing on the basis of the numbered points above for a few months. However, we are instructed that Heads of Terms have still not been finalised and discussions have slowed since before Christmas, not because the deal is no longer achievable or no longer

wanted by the parties, but because of a lack of clarity and lack of documentation from the Council to consolidate its position.

Before we embark in earnest on proofs of evidence tomorrow and for the rest of this week, and in the hope of minimising the further professional costs of doing so, we wanted to make contact with you direct to seek to make a final push to progress negotiations and to get to a deal finalised as quickly as possible.

Action Required

For our client to be in a position to withdraw its objection to the CPO, it must have the following as quickly as possible:

1. An undertaking from the Council that the Council will not seek to acquire the Temporary Land by compulsory purchase under the CPO if our client withdraw its objection. Our propose wording is set out below.

We have shared the form of words set out below with Rob Brown at Gateley Hamer and would be grateful if you could please confirm that it is agreed.

"Oxfordshire County Council undertakes that simultaneously with the exchange of contracts for the Sale and Option and the withdrawal of the Objection to the CPO, Oxfordshire County Council will provide a written undertaking to the Trustees and its successors in title that: i) it will not exercise any powers of compulsory purchase in respect of Plots 6/3d and 7/1a (the Temporary Land), and ii) that it will make a formal request to the Secretary of State (and the Planning Inspectorate) that Plots 6/3d and 7/1a be removed from the Compulsory Purchase Order and the Side Roads Order as necessary and Oxfordshire County Council will use its best endeavours to ensure that such request is accepted and that the powers are thereafter removed from the CPO".

2. Action from the Council to put in motion the removal of the Temporary Land from the CPO;

The CPO must be modified to remove the Temporary Land. The process for doing so is as set out in the Government's Guidance on Compulsory Purchase process and the Crichel Down Rules at paragraph 44 on page 26 (a copy of which is also attached with this letter). That paragraph states as follows:

*"If it becomes apparent to an acquiring authority that it may wish the confirming minister to substantially amend the order by modification at the time of any confirmation, **the authority should write as soon as possible, setting out the proposed***

modification. *This letter should be copied to each remaining objector, any other person who may be entitled to appear at the inquiry (such as any person required by the confirming authority to provide a statement of case) and to any other interested persons who seem to be directly affected by the matters that might be subject to modification. Where such potential modifications have been identified before the inquiry is held, the inspector will normally wish to provide an opportunity for them to be debated”.*

3. Draft sale contract for the pink land and the option to lease and form of lease for the Temporary Land;

The Trustees’ transactional solicitors need to review, and the parties need to agree, the sale contract for the pink land, the option to lease and form of lease for the Temporary Land, and the terms for the agreement including the agreement not to use CPO powers in respect of the Temporary Land. The parties need to get the documents to the point of completion as soon as possible, and ahead of the start of the inquiry.

As far as we are aware, the Council has not yet produced any draft documents for negotiation and agreement.

Reason for the Action Required

The decision in the case of *Ayr Harbour Trustees v Oswald (1883) 8 App. Cas. 623* means that our client, nor its buyer, can rely on a simple agreement from the Council not to exercise compulsory purchase powers in respect of the Temporary Land. For this reason, our client’s buyer needs certainty that compulsory purchase powers will not be exercised by the provision of:

- The written undertaking at point 1 above;
- The contractual provisions confirming that no compulsory purchase powers will be exercised in respect of the Temporary Land; and
- The removal of the Temporary Land from the CPO. The Council’s letter to the Planning Inspectorate and to the Secretary of State requesting the modification together with the proposed wording for the modification (referred to at point 2 above), may well give sufficient comfort to the buyer that the Temporary Land will be removed at the point of authorisation, and to proceed with the purchase of the Temporary Land and Retained

Land. Such letter could be stated to be without prejudice to the exchange of contracts for the sale of the pink land and the option to lease in respect of the Temporary Land.

Given the need for certainty in this case, our client must have all three actions carried out and must have the sale of the pink land exchanged and the option to lease completed before it can withdraw its objection to the CPO and step out of the Inquiry.

If the Council's lack of willingness to carry out the above action points, all of which are reasonably required in this case, means that our client loses its third party buyer for the site, our client will of course seek to be fully compensated.

Could you please provide the documentation set out above as quickly as possible now. With less than one month to go before the start of the Inquiry, our client will shortly incur Counsel's brief fee for preparing for and attending the Inquiry, as well as other ongoing professional costs. It is in both parties' interests for this matter to be progressed with urgency.

Yours sincerely



Sarah Beer

Excello Law

From: Ian Miles <ian.miles@gateleyhamer.com>

Date: 23 November 2022 at 16:49:54 GMT

To: George GALE <george@galeest.plus.com>, Antony Mason <antonymason68@yahoo.co.uk>, Cynthia Gale <galecynthia@live.co.uk>

Subject: HIF 1 Landowner Plan - Subject to Contract & Without Prejudice

Dear Trustees, I hope you are all well. As you are aware Oxfordshire County Council are progressing with the HIF 1 Access to Didcot Garden Town Scheme, and would like to enter into an option agreement with you in respect of your land that is required for the scheme, prior to the Compulsory Purchase Order and I would be grateful if you would confirm you are happy to discuss this with me. Please see the attached landowner plan in respect of your land which is required for the HIF 1 scheme. The land shown tinted green is required temporally and the land shown tinted pink is required permanently.

The area of the plots is set out below:

Plot 6/3a – area 181m²

Plot 6/3b – area 441m²

Plot 6/3c – area 5689m²

Plot 6/3d – area 18027m²

Plot 6/3e – area 26m²

Plot 6/3f – area 35m²

Plot 7/1a – area 693m²

Plot 7/1b – area 40m²

Plot 7/1c – area 9m²

Plot 7/1d – area 2m²

Can you please confirm if you have a surveyor appointed to act on your behalf and if so can you please provide me with their name and contact details.

I am more than happy to meet with you and/or your surveyor to discuss the above.

I look forward to hearing from you.

regards

Ian

Ian Miles

Technical Director

for Gateley Hamer

t: 0121 212 8015

m: 07923 212 505

ian.miles@gateleyhamer.com

[View my full profile here](#)

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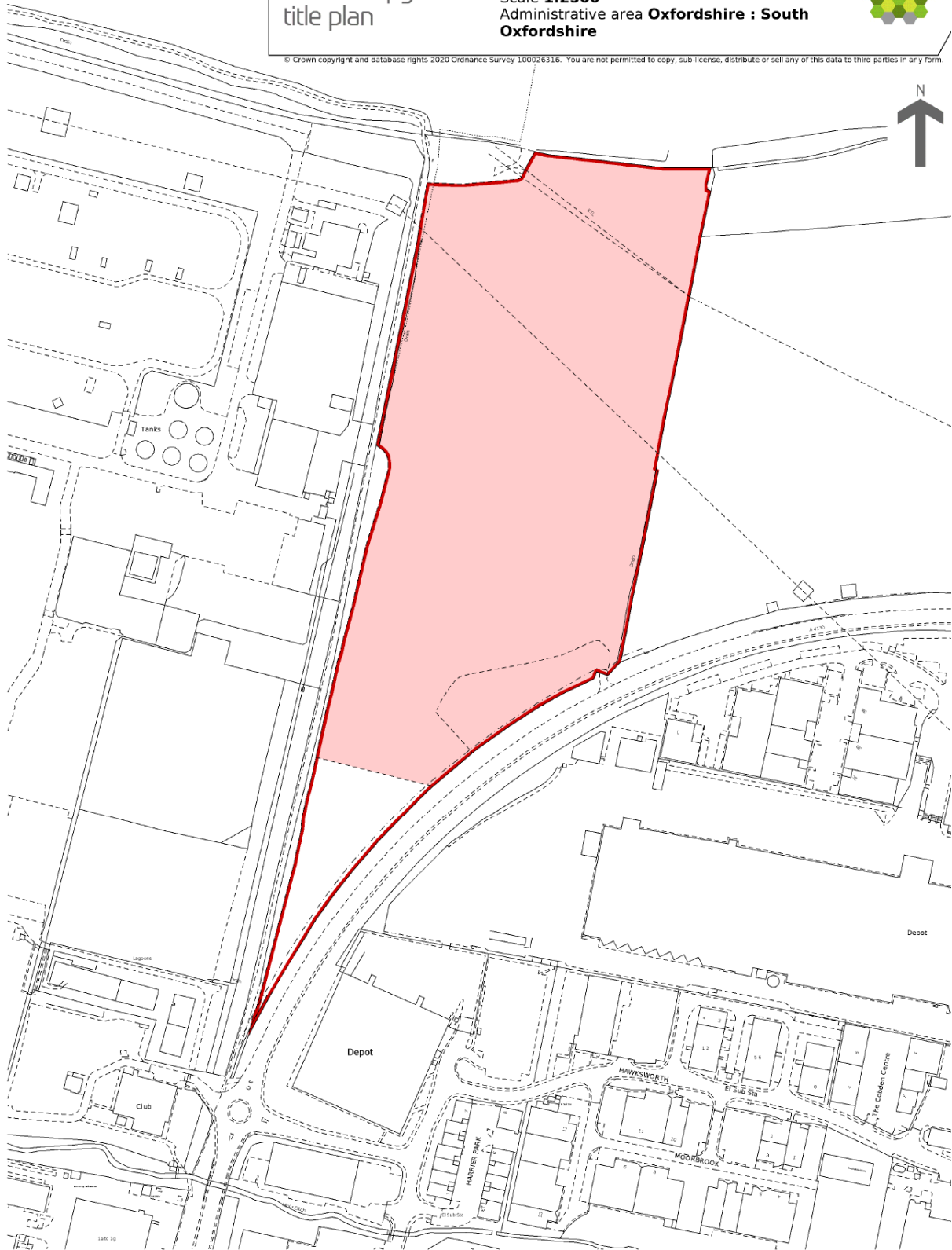
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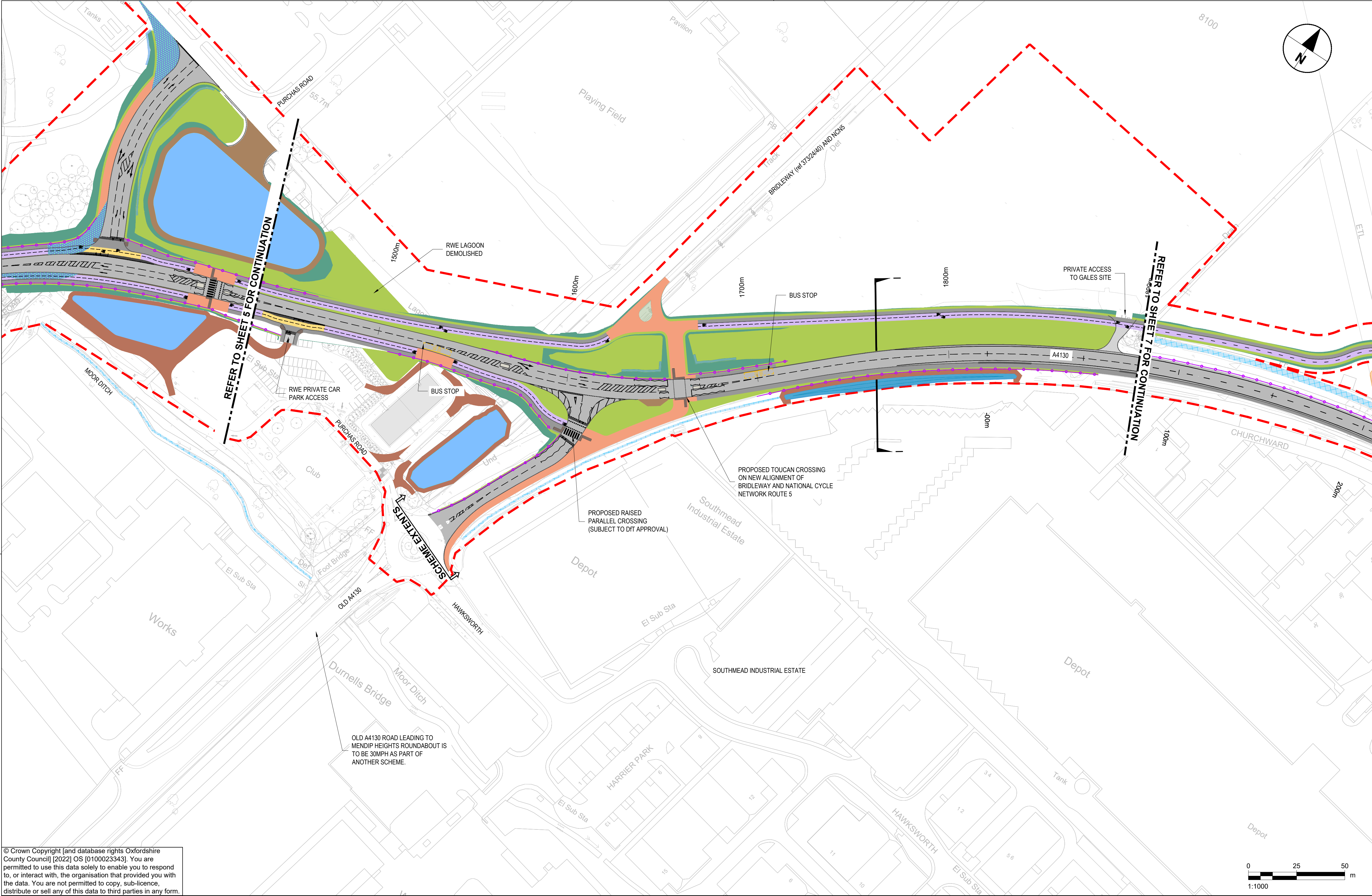
HM Land Registry
Official copy of
title plan

Title number **ON316754**
Ordnance Survey map reference **SU5191NE**
Scale **1:2500**
Administrative area **Oxfordshire : South
Oxfordshire**



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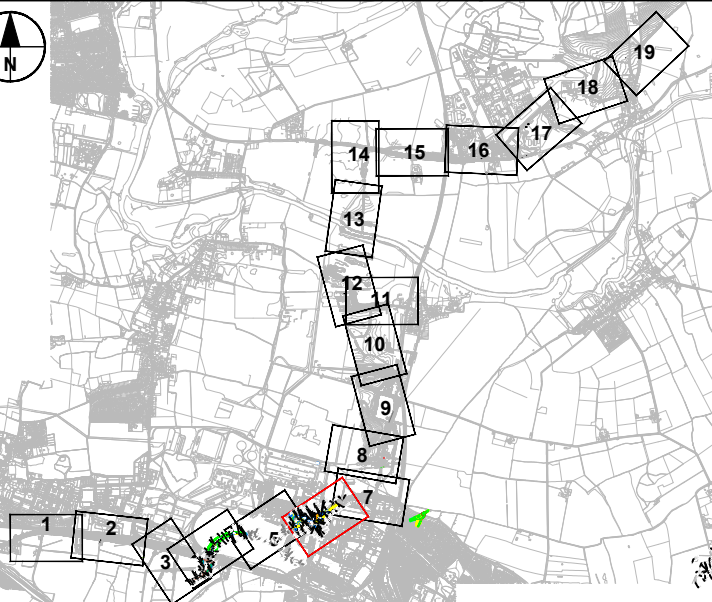
- | | |
|---|----------------------------------|
| FOOTWAY | POND |
| CYCLEWAY | GRASSED SURFACE WATER CHANNEL |
| SHARED USE FOOTWAY | WATER BODY |
| CARRIAGEWAY | WETLAND AREA |
| OVERRUN AREA | SWALE / FILTER DRAIN |
| GRASS VERGE / LANDSCAPED AREA | PROPOSED DITCH |
| EMBANKMENT / LANDSCAPED AREA | EXISTING DITCH |
| BUFFER STRIP | FLOOD ATTENUATION AREA |
| CLEAR ZONE | VEHICLE CROSS OVER |
| CUTTING | HEADWALL |
| TRAFFIC ISLAND | WATERCOURSE |
| MAINTENANCE ACCESS / MAINTENANCE LAY-BY | NOISE BARRIER |
| ROAD MARKINGS | VEHICLE RESTRAINT SYSTEM BARRIER |
| REDLINE BOUNDARY | BRIDGE STRUCTURE |

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THIRD VERSION	AGB	13/06/22	P03
REVISION DETAILS	RBF	AA	By
	Check	Date	Suffix

Purpose of issue
SUITABLE FOR APPROVAL

Client
OXFORDSHIRE COUNTY COUNCIL

Project Title
DIDCOT GARDEN TOWN HOUSING INFRASTRUCTURE FUND (HIF 1)

Drawing Title
DIDCOT SCIENCE BRIDGE GENERAL ARRANGEMENT SHEET 6 OF 19

Designed AZ	Drawn RBF	Checked AA	Approved AGB	Date 26/06/23
Internal Project No. 60632497	Suitability S4	Discipline Town & Country Planner		
Scale @ A1 1:1000				

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JOINT STATEMENT OF REASONS

Highways Act 1980

Acquisition of Land Act 1981

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

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1. INTRODUCTION

The Orders the subject matter of this Joint Statement of Reasons

- 1.1. Under the provisions of the Highways Act 1980, Oxfordshire County Council (“the Council”) has made:

The Oxfordshire County Council (Didcot Garden Town Highways Infrastructure – A4130 Improvement (Milton 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 to Culham Thames Bridge) Scheme 2022 (“the Bridge Scheme”); and

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

For the purposes of this Joint Statement of Reasons the CPO, SRO and Bridge Scheme are together referred to as the “Orders”.

- 1.2. The Orders are made to facilitate the delivery of the Access to Didcot Garden Town Highway Improvements (“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 and 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 also includes three over bridges.
- 1.3. On 19 July 2022, the Council resolved to make the CPO, the SRO and the Bridge Scheme to facilitate the construction of the Scheme. The Council seeks confirmation of the Orders from the Secretary of State for Transport.
- 1.4. The Council has sought to acquire by agreement the required interests in the land needed to deliver the Scheme, including freehold, leasehold and occupational interests affected by the CPO, and has sought to enter into discussions with the owners of those interests with a view to agreeing appropriate terms for acquisition and compensation. In doing so, the Council has taken full account of the Department for Levelling Up, Housing and Communities’ Guidance on Compulsory purchase process and The Crichel Down Rules (the “CPO Guidance”), which provides guidance to acquiring authorities on the use of compulsory purchase powers.
- 1.5. The CPO guidance is clear that compulsory purchase should be used as a last resort. However, it does acknowledge that acquiring authorities do need to programme for when land will be needed. For this reason, the CPO Guidance recommends that the compulsory purchase process should run in parallel with the negotiation process. To

enable the implementation of the Scheme within realistic timescales, compulsory purchase powers will be employed. Nevertheless, the Council remains committed to continuing discussions with landowners with a view to seeking to acquire all necessary land and rights by agreement.

- 1.6. The Council has conducted a thorough land referencing exercise to establish the required interests in the land to deliver the Scheme ("the Order Land").
- 1.7. On confirmation of the Orders, the Council intends to either serve Notices to Treat and Notices to Enter, or execute a General Vesting Declaration(s), as the case may be, in order to secure title to or rights over the respective parts of the Order Land.
- 1.9. The Council is both the Local Planning Authority ("LPA") in respect of the Scheme and also the Local Highway Authority ("LHA").
- 1.10. The following principles have been considered:
 - The justification and need for the Orders;
 - the consultation process and consideration of third-party interests;
 - the status of the associated consents;
 - the availability of funding;
 - the availability of all the land required and the reasons why all the land identified is necessary;
 - the statutory requirements that must be satisfied before construction can start; and
 - confirmation that there are no impediments to the Scheme being implemented.
- 1.11. This Joint Statement of Reasons demonstrates a justified and compelling case in the public interest for confirmation of the Orders.

Statutory Powers under which the Orders are made

- 1.12. The CPO, made by the Council pursuant to sections 239, 240, 246, 250 and 260 of the Highways Act 1980 and the Acquisition of Land Act 1981, would, if confirmed by the Secretary of State, facilitate compulsory acquisition of the land and new rights required for delivery of the Scheme.
- 1.13. The CPO will enable the Council, as Acquiring Authority, to acquire land and new rights compulsorily for the improvement of the A4130 and the construction of a new length of the A4130; the construction of a new A4197 Didcot to Culham Link Road; for the improvement of the A415 Abingdon Road; for the construction of a new length of the A415 as a Bypass of Clifton Hampden; and for the construction and improvement of other side roads, and for the provision of private means of access to premises. The CPO covers the land required for the construction and maintenance of those highways and their highway structures, as well as land required for operational working space to

enable the Scheme to be built, and land for the improvement or development of frontages to the proposed highways in certain locations.

- 1.14. The SRO, made by the Council pursuant to sections 14 and 125 of the Highways Act 1980, provides for the stopping up of highways and private means of access to premises crossed or otherwise affected by the Scheme, the improvement of existing side roads which will connect to the Scheme, and for the construction of new highways and the provision of new private means of access to premises to connect the Scheme to the existing highways and private access network. The SRO would, if confirmed by the Secretary of State, enable the construction of the Scheme and other necessary and associated highway works.
- 1.15. The Bridge Scheme, made by the Council pursuant to Section 106(3) of the Highways Act 1980, will authorise the construction of a new road bridge across the navigable waters of the River Thames. Without the Bridge Scheme, authority to construct the proposed Bridge across a navigable waterway is not permitted. 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).

Confirmation of Orders

- 1.16. The making and confirmation of the CPO will enable the Council to acquire the land and rights necessary for the construction and maintenance of the Scheme, ensure the necessary improvements are made to the local highways network, implement appropriate mitigation measures and undertake necessary works to land frontages to accommodate the Scheme.
- 1.17. The making and confirmation of the SRO will enable the Council to improve, raise, lower, divert or otherwise alter highways, stop up highways, stop up private means of access, construct new highways and provide new private means of access to premises, required as a consequence of the construction of the Scheme.
- 1.18. The making and confirmation of the Bridge Scheme will enable the Council to construct (subject to land acquisition) a single 65 metre span bridge from the south bank to the north bank of the River Thames over the navigable waters of the River Thames, at a location south east of Culham and north west of Appleford.

The Mining Code

- 1.19. The CPO also incorporates Parts II and III of Schedule 2 to the Acquisition of Land Act 1981, as applied by Section 3 of that Act, commonly referred to as the Mining Code. By virtue of these provisions, the CPO does not seek to compulsorily acquire mineral interests in the Order Land.

- 1.20. Paragraphs 201 and 202 of the Guidance states that the Mining Code should not be incorporated automatically or indiscriminately, as this may lead to the sterilisation of minerals, including coal reserves. Acquiring authorities are asked to consider the matter carefully before including the Mining Code, having regard to the existence of statutory rights of compensation or whether repair might provide an adequate remedy in the event of damage to land, buildings or works occasioned by mining subsidence.
- 1.21. Incorporation of the Mining Code within an order, thereby engaging Parts II and III of Schedule 2 to the Acquisition of Land Act 1981, provides for the exclusion of mineral right acquisition from the CPO, avoiding sterilisation of the minerals whilst providing a degree of protection for the Acquiring Authority and allowing the Scheme to be taken forward. By incorporating the Mining Code, the Acquiring Authority can take steps to prevent the working of minerals within a specified distance of the surface, provided compensation is paid.
- 1.22. The Acquiring Authority has investigated mines and minerals with the County Council's Waste and Mineral Planning Team. It has been confirmed that the majority of workable minerals in the vicinity of the Scheme have already been worked or that, where workable minerals exist, the Scheme will not impact their ability to be worked in the future. The exception to this relates to the Clifton Hampden Bypass element of the Scheme. Permission to work minerals in this area has been denied by the Mineral Planning Authority ("MPA") twice within the last 15 years, largely as a result of significant objection by local residents. It is considered by the Acquiring Authority that the likelihood of minerals being extracted north of the A415 is very low, due to the area being relatively built up, particularly the Centre of the UK Atomic Energy facility, and due to the water treatment facility being within close proximity.
- 1.23. The Acquiring Authority has had regard to the discussions with the MPA and the advice contained in the Guidance in preparing the Order, and considers that in the circumstances of this case, where compensation and repair of damage would not be adequate in view of the public use and nature of the Scheme, together with the potential traffic implications and disruption that might occur if the mines and minerals within the Order Land were to be worked and such damage were to occur, it is appropriate to incorporate the Mining Code to sever from the Order Land the mineral rights that may exist below the land.

2. LOCAL HOUSING, EMPLOYMENT AND TRANSPORT CONTEXT

Introduction

- 2.1. This section gives an overview of the local context in terms of allocated housing and employment, inadequate existing transport infrastructure and physical constraints such as the railway and River Thames, which has led to the need for the Scheme, as detailed in Section 3.

Geographic Context

- 2.2. Science Vale UK (“Science Vale”) is a significant area of economic growth and is a ‘hot spot’ for enterprise and innovation that spans both South Oxfordshire District Council and Vale of White Horse District Council, within the County of Oxfordshire. It is home to a significant proportion of the region’s scientific, research and development, and high technology businesses. The region is gaining an international reputation as a first-choice location for companies wanting to make their mark in business and research.
- 2.3. The area has two Enterprise Zones and new businesses relocating to these areas can benefit from business rates discounts, superfast broadband, and simplified planning zones. In future years, the Science Vale area will see extensive effort undertaken into innovative, high technology research and development. It is one of the anchors of the Oxfordshire Knowledge Spine, which underpins the strategy set out in the Oxfordshire Strategic Economic Plan.
- 2.4. The area extends south from Oxford across to Didcot, clustered broadly around the A34, Great Western Mainline and Oxford-Didcot railway route. Science Vale comprises the towns of Didcot (including Milton Park and Didcot Power Station), Wantage and Grove, together with the established research centres at Culham Science Centre and Harwell Campus and the area between these settlements. The area shown in **Figure 1** includes the boundaries of Science Vale.

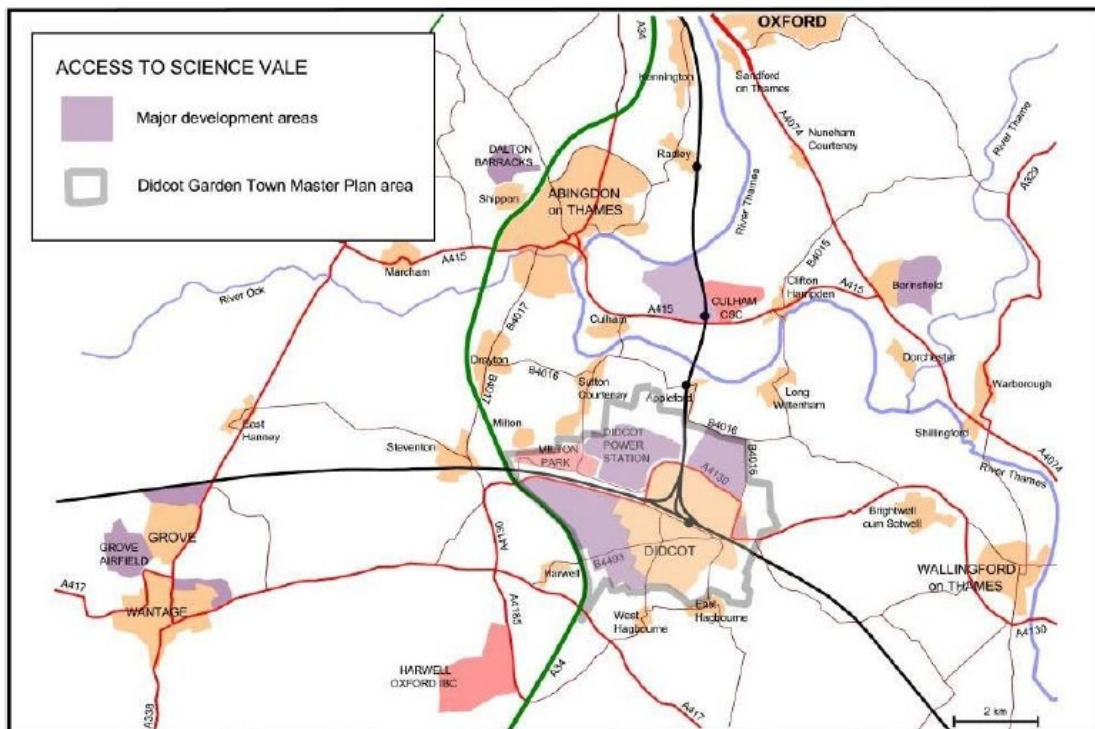


Figure 1: Didcot Garden Town within Science Vale

Existing Highway Network

- 2.5. Movement in Didcot and Science Vale is currently characterised by high levels of private car travel and dependence upon the car. This is outlined in the Transport Assessment [**Appendix 1**], which compares mode share data for the journey to work from the 2011 Census for Oxfordshire as a whole. The existing high levels of car use across Didcot and Science Vale will continue unabated without suitable transport interventions. There are underlying issues which cause the high use of private cars, including the rural nature of Science Vale and the lack of attractive sustainable alternatives. Whilst distances travelled may be short, the private car appears to be a popular mode of travel within Didcot. In part, this is self-reinforcing as high levels of vehicular traffic make active travel less attractive.
- 2.6. Large urban extensions of the 1990s (Ladygrove), planned housing and employment growth in the 21st Century and historic and constrained highway infrastructure in and around Didcot have resulted in a highway network that has failed to keep pace. Additionally, the location of employment centres on historic and relatively remote military bases (Harwell Science and Innovation Campus and Culham Science Centre), compounds congestion in and around the town.
- 2.7. Railway lines and the River Thames create severance to effective movement and barriers to connectivity between homes and jobs. Severe congestion is evident on the A4130, on the existing river crossings between Didcot and Culham/Clifton Hampden, and within Clifton Hampden. In addition, whilst the Great Western Mainline brings many benefits to the town, the crossings over/under the railway bring about problems related to limited visibility, restricted width lanes and unidirectional tunnels.

- 2.8. The major road in the area is the A34 Trunk Road, which passes in a north-south direction connecting the M40 and M4 via Oxford. The other main roads form a loose grid across the area: A338 (Oxford-Wantage-M4); A4074 (Oxford-Reading); A415 (Witney-Abingdon-A4074) and A417/A4130 (Wantage-Didcot-Wallingford). To the north of Didcot, the road network is relatively sparse and constrained by the River Thames. The B4016 connects to the village of Appleford (via a narrow bridge over the Cherwell Valley Railway (Didcot-Oxford), adjacent to Appleford station) and beyond to Culham and the A415 via Abingdon Road-Tollgate Road.
- 2.9. An alternative route is provided to the east via the village of Long Wittenham, which connects to the A415 at Clifton Hampden, close to the Culham Science Centre. The existing river crossing at Culham Village (Sutton Bridge and Culham Cut) is a historic narrow bridge, which operates under signalised shuttle-working. There is also an existing historic narrow bridge on the High Street connecting Clifton Hampden to Long Wittenham, which also operates under signalised shuttle-working. To the west of Didcot, Sutton Courtenay Road/Lane-Harwell Road-High Street-Church Street connects with Sutton Courtenay as well as Abingdon Road-Tollgate Road and onwards to the A415. The road network is shown in **Figure 2**.

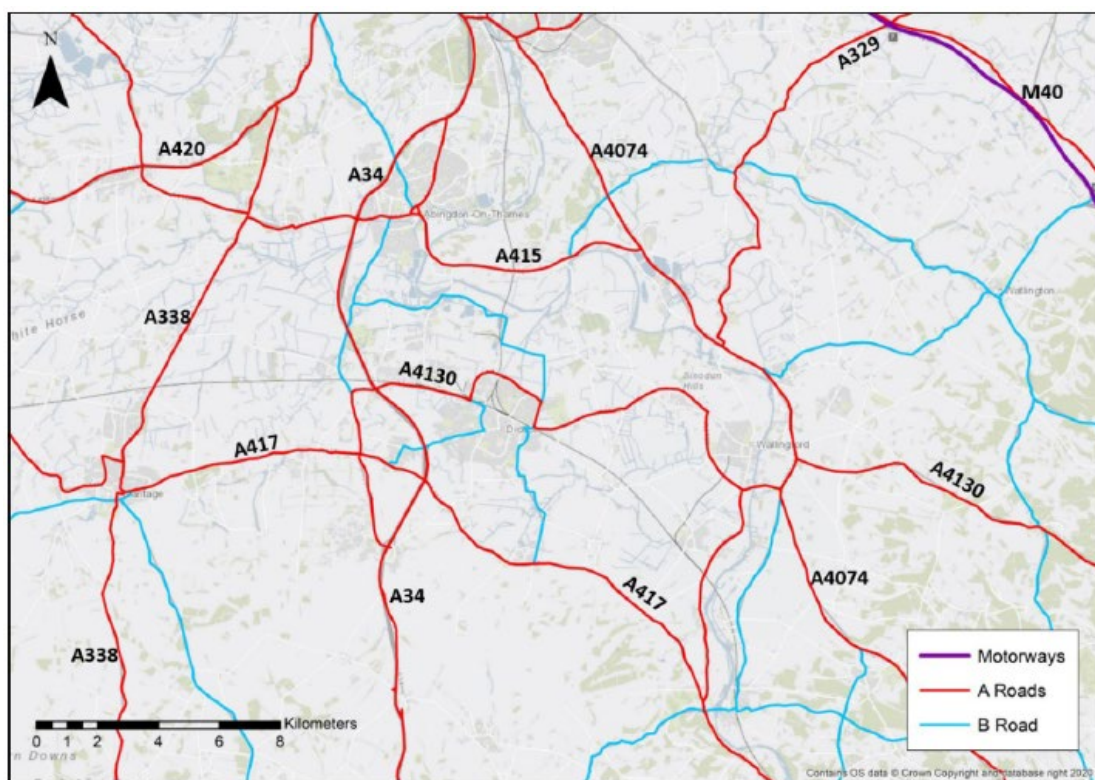


Figure 2: Road Network

- 2.10. Cycle infrastructure is present across Science Vale and Didcot. However, this provision is fragmented and discontinuous in places, with a lack of infrastructure in several key areas across the region. There is a concentration of cycling infrastructure in and around Didcot, notably with cycle infrastructure provided from Didcot to Milton Park, a key employment area. Further details can be found in the Transport Assessment [Appendix 1].

- 2.11. In comparison to the cycle infrastructure, there is a more extensive, interconnected network of public rights of ways, as shown in **Figure 3**. For example, there are footpaths connecting Didcot to Culham via Sutton Courtenay, and there are paths linking Harwell and Wantage. However, it should be noted that many of these footpaths do not have a solid surface and, as such, are more likely to be leisure routes rather than those used for commuting. Due to the severance created by the River Thames and the historic road network, there are poor opportunities for walking and cycling north-south in this area. For example, residents of Didcot wishing to cycle to Culham Science Centre must use indirect routes, relying on the main carriageway for significant portions.

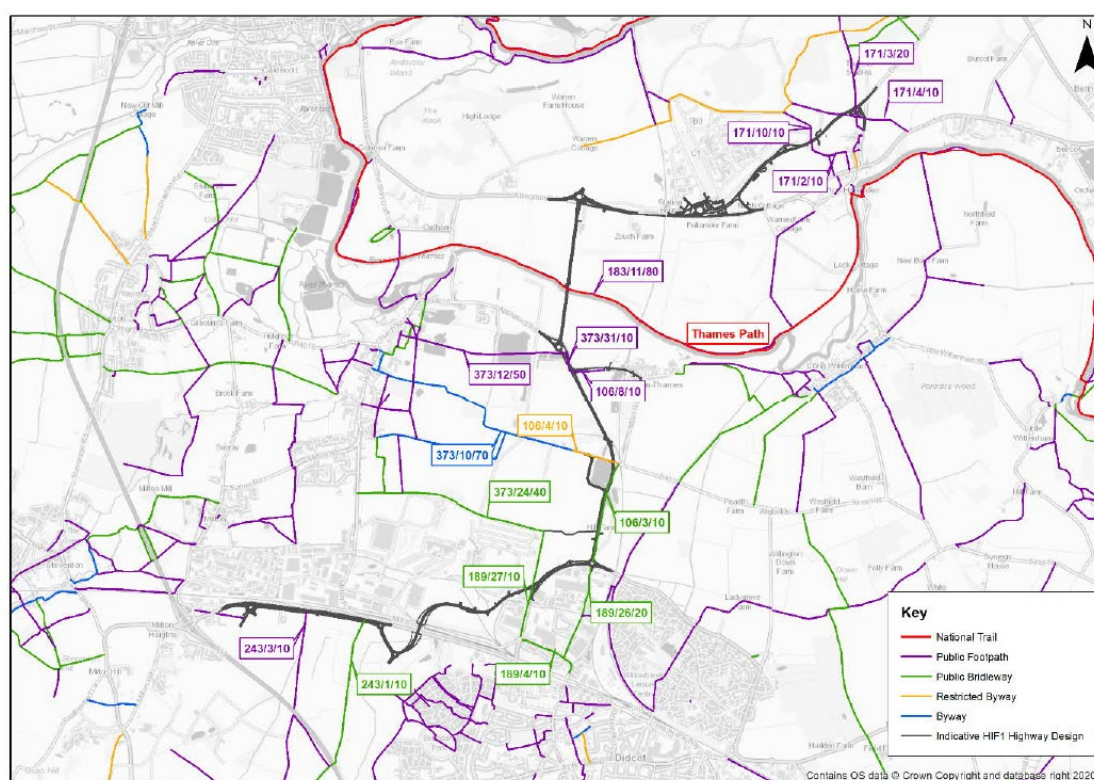


Figure 3: Public Rights of Way

Allocated Housing Growth

- 2.12. At present, Oxfordshire is a prosperous and vibrant county, combining a successful and thriving economy with a high-quality environment. Oxfordshire has committed to the delivery of 100,000 new homes between 2011 and 2031, as identified within the 2014 countywide Strategic Housing Market Assessment and the five districts' Local Plans [**Appendix 2**].
- 2.13. Science Vale's development is directly influenced by the development plans in South Oxfordshire and Vale of White Horse, as well as the following commitments to the Housing and Growth Deal by the Oxfordshire local authorities (Cherwell District Council, Oxford City Council, Oxfordshire County Council, South Oxfordshire District Council, Vale of White Horse District Council, West Oxfordshire District Council and the Oxfordshire Local Enterprise Partnership:

- The submission and adoption, subject to the inspection process, of a joint statutory spatial plan covering all five district councils in Oxfordshire, by 2021
 - Plan for and support the delivery of 100,000 new homes between 2011 and 2031 – backed up with a credible plan for delivery, outlining interim milestones and targets as agreed with the Homes and Communities Agency and Government
- 2.14. Through the Housing and Growth Deal the Government commits to:
- Provide Oxfordshire with up to £215m funding
 - Explore options to grant Oxfordshire certain time-limited planning flexibilities subject to consultation where appropriate
- 2.15. The South Oxfordshire District Council Local Plan 2035 covers the area between south-east Oxford, Didcot and just north of Reading. The plan was adopted in December 2020 and Policy STRAT2: South Oxfordshire Housing and Employment Requirements [**Appendix 3**] outlines the district's minimum housing need of 18,600 additional homes between 2021 and 2035. Furthermore, Policy STRAT2 sets out requirements for the district to deliver the Oxford City's unmet housing need of 4,950 additional homes. South Oxfordshire aims to deliver a total of 23,550 additional homes within the plan period, in order to cover for the area's shortfall in houses.
- 2.16. The Vale of White Horse District Council Local Plan 2031 [**Appendix 4**] covers the area from north and west of Didcot including the settlements of Chilton, Wantage, Harwell, Milton, Abingdon and the A4130 corridor. Part 1 of the Local Plan was adopted in December 2016 and Part 2 was adopted in October 2019, outlining the housing need across the district. Core Policy 4: Meeting our housing needs contained in Part 1 of the Local Plan identifies at least an additional 20,560 homes required within the plan period (2016 – 2031). Core Policy 4a: Meeting our Housing Needs, in Part 2 of the Local Plan identifies that an extra 2,200 homes are required to assist Oxford City with meeting its housing needs, totalling 22,760 homes delivered within the plan period.

Housing Infrastructure Fund (HIF) Business Case

- 2.17. The HIF Business Case, submitted to Homes England by Oxfordshire County Council in 2019 [**Appendix 5**], identified that Didcot is a key centre of growth for enterprise locally and has been designated as a Garden Town growth area (see **Figure 1**). The HIF Business Case also recognises the existing constraints on the highway network in Didcot. If left unresolved, the HIF Business Case considered that these issues could pose significant barriers to the growth and prosperity of the region. Therefore, in order to support growth in Science Vale, the HIF Business Case recommended that improvements are required to the transport network to enhance access to the area.

Summary

- 2.18. The existing issues with lack of river crossing options, constrained capacity on existing routes, railway crossing capacity and connections to the A34, all have the potential to become serious enough that they may make the vast majority of the allocated development sites (as detailed further in paragraph 3.25 and shown in Figure 6) less attractive, as well as exacerbating existing traffic-related issues and leading to

increased traffic congestion. This would have the effect of disrupting local aspirations to use development growth as the catalyst to transform Didcot into a more coherent and cohesive Garden Town community. In addition, it is imperative to encourage the use of sustainable travel throughout Science Vale, in order to reduce adverse health impacts and improve air quality.

- 2.19. As such, the analysis of challenges to date has demonstrated the need for interventions to address the issues and ensure that the area has transport provisions suitable for the intended increase in housing growth.

3. NEED FOR THE SCHEME

Introduction

- 3.1. This section gives a summary of the background in respect of the need for the Scheme, and thus why land in the CPO is required for construction of the Scheme, as well as there being a need for the associated SRO and the Bridge Scheme. The information is set out in greater detail in the Transport Assessment [**Appendix 1**] submitted as part of the planning application for the Scheme.
- 3.2. There are five key problems that the Scheme will address:
- Existing Highway Network Performance
 - Active Travel
 - Public Transport
 - Network Resilience and Safety Improvements
 - Delivery of Housing and Employment Growth.

Existing Highway Network Performance

- 3.2. Railway lines and the River Thames create severance to effective movement and barriers to connectivity between homes, jobs and amenities in Didcot and the surrounding areas. High levels of congestion are evident on the A4130, on the existing river crossings between Didcot and Culham/Clifton Hampden, and within Clifton Hampden.
- 3.3. Morning and evening peak hour traffic data for the existing junctions within the study area have been obtained from the Didcot Paramics Microsimulation model, which was jointly funded by Oxfordshire County Council, Vale of White Horse District Council and South Oxfordshire District Council. Utilising the 2020 base traffic flows from the Paramics model, junction capacity assessments have been undertaken at numerous existing off-site junctions (identified with the prefix 'OFF'), as highlighted in **Figure 4**.

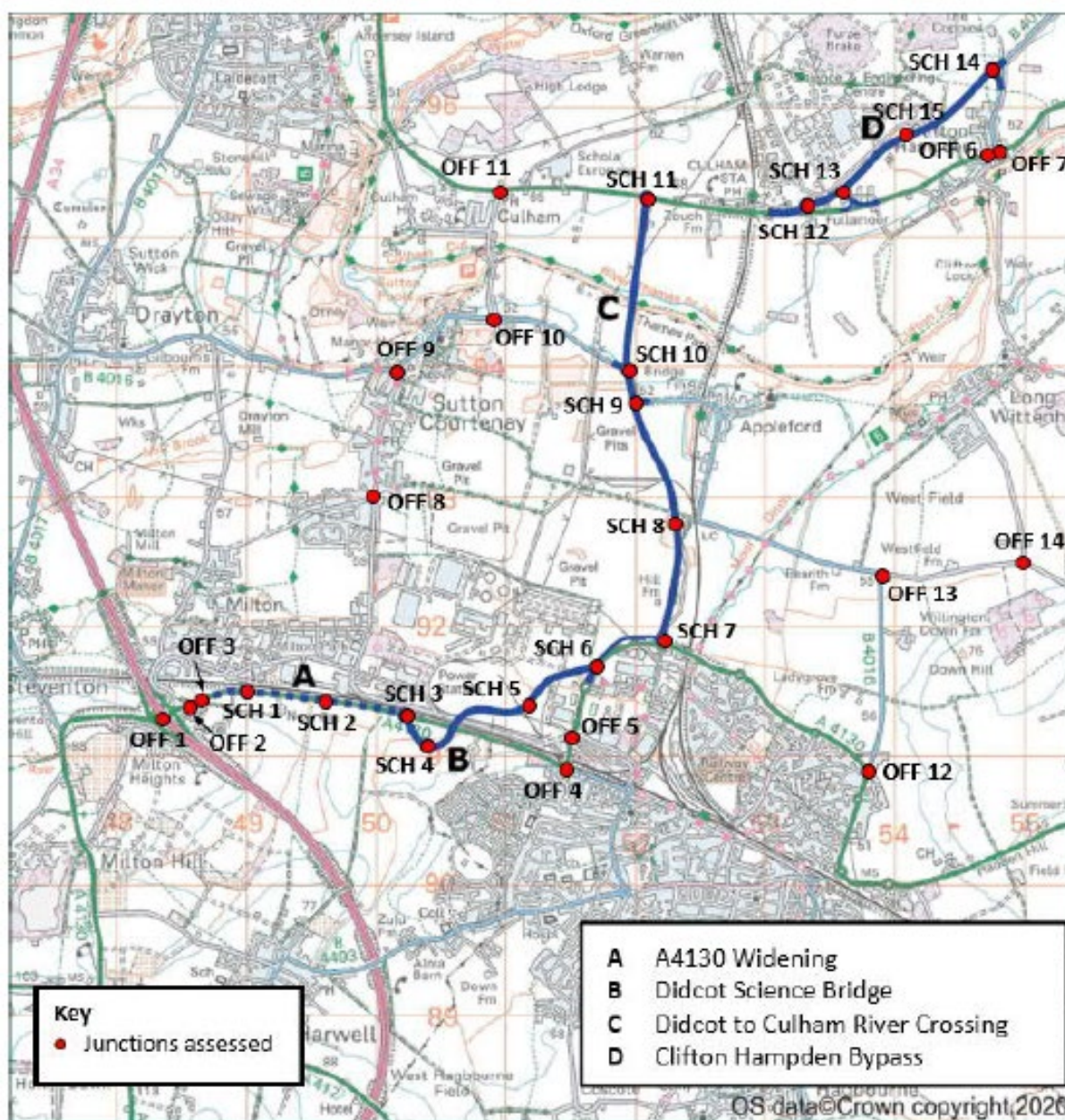


Figure 4: Junction assessment

3.4. The following off-site existing junctions are operating over capacity in either or both the 2020 morning and evening peak hours:

- (Ref: OFF 3) - A4130 signalised junction with Milton Gate;
- (Ref: OFF 5) - A4130 roundabout with Basil Hill Road and Milton Road (Power Station);
- (Ref: OFF 6) - A415 signalised junction with High Street;
- (Ref: OFF 7) - A415 signalised junction with B4015 Oxford Road;
- (Ref: OFF 9) - B4493 priority junction with Foxhill Road;
- (Ref: OFF 10) - B4016 Appleford Road priority junction with Abingdon Road;

- (Ref: OFF11) - A415 signalised junction with Tollgate Road;
- (Ref: OFF 12) - A4130 priority junction with Lady Grove; and
- (Ref OFF 13) - Lady Grove priority junction Sires Hill.

3.5. This has led to Oxfordshire County Council, as Local Highway Authority (LHA), objecting to planning applications for single dwellings on the grounds of highway safety, capacity, convenience and sustainability. These objections have led to planning applications being refused, with such refusals upheld on appeal [**Appendix 6**] as follows:

- APP/V3120/W/17/3187947 (Decision date 6 March 2018) – development proposal was for the erection of a dwelling and alterations to existing semi-detached dwelling.
- APP/V3120/W/18/3200241 (Decision date 2 November 2018) – development proposal for change of use from a storage barn to two bedroomed residential dwelling with parking.
- APP/V3120/W/3214090 (Decision date 26 March 2019) – development proposal for a change of use of agricultural building to a dwelling house and for associated operational development.
- APP/V3120/W/19/3234258 (Decision date 29 November 2019) – development proposal for the erection of 1 house.

3.6. Additionally, a Vale of White Horse District Council Local Plan strategic allocation for 200 new homes, known as East of Sutton Courtenay (P17/V1963/O), was also refused planning permission on similar grounds on 9 August 2019. An appeal was due to be heard but the appellants withdrew shortly before the Inquiry. In addition, an outline application (P21/V2682/O) for up to 175 new homes on the East of Sutton Courtenay site was refused planning permission on similar grounds on the 23 November 2022. It is, therefore, evident that the constrained highway network has already adversely affected growth in the area.

3.7. It is clear that the current highway network in this area suffers with severe traffic congestion and delay, which was identified as part of the Vale of White Horse District Council Local Plan Part 1 Inspector's Report (2016):

"145. I have read and heard much debate about the robustness of the Impacts Study's findings and whether or not the residual congestion issues it identifies would be "severe" in terms of paragraph 32 of the NPPF. However, there is no convincing and detailed evidence to demonstrate that the study's conclusions are not robust, bearing in mind that they can only ever be a strategic-level forecast and that more detailed transport impact appraisals will be necessary as part of the consideration of specific development proposals. Moreover, whilst it is to a significant degree a matter of judgement, I have read and heard nothing which persuades me that the District and County Councils' conclusion that the likely residual transport impacts would be acceptable is not a soundly-based finding. In considering this point I have borne in

mind that the “starting point” situation for the Vale is as a district which very much suffers from traffic congestion.”

Active Travel

- 3.8. Key origins/destinations in the area include Culham Science Centre, Milton Park and Didcot Town Centre. There is currently a lack of direct and attractive walking and cycling routes to these locations to encourage residents / employees to use these modes. For example, the existing route between Didcot and the Culham Science Centre is along National Cycle Network route 5 (NCN5), via Long Wittenham to Clifton Hampden and along the A415 Abingdon Road. However, part of NCN5 is unlit and is, therefore, deemed unattractive to pedestrians and cyclists during night-time hours due to safety concerns. In addition, there is no continuous provision of footpaths for pedestrians to complete this route without walking on the carriageway.
- 3.9. The lack of walking and cycling connectivity between key residential and employment areas is reflected in the proportion of people who walk and cycle to work in Didcot. **Table 1** compares mode share data for the journey to work from the 2011 Census for Oxfordshire as a whole, as well as for Oxford and Didcot. The data represents mode share for residents in these areas. The combined walk and cycle mode share for Didcot is 15.6%, lower than Oxfordshire at 20.9% and significantly lower than Oxford at 38%.

Mode	Oxfordshire	Oxford	Didcot
Underground, metro, light rail, tram	0.2%	0.3%	0.1%
Train	3.2%	2.7%	7.3%
Bus, minibus or coach	7.5%	17.4%	4.0%
Taxi	0.3%	0.4%	0.2%
Motorcycle, scooter or moped	0.9%	0.7%	0.9%
Driving a car or van	61.8%	36.2%	66.3%
Passenger in a car or van	4.6%	3.4%	5.3%
Bicycle	7.7%	18.7%	4.7%
On foot	13.2%	19.3%	10.9%
Other method of travel to work	0.6%	0.8%	0.4%
TOTAL	100.0%	100.0%	100.0%

Source: 2011 Census, dataset QS701EW – Method of Travel to Work.

Table 1: Journey to Work Mode Share

- 3.10. Between the Milton Interchange roundabout and the rail underpass at Backhill Tunnel (south of Milton Park), up to 3m wide shared use cyclist/pedestrian integral cycle tracks are present on both sides of the A4130 carriageway. However, there is no shared use provision on the northern side nearer Milton Interchange. There is no northern footway along the A4130 east of Backhill tunnel. There is a Toucan crossing at this location providing a connection between the northern and southern integral cycle tracks of the

A4130 and the Backhill Tunnel, connecting to Milton Park for pedestrians and cyclists only.

- 3.11. Between the Backhill Tunnel and the A4130/B4493/Mendip Heights roundabout, a 2.5m wide shared use cyclist/pedestrian use cycle track is present along the southern frontage. This facility suffers from poor separation between the high-speed road and subsequently the Non-Motorised User (NMU) experience is poor due to buffeting from vehicles passing by, especially Heavy Goods Vehicles. This cycle track is shared by cyclists and pedestrians and links to the public rights of way located to the south of the A4130.
- 3.12. There are poor NMU facilities linking to Manor Overbridge. There is a shared pedestrian/cyclist use cycle track along the western side of the A4130 between the A4130 / Milton Road / Basil Hill Road roundabout and the A4130 / Hawksworth / Purchas Road roundabout, with a footway also present on the eastern side of the carriageway.
- 3.13. Due to the severance created by the River Thames and the historic road network, there are poor opportunities for walking and cycling north / south in this area. For example, residents of Didcot wishing to cycle to Culham Science Centre must use indirect routes, relying on the main carriageway for significant portions.
- 3.14. Along the A415 Abingdon Road there is a 1.3m wide shared pedestrian/cyclist use cycle track along the northern side of the carriageway, between Thame Lane and Culham Science Centre. There is a 1.5m wide shared pedestrian/cyclist use cycle track on the south side of the A415 Abingdon Road, from Culham Science Centre to Clifton Hampden.
- 3.15. In summary, the highlighted current constrained/disjointed pedestrian and cycle infrastructure restricts the use of active travel modes for both commuting and leisure purposes in the area.

Public Transport

- 3.16. Due to the severance created by the River Thames and the historic road network, there are also currently poor opportunities for bus operators to offer good journey time reliability north / south in this area. This is evident from the data in **Table 1** which shows Didcot to have very low bus use compared to other areas of Oxfordshire.
- 3.17. Prior to January 2021, the only service operating over Clifton Hampden Bridge was a less-than-daily service providing access to Didcot from local villages. Route 95 is a new service which commenced in January 2021 to provide a peak hours service from Didcot to Culham Science Centre - two morning journeys and three evening journeys. There is no off-peak or weekend services. The service is funded using contributions from section 106 planning obligations relating to Culham Science Centre. Between peak times, three journeys in each direction operate a similar route from Didcot until Clifton Hampden, where they then go to Berinsfield instead of Culham Science Centre.

These journeys are numbered 95B and are operated with the bus that operates route 95, which will otherwise be unoccupied.

- 3.18. The 33 is the only bus service that uses the Culham Cut and Sutton Bridge crossing of the River Thames. It operates a broadly hourly service running between Didcot and Abingdon via Sutton Courtenay and Culham village.

Network Resilience and Safety Improvements

- 3.19. The area is located within the River Thames catchment and crosses a number of waterways, including the River Thames, Moor Ditch, Stert Brook, Cow Brook, Meadow Brook and Clifton Hampden Brook. As a result, parts of the Site fall within both Flood Zone 2 and Flood Zone 3 as shown on **Figure 5**.

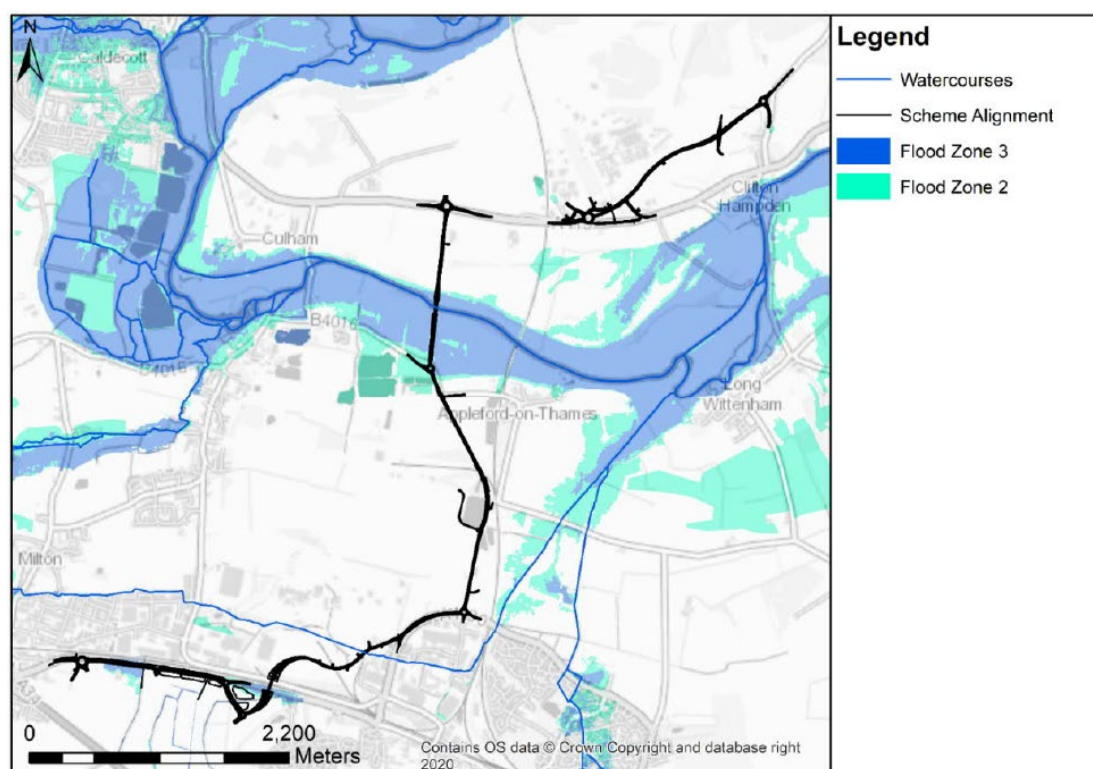


Figure 5: EA Long Term Flood Risk to Areas Surrounding Scheme

- 3.20. As shown on Figure 5, the existing bridges over the River Thames at Clifton Hampden and Culham are located within Flood Zone 3. In February 2021, both the existing bridges over the River Thames at Clifton Hampden and Culham were closed due to flooding, requiring long diversion routes and resulting in a negative impact on other areas of the highway network. Greater resilience is, therefore, required on the network through the provision of alternative routes through this important employment and residential area.
- 3.21. Collision data received for the 5-year period between June 2014-June 2019 within the Scheme extents shows that 150 collisions resulting in 189 casualties occurred during

that time. Of the 189 casualties, 156 (82%) were categorised as slight injuries, 28 (15%) as serious and 1 (3%) resulted in a fatality. The collision records identify the following in terms of collisions involving road users:

- 34% (48) of the 141 collisions involved a cyclist (30%) or pedestrian (4%)
- 21% (30) of the 141 collisions involved a motorbike
- 21% (30) of the 141 collisions involved other road user category (includes emergency vehicles and refuse vehicle etc.), and
- 19% (27) of the 141 collisions involved a Heavy Goods Vehicle.

- 3.22. Most of the locations of the recorded collisions are spread across the Scheme area. However, a cluster site was identified in the study area at the A4130 / Milton Road / Basil Hill Road roundabout. A total of 12 collisions were reported within the study period, of which 5 were serious and 7 were slight in severity. All 5 serious collisions involved vehicles entering the roundabout from the A4130 and failure to give way to cyclists negotiating the roundabout from Milton Road on the west, towards Basil Hill Road on the east. Of these collisions, 3 occurred during the hours of darkness and 2 during daylight hours.
- 3.23. Of the 7 slight collisions, 5 collisions involved a vehicle entering the roundabout from the A4130 and failure to give way to cyclists negotiating the roundabout from Milton Road on the west towards Basil Hill Road on the east. All these collisions occurred during daylight hours, and 3 of these took place in wet conditions. The 2 remaining slight collisions involved a Heavy Goods Vehicle failing to give way to a motorcyclist during dry, dark conditions, and an incident involving a vehicle colliding with a cyclist travelling on the nearside on the A4130 approach to the A4130 / Milton Road / Basil Hill Road roundabout.
- 3.24. It is evident there are opportunities for road safety improvements given the historic nature of the current highway network, which is not designed to current horizontal or vertical design standards and provides poor Non-Motorised User infrastructure.

Delivery of Housing and Employment Growth

- 3.25. The Scheme will support significant growth in housing in South Oxfordshire District Council and Vale of White Horse District Council by directly unlocking the potential for development for 11,711 new homes in the Didcot Garden Town area, including approximately 4,200 affordable homes and supporting a further 5,000 new homes already permitted at North East Didcot and Great Western Park. This is coupled with substantial areas for employment generating activities, expected to be high value jobs contributing strongly to local and national economic growth. The allocated housing and employment sites alongside the Scheme alignment are shown on **Figure 6**.

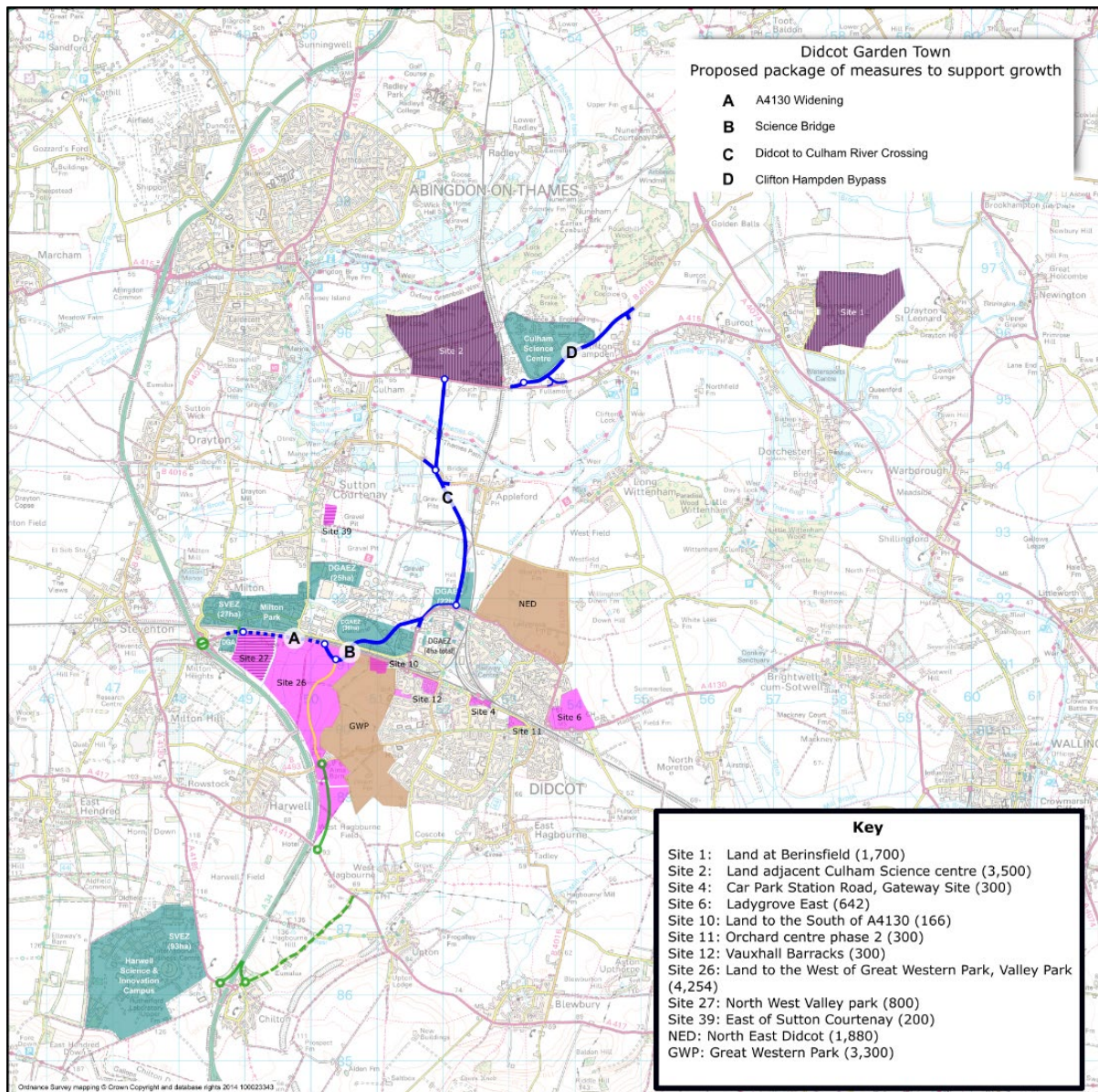


Figure 6: Allocated Housing and Employment Growth alongside Scheme alignment

- 3.26. The HIF Business Case and benefit cost ratio (BCR) was predominantly predicated on the delivery of new homes by evaluation of land value uplift (LVU) rather than a traditional transport business case. Even though the transport benefits/disbenefits were assessed as part of the Business Case, the use of LVU is reflective of the Government's priority to deliver more new homes in areas where they are most needed. Oxfordshire is a high housing demand area, with Oxford City often cited as the most expensive area to live outside London, relative to wages.
- 3.27. The housing schemes represent a significant contribution towards delivering Oxfordshire's Housing and Growth Deal, which supports the delivery of 100,000 new homes across the county up to 2031. However, a substantial number of new homes and jobs have already been delivered throughout South Oxfordshire and the Vale of

White Horse, which has created a severe impact on the local highway network as per paragraph 111 of the National Planning Policy Framework 2021.

- 3.28. As part of the local planning process to determine where housing and employment growth is located in the Vale of White Horse and South Oxfordshire districts, an Evaluation of Transport Impacts has been conducted to determine the correct level and location of highway mitigation. The Scheme, amongst other interventions, was identified as essential for the Vale of White Horse District Council Local Plan Part 1 adopted in 2016. In the Inspector's report for the Vale of White Horse District Council Local Plan Part 1, the Inspector was satisfied that a mitigation strategy, including the Scheme, was identified to deal with growth associated with the Local Plan Part 1 and South Oxfordshire's Core Strategy 2016. This was in the knowledge that much of the highway infrastructure was unfunded and a large shortfall was identified to deliver necessary infrastructure.
- 3.29. The complexity, scale, cost and risks associated with the Scheme has, to date, prevented private developers from fully funding and having the ability to deliver homes on third party land. The above highlights clear evidence of market failure in this area, which is preventing major housing and employment developments from being realised.
- 3.30. The analysis of challenges to date has demonstrated the need for interventions to address the issues and ensure the area has transport provisions suitable for the intended increase in housing and employment growth.

4. SCHEME DESCRIPTION

Scheme Objectives

- 4.1. The objectives of the Scheme have been defined as part of work detailed in the Access to Science Vale Option Assessment Report Part 1, Option Assessment Report Part 2 and the successful Housing Infrastructure Fund bid. Section 4: Development of Scheme Objectives of the submitted Didcot Garden Town HIF1 Option Assessment Report sets the agreed scheme objectives, based on the assessment of contextual factors, challenges and the underlying policy context. The objectives of the Scheme are presented in **Table 2** and the Didcot Garden Town HIF1 Option Assessment Report is contained in **Appendix 7**.

Objectives	Theme	Objective Description	Relevance against the scheme	Source
Objective 1	Support housing development	Unlock the delivery of 11,711 additional homes in the Didcot Garden Town area, and more across Science Vale	Improve accessibility across Science Vale between new developments and key employment sites, whilst addressing existing congestion issues	HIF Bid
Objective 2		Support the delivery of 4,847 affordable homes in the Didcot Garden Town area in support of the Housing Growth Deal, and more across Science Vale		HIF Bid
Objective 3		Ensure the impact of additional housing on the transport network is acceptable and associated impacts on the transport network are adequately mitigated.	Increased transport capacity will help mitigate the impact of proposed development across Science Vale	HIF Bid
Objective 4	Support economic growth	Ensure the impact of employment growth on the transport network is acceptable and associated impacts on the transport network are adequately mitigated.	Increased transport capacity will help mitigate the impact of proposed employment growth across Science Vale	New objective
Objective 5		Unlock Commercial space at key employment sites across Science Vale, including D-Tech and Culham Science Centre	Additional capacity (both private and public transport) to employment sites and improved accessibility, in particular to Science Vale and key employment sites	HIF Bid
Objective 6	Future-proofing	Provision of a flexible transport network to cope with future uncertainties and opportunities	Improved resilience to changes in travel patterns	Access to Science Vale OAR Part 2 (August 2019)
Objective 7	Sustainable Travel	Minimise the need to travel and where travel is necessary promote sustainable modes of transport	Improved public transport capacity and sustainable developments would improve air quality Improved active travel facilities across Science Vale	New objective
Objective 8		Minimise carbon emissions and other pollution such as water, air, noise and light, and increase resilience to the likely impact of climate change, especially flooding.		New objective

Table 2: Defined Objectives

- 4.2. The Scheme has been designed to be the most appropriate solution to meet the objectives noted above and the need, as detailed in Section 3. A rigorous assessment of alternatives has been undertaken which identified, consulted, refined, and evaluated a range of options, as detailed further in Section 6.

The Scheme

4.3. A detailed description of each element of the Scheme is set out in turn within the General Arrangement drawings [Appendix 8]. Although one composite Scheme, the Scheme can be divided into four elements, as set out below and illustrated on **Figure 7**:

- the A4130 Widening;
- Didcot Science Bridge;
- Didcot to Culham River Crossing; and
- Clifton Hampden Bypass.

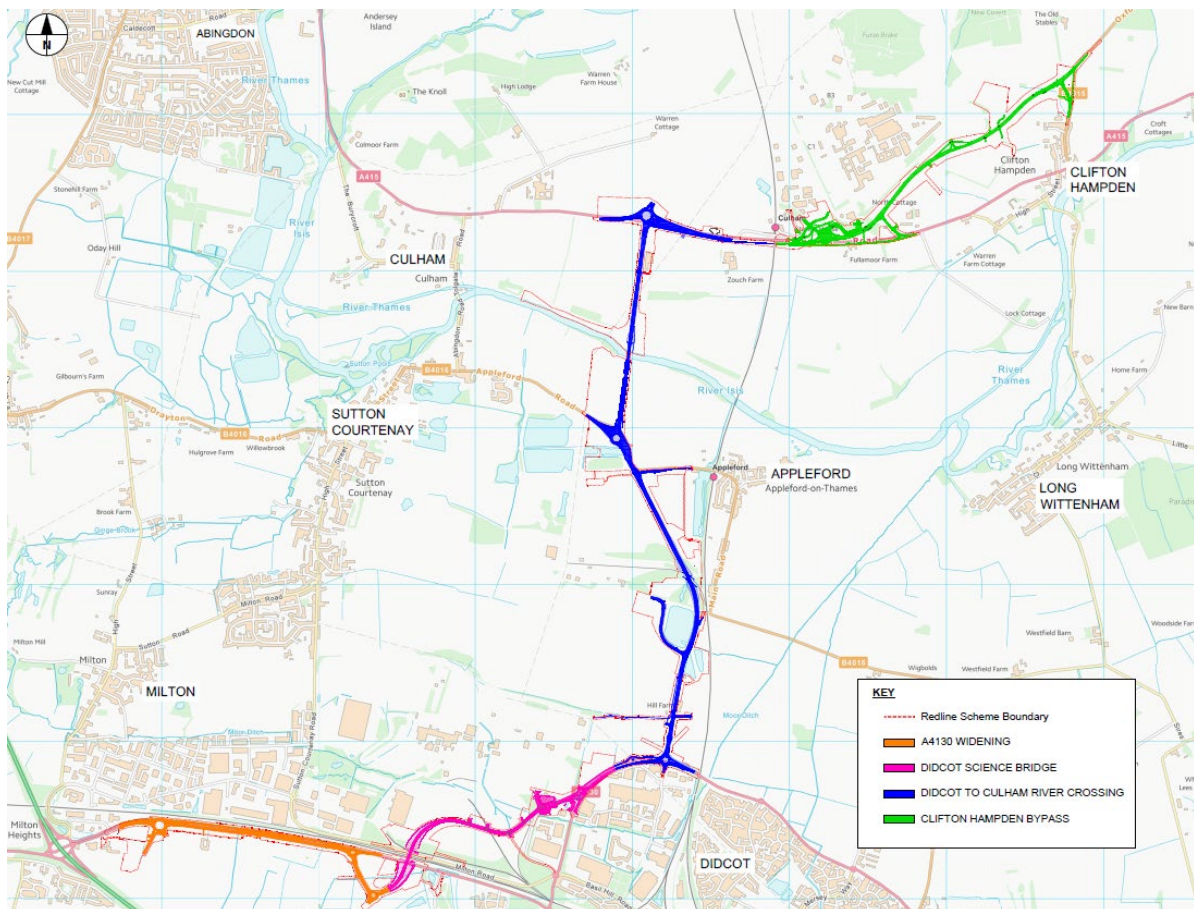


Figure 7: The Scheme Route

A4130 Widening

4.4. The A4130 Widening proposed layout is shown on General Arrangement drawings GEN_PD-ACM-GEN-DGT_ZZ_ZZ-DR-T-0001 to GEN_PD-ACM-GEN-DGT_ZZ_ZZ_ZZ-DR-T-0003.

4.5. The existing A4130 is the main access to Didcot from the strategic road network at the A34. It is dual carriageway extending eastbound from the Milton Interchange reducing to single carriageway at the Milton Gate junction.

- 4.6. A new, at grade, four-arm roundabout (Backhill roundabout) will be created approximately 200m to the east of the Milton Gate junction. This will include two lanes on its circulatory carriageway. The two mainline A4130 entry and exits will have two lanes. Two arms will be provided on the southern part of this roundabout, and these will provide access to planned developments on land to the south-west and south-east of the roundabout. Single lane entry and exits will be provided on these arms. The design of the south-western arm has been developed to connect with the proposed Milton Heights foot and cycle bridge over the A34.
- 4.7. East of the new Backhill roundabout, the A4130 will be dualled to two lanes in each direction. Most of the existing single carriageway, adjacent grass verges, ditches, hedgerows and trees will be retained. The existing single carriageway becomes the eastbound carriageway of the new dualled road. A new two-lane carriageway will be constructed south of the existing carriageway and will form the westbound carriageway of the improved road. The highway infrastructure in this location will be approximately 35m wide but may vary where the width of the existing ditch varies.
- 4.8. Further east, an access into the land with the benefit of outline planning permission (Valley Park Ref: P14/V2873/O, Vale of White Horse District Council – granted in February 2022) will be included. This will be a signalised junction, with a dedicated right turn lane included on the eastbound carriageway and a dedicated left turn included on the westbound carriageway. The existing ditch and hedgerow south of the existing carriageway will be removed in the vicinity of this junction, in order to provide a safe layout, including for the required visibility. The access will have a single exit lane and two approach lanes providing separate left turn and right turn lanes onto the new dualled A4130. Two bus lay-bys will be provided in this location, one east of the junction on the eastbound carriageway, and one to the west of the junction, on the westbound carriageway.
- 4.9. A second roundabout (old A4130 roundabout) will be created. This will be an at grade, three-arm roundabout with two lanes on its circulatory carriageway. It will provide access to the current alignment of the A4130 towards Didcot and to a single carriageway, which will connect with a third roundabout (the Didcot Science Bridge roundabout) to the south east. All three arms will be marked as two-lane entries, the eastern and south-eastern arms flaring from a single lane approach. The western arm will be marked as a two-lane exit, while the other two arms will provide only a single lane exit. To the east of this roundabout, two bus stops will be created in the main traffic lanes, on the alignment of the existing A4130. The eastern link road section between the proposed 'old A4130 roundabout' and the Didcot Science Bridge roundabout is a single carriageway and will provide the commencement length of what is to become the new A4130, from where it departs from the old A4130 roundabout. The Scheme will provide approximately 20.3m wide in this location, including Non-Motorised User provision.
- 4.10. The Didcot Science Bridge roundabout will be an at grade, three-arm roundabout, which will provide access between the A4130 and the Didcot Science Bridge, and to

the planned development at Valley Park. All approaches will be single lanes flaring to two entry lanes, while all exits will provide only single lanes.

- 4.11. The A4130 will be subject to a reduced speed limit of 40 mph from the junction with the roundabout at the A34 Milton interchange, continuing along the dual and retained single carriageway sections. This reflects the future urban nature of this modified road, with the allocated North West Valley Park and Land to the West of Great Western Park housing developments along the road and planned walking and cycling facilities.
- 4.12. Along the length of this section of the Scheme, segregated two-way, off-carriageway, cycling and walking facilities will be provided. East of the Milton Gate junction, the Scheme includes a shared use cyclist and pedestrian integral cycle track adjacent to the eastbound and westbound carriageways. This will link to the existing NMU only Backhill Lane Tunnel and extend around the northern side of Backhill roundabout, where a two stage Toucan crossing (east of the roundabout) will be provided allowing users to cross both carriageways. Segregated cycling and walking facilities and raised parallel crossings will also be included around the southern side of Backhill roundabout. The existing toucan crossing by Backhill Lane Tunnel will be replaced by a two stage Toucan crossing over the new dual carriageway. To the east of Backhill roundabout, a segregated two-way cyclist and pedestrian use cycle track will be provided to the south within the widened and new sections of the road, up to and including the Didcot Science Bridge roundabout. This will continue over the Didcot Science Bridge, and links to the public rights of way and future housing and employment developments located to the south of the A4130 (Milton Interchange, North West Valley Park and Land to the West of Great Western Park) will be provided.
- 4.13. A parallel crossing will be included at the western access to the Valley Park development. Additionally, an uncontrolled crossing will be provided east of the old A4130 roundabout, which will provide access to the eastbound bus stop (with bus shelter). A Toucan crossing will be included across the new A4130 immediately south of the old A4130 roundabout. This will provide access to the existing shared path for cyclists and pedestrians along the current alignment of the A4130 linking to Didcot.

An artist impression of the proposed A4130 Widening is shown in **Figure 8**.



Figure 8: A4130 Widening Artist Impression

Didcot Science Bridge

- 4.14. The Didcot Science Bridge proposed layout is shown on General Arrangement drawings GEN_PD-ACM-GEN-DGT_ZZ_ZZ_ZZ-DR-T-0004 to GEN_PD-ACM-GEN-DGT_ZZ_ZZ_ZZ-DR-T-0006.
- 4.15. The Didcot Science Bridge will consist of a new single carriageway passing over the A4130, the Great Western Mainline railway and Milton Road, landing in the former Didcot A Power Station site. The bridge will be approximately 14.9m in width, including its incorporated Non-Motorised User provisions.
- 4.16. This single carriageway road will continue as the Didcot Science Bridge Link Road, extending through the allocated development areas of the former Didcot A Power Station site. This part of the Scheme will provide approximately 18.3m in width, including Non-Motorised Use provision. The Non-Motorised Use provision shall be continued into the Didcot to Culham River Crossing element of the Scheme. The link road ties-in with A4130 Northern Perimeter Road, north of the Hawksworth Roundabout. The northern arm of Hawksworth Roundabout (A4130 Northern Perimeter Road) connects to the link road, forming a new ghost junction with a right turn pocket provided on the new link road into the old A4130 Northern Perimeter alignment, leading to Hawksworth Roundabout.
- 4.17. Throughout the Scheme extents, there are multiple side roads, which will provide direct access points into adjacent land located to the north and south of the Scheme. Side roads that lie within the Clowes Developments (UK) Limited development shall be provided by Clowes Developments (UK) Limited, all other side roads shall be provided by the Council.

- 4.18. A segregated two-way cyclist and pedestrian use cycle track will be provided over the Didcot Science Bridge on the eastern side of the bridge, as an integral facility of the new road.
- 4.19. East of the northern approach embankment to the Didcot Science Bridge, segregated bi-directional cycle tracks and adjacent footways are to be provided on both sides of the road. Three parallel crossings will allow users to cross the Science Bridge Link Road and, additionally, one parallel crossing will allow users to cross the old A4130 leading to Purchas Road/Hawksworth Roundabout. Where the Scheme ties in with the existing A4130 Northern Perimeter Road, a Toucan crossing will be provided to allow those using the north-south public right of way (and NCN5) to safely cross the new road on a new alignment. In this locality, a segregated two-way cycle track and adjacent footway will be located away from the carriageway to provide a continuous NMU link to the Didcot to Culham River Crossing. The existing footway on the southern side of the A4130 will be realigned to the new carriageway.
- 4.20. An artist impression of the proposed Didcot Science Bridge is shown in **Figure 9**.



Figure 9: Didcot Science Bridge Artist Impression

Didcot to Culham River Crossing

- 4.21. The layout of the Didcot to Culham River Crossing is shown on General Arrangement drawings GEN_PD-ACM-GEN-DGT_ZZ_ZZ_ZZ-DR-T-0007 to GEN_PD-ACM-GEN-DGT_ZZ_ZZ_ZZ-DR-T-0015.
- 4.22. The existing, at grade, four-arm roundabout (Collett roundabout) will be enlarged. It will include two lanes on its circulatory carriageway where currently there is only one. All approaches to the roundabout will flare out to two lanes and all exits off the roundabout will merge from two lanes into one lane. Two bus stops will be included to the east of the roundabout, on both carriageways. The alignment continues north along

the current alignment of an access road to several private residential properties, with two offline bus stops provided opposite one another on either side of the carriageway.

- 4.23. Further north, the Scheme will continue as a single carriageway with two accesses, one to land located to the east of the Scheme and one to land located west of the Scheme, both serving the proposed Didcot Technology Park (D-Tech) site. The D-Tech site will not be constructed in advance of the Scheme, therefore, access to the former J James Pallets and Wood Recycling site will be maintained, ensuring that any occupier of the site is able to operate during the construction of the Scheme. There will also be private accesses to Hartwright House and Hill Farm House. The Scheme will be approximately 20.3m in width, including Non-Motorised User provision and verges, but this will increase where bus stops and ghost island right turn lanes are provided (for example, to enable access to FCC Environment (UK) and Hanson Quarry Products Europe Limited operations).
- 4.24. The Scheme is aligned between three ponds, located to the east and west. Small sections of two of the ponds will be infilled. At this location, to the west of the main carriageway, a priority T junction and an access road will be constructed to replace the existing Portway Road access road further north. The priority junction will include a ghost island right turn lane for traffic travelling from the north. The minor arm will incorporate a widened exit so that traffic turning left to the north can filter past vehicles waiting to turn right. The severed section of the Portway Road will be retained as an access for maintenance and operational purposes for the ponds to the north and south. There will also be a priority T junction and access road to replace the existing access for Level Crossing Cottage, and the authorised users of the Appleford Level Crossing, including but not limited to Network Rail, FCC, Thames Water, residents of Level Crossing Cottage and the County Council.
- 4.25. Further north, the Scheme will cross Appleford railway sidings, a private railway siding for the Hanson aggregate operations and FCC Environment (UK) Landfill Site. The Scheme will remain as a single carriageway and will continue through an area of historic restored landfill (known as the 90-Acre Field). There will be a priority junction on the B4016 to the north and west of Appleford, including a dedicated ghost island right turn lane for traffic travelling north. Further north, two bus stops located opposite each other will be provided offline from the mainline of the Scheme. The proposed Sutton Courtenay roundabout will be an at grade, three-arm roundabout with two lanes on its circulatory carriageway. Two lanes will be included on all exits, which will merge to one lane once off the roundabout. This roundabout will provide access to the crossing over the River Thames and maintain links between Appleford and Sutton Courtenay and the surrounding areas.
- 4.26. Extending north from Sutton Courtenay roundabout, a 336m viaduct is provided to cross the River Thames floodplain with a 65m single span bridge over the River Thames, south bank to north bank. There will be two 45-metre side spans, one on the south bank of the River Thames as the last viaduct span before the bridge, and one on the north bank of the River Thames, before the road continues on embankment northwards. The River Thames is navigable at this location so the bridge height above

water level has been designed to accommodate river traffic. The crossing over the River Thames will be a single carriageway, approximately 16.9m in width including the Non-Motorised User provision.

- 4.27. To the north of the River Thames crossing, private accesses will be created to a farm property, Zouch Farm, located to the east of the alignment. Where the Scheme interfaces with the A415 Abingdon Road, a new four-arm at grade roundabout will be constructed to the north of the existing carriageway alignment, as an improvement of the A415. This connects the A415 Abingdon Road, the new road and a new stub to the north for the South Oxfordshire District Council Local Plan allocated housing site.
- 4.28. The A415 Abingdon Roundabout has two lanes on its southern circulatory carriageway and three on its northern side. This will ensure three lanes are provided at the A415 eastbound access onto the roundabout. Two-lane approaches will be included on all other entries, except for the A415 westbound, which will also include a segregated left turn lane. To the east of the roundabout, the A415 will return to a single carriageway.
- 4.29. Shared-use cyclist and pedestrian use cycle tracks are proposed at the Collett roundabout, with an inline Toucan crossing on the eastern arm, a raised parallel crossing on the southern arm, plus uncontrolled crossing points on the western and northern arms. An off-road segregated cyclist and pedestrian use cycle track will be provided to the north side of the A4130 west of Collett Roundabout to connect to the same provision in the adjacent Didcot Science Bridge section of the Scheme.
- 4.30. North of the Collett roundabout, there will be dedicated, off-carriageway, segregated two-way cycle tracks and footways either side of the carriageway and integral to the new length of Classified Road. Two parallel crossings will be provided to facilitate the proposed D-Tech development site and bus stops. The facilities on the northbound side will cease at the parallel crossing located north of the accesses to the proposed D-Tech development site. These facilities will continue adjacent to the southbound carriageway leading up to the Abingdon roundabout.
- 4.31. A Toucan crossing will be provided for pedestrians and cyclists to cross the mainline immediately south of the FCC/Hanson access road junction. The crossing will connect to a shared-use restricted byway along the west side of the Scheme.
- 4.32. An additional bridleway link to connect with an existing cycle route (NCN5) west of Hill Farm could be delivered by other parties. The restricted byway through the FCC landfill and Hanson quarries area will continue to be connected on the west side of the Scheme and by use of the new access road alignment, within which a new shared use path will be provided.
- 4.33. After the point at which the Scheme ties in with the B4016 Appleford Road, the mainline integral cycle track and footway will continue separately from the proposed carriageway by using a section of the existing B4016 carriageway alignment, which will be converted to the cyclist/pedestrian use facility as part of the B4016 improvement. A raised parallel crossing will be provided across the B4016 arm of the

junction and an integral cyclist/pedestrian use cycle track will be created within the northern side of the improved B4016, adjacent to the eastbound lane of the B4016, to connect the Scheme with the village of Appleford.

- 4.34. There will be an uncontrolled crossing of the mainline immediately north of the junction with the B4016. This will connect with a shared-use pedestrian and cyclist facility, which will extend alongside the northbound lane of the Scheme and continue beside the westbound lane of the B4016 from the Sutton Courtenay roundabout. A shared-use facility will also be located alongside the eastbound lane of the B4016 Sutton Courtenay link, which will be accessed via a Toucan crossing located across the north arm of Sutton Courtenay Roundabout for the River Thames bridge. There will also be an uncontrolled crossing point on the west (B4016) arm of the roundabout.
- 4.35. There will be dedicated, off-carriageway, two-way cycle track and footway facilities located adjacent to the southbound lane on the bridge across the River Thames. North of the River Thames a footpath will be provided to connect from the eastern side of the new road to the Thames path. The two-way cycle track and footway will continue to the Abingdon roundabout, where it will extend east adjacent to the westbound lane of the A415, linking back to the existing NMU facilities that lead into the Clifton Hampden Bypass. Access to a Toucan crossing across the eastern arm of Abingdon roundabout will be provided from the cycle track and footway. This will provide access to dedicated, off-carriageway, segregated two-way cycle track and footway facilities located adjacent to the eastbound lane of the A415. A raised parallel crossing will be provided across the northern arm of the roundabout.
- 4.36. The proposed NMU facilities on the northern arm will lead into land allocated for future development known as Land adjacent to Culham Science Centre. A two-way cycle track and footway will be provided on the western arm adjacent to the east bound carriageway.
- 4.37. An artist impression of the proposed Didcot to Culham River crossing is shown in **Figure 10**.



Figure 10: Didcot to Culham River Crossing Artist Impression

Clifton Hampden Bypass

- 4.38. The Clifton Hampden Bypass proposed layout is shown on General Arrangement drawings GEN_PD-ACM-GEN-DGT_ZZ_ZZ_ZZ-DR-T-0016 to GEN_PD-ACM-GEN-DGT_ZZ_ZZ_ZZ-DR-T-0019.
- 4.39. The Clifton Hampden Bypass will re-route traffic on the A415 around the village of Clifton Hampden, which currently experiences a large amount of through traffic as people travel between the A415 to A4074.
- 4.40. The existing A415 will be realigned south of the Culham Science Centre, connecting to the B4015 Oxford Road to the north of Clifton Hampden Village and a bypass will be created. The proposed works also include the construction of a large four-arm roundabout at the western end of the Scheme, just east of Culham Station, providing access to the South Oxfordshire District Council Local Plan allocated housing site known as Land adjacent to Culham Science Centre, a railway station and Leda Properties Limited owned farmland/businesses north of Culham Science Centre (coming off the northern arm), and Culham Science Centre (on the north east arm). Station Road will be realigned and will join with a new entrance to the industrial properties (Culham No 1 site) located north west of the roundabout. An existing access road into the Culham Science Centre will be terminated and converted into a cyclist/pedestrian use cycle track. The other exit from the roundabout into the Culham Science Centre will provide two access points to Culham Science Centre (main gate and perimeter road). The bypass will be aligned in a south west to north east direction and will be a single carriageway, approximately 11.3m in width, including segregation strip and hard strip, but this will increase in some cases, for example, where dedicated ghost island right turn lanes are provided.

- 4.41. There will be a dedicated, ghost island, right turn lane that will connect with a new single carriageway, which will connect with the current alignment of the A415. This will provide access to the village of Clifton Hampden.
- 4.42. Two bus stops are proposed on the bypass, outside Culham Science Centre, to link public transport to this employment centre. The westbound bus stop will be in a lay-by, while the eastbound bus stop will be on-carriageway. A second pair of bus stops are proposed near the B4015 connection junction, as a provision for future use by local bus companies to connect with Clifton Hampden Village. The westbound bus stop will be in a lay-by, while the eastbound bus stop will be on-carriageway. Both sets of bus stops will be equipped with a bus shelter and Sheffield stands.
- 4.43. A dedicated, off-carriageway, cyclist and pedestrian shared use cycle track will be provided both sides of the A415 carriageway, integral to that highway, west of the roundabout. There will be several shared and segregated cyclist and pedestrian use cycle tracks, with crossings, created around the roundabout with the Culham Science Centre and Clifton Hampden Bypass. A new segregated cyclist and pedestrian use cycle track is proposed to link Culham Station and Culham Science Centre.
- 4.44. This route is designed wide enough in anticipation of heavy NMU demand between these two points. Raised parallel crossings have been provided along this route to allow priority for NMUs over vehicular traffic. The existing A415 that will no longer be required for vehicular traffic, lying to the south of the proposed roundabout, will be stopped up and become a new shared use cyclist and pedestrian use cycle track, which links up to a new shared use integral cycle track of the A415 on its south side.
- 4.45. This new route extends west across the existing rail bridge and into the Didcot to Culham River Crossing. The existing main entrance to the Culham Science Centre will be repurposed as a cyclist and pedestrian shared use cycle track to connect the existing A415 and the new bypass. This will be shared with a private access road for the County Council's use to access one of its attenuation ponds. A toucan crossing is proposed where this route meets the bypass.
- 4.46. Along the bypass, an integral cyclist and pedestrian shared use cycle track will be provided along the north side of the road. Several crossings at adjoining roads will be provided and links to existing footpaths will be provided. Additionally, two uncontrolled crossings across the bypass will be provided to maintain connectivity of local Public Rights of Way.
- 4.47. An integral cyclist and pedestrian use shared use cycle track will be provided along the west side of the realigned B4015 at the northern end of the Clifton Hampden Village. The existing B4015 carriageway that will no longer be required for vehicular traffic will be stopped up and provided as a new cyclist and pedestrian use cycle track, which links to the existing B4015 to the north.
- 4.48. An artist impression of the proposed Clifton Hampden Bypass is shown in **Figure 11**.



Figure 11: Didcot to Clifton Hampden Bypass Artist Impression

Public Transport

4.49. As part of the Scheme, a number of bus stops and associated public transport infrastructure are proposed, which will increase the accessibility and catchment of the existing bus services in this area, whilst also helping to cater for new or improved services in the future. These include:

- Four bus stops (two eastbound and two westbound) along the A4130
- Four bus stops (two eastbound and two westbound) as part of the Didcot Science Bridge section
- Six bus stops (a pair on the A4130 to the east of Collett Roundabout, a pair at the southern end inside the future employment site, and a pair near Appleford) as part of the River Crossing section, and
- Four bus stops (a pair at Culham Science Centre and a pair north of Clifton Hampden Village) as part of the Clifton Hampden Bypass section.

5. SCHEME OBJECTIVES AND THE BENEFITS OF THE SCHEME

Introduction

- 5.1. This section identifies how the Scheme as described in Section 4 meets the identified Scheme objectives. Furthermore, this section sets out the benefits that the Scheme provides in meeting the identified objectives (see paragraph 4.1 and Table 2).

Meeting the Scheme Objectives

- 5.2. The Scheme achieves all of the Scheme Objectives set out in **Table 2**. The Scheme is designed to improve access to future housing and employment growth in the local area, including access by walking, cycling and public transport. The Scheme is policy backed and is the cornerstone of mitigation for the planned growth in the area. The Scheme does not aim to provide unlimited highway capacity for cars, or to remove all congestion; it forms part of a balanced transport strategy, which also provides high-quality walking and cycling infrastructure, helping to engender modal shift to more sustainable modes.
- 5.3. The Scheme will help relieve pressure on local transport networks and will facilitate economic growth across the Science Vale area whilst accommodating the expanding communities in the local area. The provision of walking and cycling facilities offer real mode choice for work and leisure, helping to encourage modal shift. Improving local roads and providing new roads will lead to more reliable journey times, less congestion, more job opportunities, and better community links.
- 5.4. The Scheme both directly delivers and indirectly enables a significant number of new and/or improved walking and cycling routes in the area. The provision of additional and improved NMU routes and crossing points will help to reduce the existing severance caused by the Great Western Mainline and River Thames. Connections to public rights of way will be provided, and safe access to and from new bus stops. This will help to engender modal shift away from the private motor car, particularly for commuting purposes for employment and education, but also for important access to amenities such as retail and healthcare, and for leisure trips. The potential future NMU schemes that could link to the Scheme may be delivered by the Council, housing or employment developers, or other bodies. There may be other schemes identified through the planning application processes for other developments, or through the Didcot Local Cycling and Walking Infrastructure Plan (LCWIP) which has yet to be undertaken.
- 5.5. Transport journey time data has been extracted from the Paramics model as detailed in Chapter 16 of the Environmental Statement submitted for the Scheme (16.10: Assessment of likely significant effects) [**Appendix 9**]. This assesses a number of routes, as shown in **Figure 12**. The Scheme will result in significant reductions in journey time across the network, as presented in **Figure 13**.

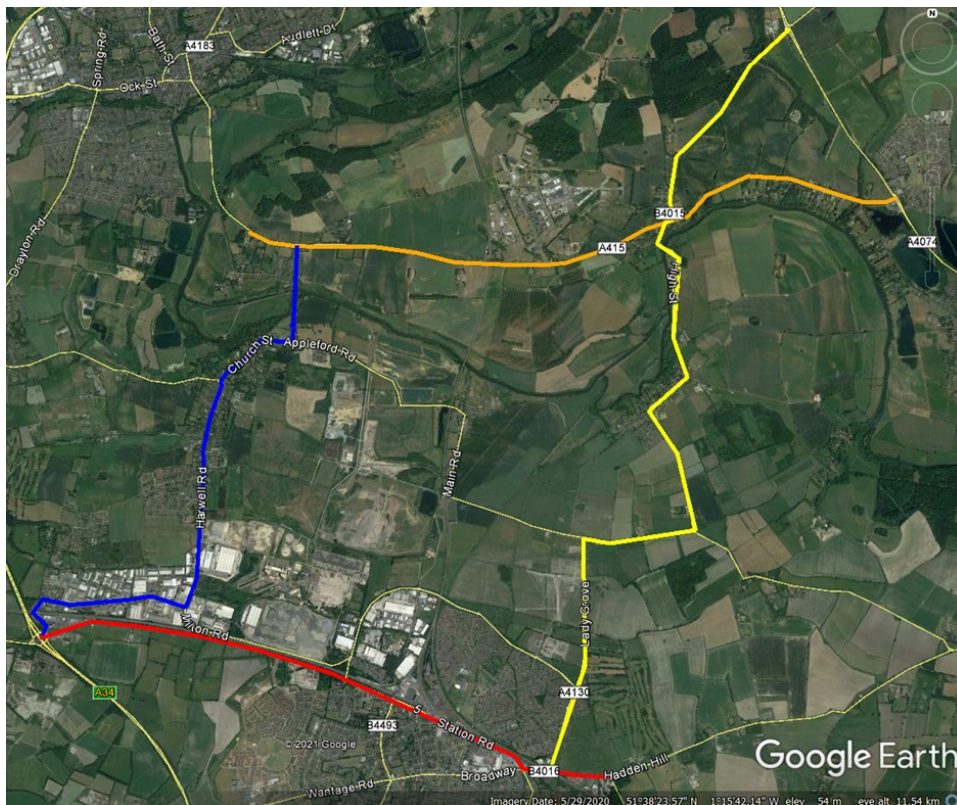


Figure 12: Journey Time Routes

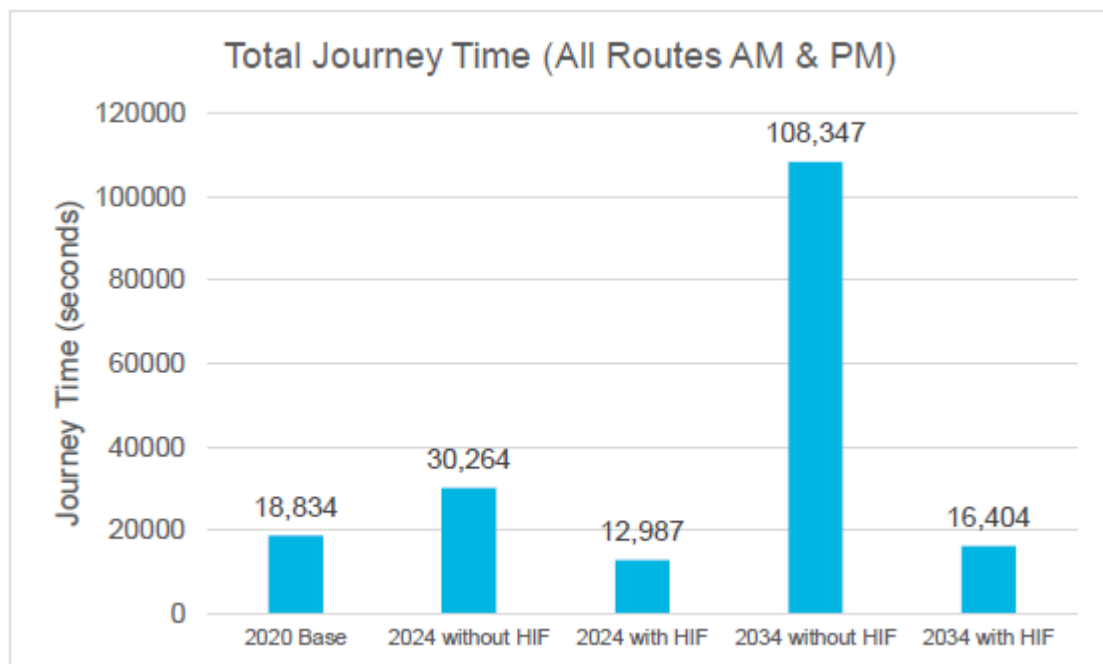


Figure 13: Total Journey Time (All Routes AM & PM)

- 5.6. The Scheme will significantly reduce journey time and/or improve journey time reliability for existing, altered, or new bus services and timetabling. In addition to improved journey time reliability, the Scheme provides 18 new bus stops, which will increase the accessibility and catchment of the existing, amended and new bus services in this area, enabling modal shift to public transport and active travel modes.

- 5.7. The A4130 Widening element of the Scheme includes upgrading the existing single carriageway road to dual carriageway standard, with adjacent but segregated walking and cycling infrastructure. This NMU provision will be key to encourage active modes of transport, particularly to access the recently reopened Backhill Lane Tunnel to Milton Park Enterprise Zone and schools located in the new residential development sites. Equally, it will provide enhanced NMU provision and bus facilities, in part, from areas in the west to Didcot Town Centre and Didcot Parkway railway station. It will provide direct access and capacity for two strategic housing sites, known as North West Valley Park and Land to the West of Great Western Park, and the Didcot Growth Accelerator Enterprise Zone, allocated in the Vale of White Horse District Council Local Plan 2031, as well as improved access to and from the Strategic Road Network.
- 5.8. The Didcot Science Bridge will reduce severance by providing another access point over the Great Western Mainline, including for pedestrians and cyclists. It will provide an alternative route for through traffic by improving the route (Northern Perimeter Road) around the town of Didcot. It will reduce congestion at Great Western Park junctions, Manor Bridge and Power Station roundabouts. This element of the Scheme will also enhance access to development sites at Valley Park (deemed as a key objective in the Valley Park planning application (ref P14/V2873/O) and related Planning Supporting Statement [**Appendix 10**]) and former Didcot A Power Station site (ref P15/S1880/O) [**Appendix 10**], including further development opportunities on brownfield land.
- 5.9. The Didcot to Culham River Crossing element of the Scheme will alleviate the current severe transport impacts on the existing bridges at Sutton Courtenay / Culham and Clifton Hampden, whilst providing a new direct link across the River Thames, including for pedestrians and cyclists. This element of the Scheme increases capacity for north/south movements across southern Oxfordshire and reduces pressure on the A34, whilst increasing network resilience across the Thames floodplain.
- 5.10. The Didcot to Culham River Crossing element of the Scheme will also improve network resilience at periods of flooding. This element of the Scheme will also enhance access between Didcot and Culham Science Centre and further afield to Oxford (in conjunction with the Clifton Hampden Bypass), including new and direct pedestrian and cyclist links. This will also enable direct active travel links between new homes at Culham and employment at Milton Park/Harwell campus via existing rights of way and other committed infrastructure proposals. Furthermore, this section of the Scheme directly serves as an access junction for an allocated residential development of 3,500 allocated new homes to the north of the A415, known as Land adjacent Culham Science Centre, and supports wider cumulative development. It also improves access to Culham Science Centre, delivering improved connectivity for employees and visitors. This is not only for cars, as this section includes high-quality, off-carriageway pedestrian and cycle facilities along its full length, making commuting by cycle attractive between existing and future housing in Didcot to a major employment area at Culham Science Centre. It also provides the Didcot sites with a high-quality direct

link to Culham, Abingdon, and an alternative route to Oxford, avoiding the congested A34.

- 5.11. The Clifton Hampden Bypass element of the Scheme provides relief to historic congestion within Clifton Hampden Village and enables further development at the Culham Science Village and Berinsfield Local Plan allocations, as well as commercial development at Culham Science Centre. Additionally, given the success of the Science Vale area, housing developments to the east of Oxford known as Land at Berinsfield, Land South of Grenoble Road, Land at Northfields and Land North of Bayswater Brook (allocated in South Oxfordshire District Council Local Plan 2034), are also reliant on the Clifton Hampden Bypass and Didcot to Culham River Crossing.
- 5.12. This also means that the Scheme is required for Oxford City Council's unmet housing need (often quoted as the least affordable area of the UK relative to wages), largely allocated to the east of Oxford City Centre. In addition, the Clifton Hampden Bypass element of the Scheme will provide enhanced NMU provision and access to Culham Science Centre (including access to the countryside), including creating the environment for enhanced bus services to existing and additional locations including to housing and employment areas in East Oxford. Additionally, it will create an improved environment in Clifton Hampden itself by removing standing traffic and therefore improving the noise and air quality conditions. The Environmental Statement submitted for the Scheme identifies these improvements in Figure 10.6 of Chapter 10 (Noise and Vibration) and Table 6.15 of Chapter 6 (Air Quality) [**Appendix 9**].
- 5.13. It is evident that the Scheme provides a strategic solution to enhance the connectivity between key existing and allocated housing and employment growth areas. This will enable and foster innovation, research and development in the Science Vale area. Science Vale serves a cluster of innovative, high technology, research and development industries across South Oxfordshire District and Vale of White Horse District. It is one of the anchors of the Oxfordshire Knowledge Spine, as described in the Oxfordshire Strategic Economic Plan which states at page 11 under the subtitle The Oxfordshire Knowledge Spine [**Appendix 11**]:

Science Vale Oxford where we will build on its extensive research infrastructure and the designation of Harwell as the home of the national Satellite Application 'Catapult' and the European Space Agency.

- 5.14. It has strong ties with Oxford University, one of the world's leading academic institutions, and contains two of the UK's leading science research centres at Culham and Harwell.

Benefits

- 5.15. In addition to meeting the six identified objectives, the Scheme will also provide additional benefits for Didcot, surrounding Villages and the Science Vale. Whilst there may be elements of overlap with the Scheme objectives, the benefits are deemed significant. The benefits have been identified below:

- a) Reducing traffic flow and associated congestion from surrounding historic parishes will enhance the local environment by improving air quality and reducing noise, creating more healthy liveable streets;
- b) Upholding Didcot “Garden Town” (DGT) status by reducing traffic flow and associated congestion through the Town Centre, aiding in the DGT Central Corridor vision to be implemented. This is detailed further in Section 5.1.4 “a new movement pattern” and Chapter 5 “The infrastructure needed to support the garden town” of the DGT Delivery Plan [**Appendix 12**];
- c) Enabling surrounding villages to implement traffic calming measures such as Low Traffic Neighbourhoods (LTNs), 20mph zones and ‘School Streets’ (a road outside a school with a temporary restriction on motorised traffic at school drop-off and pick-up times), in addition to the potential to reclaim highway land for civic and amenity spaces in the heart of villages;
- d) Supporting the efficient and connected movements of goods and services by updating the area’s road classifications, signage strategy and HGV routes/weight restrictions, further deferring traffic from the Town Centre and local villages;
- e) Improving NMU accessibility and connection to green spaces such as the Thames Path and Millennium Common, as identified in General Arrangement Drawing plan 13 [GEN_PD-ACM-GEN-DGT_ZZ_ZZ_ZZ-DR-T-0013-003] [**Appendix 8**];
- f) Delivering a high-quality and well comprehensive active travel network, enabling direct and safe connections to existing and proposed education, employment, housing, amenity and recreational areas and reducing the impact of the private vehicle;
- g) Facilitating new or amended bus routes offering direct links to potential public transport hubs, further enhancing accessibility;
- h) Unlocking the delivery of homes in the DGT area including affordable homes as set out in Section 6.1.3 “Supporting high quality housing” and Chapter 6 “Delivering wider choice of homes” of the DGT Delivery Plan [**Appendix 12**];
- i) Enabling the delivery of employment growth providing a wide variety of jobs;
- j) Promoting greater resilience on the network by providing alternative routes through this important employment and residential area, helping to combat road closures and long diversion routes, such as the flooding of the existing bridges over the River Thames at Clifton Hampden and Culham in February 2021;
- k) Providing community benefits by providing construction work locally;

- l) Complementing planned and funded infrastructure such as Milton Heights Bridge, Didcot Central Corridor and the Northern Permitter Road 3 (NPR3), to achieve the greatest modal shift for private car use;
- m) Creating a dynamic and innovative place where technology and efficient solution will be embraced, such as Superfast broadband, Connected and Autonomous Vehicles (CAV), E-scooters and other emerging mobility demand transport modes;
- n) Providing the opportunity to restrict the historic Culham Cut / Sutton bridge and Clifton Hampden bridge to buses and NMU users only;
- o) Providing the opportunity for pedestrian and cycle access improvements at Appleford and Culham Railway Stations; and
- p) Upholding Didcot “Garden Town” status by reducing traffic flow and associated congestion through the Town Centre, aiding in the DGT Central Corridor vision to be implemented.

6. ALTERNATIVES TO THE SCHEME

Introduction

- 6.1. This Chapter outlines the rigorous Scheme selection process that the Council has undertaken and its robust approach to ensuring an appropriate range of options have been identified, consulted, refined, and evaluated against available information in coming to the decision that the Scheme is the most appropriate solution to meet the need and objectives.
- 6.2. Identification of the preferred scheme option has been progressed in line with DfT's WebTag guidance as per the process shown in **Figure 14**.

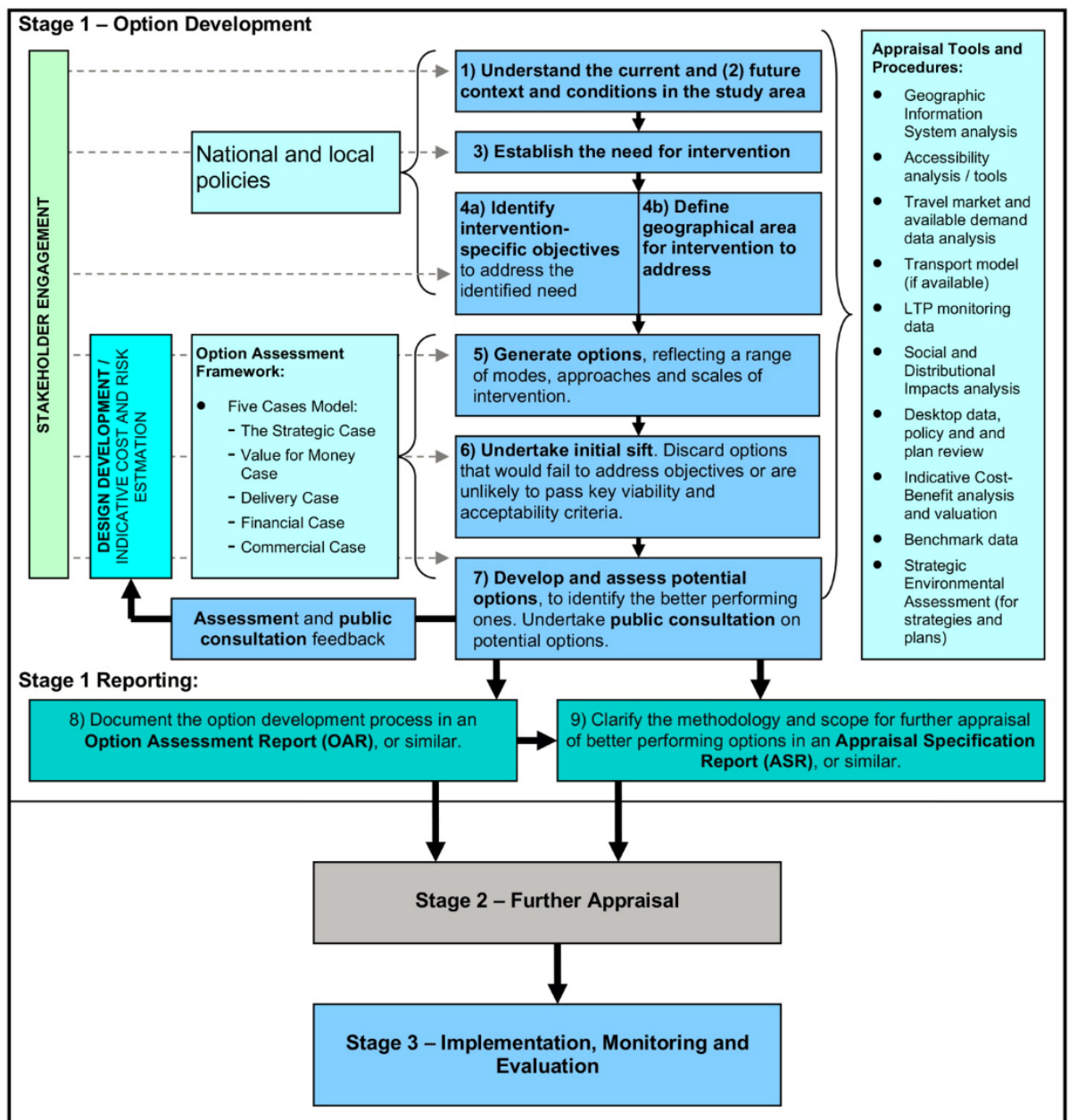


Figure 14: DfT's WebTag guidance

Option Appraisal Report

- 6.3. An Option Appraisal Report (OAR) [**Appendix 7**] was produced and submitted as part of the planning application and includes more detail on the alternatives and optioning process.
- 6.4. A robust optioneering and appraisal process was adopted to select better performing junctions/ access points improvement options, in accordance with the DfT TAG guidance. A four-phase appraisal process has been undertaken as shown in **Figure 15**.

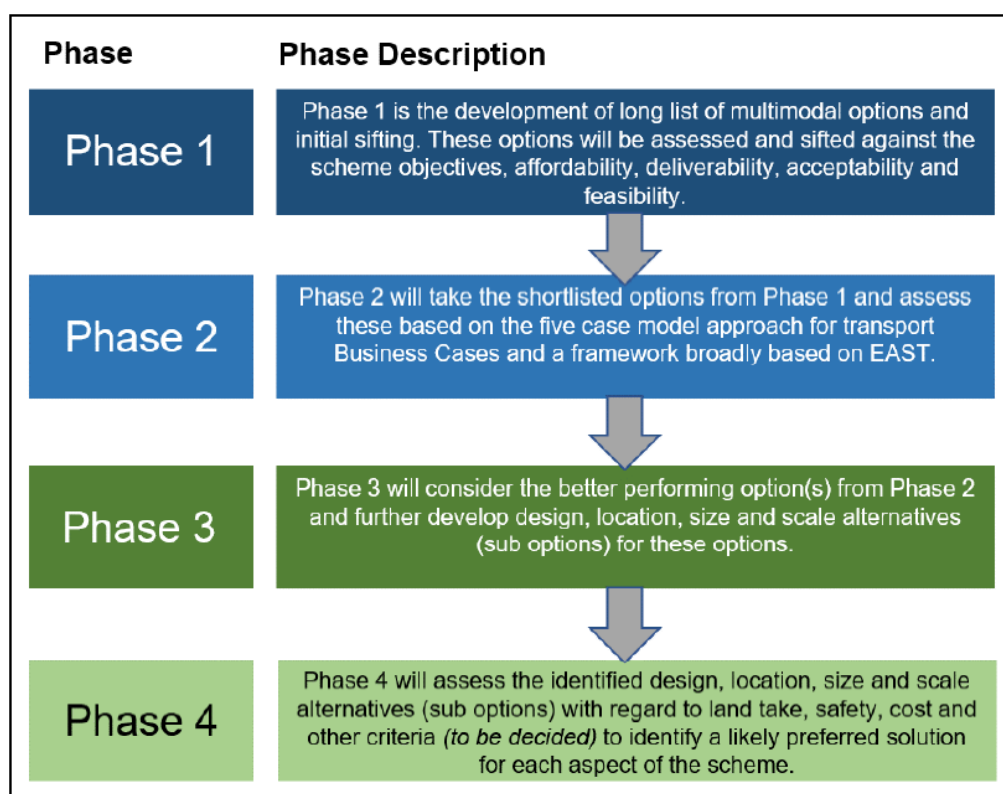


Figure 15: Options Identification and Appraisal Process

- 6.5. The following sections provide a summary of each of the option appraisal stages.

Phase 1: Initial Sift

- 6.6. **Table 3** below provides an overview of all options considered as part of the Phase 1 appraisal process, including the mode and source document. Of the options considered, the physical infrastructure options (i.e., those that were not merely software based, such as the 0 – do minimum option) are shown in **Figure 16**.

Option Ref	Intervention	Mode
0	Do Minimum	No additional
1	A4130 Widening	Multi-modal
2	Didcot Science Bridge	Multi-modal
3	Didcot to Culham River Crossing	Multi-modal
4	Clifton Hampden Bypass	Multi-modal
5	Enhanced bus network including bus lanes and bus priority signals	Public Transport
6	Park and Ride in vicinity of A34	Public Transport
7	Improved rail services from Didcot to Oxford and Reading	Public Transport
8	Improved station at Didcot & Culham plus new station at Grove	Public Transport
9	Junction realignment and signalisation	Highways
10	Upgrades and co-ordinated traffic signal control	Highways
11	Comprehensive cycle and walking networks across Science Vale	Active Travel
12	Science Vale Bus Rapid Transit	Public Transport
13	Science Vale Light Rail Link	Public Transport
14	Demand Responsive Transport	Public Transport
15	Small scale bus improvements across Science Vale	Public Transport
16	A34 Widening	Highways

Table 3: Phase 1 Options Assessed

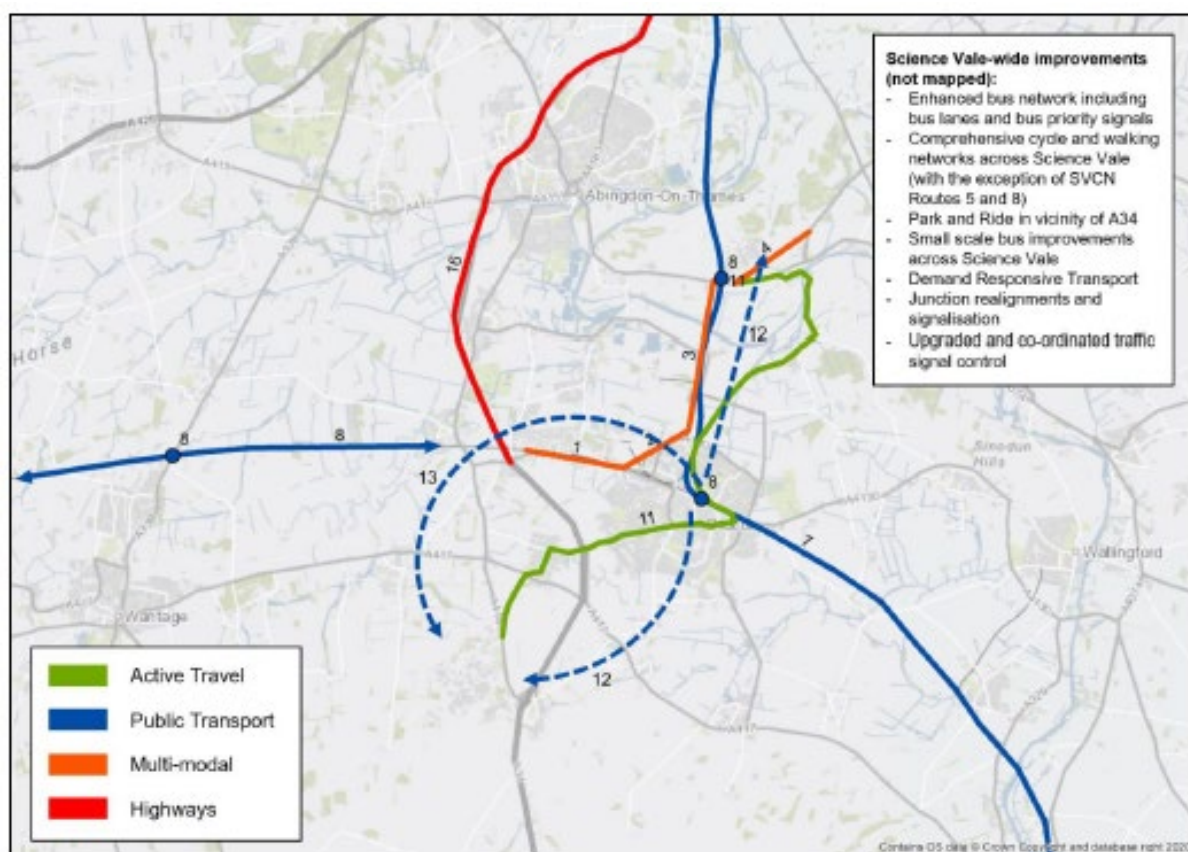


Figure 16 Options assessed as part of the OAR and set out in Table 3 'Phase 1 Options Assessed' above

6.7. For the initial sift (Phase 1), each option in **Table 3** was appraised by assessing its alignment with the Six objectives alongside additional criteria of affordability, deliverability, acceptability and feasibility. The summary results of the Phase 1 Sift resulted in Options 0, 5, 6, 7 and 9-16 not being taken forward to the Phase 2 assessment due to the low, poor or very poor scores achieved. Options 1-4 and 8 were taken forward to Phase 2 assessment, as detailed further in paragraph 6.8 below. Though discarded as part of the Phase 1 sift, Option 11 determined that improved walking and cycling should be a key feature of preferred Scheme options. Further detail on the Phase 1 sift results is set out in detail in the OAR [**Appendix 7**].

6.8. The Phase 1: Initial Sift identified five options that would contribute to delivering the level of growth needed to achieve local housing and employment requirements. Due to the positive score achieved the following options were taken forward to Phase 2 for a more detailed appraisal:

- Option 1: A4130 Widening
- Option 2: Didcot Science Bridge
- Option 3: Didcot to Culham River Crossing
- Option 4: Clifton Hampden Bypass, and
- Option 8: Improved stations at Didcot and Culham, plus a new station at Grove.

Phase 2: EAST Appraisal and Scoring

- 6.9. Phase 2 assessed the five shortlisted options based on the following five-case business case approach and a framework based on the Early Assessment and Sifting Tool (“EAST”) methodology:
- Strategic
 - Economic
 - Management
 - Financial, and
 - Commercial.
- 6.10. The criteria used to assess each option is set out in Appendix D of the OAR [**Appendix 7**]. **Table 4** summarises the results of the Phase 2 sift, and the full assessment is outlined in Appendix E of the OAR [**Appendix 7**].
- 6.11. The assessment aimed at drawing out weaknesses and strengths of each of the options, rather than quantitatively comparing them on the score achieved, to understand the nuance of each of the options. The scores nevertheless provide a broad guide as to how the options compare to one another.

Option	Business Case Element				
	Strategic (max score 60)	Economic (max score 25)	Management (max score 25)	Financial (max score 20)	Commercial (max score 15)
1	50	19	22	17	13
2	49	18	18	15	12
3	49	19	18	14	12
4	50	19	20	16	12
8	35	18	16	12	7

Table 4: Phase 2 Score Summary

- 6.12. The Phase 2 appraisal showed how the five options performed against the five-case business case criteria laid out in the EAST tool. The benefits of the five options have been clearly defined, whilst the areas in which each option does not perform have also been highlighted. This assessment was not aimed at identifying one single preferred option, but instead to draw out the strengths and weaknesses of each option.
- 6.13. The assessment has identified that across all five-case business case criteria, Option 8 (Improved stations at Didcot and Culham, plus a new station at Grove) performed the worst. There were key concerns for this option including the significant cost, deliverability and potential to support planned development across Didcot and Science

Vale. There were also concerns surrounding the programme of delivery of this option and how this would align with planned development. Overall, it was demonstrated that this option would not be a suitable fit to support development across Didcot and Science Vale and, therefore, the option was discounted and not taken forward to the next stage of assessment.

6.14. The remaining four assessed options went forward to be further assessed as part of Phase 3 and 4. These were as follows:

- Option 1: A4130 Widening
- Option 2: Didcot Science Bridge
- Option 3: Didcot to Culham River Crossing, and
- Option 4: Clifton Hampden Bypass.

Phase 3 and 4: Sub Options

6.15. Phase 3 and 4 considered design, location, size, and scale alternatives to the four preferred options as identified in Phase 2. The alternatives were based on optioneering studies undertaken by Oxfordshire County Council as presented in **Figure 17**.

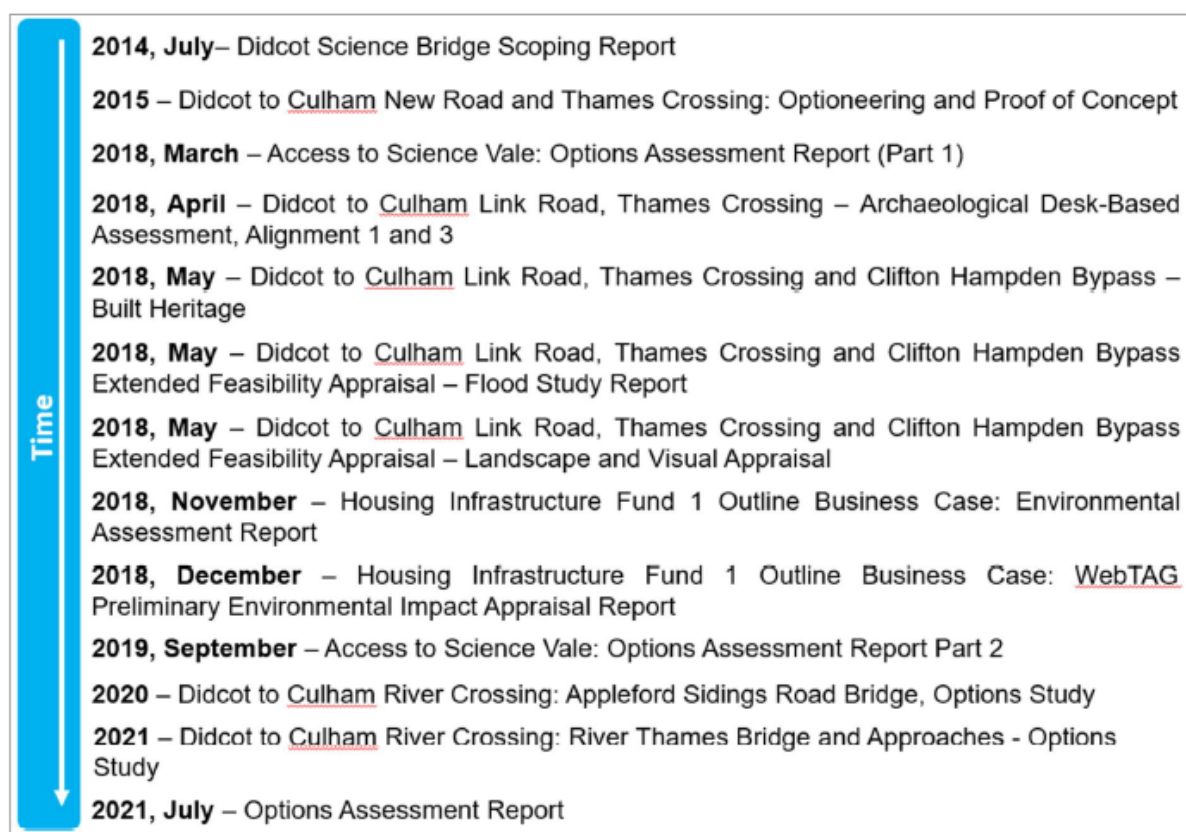


Figure 17: Chronology of optioneering reports

A4130 Widening – Sub Options

6.16. For the A4130 Widening, two sub-options were assessed as illustrated on **Figure 18**.

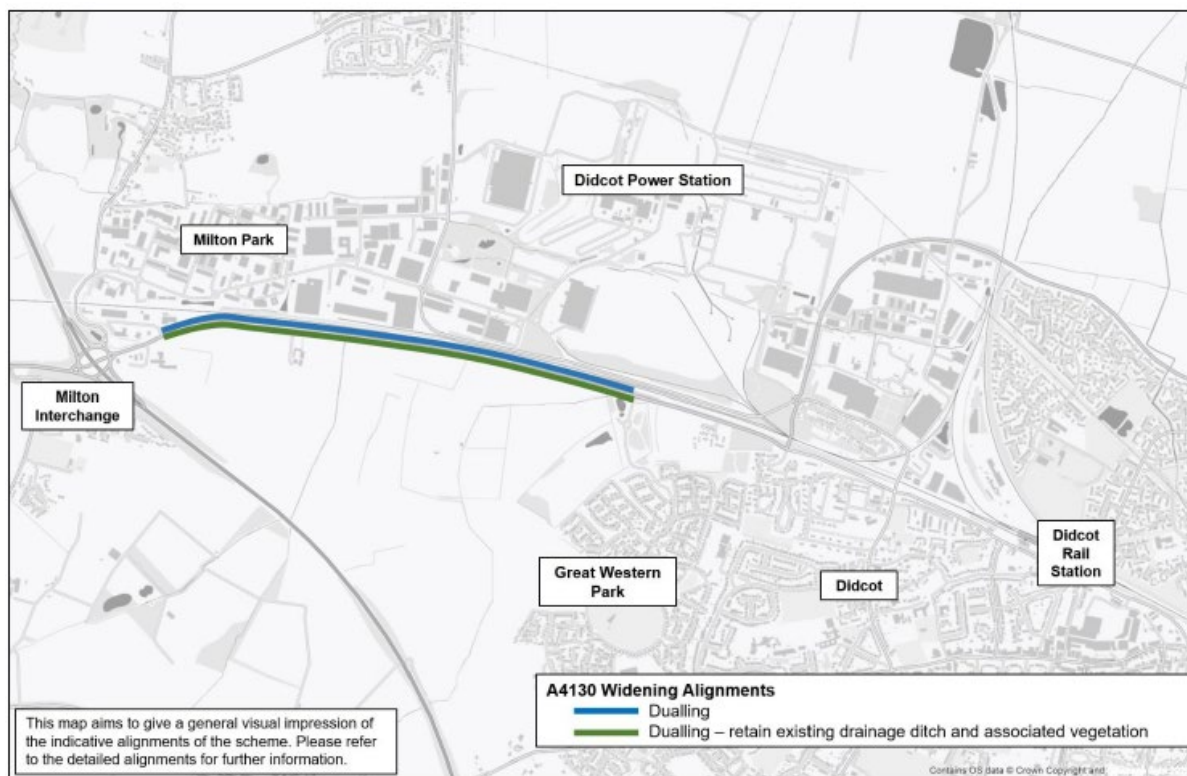


Figure 18: A4130 Widening Sub Options

6.17. In summary, the 2021 OAR concluded the following with regards to the A4130 Widening sub options:

*'8.2.6 After consideration of the benefits, issues and deliverability constraints for each of the A4130 Widening sub-options it has been determined that **sub-option 1.5** (Dualling – retain existing draining ditch and associated vegetation) is the preferred option.'*

Didcot Science Bridge - Sub Options

6.18. For Didcot Science Bridge, three sub-options were assessed. These alignments were first identified in the Didcot Science Bridge Scoping Report produced by Atkins in 2014 and have since been refined further. **Figure 19** shows the indicative locations of the three sub-options assessed.

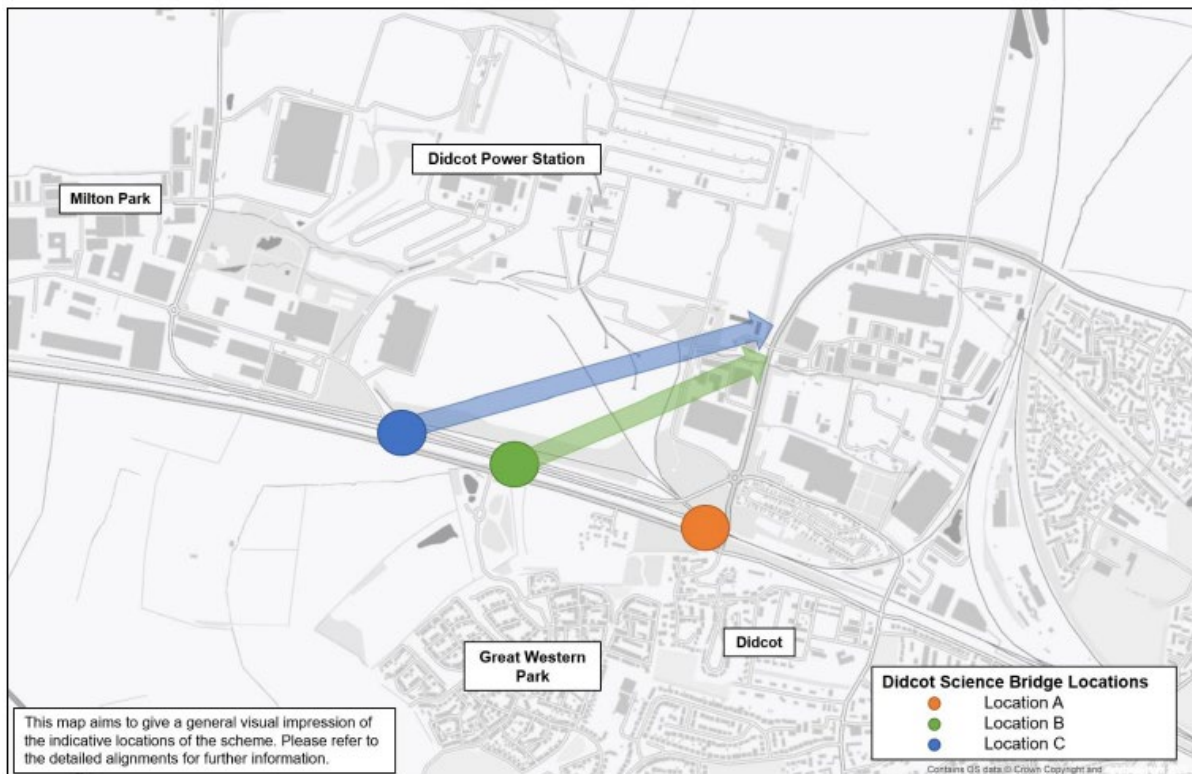


Figure 19: Didcot Science Bridge Sub Options

- 6.19. In summary, the 2021 OAR concluded the following with regards to the Didcot Science Bridge sub options:

*'8.3.8 After considerations of the benefits and issues for each of the Didcot Science Bridge sub-options it has been determined that **sub-option 2.4** (Alignment C) is the best performing as it can be built off-line and links housing directly to employment.'*

Didcot to Culham River Crossing – Sub Options

- 6.20. It should be noted that the Didcot to Culham River Crossing has been subject to substantially more optioneering than the other options brought forward, as the site is less spatially constrained and many different alignments were able to be investigated at the early design stage. However, there are also several environmental and engineering constraints unique to the Didcot to Culham River Crossing, and these needed to be taken into consideration as part of design. As illustrated in **Figure 20**, six indicative alignments were assessed.

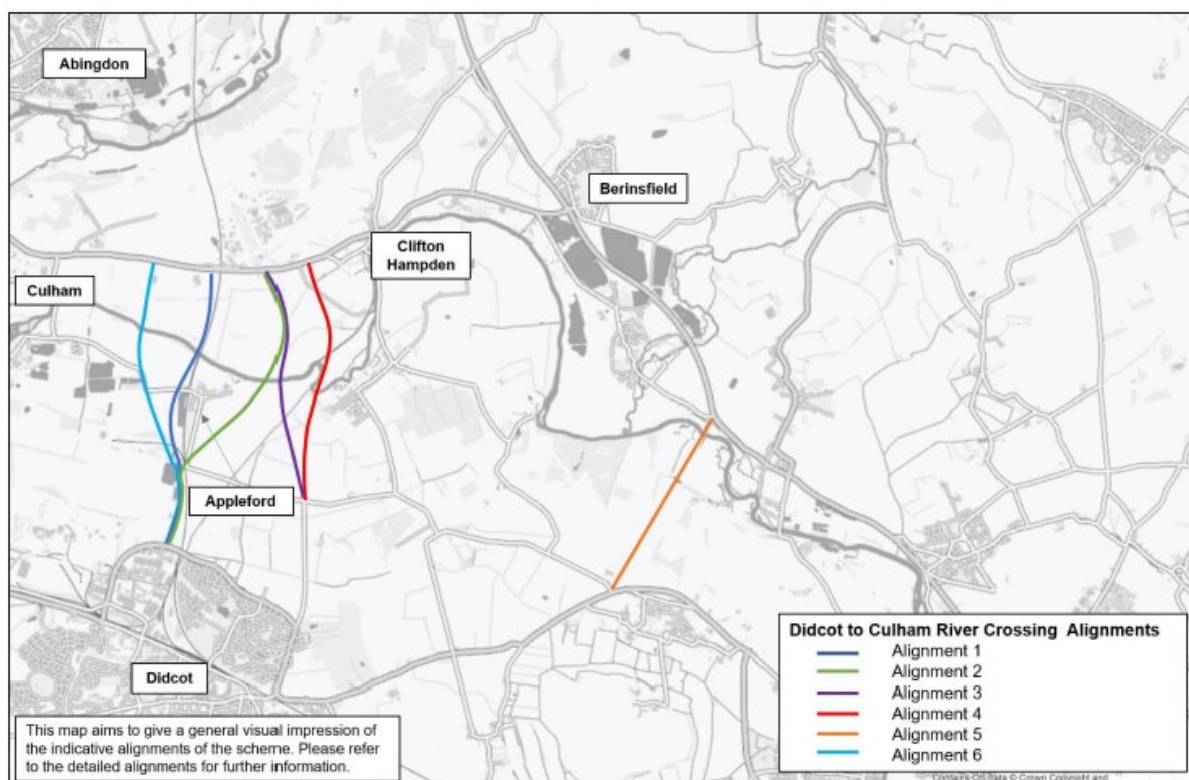


Figure 20: Didcot to Culham River Crossing Sub Options

6.21. In summary, the 2021 OAR concluded the following with regards to the Didcot to Culham River crossing sub options:

*‘8.4.19 After consideration of the benefits and issues for each of the Didcot to Culham River Crossing sub-options it has been determined that **sub-option 3.6** (Alignment 6 as shown on Figure 19) (New Western Alignment) is the best performing as this minimises the environmental impacts of the scheme, avoids areas of archaeological importance and is more likely to be cost effective.’*

Clifton Hampden Bypass Sub Options

6.22. For the Clifton Hampden Bypass, four sub-options were assessed as presented in **Figure 21**.

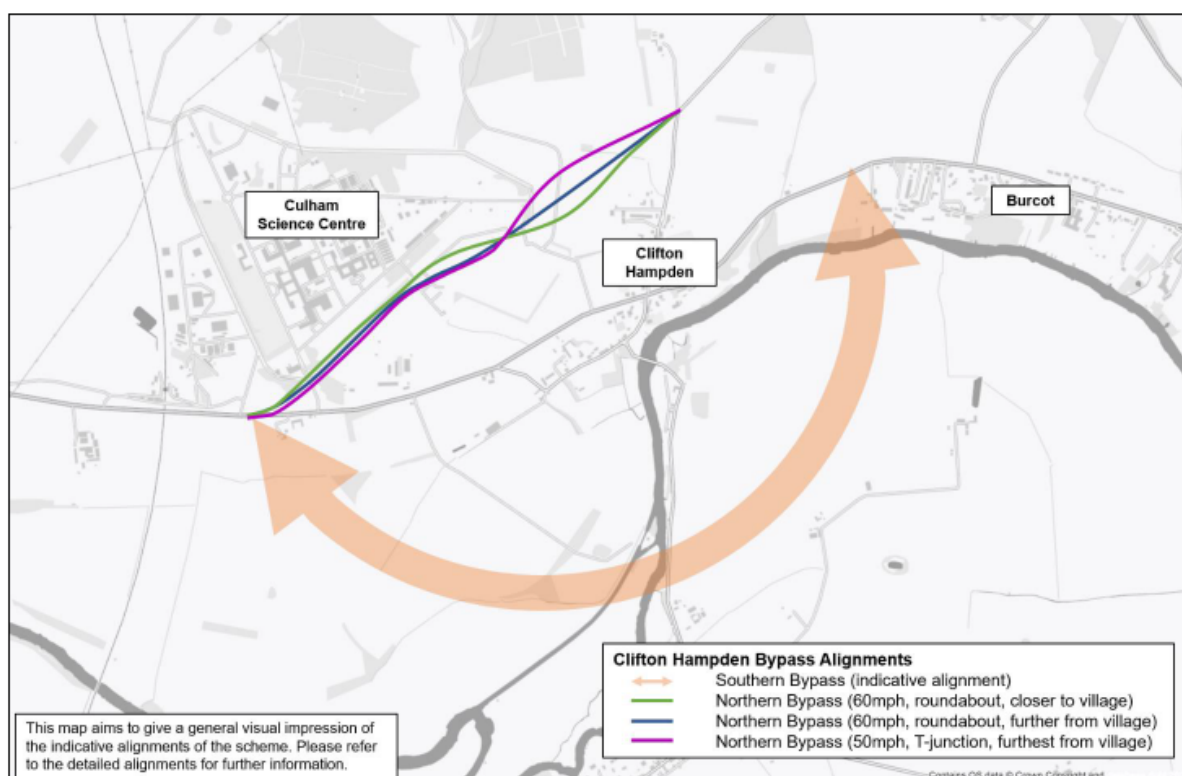


Figure 21: Clifton Hampden Bypass Sub Options

6.23. In summary, the 2021 OAR concluded the following with regards to the Clifton Hampden Bypass sub options:

*'8.5.10 After consideration of the benefits and issues for each of the Clifton Hampden Bypass sub-options it has been determined that **sub-option 4.6** (Northern Bypass – T-junction at eastern end) is the best performing as it reduces land take and cost, protects a Category A Oak Tree and discourages the use of the village as a through route.'*

Option Appraisal Report Alternative Summary

6.24. It is clear that the alternatives optioneering process has been rigorous and the Scheme embodies the result of that process. It is the most suitable and appropriate means of meeting the identified objectives, with Oxfordshire County Council Cabinet resolving to approve the preferred Scheme alignment on 21 July 2020.

Appleford Parish Council – River Crossing Alternatives

6.25. Following Cabinet approval in July 2020 of the preferred alignment and subsequent engagement, Appleford Parish Council (APC) requested that further options on the Didcot to Culham River crossing were explored. On 7 January 2021, APC provided the Council with a position paper (Environmental Statement – Volume I Chapter 3: Assessment of Alternatives [**Appendix 9**]), which requested that the alignment for the Didcot to Culham River Crossing be moved further to the west of Appleford. **Figure 22** shows the Appleford Parish Council alternative route.



Figure 22: Alternative alignment proposed by Appleford Parish Council

- 6.26. This alignment was rejected for the numerous reasons set out in the Environmental Statement – Volume I Chapter 3: Assessment of Alternatives [**Appendix 9**]. This was explained to APC, who subsequently sought to amend their alignment to address these constraints. **Figures 23 and 24** illustrate APC's revised suggested alignment.

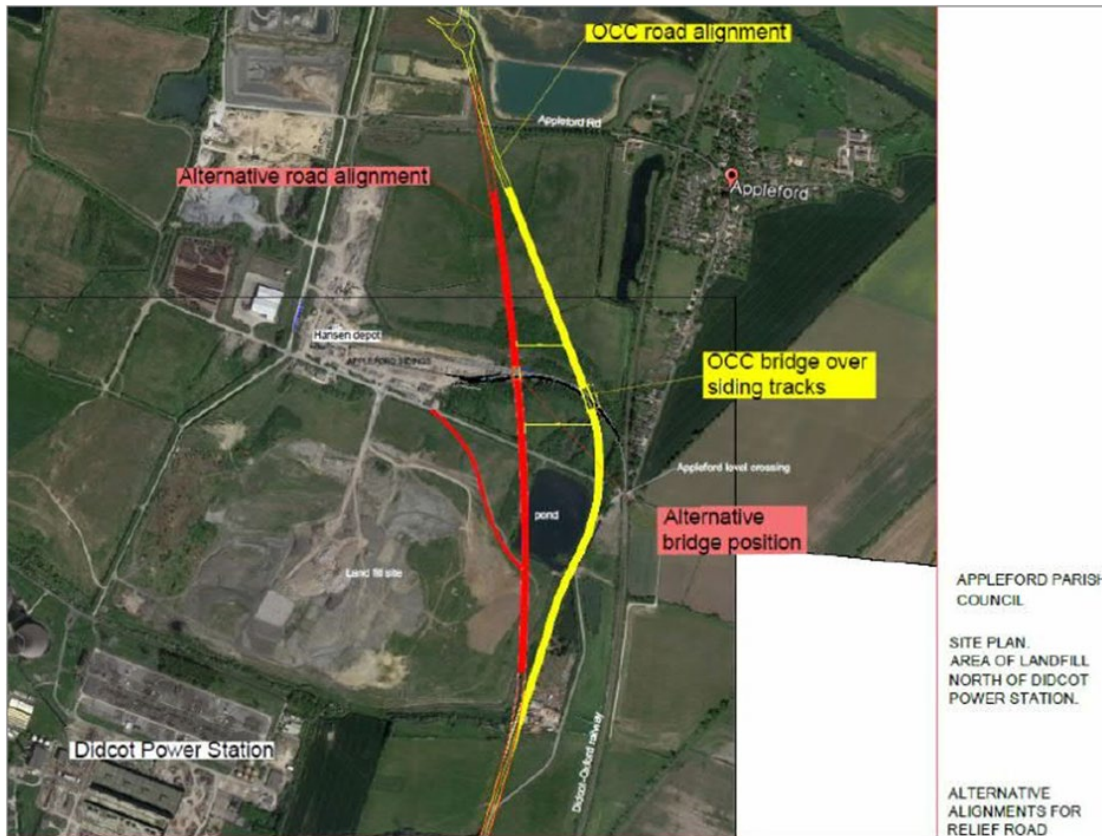


Figure 23: Amended APC alignment

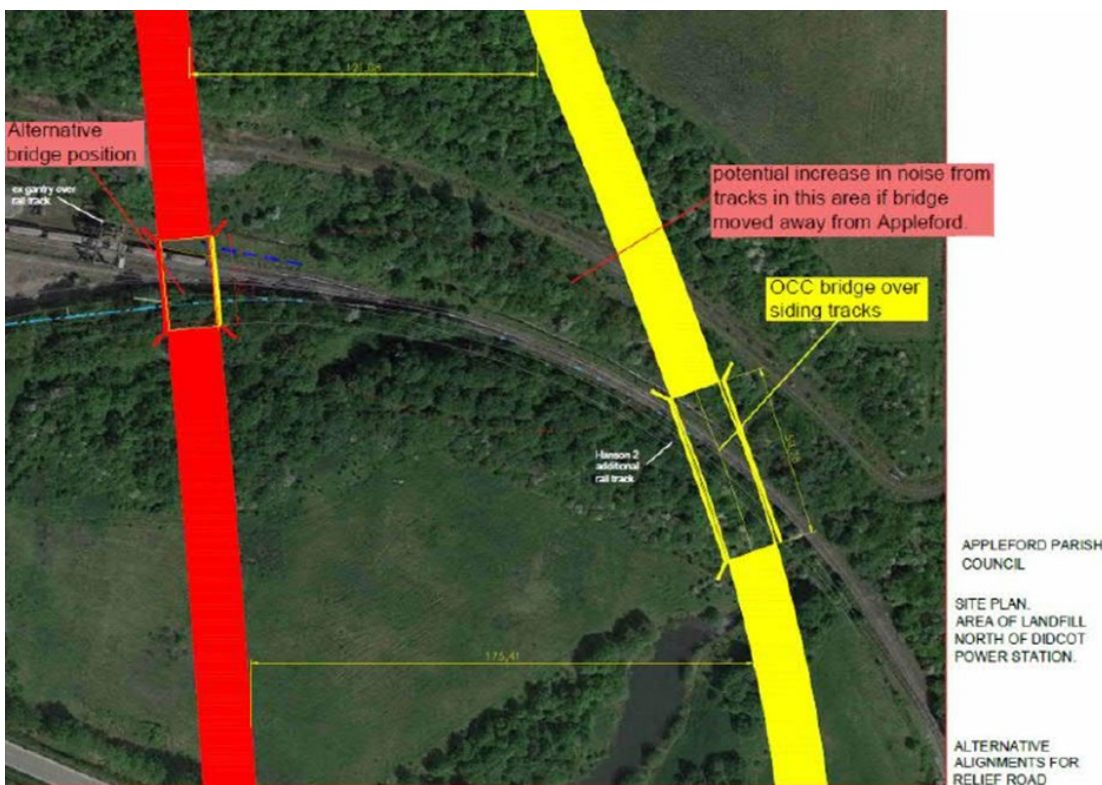


Figure 24: Amended APC alignment – bridge crossing over the Appleford sidings

- 6.27. This alignment was considered unfeasible due to several factors, including numerous environmental reasons and the area including operational and historic landfill sites. Owing to the aforementioned environmental issues (such as ground settlement from the land fill cells that would likely lead to environmental contamination issues that would be difficult to mitigate, ground gas and protected species), engineering challenges and budgetary issues with the alignment suggested by APC, this alignment has not been considered further.
- 6.28. APC accepted that there are issues with constructing a road through an area that includes operational and historic landfill sites and requested that other options to reduce the impact of the Scheme be considered. It was requested that a bridge structure over the lake located to the west of the Scheme as shown on **Figure 25** be considered, which would move the alignment west by 100 to 200m. Given the lake's size, depth and volume, a road across it would either need to be a viaduct type structure or some of the lake would need to be in-filled. This would have several environmental constraints, including but not limited to ecological, arboriculture, increased height and span of the sidings structure and significant volume of fill material. Section 3.6 of Chapter 3 the Environmental Statement "Assessment of Alternatives" (pages 31 to 37) [Appendix 9] provides further information. Owing to these reasons, along with other engineering and budgetary issues, this option was not considered further.



Figure 25: APC Suggested Structure over Lake

7. CONSULTATION AND PUBLIC ENGAGEMENT

Introduction

7.1. The Acquiring Authority has consulted with stakeholders extensively throughout the development of the Scheme. A stakeholder engagement strategy was developed for the Scheme and was based on the following principles:

- Early and ongoing engagement to inform and influence the Scheme design development process
- Seeking an appropriate level of feedback at each stage in the iterative design process and ensuring that comments received are taken into consideration, where appropriate
- Building of long-term relationships with key stakeholders throughout the different stages of the Scheme to help better understand their views, and
- Where possible and practicable, ensuring concerns are addressed.

7.2. The main areas of engagement/consultation that have taken place prior to the submission of the planning application for the Scheme are set out in this Section.

Consultation on Local Plans

7.3. The Scheme has been subject to numerous consultation periods during the production of Local Plans, including:

- The Oxfordshire County Council Local Transport Plan 4 (Connecting Oxfordshire 2015-2031), which included specific proposals for the Scheme and was adopted in 2015, following public consultation on the draft plan earlier in the same year;
- The Vale of White Horse District Council Local Plan 2031 (Part 1 and 2) safeguards land for future transport schemes, including the majority of the land now included within the Scheme. The Local Plan was subject to public consultation in 2014, with Part 2 refining the area required for the Didcot to Culham River Crossing, and was subject to further public consultation in 2017, and
- The South Oxfordshire District Council Local Plan (2011-2035) safeguards land for future transport schemes, including the majority of the land now included within the Scheme. This Local Plan was subject to public consultation in 2019.

Landowner and Developer Engagement (February 2020 – present)

7.4. Landowner engagement has been ongoing since early 2020. To ensure a comprehensive understanding of land ownership and occupation, the Council's appointed land referencing agents, Gateley Hamer, wrote to landowners in July 2021 with a questionnaire about their landholding. Discussions have been held with landowners regarding access to land, and engagement in relation to land access is ongoing with these landowners. Major landowners are represented and are aware of the land acquisition principles, and negotiations will continue in order to seek private

acquisition of the rights and interests in land required for delivery of the Scheme.

A4130 Widening and Didcot Science Bridge

- 7.5. The Acquiring Authority's approach to working with landowners was originally focussed on this element of the Scheme, as it was known from the outset that land would be required from the proposed Valley Park residential scheme. This land was obtained by Oxfordshire County Council via a Section 106 agreement. Other land within this element of the Scheme has also been secured under a Section 106 agreement.
- 7.6. Gateley Hamer's initial meetings with the 20 freehold owners landowners in this element of the Scheme first commenced in May 2020. Gateley Hamer has been in contact with the major impacted parties in this element of the Scheme via emails, phone calls, and in person and virtual meetings. Good progress has been made and the majority of these impacted parties are willing to work with the Acquiring Authority to enable the acquisition of the necessary land and new rights to facilitate the delivery of the Scheme. To date, two agreements have been reached with Network Rail and Minscombe Properties Limited and both of these matters are with the parties' respective legal teams. However, until such time as legal agreement is documented, the Council must adopt the approach of including land within the CPO to ensure delivery of the Scheme.
- 7.7. All landowners within this element of the Scheme have been in discussions with the Acquiring Authority with regards to the Scheme, to facilitate discussions surrounding access for surveys, section 16 Requisitions for Information and negotiations for acquisition of the necessary land and new rights necessary for Scheme delivery.

River Crossing Section

- 7.8. This element of the Scheme has a number of large landowners where proposed road structures are required to be constructed over the railway sidings and the River Thames. There are 15 freehold owners within the River Crossing Section of the Scheme and one agricultural tenant. Meetings with landowners and their land agents commenced in May 2020 and the Acquiring Authority is having ongoing meetings and exchanging correspondence to agree Heads of Terms for the land required. The Acquiring Authority is in discussions with a developer regarding land for the Scheme forming part of a Section 106 agreement.
- 7.9. All landowners within this Scheme have been in discussions with the Acquiring Authority with regards to the Scheme, to facilitate discussions surrounding access for surveys, section 16 Requisitions for Information and negotiations for acquisition of the necessary land and new rights necessary for Scheme delivery.

Clifton Hampden Bypass

- 7.10. There are 17 freehold owners and 1 additional agricultural tenant within the land requirement at the Clifton Hampden Bypass element of the Scheme. The Acquiring Authority has ongoing engagement with the major landowners and their land agents due to the complex nature of the works proposed to be undertaken.

- 7.11. Gateley Hamer has been liaising with landowners' agents, who are willing to work with the Acquiring Authority to enable the acquisition of the necessary land and new rights to facilitate delivery of the Scheme. All landowners within this Scheme have been in discussions with the Acquiring Authority with regards to the Scheme, to facilitate discussions surrounding access for surveys, section 16 Requisitions for Information and negotiations for acquisition of the necessary land and new rights.
- 7.12. Discussions and negotiations with impacted landowners are ongoing and will continue to progress throughout the entirety of the compulsory purchase process, right up until the point of implementation of powers, should the Secretary of State decide to confirm the Orders.

Conclusion

- 7.13. All elements of the Order Land are required and necessary in order to deliver the Scheme. Negotiations have taken place, and continue to take place, with affected parties but there is no certainty that the necessary land interests and new rights can be assembled by private agreement within a reasonable period of time, or at all.
- 7.14. Where such interests have already been acquired for the purpose of the Scheme, parcels of land are included within the CPO in order to ensure that the delivery of the Scheme is not prejudiced by the existence of third-party rights using the prescribed powers under section 260 of the Highways Act 1980.
- 7.15. In consideration of the above, the CPO and all of the land contained within it is necessary to deliver the Scheme. The Acquiring Authority has taken and is continuing to take reasonable steps to acquire all of the land and new rights included in the CPO by private agreement. Further, these efforts to acquire the land and new rights by negotiation will continue in parallel, both up to the making and any confirmation of the Order and also post-confirmation, prior to its implementation.

Stakeholder Briefings/Meetings (February 2020 – present)

- 7.16. Frequent engagement has also been undertaken with elected representatives relevant to the Scheme, including but not limited to:
- Appleford Parish Council
 - Berinsfield Parish Council
 - Clifton Hampden Parish Council
 - Culham Parish Council
 - Didcot Town Council
 - Harwell Parish Council
 - Long Wittenham Parish Council
 - Milton Parish Council
 - Newington Parish Council

- Nuneham Parish Council
- Oxfordshire County Council
- Stadhampton Parish Council
- South Oxfordshire District Council
- Sutton Courtenay Parish Council, and
- Vale of White Horse District Council.

- 7.17. In addition, consultation with local Non-Motorised User groups has been undertaken to inform the production of the Walking, Cycling and Horse Rider Assessment Reviews (WCHAR) [**Appendix 13**]. The aim of the WCHAR was to gain an understanding of all relevant existing facilities for pedestrians, cyclists and horse-riders (the users) in the local area, to provide background user information that can be referred to throughout the design process and to identify opportunities for improvement for users. The WCHAR reports have been submitted as part of the planning application submission for the Scheme and were key in facilitating the Acquiring Authority's consideration of its Public Sector Equality Duty.
- 7.18. Prior to the submission of the planning application in October 2021, online meetings took place with key Non-Motorised User groups on 13 May and 10 June 2021. The aim of these meetings was to provide an update on the Scheme and highlight changes to the proposed plans since the 2020 consultation.
- 7.19. Online meetings took place in December 2020, February 2021 and January 2022 with local bus operators. The aim of these meetings was to provide an update on the Scheme and highlight bus infrastructure and key changes to the proposed plans since the 2020 consultation.

Local Planning Authority Pre-Application Engagement (March 2020 – April 2021)

- 7.20. In advance of the submission of the planning application, formal pre-application advice was obtained from the Local Planning Authority from March 2020 to April 2021.
- 7.21. In advance of the planning application and as the design of the Scheme evolved up to that point, proactive engagement continued with statutory bodies such as the Environment Agency, Natural England, Lead Local Flood Authority and National Highways to ensure that any Scheme impacts are carefully and comprehensively mitigated.

Environmental Impact Assessment Scoping Engagement

- 7.22. An Environmental Impact Scoping Report was submitted by the Council to the Local Planning Authority in April 2020. The Local Planning Authority provided a Scoping Opinion in July 2020, which detailed the opinions of both statutory and non-statutory consultees. The Environmental Impact Assessment undertaken and reported in the Environmental Statement, was based on the Local Planning Authority Scoping

Opinion. Each of the technical assessments, reported within the Environmental Statement, was subject to consultation with the relevant statutory consultees.

Public Consultation

7.23. The Acquiring Authority held public consultation events (in-person and online) between 2-25 November 2018 on the proposed package of strategic transport improvements for Didcot and the surrounding area, which will support planned growth as detailed in the Local Plans (see paragraph 7.3 of this Statement).

7.24. The initial consultation in 2018 focused on a package of strategic improvements¹, including:

- **A4130 Capacity Improvement** – dualling of the A4130 between the A34 and new Science Bridge, including new and improved pedestrian and cycling measures.
- **Science Bridge** – A new road link from the new dualled section of the A4130, over the railway, back to the A4130 at Purchas Road, including pedestrian and cycling infrastructure.
- **Culham to Didcot River Crossing** – a new road between Culham near the Science Centre to Didcot's A4130 perimeter road, including pedestrian and cycling infrastructure.
- **Clifton Hampden Bypass** – a new road between the A415, Abingdon Road, at the Culham Science Centre and B4015, Oxford Road, north of Clifton Hampden village

7.25. When presenting the details of each element of the Scheme, information regarding the advantages and disadvantages of the different options considered was also provided, including the preferred option.

7.26. Respondents were asked to provide feedback on the design proposals through completing a feedback form. The feedback form was available at the online and in-person public exhibitions, with a space to provide a free-text response to the following question:

'Do you have any comments on the proposed package of strategic transport improvements for Didcot and the surrounding area to support planned growth?'

7.27. In total, 307 consultation responses were received during the 2018 consultation, of which 13 did not provide any comments. A summary of the key topics mentioned for each of the Scheme elements is outlined below:

A4130 Widening

- Dualling of the road should be extended further.

¹ Note: names and descriptions of the four elements of the Scheme have evolved during the design phase. The above descriptions are representative of the 2018 consultation.

- Bus lanes along the A4130 should be considered.

Didcot Science Bridge

- Connections to Milton Park should be considered.

Didcot to Culham River Crossing

- Impact of alignment 1 on the village of Appleford.
- Alignment 1 would require two roundabouts on the A415.
- Alignment 3 and 4 would link closely to Culham Science Centre and the proposed Clifton Hampden Bypass.
- Consideration should be given of an alignment further west of Appleford using the existing Haul road.

Clifton Hampden Bypass

- The bypass should be further north or designed to be further away from properties.

General

- More focus to be made on public transport, cycling and walking.
- Consequential traffic problems in Nuneham Courtenay, Stadhampton and Chiselhampton and Golden Balls Roundabout.
- Concerns about how the Oxford to Cambridge Expressway will fit in with the scheme.
- Scheme should be delivered prior to new housing development.
- Consideration to improve the A34 needs to be made.
- Concerns that new roads may encourage more traffic.
- Traffic modelling/ traffic data was not shown to evidence how the schemes will help.
- Concerns about the impact on the environment

7.28. A further public consultation was held from 20 March – 30 April 2020 on the details of the Scheme. Public consultation events were planned for the Scheme, however, due to Government's guidance on social distancing in response to COVID-19, the in-person events were not able to go ahead.

7.29. A number of measures were introduced to ensure people could still participate, including holding an online consultation (which included a live chat function), hosted on the Acquiring Authority's website. Letters were sent to over 22,000 residences in the area. Radio and newspaper (print and online) adverts were published. Telephone numbers of Acquiring Authority Officers were advertised. Additionally, printed versions of the materials were sent to those who requested them due to lack of internet access.

7.30. The consultation was originally planned to last 4 weeks, which is usual for a non-statutory consultation, but this duration was extended to 6 weeks to allow people more time to respond.

- 7.31. This stage allowed the public to give feedback on the technical preferred options for each of the four elements of the Scheme via a dedicated email address, survey web-form, printed response form or a dedicated phone number. The Acquiring Authority advertised the consultation via the local media, social media, on site and a direct mailing campaign.
- 7.32. Information about the Scheme could be obtained online, at the consultation events, in the dedicated consultation booklet/response form or via a discussion with a Council officer via the dedicated project email/phone number. This included general information about each of the options, plus the relevant scheme plans.
- 7.33. As part of the 2020 virtual consultation (20 March – 30 April 2020), 686 pieces of feedback were submitted by stakeholders. These comprised 613 responses submitted via the online consultation feedback form, 48 via email, 13 via hard copy posted forms, eight via the phone and four via the live chat in the virtual consultation room. A breakdown of how responses were submitted is provided in **Figure 26**.

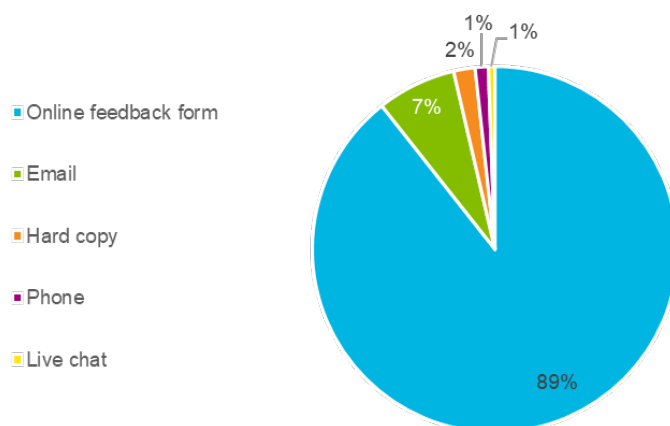


Figure 26: Feedback methods for the 2020 consultation (686 responses)

- 7.34. The feedback form asked respondents to specify whether they lived and/or worked in Didcot or the surrounding area. 37% of respondents stated that they lived in the surrounding area, followed by 33% of respondents who stated they lived in Didcot. 23% stated that they worked in the surrounding area, followed by 6% who stated they worked in Didcot.
- 7.35. **Figure 27** provides a high-level summary of the 2020 formal responses to each element of the Scheme:

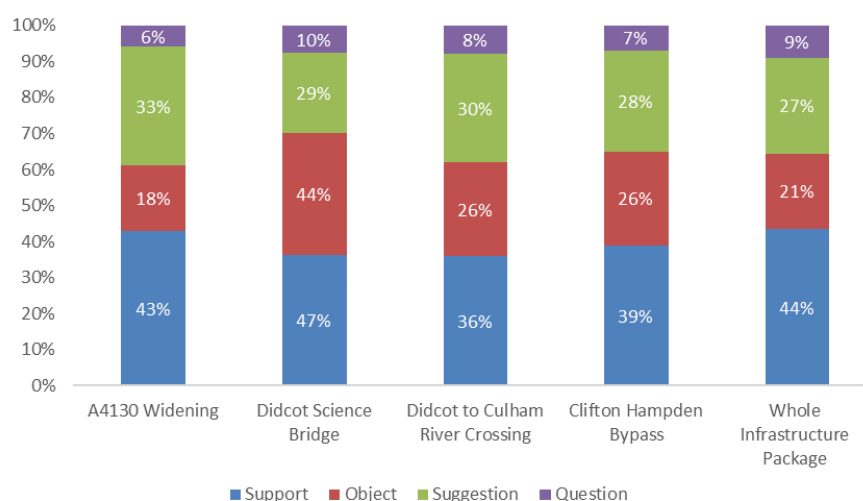


Figure 27: Categorisation of whether comments supported or objected to the scheme(s), made a suggestion or asked a question

7.36. The feedback form also asked respondents to state whether they were responding as an individual, business/group/organisation or on behalf of a parish/town/district/county council. Of those who responded, 92% of respondents were answering as an individual, followed by 6% on behalf of a business/group/organisation and only 2% were answering on behalf of a parish/town/district or county council.

7.37. The main feedback form was split into five questions including:

- Please provide us with comments you may have on the A4130 Widening Scheme.
- Please provide us with comments you may have on the Didcot Science Bridge Scheme.
- Please provide us with any comments you may have on the Didcot to Culham River Crossing Scheme.
- Please provide us with any comments you may have on Clifton Hampden Bypass Scheme.
- Please provide us with any general comments on the proposed package of strategic transport improvements.

Table 5 summarises the comments received on the Scheme's active travel proposals.

Number of Comments	Key Theme	Sentiment			
		Support	Object	Suggestion	Question
Q1: A4130 Widening					
158	Cycle Infrastructure	41%	15%	40%	5%
95	Pedestrian Infrastructure	39%	19%	37%	5%
22	Safety	23%	14%	59%	5%
14	Bus Infrastructure	7%	7%	86%	0%
9	Onward Cycling Connections	22%	67%	11%	0%
4	Public Rights of Way	25%	50%	25%	0%
Q2: Didcot Science Bridge					
91	Cycle Infrastructure	38%	10%	45%	7%
51	Pedestrian Infrastructure	39%	14%	41%	6%
10	Onward Cycling Connections	10%	70%	20%	0%
8	Safety	25%	13%	50%	13%
8	Bus Infrastructure	13%	25%	63%	0%
1	Public Rights of Way	100%	0%	0%	0%
Q3: Didcot to Culham Science Bridge					
88	Cycle Infrastructure	40%	9%	41%	10%
44	Pedestrian Infrastructure	36%	7%	45%	11%
32	Onward Cycling Connections	8%	16%	63%	19%
17	Safety	29%	41%	24%	6%
9	Bus Infrastructure	0%	0%	89%	11%
8	Public Rights of Way	0%	13%	88%	0%
Q4: Clifton Hampden Bypass					

73	Cycle Infrastructure	26%	25%	45%	4%
51	Pedestrian Infrastructure	24%	9%	45%	2%
22	Safety	23%	59%	18%	0%
13	Onward Cycling Connections	0%	15%	77%	8%
9	Bus Infrastructure	0%	0%	89%	11%
8	Public Rights of Way	25%	13%	38%	25%
Q5: General					
99	Cycle Infrastructure	34%	10%	47%	8%
43	Pedestrian Infrastructure	49%	19%	28%	5%
26	Onward Cycling Connections	8%	12%	62%	19%
20	Bus Infrastructure	5%	20%	70%	5%
8	Safety	38%	13%	50%	0%
0	Public Rights of Way	0%	0%	0%	0%

Table 5: Categorisation of whether comments supported or objected the scheme(s), made a suggestion or asked a question

7.38. Throughout the 2018 and 2020 consultation periods, a number of consistent key themes emerged through feedback received and discussions as part of one-to-one meetings. A summary of the key emerging themes is presented below:

- Traffic impact – comments related to speed limits, traffic capacity, impact on neighbouring villages and junctions.
- Environmental – comments related to impact on air quality, noise and loss of roadside vegetation and biodiversity.
- Cycle infrastructure – comments related to the inclusion of segregated cycleways and safe crossings, as well as connectivity to existing cycleways.
- Pedestrian infrastructure – comments related to the inclusion of segregated pedestrian walkways and safe crossings including signalised crossings.
- Bus infrastructure – comments related to the provision of additional bus stops as a more sustainable transport method.
- Safety – comments related to concerns around a lack of segregation of walkways and cycleways from roads, speed limits and provision of safe pedestrian crossings.
- Construction – comments related to potential disruption caused by construction and mitigation measures to be put in place, as well as how residents will be kept informed.

- Public Rights of Way – comments related to how the new Scheme would be integrated with existing public rights of way and the provision of bridleways and pedestrian/cycling routes.

7.39. A Statement of Community Involvement [**Appendix 14**] was produced following the formal engagement events and was submitted as part of the planning application. This includes more detail on the 2018 and the 2020 consultations.

Website

7.40. A dedicated webpage was developed on the Oxfordshire County Council website: <http://www.oxfordshire.gov.uk/residents/roads-and-transport/roadworks/future-transport-projects/didcot-and-area-improvements> which provided Scheme details, frequently asked questions, Scheme video flythrough, public friendly General Arrangements plans and link to the Scheme's planning application on the Local Planning Authority website. The website also provides a dedicated Scheme email address.

Conclusion

7.41. It is evident that throughout the evolution of the Scheme, the Council has both consulted widely and extensively, and has been responsive to the information gathered during the consultation process which has shaped and informed the Scheme as described in this section. The output of consultation has fed into the alternatives and optioneering process as explained in Section 7 above.

8. PLANNING POSITION

Introduction

- 8.1. In making the Orders, the Acquiring Authority has had regard to the national and local planning policy context and other material planning considerations. This section describes the planning background and planning policy context and includes a summary of Scheme compliance when considered against the relevant planning policy context and other material considerations. A full planning assessment of the Scheme is contained within the Planning Statement [**Appendix 15**].

Planning Policy Context

- 8.2. 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.
- 8.3. The Scheme is located within Oxfordshire County and passes through the administrative boundaries of two local authorities: Vale of White Horse District Council and South Oxfordshire District Council. However, the planning application has been submitted to Oxfordshire County Council as the determining Local Planning Authority (LPA) under the Town and Country Planning Act 1990 (as amended) and the Town and Country Planning (Development Management Procedure) (England) Order 2015. The application is a Regulation 3 application as defined by the Town and Country Planning General Regulations 1992.
- 8.4. Section 6 of the Planning Statement [**Appendix 15**] - Relevant Planning Policy (including Appendix D Planning Policy Table) - sets out the policies relevant to the Scheme. The Development Plan for the Scheme comprises the following documents.
- South Oxfordshire Local Plan 2035 (adopted 2020) ('SOLP')
 - Vale of White Horse Local Plan Part 1 Strategic Sites and Policies (adopted 2016) ('VoWHLP')
 - VoWHLP Part 2 Detailed Policies and Additional Sites (adopted 2019)
 - Oxfordshire Minerals and Waste Local Plan Part 1 – Core Strategy (adopted 2017) ('OMWLP')
- 8.5. Other material considerations include:
- Oxfordshire Local Transport and Connectivity Plan (LTCP) (2022)
 - National Planning Policy Framework (2021) ('NPPF')
 - National Planning Practice Guidance ('NPPG')
 - Connecting Oxfordshire: Local Transport Plan 2015-2031 (published 2015, updated 2016) ('LTP4')

- Equality Impact Assessment (EqIA)
- National Infrastructure Strategy (2020) ('NIS')
- Oxfordshire 2020 Climate Action Framework (2020) ('CAF')
- Oxfordshire Infrastructure Strategy (2017) ('OxIS')
- Oxfordshire's Strategic Vision for Long-Term Sustainable Development (2021)
- Vale of White Horse District Council Design Guide Supplementary Planning Document (SPD) (2015)
- South Oxfordshire District Council Town Centre SPD (2009)
- South Oxfordshire District Council Design Guide SPD (2016)
- South Oxfordshire District Council Landscape Assessment Supplementary Planning Guidance (SPG) (2003)
- Biodiversity and Planning in Oxfordshire (2014) ('BPO')

8.6. Emerging planning policy and guidance relevant to the Scheme includes:

- Draft Oxfordshire Plan 2050 ('Draft OP')
- Draft Burcot and Clifton Hampden Neighbourhood Plan 2011-2034
- Emerging Oxfordshire Infrastructure Strategy 2021 ('emerging OxIS')

Key Planning Policies and Material Considerations of Relevance to the Scheme

8.7. The Scheme is predominantly located on land safeguarded for the delivery of highways infrastructure as set out in South Oxfordshire Local Plan (SOLP) Policy TRANS3 and Vale of White Horse Local Plan (VoWHLP) Core Policy 18, and within OCC's LTP4, supporting the principle of the Scheme. While there are elements of the Scheme that are outside of the safeguarded zones, these are a result of further detailed design to provide the most optimal solution, and the majority of the Scheme is within these safeguarded zones.

8.8. The Scheme comprises several of the pieces of highways infrastructure listed within VoWHLP Core Policy 17 and SOLP Policies TRANS1b, TRANS3 and Policy STRAT9, further supporting the principle of development. These include:

- Backhill Roundabout and junction on the A4130
- Didcot Science Bridge and A4130 re-routing through the former Didcot A site
- A4130 dualling between Milton Gate and Didcot Science Bridge
- a new strategic road connection between the A415 east of Abingdon-Thames and the A4130 north of Didcot
- provision for sustainable transport facilities including the creation of new cycle routes and footpaths

- a new Thames River crossing between Didcot Garden Town and Culham, and
 - Clifton Hampden bypass.
- 8.9. The above pieces of infrastructure have been identified in the Science Vale Area Strategy as vital in order to *“mitigate the impact of planned growth across Science Vale and secure the future economic viability of the area”* (VoWHLP Core Policy 17). This is echoed in paragraph 6.10 of the SOLP where *“Transport infrastructure improvements will be required to support the demand for travel arising from proposed new development”*.
- 8.10. The Scheme provides a strategic solution to enhance the connectivity between key housing sites and areas of employment growth. The infrastructure investment will help relieve pressure on local transport networks and will facilitate economic growth across the Science Vale area whilst accommodating the expanding communities in the local area.
- 8.11. The Scheme will improve local roads which will lead to faster journeys, less congestion, more job opportunities, and better community links, with additional benefits of providing key active travel links to provide real mode choice for work and leisure.
- 8.12. The Scheme will support significant growth in housing in South Oxfordshire District Council and Vale of White Horse District Council by directly unlocking the potential for development for 11,711 new homes in the Didcot Garden Town area, including approximately 4,200 affordable homes and supporting another 5,000 new homes already permitted. This is coupled with substantial areas for employment activities, expected to be high value jobs contributing strongly to local and national economic growth. It will also promote Didcot as the gateway to the Science Vale, enhancing and improving access to Didcot and surrounding areas by all sustainable modes of transport.
- 8.13. The Scheme is deemed as essential to deliver future growth as identified within the adopted Local Plans for both South Oxfordshire District Council (SODC) and Vale of White Horse District Council (VoWHDC) and is also identified in the Science Vale Area Strategy forming part of OCC’s Local Transport Plan 4.
- 8.14. The Scheme also supports the mitigation of the transport impacts of the planned developments on the road network. Its design has been informed by a detailed Environmental Assessment as set out within the Environmental Statement submitted in support of this application. This includes consideration of flood risk, heritage, biodiversity and landscape among many other key topic areas.
- 8.15. The Scheme will result in some significant positive effects. These include the delivery of biodiversity net gain, reduction in traffic noise during operation, provision of accesses to directly access adjacent development, and support for the provision of community facilities within the committed housing development sites located across

the Scheme including nurseries, primary schools, care homes and areas of formal and informal open space.

- 8.16. The Scheme will inevitably have some significant adverse environmental effects, given the scale of development that is proposed. However, comprehensive packages of mitigation are proposed to minimise adverse effects as far as reasonably possible and the residual effects are not considered to be unacceptable. Furthermore, the principle of significant development on the land required for the Scheme has been accepted through the safeguarding of the land for highways development within the SOLP and VoWHL P.
- 8.17. Part of the Didcot to Culham River crossing section (north of the River Thames) and the Clifton Hampden Bypass section are located within the Green Belt. In accordance with paragraph 150 of the NPPF, the Scheme is considered to be local transport infrastructure which can demonstrate a requirement for a Green Belt location, as the majority of the development within this area is located within land safeguarded for highway development. It is also not possible to avoid Green Belt land in this instance, given the area that it covers between Didcot and Clifton Hampden.
- 8.18. The Scheme will have an impact on the openness of the Green Belt and would conflict with the following Green Belt purposes, as set out in paragraph 138 of the National Planning Policy Framework (NPPF):
- (c) to assist in safeguarding the countryside from encroachment; and
(d) to preserve the setting and special character of historic towns.
- The Scheme is, therefore, considered to be inappropriate development and will harm the Green Belt and, as such, Very Special Circumstances are required.
- 8.19. Paragraph 148 of the NPPF states that *“Very special circumstances” will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations*. This includes the benefits of the Scheme.
- 8.20. The objectives and benefits of the Scheme have been described in Section 5. Furthermore, there is support for the Scheme in planning policy through land safeguarded for highways development within both the Vale of White Horse and South Oxfordshire Local Plans (Policies TRANS1b, TRANS2 and TRANS3 of the SOLP, and Core Policies 16, 17, 18, 33 and 35 of the VoWHL P). It is also set out and supported within the Science Vale Area Strategy in the LTP4. Therefore, there is significant planning policy support for the Scheme in this location.
- 8.21. Taking into account the policy support for the Scheme and the significant benefits listed above and detailed in Section 5, it is clear that Very Special Circumstances exist in accordance with paragraph 148 of the NPPF.

Current Planning Status

- 8.22. On 2 November 2021, a planning application submitted by Oxfordshire County Council (the Applicant) for the Scheme was validated by Local Planning Authority (Oxfordshire County Council as the determining authority) for the following development under application reference R3.0138/21 (the Application). This seeks permission for the following:
- The dualling of the A4130 carriageway (A4130 Widening) from the Milton Gate Junction eastwards, including the construction of three roundabouts.
 - A road bridge over the Great Western Mainline (Didcot Science Bridge) and realignment of the A4130 north east of the proposed road bridge including the relocation of a lagoon.
 - Construction of a new road between Didcot and Culham (Didcot to Culham River Crossing) including the construction of three roundabouts, a road bridge over the Appleford railway sidings and road bridge over the River Thames.
 - Construction of a new road between the B4015 and A415 (Clifton Hampden bypass), including the provision of one roundabout and associated junctions.
 - Controlled crossings, footways and cycleways, landscaping, lighting, noise barriers and sustainable drainage systems.
- 8.23. The planning application is supported by an Environmental Statement in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. The scope of the EIA was agreed with the County Council, as the Local Planning Authority (“LPA”), through the submission of a Scoping Report in April 2020 and subsequent issue of a Scoping Opinion by the LPA in June 2020.
- 8.24. A suite of further documents was also submitted with the planning application including:
- Planning Statement
 - Design and Access Statement
 - Statement of Community Involvement
 - Lighting and Electrical Design Report
 - Transport Assessment
 - Foul Water and Utilities Assessment
 - Minerals and Waste Safeguarding Preliminary Assessment
 - Arboriculture Impact Assessment
 - Outline Landscape and Biodiversity Management Plan
 - Drainage Strategy Report
 - Biodiversity Net Gain Assessment
 - Ground Investigations Report
- 8.25. On 26 April 2022, the LPA submitted an information request under Regulation 25 of the Environmental Impact Assessment (EIA) Regulations 2017 to the planning application for the Scheme. The LPA requested further information in relation to:
- General information about the development

- Design
- Highways and Travel
- Climate and Sustainability
- Flooding and Drainage
- Heritage
- Landscaping and Visual Impacts
- Arboriculture
- Biodiversity
- Air Quality
- Noise
- Agriculture/Soils
- Minerals and Waste
- Recreation
- Utilities
- Cumulative Impacts

- 8.26. The applicant submitted a supplementary planning submission to the current planning application to address the LPA Regulation 25 request. The supplementary application which was validated by the LPA on 24 November 2022. As per the EIA regulations, the LPA is formally consulting on the submission for a statutory period of 30 days, ending on 24 December 2022, with the current programme target of the application being considered at the Planning and Regulation Committee on 27 February 2023.
- 8.27. An outline planning application (Ref: P22/V2467/O) was submitted to the Vale of White Horse District Council on 13 October 2022 seeking planning permission for the replacement RWE Generation UK PLC Gatehouse. The current RWE Gatehouse is located on RWE's frontage land, which is severed by and will take a new access from the Scheme. The outline planning application was granted on the 29 November 2022.

Conclusion

- 8.28. On the overall balance, the overwhelming social and economic benefits of the Scheme to the Science Vale area outweigh the limited adverse effects on Green Belt, landscape and noise. It is therefore considered that, taking the Development Plan as a whole, the Scheme complies with the Development Plan and points strongly in favour of the grant of planning permission. The decision on planning permission is awaited but it is expected that planning permission will be in place by Q1 2023 and, as such, the Acquiring Authority does not consider that there will be a planning impediment to the Scheme.

9. THE ORDER LAND

Introduction

- 9.1. In preparing the CPO, the Acquiring Authority (through its appointed land referencing/surveying consultants, Gateley Hamer) has undertaken diligent enquiry in order to identify all persons with an interest in the land that is required for the Scheme.
- 9.2. An initial desktop referencing exercise was undertaken to ensure that all registered interests in the land and property required were identified, resulting in the production of land referencing schedules and a land ownership map.
- 9.3. This included obtaining the relevant HM Land Registry information, which has been (and will continue to be) regularly refreshed to make sure that all the information is as up to date as possible. Gateley Hamer also undertook all other necessary and relevant searches and enquiries to establish principal ownerships and note any third-party mortgages, unilateral notices and/or rights and restrictions, including carrying out relevant Companies House checks, postcode searches and checking the electoral roll.
- 9.4. The Acquiring Authority and Gateley Hamer then used the information above to issue Statutory Requests for Information pursuant to Section 16 of the Local Government (Miscellaneous Provisions) Act 1976, to which there was a 50.43% response rate.
- 9.5. Where there are any areas of unregistered land, unknown owner site notices were prepared and erected on site at the unregistered land from 1 October 2021. These were then regularly checked over a 6-week period to ensure that none were damaged or removed.
- 9.6. The information collected throughout the processes outlined above has been collated and analysed by Gateley Hamer to produce the required documentation to inform the compulsory purchase process and ensure that the Acquiring Authority has discharged its duty to exercise diligent enquiry to ascertain all interests in the Order Land.
- 9.7. The Order Land has a total area of approximately 135.73ha. This comprises:
 - 86.03ha for which the title of land is required for the Scheme works, 12.92ha of which is already in the ownership of the County Council as the Acquiring Authority.
 - 46.2ha of land is required for use in connection with the construction of the Scheme (working space, works compounds etc) and could be available to return to landowners under the Crichel Down rules, if compulsory purchase occurred and the land was surplus to the requirements of the Scheme post-construction. The Acquiring Authority would hope it might otherwise achieve licensed use of these lands, by agreement with landowners, rather than exercise compulsory purchase powers.
 - 3.502ha of land over which new rights are required.
- 9.8. The Order Land is 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 byway, footpaths, and bridleways.

Description of Land Required for Title by Plot Reference (from south to north – A4130 Improvement to A415 Clifton Hampden Bypass)

9.9 The plots over which title is required are set out below:

9.9.1 **Unknown and James Joseph Bray and Freda Eileen Bray - Plots: 1/5a, 1/5b, 1/5c, 1/5d, 1/5e, 1/5f, 1/5g, 1/5h, 1/5i, 1/5j, 1/5k, 1/5l, 1/5m, 1/5n, 1/5o, 1/5p, 1/5q, 1/5r, 1/5s, 1/5t and 1/5u**

These plots comprise 2,104 sqm agricultural fields and intersecting private access tracks, required for a new highway link road off the proposed Milton Gate roundabout of the A4130, mitigation of adverse effects of the highway, private means of access and constructing working land

9.9.2 **Mays Properties Limited – Plots: 1/6a and 1/6b**

These plots comprise of 3,304 sqm of agricultural fields, required for the improvement of the A4130 and for construction working space/use land.

9.9.3 **Minscombe Properties Limited - Plots: 1/7a, 1/7b, 1/7c and 1/7d**

These plots comprise of 23,997 sqm of grassland and scrubland/development land and intersecting private access tracks, required for the construction of a new highway, new private means of access to premises and construction working space/use land, including for a works compound.

9.9.4 **Anthony Bryant Patrick Mockler - Plots: 1/8a, 1/8b, 1/8c, 1/8d, 1/8e, 1/8f, 1/8g, 1/8h, 1/8i, 1/8j, 1/8k, 1/8l, 2/1a and 2/1b**

These plots comprise of 38,562 sqm of agricultural fields of New Farm and intersecting private access tracks, required for the improvement of the A4130, the construction of new highways, new private means of access to premises, and construction working space/use land.

9.9.5 **MEPC Milton Park No.1 Limited & MEPC Milton Park No.2 Limited - Plot: 1/10**

This plot comprises of 46 sqm of scrubland and Network Rail apparatus, required for construction working space/use land.

9.9.6 **Persimmon Homes Limited – Plots: 2/3a, 2/3b, 2/3c, 2/3d, 2/3e, 2/3f, 2/3g, 3/1a, 3/1b and 3/1c**

These plots comprise of 20,500 sqm of agricultural land and intersecting private access track/co-existent length of Footpath 243/3/10 (Harwell), required for the improvement of the A4130, mitigation of adverse effects of the highways upon their surroundings, new private means of access to premises and construction working space/use land.

9.9.7 Ian Michael Laing and Nicholas John Cross - Plots: 3/6a, 3/6b, 3/6c, 3/6d, 3/6e, 3/6f, 3/6g, 3/6h and 3/6i

These plots comprise of 12,294 sqm of agricultural fields, required for the improvement of the A4130 and the construction of a new length of it and other new highways, mitigation of adverse effects of the highways upon their surroundings, new private means of access to premises and construction working space/use land.

9.9.8 Geoffrey Robert Morris, Nicholas Paul Brown, Sally Lyn Brown and Jacqueline Sarah Swan - Plots: 3/8a, 3/8b, 3/8c, 3/8d, 3/8e, 3/8f, 3/8g, 3/8h, 3/8i, 4/1a, 4/1b, 4/1c, 4/1d, 4/1e, 4/1f, 4/1g, 4/1h and 4/1i

These plots comprise of 38,004 sqm of agricultural fields and shrubland, required for the improvement of the A4130 and the construction of a new length of it and other new highways, mitigation of adverse effects of the highways upon their surroundings, new private means of access and construction working space/use land.

9.9.9 Charles Thomas Allen, Anthony Richard Allen, Geoffrey William Allen and the Adnams Farm Partnership: Plots: 3/10a, 3/10b, 3/10c, 3/10d, 3/10e, 3/10f, 3/10g 4/4a, 4/4b, 4/4c, 4/4d and 4/4e

These plots comprise of 36,871 sqm of agricultural fields, required for the construction of a length of the new A4130, mitigation of adverse effects of the highway upon its surroundings, new means of access to premises and construction working space/use land.

9.9.10 RWE Generation UK PLC, and Network Rail Limited (in respect of Mines and Minerals) - Plots: 4/3a

This plot comprises of 2151 sqm of a length of the Private Road and verge of the Private Road to Didcot B Power Station and the site of former Didcot A Power Station, required for construction working space/use land, as access to a works compound.

9.9.11 Clowes Developments (UK) Limited and Church Commissioners for England (in respect of Mines and Minerals) Plots: 4/5a, 4/5c, 4/5h, 4/5i 4/5j 5/1a, 5/1b, 5/1c, 5/1d, 5/1e, 5/1f, 5/1g, 5/1h, 5/1i, 5/1j and 5/1k

These plots comprise of 71,990 sqm of hard standing of the former Didcot A

Power Station, and a length of the private access road to the Site and the Hely Hutchinson Centre- Hachette UK Distribution, required for the construction of a length of the new A4130, mitigation of adverse effects of the new highway upon its surroundings, new private means of access to premises, and construction working space/use land, including for a works compound.

9.9.12 Taylor Wimpey UK Limited - Plot: 4/17a, 4/17b

These plots comprise of 3,584 sqm of highway of the Sir Frank Williams Avenue and of an access track thereof and is required for construction working space land, as access to a works compound and the Scheme corridor.

9.9.13 RWE Generation UK PLC - Plots: 5/2a, 5/2b, 5/2c, 5/2d, 5/2e, 5/2f, 5/2g, 5/2h, 5/2i, 6/1a, 6/1b, 6/1c, 6/1d, 6/1e, 6/1f, 6/1g, 6/1h, 6/1i, 6/1j, 6/1k, 6/1l, and 13/6a

These plots comprise of 29,182 sqm of grassland, industrial buildings intersecting private access roads, required for a length of the new A4130, mitigation of adverse effects of the new highway upon its surroundings, for the improvement and development of frontages to the new highway, including the provision of a new water retention lagoon on the frontage land, new private means of access to premises and construction working space/use land.

9.9.14 Clowes Developments (UK) Limited - Plots: 5/3a, 5/3b and 5/3c

These plots comprise of 1012 sqm of hard standing and outbuildings of the site of the former Didcot A Power Station and part of the Purchas Road private access road, required for the construction of a length of the new A130 and construction working space/use land.

9.9.15 Edward Gale & Elizabeth Mason & Patrick Gale – Plots: 6/3a, 6/3b, 6/3c, 6/3d, 6/3e, 6/3f 7/1a, 7/1b, 7/1c and 7/1d

These plots comprise of 26,143 sqm of woodland and agricultural fields, required for the improvement of the A4130, for the construction of other highways, mitigation of adverse effects of the improved highway upon its surroundings, new private means of access to premises, and construction working space/use land, including for a works compound.

9.9.16 Hartwright Estates Limited - Plots: 7/3a, 7/3b, 7/3c, 7/3d, 7/3e, 7/3f, 7/3g, 7/3h, 7/3i, 7/3j, 7/3k, 7/3l, 7/3m, 7/3n, 7/3o, 7/3p, 7/3q, 7/3r, 7/3s, 7/3t, 7/3u, 7/3v, 7/3w, 7/3x, 7/3y, 8/1a, 8/1b, 8/1c, 8/1d, 8/1e, 8/1f, 8/1g, 8/1h, 8/1i, 8/1j, 8/1k, 8/1l and 8/1m

These plots comprise of 35,183 sqm of agricultural fields, and of a length of private access road/co-existent Bridleway 106/3/10 (Appleford), required for the improvement of the A4130, the construction of a length of the new A4197 Didcot Link Road and of a new cycle track, mitigation of adverse effects of the

highways upon their surroundings, new private means of access to premises, and construction working space/use land.

9.9.17 Unknown and Bona Vacantia Division in respect of Appleford Developments Limited (dissolved) - Plots: 7/4a and 7/4b

These plots comprise of 213 sqm of the Collett public highway, required for its improvement.

9.9.18 Unknown and Clive Hartwright, Alison Joan Hartwright, and Oxfordshire County Council – Plots: 7/5a

This plot comprises of 102 sqm of a length of private access road and co-existent length of Bridleway 106/3/10 (Appleford), northwards off the Collett roundabout, required for the construction of a length of the new A4197 Didcot Link Road.

9.9.19 Unknown and Clive Hartwright and Alison Joan Hartwright – Plots: 7/5b, 7/5c, 7/5d, 7/5e, 7/5f, 8/6a, 8/6b, 8/6c, 8/6d, 8/6e 9/3a, 9/3b, 9/3c, 9/3d, 9/3f, 9/3g, 9/3k, 9/3m, 9/3n, 9/3o, 9/3q, 9/3r, 9/3u, 9/3x, 9/3y, 9/3z, 9/3aa and 9/3bb

These plots comprise of 47,478sqm grassland and shrubland frontage to and of length of private access road/co-existent length of bridleway 106/3/10 (Appleford), required for the construction of a length of the new A4197 Didcot Link Road, mitigation of adverse effects of the highway upon its surroundings, new private means of access to premises and construction working space/use land.

9.9.20 Clive Hartwright and Alison Joan Hartwright - Plots: 7/6a, 7/6b and 7/6c

These plots comprise of 389 sqm of an easterly lying private access (haul) road and are required for the construction of a length of the A4197 Didcot Link Road, mitigation of adverse effects of the highway upon its surroundings and construction working space/use land.

9.9.21 Katherine Emma Hartwright - Plots: 8/2a, 8/2b, 8/2c, 8/2d and 8/2e

These plots comprise of 1,217 sqm of grassland curtilage and driveway of Hill Farm Cottage, required for the construction of a length of the A4197 Didcot Link Road, mitigation of adverse effects of the highway upon its surroundings, new private means of access to premises and construction working space/use land.

9.9.22 FCC Environment (UK) Limited - Plots: 8/4a, 8/4b, 9/1a, 9/1b, 9/1c, 9/1d, 9/1e, 9/1f, 9/1g, 9/1h, 9/1i, 9/1j, 9/1k, 9/1l, 9/1m, 9/1n, 9/1o, 9/1p, 10/1a, 10/1b, 10/1c, 10/1d, 10/1e, 10/1f, 10/1g, 10/1h, 10/1i, 10/1j, 10/1k, 10/1l,

11/3a, 12/3a, 12/3b, 12/3c, 12/3d, 12/3e, 12/3f, 12/3g, 12/3h, 12/3i, 12/3j, 12/3k, 12/3l, 12/3m and 12/3n

These plots comprise of 143,825 sqm of agricultural land, woodland, woodland hedgerows, scrubland, pond, grass land and quarry land, required for new highway, mitigation of adverse effects of the highway upon their surroundings, new private means of access, new rights and construction working space/use land

9.9.23 Gemma Louise Hartwright and Simon Clive Hartwright - Plots: 8/7a, 8/7b, 8/7c, 8/7d, 8/7e, 8/7f and 8/7h

These plots comprise of 2,758 sqm of agricultural land, scrubland and grassland of site of cleared commercial/industrial buildings, required for the construction of a length of the new A4197 and another side road, mitigation of adverse effects of the highways upon their surroundings and construction working space/use land.

9.9.24 Gemma Louise Hartwright and Simon Clive Hartwright and FCC Environment (UK) Limited – Plots: 8/8a, 8/8c, 9/7a and 9/7b

These plots comprise of 2,183sqm of grassland of site of cleared commercial/industrial buildings and part of the Hartwright House fishing pond, required for the construction of a length of the new A4197 and construction working space/use land.

9.9.25 Unknown, and Clive Hartwright and Alison Joan Hartwright and Hanson Quarry Products Europe Limited (in respect of Mines and Minerals) – Plots: 8/9a, 8/9b, 9/10a and 9/10b

These plots comprise of 320 sqm public of an easterly lying private access road/haul road, required for the construction of a length of the new A4197 and construction working space/use land.

9.9.26 Hartwright Estates Limited & FCC Environment (UK) Limited – Plots: 8/10a, 8/10c, 9/12a, 9/12b, 9/12c and 9/12e

These plots comprise of 1070 sqm of agricultural fields and periphery of agricultural land attenuation pond, required for the construction of a new length of the A4197 and construction working space/use land.

9.9.27 Unknown & Hanson Quarry Products Europe Limited – Plots: 9/9

This plot comprises of 76 sqm of an easterly lying private access road/haul road, required for the construction of a length of the new A4197.

9.9.28 Unknown and Hanson Land Development Limited – Plots: 10/2a, 10/2b, 10/2c, 10/2d, 10/2e, 10/2f, 10/2g, 10/2h, 9/6a, 9/6b, 9/6c, 9/6d, 9/6e, 9/6f and 9/6g

These plots comprise of 17,503 sqm grassland, woodland and shrubland, lying to the north of Appleford Sidings Private Railway corridor, required for the construction of a length of the new A4197, mitigation of adverse effects of the highway upon its surroundings, new private means of access to premises and construction working space/use land.

9.9.29 Hanson Quarry Products Europe Limited - Plots: 11/1a, 11/1b 12/2a, 12/2b, 12/2c, 12/2d, 12/2e, 12/2f, 12/2g, 12/2h, 12/2i, 12/2j, 12/2k, 12/2l, 12/2m, 12/2n, 12/2o, 12/2p, 12/2q, 12/2r, 12/2s, 13/2a, 13/2b, 13/2c and 13/2e

These plots comprise of 64,080 sqm of frontage shrubland to a water attenuation pond to the north of the B4016 and of site of excavated gravel and sand workings, lying to the south of the River Thames, required for the construction of a length of the new A4197, mitigation of adverse effects of the highway upon its surroundings and construction working space/use land.

9.9.30 Caudwell & Sons Limited, and Hanson Quarry Products Europe Limited (in respect of Mines and Minerals) – Plots: 11/5a, 11/5b. 13/4a, 13/4b and 13/4c

These plots comprise of 33,326 sqm of frontage shrubland on the northern side of and a part width of the B4106, lying to the west of the access track to Bridge Farm House, and of shrubland and water filled pits of site of excavated gravel and sand workings lying to the south of the River Thames, required for the improvement of the B4016, the construction of a length of the new A4197 and construction working space/use land.

9.9.31 FCC Environment (UK) Limited and Hanson Quarry Products Europe Limited – Plots: 12/1a, 12/1b, 12/1c, 12/1d and 12/1e

These plots comprise of 34,822 sqm of agricultural land and length of traversing Footpath 373/12/50 (Sutton Courtenay), lying to the south and west of the B4016, required for the construction of a length of the new A4197, for improvement of the B4016, mitigation of adverse effects of the highways upon their surroundings, new private means of access to premises and construction working space/use land.

9.9.32 Morells Holdings Limited - Plots: 13/1a, 13/1c, 13/1d, 13/1f, 13/1g, 13/1h, 13/1i, 13/1j, 13/1k 14/2a, 14/2b, 14/2c, 14/2d, 14/2e, 14/2f, 14/2g and 14/2h

These plots comprise of 94,332 sqm of agricultural land of Zouch Farm, on the north side of the River Thames and to the south of the A415 Abingdon Road,

required for the construction of a length of the new A4197, and of a new Footpath off it leading to the Thames Path, mitigation of adverse effects of the highways upon their surroundings, new private means of access to premises and construction working space/use land.

- 9.9.33 Caudwell & Sons Limited - Plots: 13/3a, 13/3c, 13/3d, 17/13a, 17/13b, 17/13c, 17/13d, 18/1a, 18/1b, 18/1c, 18/1d, 18/1e, 18/1f, 18/1g, 18/1h, 19/1a, 19/1b, 19/1c, 19/1d, 19/1e, 19/1f, 19/1g, 19/1h, 19/1i, 19/1j, 19/1k, 19/1l, 19/1m, 19/1n, 19/1o, 19/1p, 19/1q, 19/1r, 19/1s, 19/1t, 19/1u and 19/1v**

These plots comprise of 109,800 sqm of agricultural fields, lying to the south of the River Thames, and to the south east of Culham Science Centre and to the north east of the Culham Sewage Treatment Works, and to the north west and north of Clifton Hampden, and intersecting private access tracks and public Footpaths, required for a length of the new A4197, a length of the new A415, associated new side roads and improvement to existing side roads, mitigation of adverse effects of the highways upon their surroundings, new private means of access to premises, and construction working space/use land.

- 9.9.34 Unknown and Caudwell & Sons Limited & Jonathan Rupert Blakiston Lovegrove-Fielden & Charles John Calcraft Wyld – Plots: 13/5b, 13/5d, 13/5f, 13/5g and 13/5k**

These plots comprise of 1307 sqm shrubland on the southern bank of the River Thames and of airspace over the River Thames, required for the construction of a length of the new A4197 on bridge over the River Thames, and construction working space/use land.

- 9.9.35 Morrells Farming Limited - Plots; 14/1a, 14/1b, 14/1c, 14/1d, 14/1e, 14/1f, 14/1g, 14/1h, 14/1i, 14/1j, 14/1k, 15/2a, 15/2b and 15/2c**

These plots comprise of 75,963 sqm of agricultural fields lying to the north of the A415 Abingdon Road, a northern half width of the A415, and an intersecting terminal length of private access track leading off Station Road lying to the west of Culham Station, required for the improvement of the A415 Abingdon Road and the construction of a new side road, mitigation of adverse effects of the highways upon their surroundings, new private means of access to premises and construction working space/use land, including a works compound.

- 9.9.36 LEDA Properties Limited - Plots: 16/6a, 16/6b, 16/6c, 16/6d, 16/6e, 16/6f, 16/6g, 16/6h, 16/6i, 16/6j, 16/6k, 16/6l, 16/6m, 16/6n, 16/6o, 16/6p, 16/6q, 16/6r, 16/6s, 16/6t, 16/6u, 16/6v, 16/6w, 16/6x, 16/6y, 16/6z, 16/6aa, 16/6bb, 16/6cc, 18/2a, 18/2b, 18/2c, 18/2d, 18/2e, 18/2f, 18/2g, 18/2h, 18/2i, 18/2j, 18/2k, 18/2l, 18/2m, 18/2n and 18/2o**

These plots comprise of 75,866 sqm of southern frontage of the Culham No 1 site industrial business park, lying to the east of Culham Station, and lengths

of crossing private means of access to those premises (16/6 series of plots), and agricultural/arable land and of crossing private access tracks and Footpath 171/10/10 (Clifton Hampden) (18/2 series of plots), required for the construction of a new length of the A415 and its new roundabout junction, the construction of other new highway side roads off it and in its vicinity, mitigation of adverse effects of the highways upon their surroundings, new private means of access to premises and construction working space/use land.

9.9.37 Oxfordshire County Council and LEDA Properties Limited – Plot: 16/11

This plot comprises of 45 sqm of a northern part width of the A415 Abingdon Road, required for mitigation of adverse effects of the improved and new A415 upon their surroundings.

9.9.38 United Kingdom Atomic Energy Authority - Plots: 16/13a, 16/13b, 16/13c, 16/13d, 16/13e, 16/13f, 16/13g, 16/13h, 16/13i, 16/13j, 16/13k, 16/13l, 16/13m, 16/13n, 16/13o, 16/13p, 16/13q, 16/13r, 16/13s, 16/13t, 16/13u, 16/13v, 16/13w, 16/13x, 16/13y, 16/13z, 16/13aa, 16/13bb, 16/13cc, 16/13dd, 16/13ee, 16/13ff, 16/13gg, 16/13hh, 16/13ii, 16/13jj, 16/13kk, 17/2a, 17/2b, 17/2c, 17/2d, 17/2e, 17/2f, 17/2g, 17/2h, 17/2i and 17/2j

These plots comprise of 58,084 sqm of the southern frontage of the Culham Science Centre and of intersecting vehicular private access roads and private cyclist/pedestrian tracks, northern part widths of the A415 Abingdon Road, and of grassland lying to the north of 3 and 4 Fullamoor Cottages and to the south east of Thame Lane private access road, required for the construction of a length of the new A415, the construction of other new highway side roads off it and in its vicinity, mitigation of adverse effects of the highways upon their surroundings, the improvement and development of frontages to the new highway, including the provision of a frontage drainage attenuation pond, new private means of access to premises and construction working space/use land.

9.9.39 James Wallace Veitch - Plots: 16/20 17/1a, 17/1b and 17/1c

These plots comprise of 8,395 sqm of lengths and part widths of the Thame Lane private access road, as runs off the Main Avenue private access road to Culham Science Centre, required for the construction of a new length of the A415, mitigation of adverse effects of the new highway upon its surroundings and construction working space/use land.

9.9.40 Thames Water Utilities Limited - Plots: 17/11a, 17/11b, 17/11c, 17/11d, 17/11e, 17/11f, 17/11g, 17/11h, 17/11i and 9/24

These plots comprise of 3,334 sqm of shrubland north western curtilage of, and length of private access road to, the Culham Sewage Treatment Works, lying to the south east and off Thame Lane private access road, and of a grassland/shrubland area of land lying to the west of the Cherwell Valley

Railway Line and east of Level Crossing Cottage (9/24), required for the construction of a new length of the A415, mitigation of adverse effects of the highway, private means of access and construction working space/use land (including 9/24).

9.9.41 David Charles Leslie Gibbs - Plots: 17/12a and 17/12b

These plots comprise of 545 sqm of a length of the Thame Lane private access road, at its junction with the private access to Culham Sewage Treatment works, required for the construction of a length of the new A415 and mitigation of adverse effects of the highway upon its surroundings.

9.9.42 Emmett of Drayton Limited - Plots: 17/3a,17/3b, 17/3c, 17/3d, 17/3e, 17/3f, 17/3g, 17/3h, 17/3i, 17/3j and 17/3k

These plots comprise of 40,861 sqm of agricultural fields of Fullamoor Farm and length of private access track as leads off Thame Lane private access road, required for the construction of a new length of the A415 and a new side road connection the new and old A415 lengths, private means of access to premises, mitigation land and constructing working space/use land

9.9.43 Unknown, and Thames Water Utilities Limited and Caudwell & Sons Limited (reputed owner) – Plots: 17/14a and 17/14b

These plots comprise of 373 sqm of shrubland and hard standing, lying to the northeast of the access road to Culham Sewage Treatment Works, required for the construction of a length of the new A415 and mitigation of adverse effects of the highway upon its surroundings.

9.9.44 Jonathan William Johnson-Watts and Sara Jan Johnson-Watts – Plots: 19/4a and 19/4b

These plots comprise of 160 sqm of shrubland and access track, lying immediately north of the B4015 Oxford Road, and part width of the B4015 Oxford Road, required for and the improvement of that highway and mitigation of adverse effects of the highway upon its surroundings.

9.9.45 S J Farrant & Son Limited - Plots: 19/7a and 19/7b

These plots comprise of 2,359 sqm of agricultural land and an adjacent southern half width of the B4015 Oxford Road, required for the improvement of that highway and construction working space/use land.

9.9.46 Oxfordshire County Council - Plots: 1/3a, 1/3b, 1/3c, 1/3d, 1/3e, 2/2, 3/2a, 3/2b, 3/2c, 4/2a, 4/2b, 4/2c, 4/2e, 4/2f, 4/2g, 4/2i, 6/2a, 6/2b, 6/2c, 6/2d, 6/2e, 6/2f, 6/2g, 6/2h, 7/2a, 7/2b, 7/2c, 7/2d, 7/2e, 7/2f and 7/2g 14/5a, 14/5b,

15/116/1a, 16/1b, 16/1c, 16/1d, 16/1e, 16/1f, 16/1g, 16/1h, 16/1i, 16/1j, 16/1k, 16/1l, 16/1m, 16/1n, 16/1o, 16/1p, 16/1q, 16/1r, 16/1s, 16/1t, 17/4 and 19/6,

These plots run across the entirety of the Scheme and comprise 129,340 sqm of public highway and shrubland and are required for new and improved highways across the Scheme, mitigation of adverse effects of the highways upon their surroundings, new private means of access to premises, and construction working space/use land.

9.9.47 Unregistered, unknown - Plots: 1/4, 1/9, 1/11, 1/12, 3/3, 3/4, 3/5, 3/7, 3/9, 4/11, 4/12, 4/18, 6/4, 8/3, 8/5, 9/2, 9/4, 9/5, 9/8, 9/11, 9/13, 9/14, 9/15, 9/16, 9/17, 9/18, 9/19, 9/20, 9/21, 9/23, 9/25, 9/26, 11/2, 11/4, 11/6, 12/4, 12/5, 12/6, 12/8, 12/9, 14/3, 14/4, 16/2, 16/3, 16/4, 16/5, 16/7, 16/8, 16/9, 16/10, 16/12, 16/14, 16/15, 16/16, 16/17, 16/18, 16/19, 16/21, 17/5, 17/6, 17/7, 17/8, 17/9, 17/10, 19/2, 19/3, 19/5 and 19/8

These plots run across the entirety of the Scheme and comprise of 20,048 sqm of land including public highways, private access roads/tracks, woodland, and grassland. Despite undertaking diligent enquiry to ascertain ownership, the landowners of these plots remain unknown. These plots are required for the construction of new highways and improvement of existing highways across the Scheme, mitigation of adverse effects of the highways upon their surroundings, new private means of access to premises and construction working space/use land.

Description of Land Required for Rights by Plot Reference

9.10 The Order Land also includes 34,360 sqm of land over which new rights are required, shown shaded blue on the Order Map, being Plots 1/1, 1/2, 4/3b, 4/3c, 4/5b, 4/5d, 4/5e, 4/5f, 4/5g, 4/6, 4/7, 4/8, 4/9, 4/10, 4/13, 4/14, 4/15, 4/16, 8/7g, 8/8b, 8/9c, 8/10b, 9/3e, 9/3h, 9/3i, 9/3j, 9/3l, 9/3p, 9/3s, 9/3t, 9/3v, 9/3w, 9/12d, 9/12f, 9/22, 10/1j, 10/1k, 10/3, 11/3b, 12/2l, 12/7, 13/1b, 13/1e, 13/3b, 13/3e, 13/4d, 13/5a, 13/5c, 13/5e, 13/5h, 13/5i, 13/5j, 13/6c, and 13/7. A description of the rights sought over these plots is set out in the table below and in the proceeding paragraphs.

Right	Nature of New Right to be compulsorily acquired
1	<p>ACCESS AND GENERAL CONSTRUCTION</p> <p>To enter the land at all times (with or without vehicles, machinery, equipment, plant and materials) for all purposes necessary in connection with the surveying, demolition, construction, maintenance, inspection, use, renewal, repair, reinstatement, cleaning, decoration, connection, removal and replacement of land, property, structures and buildings adjacent to or abutting the land and the right to manage access to such parts of the land to accord with safe working practices (but without requiring exclusive possession of such land) including entering onto land, property, structures</p>

	and buildings to make good and carry out protective works, boundary treatment works, to re-grade, re-surface and landscape land, carry out support works from properties adjoining the land and to carry out accommodation and reconfiguration works to land where access is reconfigured in order to modify the retained land so that it can be brought back into beneficial use.
2	<p>OVERSAIL</p> <p>To oversail and/or sail a crane or cranes (including, but not limited to, mobile crane platforms, jibs and booms and all associated equipment), loaded or unloaded through the airspace over the land and/or water together with the right to temporarily set up exclusion zones for public safety and to accord with safe construction practices.</p>
3	<p>SCAFFOLDING/HOARDING/SAFETY FENCING</p> <p>To erect, secure, use, decorate, clean, maintain, repair, renew, replace and take support for scaffolding and/or hoardings and/or safety fencing (including signage) on land or land adjoining or abutting the boundaries of the land for the purpose of construction, demolition, maintenance, inspection and repair of land, highways and structures adjacent to or abutting the land, including but not limited to cradle scaffolding for the survey, construction, inspection and ongoing maintenance of any bridge structure.</p>
4	<p>UTILITY SERVICES</p> <p>To disconnect, install, lay, strengthen, connect to, divert, alter, use, maintain, repair, replace, renew, inspect and remove the utility services in, over or under the land as necessary and to make good any damage caused in connection with the exercise of these rights.</p>
5	<p>AMENDMENTS TO ACCESS/EGRESS ARRANGEMENTS</p> <p>To alter, divert, replace and/or remove access/egress routes (either on a temporary or permanent basis) forming part of or used by the land whilst always providing an alternative means of access/egress from the land whilst carrying out such works and to grant rights for owners and occupiers of land to use said access/egress routes.</p>
6	<p>FUTURE INSPECTIONS AND MAINTENANCE</p> <p>To enter the land at all times (with or without vehicles, machinery, equipment, plant and materials) for all purposes necessary in connection with the maintenance and inspection of the new and/or improved roads, including any road bridge structures to be constructed, together with any ancillary support structures, drains, earthworks, scour protection measures, structural connections and components, bridge abutments and bridge deck or other structures or development on the land.</p>

7	<p>CONDITION SURVEYS</p> <p>To enter the land on foot only and temporarily remain on the land for the purposes of carrying out non-intrusive condition surveys in accordance with safe working practices and to document the condition of the land before, during and after development, if so necessary.</p>
8	<p>DELIVERIES</p> <p>To access the land at all times (with or without vehicles, machinery, equipment, plant and materials) for the purposes of delivery, removing and sorting materials, plant and machinery, and the right (from time to time) to create, divert and/or otherwise manage pedestrian and vehicular access to, on and across land to facilitate the delivery of the scheme (including the ongoing maintenance and inspection of the scheme) and to accord with safe working practices.</p>
9	<p>DISCHARGE OF WATER</p> <p>To carry out initial excavation and construction of a discharge pipe and outfall and to discharge uncontaminated surface waters, land drainage waters and waters from highway drains into the new watercourse channel outfall to be constructed as part of the scheme or into existing ponds, ditches and drains (as the case may be) in land adjoining or lying near to the highways, in order to enable satisfactory operation of the channel outfall, including the provision of access for construction, maintenance, inspection, use, renewal, repair, reinstatement and cleaning of the discharge pipe and outfall.</p>
10	<p>ECOLOGICAL MITIGATION</p> <p>The right of access with or without vehicles, plant and machinery to carry out, maintain, and inspect ecological and environmental mitigation works including non-intrusive surveys and including (as necessary) the installation, inspection, repair and maintenance of landscape fencing, and implementation of measures for the protection of species including but not limited to Badgers, Great Crested Newts, Riparian mammals (Water Voles and Otters) and Bats, which are to be agreed with Natural England in advance of any permitted works.</p>
11	<p>RAIL BRIDGE CONSTRUCTION</p> <p>The right to carry out construction works above and around railway lines in connection with the construction of new road bridges crossing railways, including pilings, reinforcement structures, foundations and drainage.</p>
12	<p>RAILWAY ACCESS</p> <p>The right of access with or without vehicles, plant and machinery over the railway crossing in connection with the temporary storage and removal of construction materials plant and equipment on the Acquiring Authority's adjoining land, including the right to construct, repair and maintain a new</p>

	temporary reinforced railway crossing platform with a right of support for the crossing.
13	WATERWAY BRIDGE CONSTRUCTION The right to carry out construction works above and around the navigable River Thames in connection with the construction of a new road bridge crossing the River Thames, including pilings and reinforcement structures.
14	RIVER/ WATER CHANNEL BANK ACCESS The right of access with or without vehicles, plant and machinery over the banks of any River/water channel/drain in the land in connection with improvement works to any River/water channel/drains and its embankments, including reinforcement works necessary as a result of the constructed or improved highways.
15	BRIDGE MAINTENANCE The permanent right to access the land around and under the bridge structure and the bridge itself for the purposes of inspection, repair, maintenance and, where necessary, reconstruction of the bridge structure as may be necessary.

9.10.1 Exmoor Properties GP Limited and Exmoor Nominee Limited – Plot: 1/1 (Rights 1, 5 and 8)

Rights over this plot are required to provide access to the proposed Works compound, for the purposes of construction and improvement of Highways and Private Means of Access on adjacent lands.

9.10.2 Whitbread Group Plc – Plot: 1/2 (Rights 1, 3, 5 and 8)

Rights over this plot are required for access to the proposed Works compound, for the purpose of construction and improvement of Highways and Private Means of Access on adjacent lands.

9.10.3 RWE Generation UK PLC and Network Rail Limited (in respect of Mines and Minerals) – Plots: 4/3b (Rights 1, 3, 4, 7 and 8); and 4/3c (Rights 1, 2, 4 and 7)

Rights over plot 4/3b are required for installing temporary safety fencing for site, egress access, construction signing, protecting, and diverting existing services. Plot 4/3c requires right for oversailing to get the Bridge Deck and structure in place over Milton Road including protecting and diverting existing services.

9.10.4 Clowes Developments (UK) Limited - Plots: 4/5b (Rights 1, 2, 4 and 7), 4/5d, 4/5e, and 4/5f (Rights 1, 2, 3, 4, 6, 7 and 15); and 4/5g (Rights 1, 2, 4 and 7)

Rights over plot 4/5b and 4/5g are required for oversailing to get the Bridge Deck/Structure in place over Milton Road including protecting and diverting existing services. Plots 4/5d, 4/5e and 4/5f are required for oversailing to get the Bridge Deck/Structure in place over Milton Road and for future maintenance from the western side of the Bridge (cradle drop). This also Road includes protecting/diverting existing services

9.10.5 Gemma Louise Hartwright & Simon Clive Hartwright – Plot: 8/7g (Rights 1, 5, 6, 7, 8, 9 and 10)

Rights over this plot are required to lay and maintain drainage outlet from Highway Swale of the Classified Road, across land and under the Eastern Private Access Road.

9.10.6 Gemma Louise Hartwright & Simon Clive Hartwright & FCC Environment (UK) Limited – Plot: 8/8b (Rights 1, 5, 6, 7, 8, 9 and 10)

Rights over this plot are required to lay and maintain drainage outlet from Highway Swale of the Classified Road, across land and under the Eastern Private Access Road.

9.10.7 Unknown & Clive Hartwright & Alison Joan Hartwright & Hanson Quarry Products Europe Limited – Plot: 8/9c (Rights 1, 5, 6, 7, 8, 9 and 10)

Right over this plot is required to lay and maintain drainage outlet from Highway Swale of the Classified Road, across land and under the Eastern Private Access Road.

9.10.8 Hartwright Estates Limited & FCC Environment (UK) Limited – Plots: 8/10b (Rights 1, 5, 6, 7, 8, 9 and 10); and 9/12d and 9/12f (Rights 1, 6, 7, 9 and 10)

Rights over plots 8/10b and 9/12d are required to lay and maintain drainage outlet from Highway Swale of the Classified Road, across land and under the Eastern Private Access Road. Plot 9/12f is required for rights to undertake works to existing drainage channel, to take new overflow outfall from eastern Attenuation Pond.

9.10.9 Unknown & Clive Hartwright & Alison Joan Hartwright – Plots: 9/3e (Rights 2 and 7); 9/3h and 9/3j (Rights 1, 2, 6, 7, 8, 11 and 15); 9/3i (Rights 1, 2, 6, 7, 8, 11, 12 and 15); 9/3l (Rights 1, 6, 7, 9 and 10); 9/3p (Rights 2 and 7); 9/3s (Rights 1, 2, 6, 7 and 12); 9/3t (1, 2, 6, 7, 9 and 12); 9/3v (Rights 1, 2, 6, 7 and 12); and 9/3w (Rights 2 and 7)

Rights over plots 9/3e, 9/3h, 9/3i, 9/3j, 9/3l, 9/3p and 9/3w are required for oversailing and entry for future maintenance of Bridge. Plots 9/3s, 9/3t and 9/3v require rights to enter upon the track for the construction of under track drainage channel for pipe and outfall.

9.10.10 FCC Environment (UK) Limited – Plots: 10/1j (Rights 1, 7, 9 and 10); 10/1k (Rights 1 and 7) and 11/3b (Rights 1, 7 and 8)

Rights over these plots are required for access for the purpose of construction of the Classified Road and the Bridge over the Appleford Sidings Private Railway, from land on the north side of the Railway and off the B4016. Drainage outfall interface between plot 10/1i and 10/1j where outfall to be installed and maintained in the future, potential ecological mitigation work to be undertaken.

9.10.11 2Morrow Group Limited, James Alexander Howe-Davies and Michael John Howe-Davies – Plot 10/3 (Rights 1 and 7)

Rights over this plot are required to provide access for the purposes of construction and condition surveys of the Classified Road and the Bridge over the Appleford Sidings Private Railway, from land on the north side of the Railway and off the B4016.

9.10.12 Hanson Quarry Products Europe Limited - Plot: 12/2l (Rights 1, 6, 7, 9 and 10)

Rights over this plot are required for drainage and maintenance of drainage of the classified road on adjacent land.

9.10.13 Jonathan Rupert Blakiston Lovegrove-Fielden & Charles John Calcraft Wyld – Plots: 13/1b and 13/1e (Rights 1, 2, 7 and 10)

Rights over these plots are required for oversailing to get the Bridge Deck/Structure in place over the River Thames including planting and landscaping. Ecological mitigation works required including non-intrusive surveys.

9.10.14 Caudwell & Sons Limited - Plots: 13/3b and 13/3e (Rights 2 and 10)

Rights over these plots are required for oversailing to get the Bridge Deck/Structure in place over the River Thames. Ecological mitigation works required including non-intrusive surveys.

9.10.15 Caudwell & Sons Limited & Hanson Quarry Products Europe Limited – Plots: 13/4d (Rights 2 and 10)

Rights over this plot are required for oversailing to get the Bridge Deck/Structure in place over the River Thames. Ecological mitigation works required including non-intrusive surveys.

- 9.10.16 Unknown & Caudwell & Sons Limited & Jonathan Rupert Blakiston Lovegrove-Fielden & Charles John Calcraft Wyld – Plots: 13/5a (Rights 2 and 10); 13/5c (Rights 1, 2, 3, 6, 7 10, 13 and 15); 13/5e (Rights 1, 2, 6, 7, 10, 13 and 15); 13/5h (Rights 2 and 10); 13/5i (Rights 1, 2, 3, 6, 7, 10, 13, 14 and 15); and 13/5j (Rights 2 and 10)**

Rights over these plots are required for oversailing and maintenance to get to the bridge deck and structure in place over the River Thames. Ecological mitigation works required including non-intrusive surveys.

- 9.10.17 RWE Generation UK PLC - Plot: 13/6c (Rights 2 and 10)**

Rights over this plot is required for oversailing to get the Bridge Deck and structure in place over the River Thames

- 9.10.18 Lavinia Clare Taylor, Anne Catherine Ballard, David James George Morrell - Plot: 13/7 (Right 2)**

Rights over this plot is required for oversailing to get the Bridge Deck and structure in place over the River Thames.

- 9.10.19 Unregistered, unknown - Plots: 4/6 (Rights 1, 2, 3, 6, 7 and 8); 4/7 (Rights 1, 2, 3, 4, 6, 7 and 8); 4/8 (Rights 2 and 7), 4/9, 4/10 and 4/13 (Rights 1, 2, 3, 4, 6, 7, 11, 12 and 15); 4/14 (Rights 1, 2, 3, 6, 7 and 8), 4/15 (Rights 2 and 7), 4/16 (Rights 1, 2, 3, 4, 6, 7 and 8), 9/22 (Rights 1, 6, 7, 9 and 10) and 12/7 (Rights 1, 6, 7, 9 and 10)**

Rights over plots 4/6, 4/7, 4/8, 4/9, 4/13, 4/14, 4/15 and 4/16 are required for oversailing to get the Bridge Deck/Structure in place over Milton Road and for entry with machinery, manpower and materials for the purposes of removing of Safety Fencing, placing of access gate(s) and replacing Safety Fencing. Works also include existing utility protection/diversion. Plot 9/22 requires rights to undertake works to existing drainage channel, to take new overflow outfall from eastern Attenuation Pond. Plot 12/7 requires right on land for drainage and maintenance of Drainage of the Classified Road on adjacent land.

10. COMPULSORY PURCHASE JUSTIFICATION

Appropriateness of Powers

- 10.1. The acquisition of land to facilitate the delivery of the Scheme falls within the scope of the compulsory purchase powers as set out in Sections 239, 240, 246, 250 and 260 of the Highways Act 1980, being a highway infrastructure scheme as detailed in Section 1.
- 10.2. The Council is using its powers under the Highways Act 1980 because it is not certain that it will be able to acquire the land and new rights required by agreement, although efforts will be made in parallel with the compulsory purchase order process.
- 10.3. The Council as the Acquiring Authority cannot achieve the Scheme objectives without acquiring all the land required for the proposed classified roads and associated side roads and other works. The confirmation of compulsory purchase powers on the Order Land will enable the Council to deliver the proposed works, address the need for the Scheme and realise the planned Scheme benefits.

The Compelling Case in the Public Interest

- 10.4. Paragraph 2 of the CPO Guidance advises that a compulsory purchase order should only be made where there is a compelling case in the public interest. This Statement of Reasons sets out the Council's compelling case in the public interest as follow:
- The need for the Scheme is set out and explained in Section 3 (above)
 - The benefits of the Scheme are set out and explained in Section 5 (above)
 - The lack of more appropriate alternatives for meeting the objectives of the Scheme are set out and explained in Section 6 (above)
 - The planning policy support for the Scheme is set out and explained in Section 8 (above)
 - The remaining parts of this section of the Statement of Reasons will set out and explain why it is necessary for the Council to be granted compulsory purchase powers in order to secure the timely implementation of the Scheme.
- 10.5. The Scheme will provide numerous substantial benefits to the public, as detailed at paragraph 5.15 of this Statement, and which provide a compelling case in the public interest for the acquisition of the Order Land as detailed within **Section 3** Need for the Scheme.

Need for Compulsory Acquisition

- 10.6. The Acquiring Authority has given careful consideration to the necessity of acquiring the land and new rights shown on the CPO Map and described further in Section 9 of this Statement.
- 10.7. The Acquiring Authority has a clear idea how it will use the land it intends to acquire and has the necessary resources to acquire the land and interests needed for the Scheme.
- 10.8. The Acquiring Authority's approach is only to acquire land and rights compulsorily where they are necessary to ensure successful delivery of the Scheme in accordance with best engineering and environmental practices.
- 10.9. The Acquiring Authority recognises that compulsory purchase is intended as a last resort to secure the assembly of land and has taken reasonable steps to acquire the land and rights required to deliver the Scheme by agreement. The Council has been working with landowners to identify means of mitigating the impacts of the Scheme proposals on property, where possible, with private treaty negotiations continuing in parallel with the preparation of the CPO.
- 10.10. As Highway Authority, the Acquiring Authority is already the owner of the freehold interest in a number of plots or parts of plots required to deliver the Scheme, and its interests in the various plots or parts thereof are included in the CPO under the provisions of section 260 (clearance of title to land acquired for statutory purposes) of the 1980 Act.
- 10.11. During the preparation of the CPO, the Acquiring Authority has fully considered the Guidance, in particular those sections relating to the acquisition of land by agreement, namely, paragraphs 17 – 19.
- 10.12. In accordance with the Guidance, all owners and occupiers will be given the opportunity to enter into negotiations with the Acquiring Authority for the purchase of their respective interests. Some landowners have not responded to our requests to engage on the project, and as such it has not been possible to have detailed discussions despite the Acquiring Authority's efforts to do so. Notwithstanding this, efforts to engage with those landowners will continue, with the intention of agreeing the acquisition of all land by private agreement, where possible.
- 10.13. Although negotiations will run in parallel, the Acquiring Authority has concluded that acquisition by agreement is unlikely to occur in all cases or within sufficient time to ensure that the programme for funding and subsequent construction of the Scheme is met. There are also some plots of land where interests are within unknown ownership and, therefore, it will not be possible to acquire the interest except by way of compulsory acquisition.

- 10.14. Discussions will continue with owners of relevant interests and new rights required, with the intention of securing them by agreement, wherever possible, with a view to limiting the number of interests needing to be acquired compulsorily. Further information on the status of negotiations to date is set out in paragraph 10.18 onwards below. The approach adopted by the Acquiring Authority is in accordance with the policy advice and recognised good practice.
- 10.15. Where the Acquiring Authority has been unable to reach agreement with landowners and occupiers it will offer alternative dispute resolution to enable agreement on compensation to be reached as suggested in the Guidance (paragraph 18). The Acquiring Authority will provide full information on the Scheme, with Gateley Hamer appointed as the dedicated case manager for the Scheme, assisting impacted parties and their agents with their queries and providing reassurance on fees, in accordance with paragraph 19 of the Guidance.
- 10.16. The CPO will be made to secure the outstanding interests and rights required to enable implementation of the Scheme.

Detail of Negotiations

- 10.17. The Acquiring Authority, together with its representatives at Gateley Hamer, has been engaging with landowners since March 2020. This has included negotiations for access to land to undertake environmental and ecology surveys in accordance with paragraph 16 of the Guidance and discussions regarding the mitigation of the impacts that the Scheme will have upon landowners' property. This has then led to discussions regarding the terms for the acquisition of land. The nature of the discussions which have been undertaken to date are outlined further below.
- 10.18. The Scheme comprises 4 elements of works, A4130 Widening, Didcot Science Bridge, River Crossing and Clifton Hampden Bypass. Within the Scheme there are 45 freeholders/reputed freeholders.

A4130 Widening and Didcot Science Bridge

- 10.19. The Acquiring Authority's approach to working with landowners was originally focussed on this element of the Scheme, as it was known from the outset that land would be required from the proposed Valley Park residential scheme. This land was obtained by Oxfordshire County Council via a Section 106 agreement. Other land within this element of the Scheme has also been secured under a Section 106 agreement.
- 10.20. Gateley Hamer's initial meetings with the 20 freehold owners landowners in this element of the Scheme first commenced in May 2020. Gateley Hamer has been in contact with the major impacted parties in this element of the Scheme via emails, phone calls, and in person and virtual meetings. Good progress has been made and the majority of these impacted parties are willing to work with the Acquiring Authority to enable the acquisition of the necessary land and new rights to facilitate the delivery of the Scheme. To date, two agreements have been reached with Network Rail and

Minscombe Properties Limited and both of these matters are with the parties' respective legal teams. However, until such time as legal agreement is documented, the Council must adopt the approach of including land within the CPO to ensure delivery of the Scheme.

- 10.21. All landowners within this element of the Scheme have been in discussions with the Acquiring Authority with regards to the Scheme, to facilitate discussions surrounding access for surveys, section 16 Requisitions for Information and negotiations for acquisition of the necessary land and new rights necessary for Scheme delivery.

River Crossing Section

- 10.22 This element of the Scheme has a number of large landowners where proposed road structures are required to be constructed over the railway sidings and the River Thames. There are 15 freehold owners within the River Crossing Section of the Scheme and one agricultural tenant. Meetings with landowners and their land agents commenced in May 2020 and the Acquiring Authority is having ongoing meetings and exchanging correspondence to agree Heads of Terms for the land required. The Acquiring Authority is in discussions with a developer regarding land for the Scheme forming part of a Section 106 agreement.

- 10.23 All landowners within this Scheme have been in discussions with the Acquiring Authority with regards to the Scheme, to facilitate discussions surrounding access for surveys, section 16 Requisitions for Information and negotiations for acquisition of the necessary land and new rights necessary for Scheme delivery.

Clifton Hampden Bypass

- 10.24 There are 17 freehold owners and 1 additional agricultural tenant within the land requirement at the Clifton Hampden Bypass element of the Scheme. The Acquiring Authority has ongoing engagement with the major landowners and their land agents due to the complex nature of the works proposed to be undertaken.

- 10.25 Gateley Hamer has been liaising with landowners' agents, who are willing to work with the Acquiring Authority to enable the acquisition of the necessary land and new rights to facilitate delivery of the Scheme. All landowners within this Scheme have been in discussions with the Acquiring Authority with regards to the Scheme, to facilitate discussions surrounding access for surveys, section 16 Requisitions for Information and negotiations for acquisition of the necessary land and new rights.

- 10.26 Discussions and negotiations with impacted landowners are ongoing and will continue to progress throughout the entirety of the compulsory purchase process, right up until the point of implementation of powers, should the Secretary of State decide to confirm the Orders.

- 10.22. Engagement with these impacted landowners and occupiers are ongoing via emails, phone calls, in person and virtual meetings and will continue to progress throughout

the entirety of the compulsory purchase process, right up until the point of implementation of powers, should the Secretary of State decide to confirm the Orders. Whilst a number of these impacted parties are willing to engage with the Acquiring Authority to enable the acquisition of the necessary land and rights, there are some individuals who have been reluctant to engage to date.

Conclusions

- 10.23. All elements of the Order Land are required and necessary in order to deliver the Scheme. Negotiations continue to take place with affected parties but there is no certainty that the necessary land interests and new rights can be assembled by private agreement within a reasonable period of time. Where such interests have already been acquired for the purpose of the Scheme, parcels of land are included within the Order Land in order to ensure that the delivery of the Scheme is not prejudiced by the existence of third-party rights, using the prescribed powers under Section 260 of the Highways Act 1980. The Acquiring Authority has taken and is taking reasonable steps to acquire all of the land and new rights included in the CPO by private agreement. Further, these efforts to acquire the land and new rights by negotiation will continue in parallel, both up to the making and confirmation of the CPO and also post confirmation, prior to its implementation.
- 10.24. The CPO is being sought under appropriate powers and there exists a compelling case in the public interest for the authorisation of compulsory purchase powers for the Order Land for the Scheme.
- 10.25. For all the above reasons the CPO is justified in accordance with policy and guidance.

11. DELIVERABILITY AND VIABILITY

Introduction

- 11.1. Paragraph 14 of the Guidance identifies the issues that will be considered by the Secretary of State when confirming an order and requires evidence as to the sources and timing of funding.
- 11.2. A Property Cost Estimate was commissioned from Gateley Hamer Limited, with the total estimated value for the acquisition of land based on market conditions as at November 2021. This Property Cost Estimate will be revised at the appropriate time to ensure it remains accurate.
- 11.3. The Acquiring Authority has given proper consideration to potential statutory blight claims being received by affected owners and occupiers. Statutory Blight forms part of the report to Cabinet in July 2022.
- 11.4. The total estimated cost of delivering the Scheme is £296.152 million, inclusive of costs associated with land acquisition and potential statutory blight claims, which will be met in its entirety from public sector funds, as outlined below.

Public Sector Funding

- 11.5. The Acquiring Authority submitted a business case to Homes England for the Scheme in March 2019. In November 2019, it was announced by Government that the bid had been successful (subject to contract) in securing funding from the Housing Infrastructure Fund (Forward Fund) towards the delivery of the Scheme, the cost of which was estimated at that time in the sum of £234 million.
- 11.6. Subsequent to the funding announcement and a further period of work to develop the Scheme and agreements, Cabinet resolved to approve the recommendation to enter into the Grant Determination Agreement (GDA) [**Appendix 15**], as set out in the report to Cabinet in October 2019 [**Appendix 16**]. The GDA was subsequently entered into with Homes England to secure funding of c.£218,016,437, subject to a series of milestone conditions.
- 11.7. Following the report to Cabinet, a further phase of development work was undertaken between November 2019 and April 2020 to identify preferred options for each of the four elements of the Scheme. These options were then the subject of the public consultation process, details of which can be found in Section 6 of this Statement, prior to the preferred route alignment being approved by Cabinet in July 2020.
- 11.8. Following further review of the preferred option at the end of the next stage of development (preliminary design), Homes England agreed to extend its funding allocation to cover forecast Scheme costs up to £239.816 million, subject to an amended GDA, as well as making these monies available until March 2026.

- 11.9. The breakdown of the funding package for the Scheme is set out within **Table 6** (as previously reported to Cabinet in March 2022 (ref 2021/221)) [**Appendix 16**].

Source	Value (£'000)
Housing Infrastructure Fund Grant	239,816
Oxfordshire Local Enterprise Partnership	10,000*
Council Capital Borrowing	29,897
S106 Developer Contributions	16,442
Total	296,155

Table 6: Revised Funding Summary

**secured against future business rates retention and forward funded by Council as part of approved capital programme*

- 11.10. The Scheme is substantially funded by Housing Infrastructure Fund grant to a capped value of £239.816m and, following the approval of the recommendations as set out in the report to Cabinet in March 2022 and June 2022 (2022/045) [**Appendix 16**], a Deed of Variation to the Grant Determination Agreement (GDA) with Homes England is expected to be entered into by the end of 2022.
- 11.11. The remaining funding has been secured from the Council's capital programme and Section 106 developer contributions. Some of the Section 106 contributions are secured but as there is no guarantee of recovery of non-secure Section 106 contributions, these non-secure (i.e., not in the Acquiring Authority's bank) contributions are underwritten by the Council [**Appendix 16**].
- 11.12. The risks associated with Scheme delivery, including Statutory Blight, are underwritten by a £52.251m quantified risk and contingency fund, which is accounted for within the overall forecast budget of £296.155m.
- 11.13. Inflation has been and will continue to be considered and calculated against the prevailing market indices and the revised delivery programme. This equates to £26.653m across the programme and is also accounted for within the overall forecast Scheme costs of £296.155m.

Timescales for Implementation

- 11.14. The Acquiring Authority will continue to negotiate with all parties with an interest in the Order Land but would hope to be in a position that the majority of land and new rights will be privately secured (or the terms agreed and progressing through detailed legal agreements) by Autumn 2023.
- 11.15. In the event that the Orders are confirmed by the Secretary of State, this would likely result in implementation of powers being completed by Autumn 2024. Main construction works would then commence on Site at the earliest point possible following the confirmation of Orders, with an anticipated construction duration of 1.5 - 2 years.

Conclusion

- 11.16. The Acquiring Authority is satisfied that, in accordance with Paragraph 14 of the Guidance, the Scheme has available all relevant resources to enable delivery, the necessary funding can be provided and, as set out above, it is financially viable.
- 11.17. If the Orders are confirmed, development of the Scheme will be brought forward on the Order Land and the Site at the earliest opportunity. The target completion for delivering the Scheme is 1.5 – 2 years from commencement of main construction works.

12. HUMAN RIGHTS AND PUBLIC SECTOR EQUALITY DUTY

- 12.1. The Human Rights Act 1998 incorporated into domestic law the European Convention on Human Rights ("the Convention"). The Convention includes provisions in the form of Articles, the aim of which is to protect the rights of the individual.
- 12.2. The following articles of the Convention are relevant to the determination as to whether the CPO should be confirmed:
- Article 1 of the First Protocol protects the right of everyone to peaceful enjoyment of possessions. No one can be deprived of their possessions except in the public interest and subject to the relevant national and international laws. Any interference with possessions must be proportionate and, in determining whether a particular measure is proportionate, a fair balance must be struck between the public benefit sought and the interference with the rights in question
 - Article 6 entitles those affected by the powers sought in the CPO to a fair and public hearing by an independent and impartial tribunal
 - Article 8 protects the right of the individual to respect for his private and family life, his home and his correspondence. A public authority cannot interfere with these interests unless such interference is in accordance with the law and is necessary in the interests of, inter alia, national security, public safety or the economic wellbeing of the country.
- 12.3. The CPO has the potential to interfere with the human rights of persons who own property in the Order Land. Such interference is authorised by law provided:
- the statutory procedures for obtaining the CPO are followed and there is a compelling case in the public interest for the CPO, and
 - any interference with the Convention right is proportionate to the legitimate aim served.
- 12.4. The Scheme has been designed to minimise interference with rights under Article 1 of the First Protocol. The Acquiring Authority believes that the Scheme is in the public interest and that this outweighs any interference with rights under Article 1 of the First Protocol caused by the use of compulsory purchase powers to acquire third party land for the Scheme.
- 12.5. In promoting the CPO, the Acquiring Authority has complied with all relevant legislation. The Scheme has been extensively publicised (as detailed within the Statement of Community Involvement (August 2021) [**Appendix 6**] and consultation has taken place with the communities and parties that will be affected by the CPO.
- 12.6. All those affected by the CPO will be notified, will have the right to make representations and/or objections to the Secretary of State, and to be heard at a Local Public Inquiry. It has been held that the statutory processes and associated right for those affected to pursue remedies in the High Court where relevant, are compliant with Article 6.

- 12.7. The Acquiring Authority considers that such interferences with Article 8, as may occur should the CPO be confirmed, are in accordance with the law and are necessary in a democratic society in that they would be in pursuit of a legitimate aim, namely the economic well-being of the country and/or the protection of the rights and freedoms of others, and are proportionate, having regard to the public interest that the Scheme will bring, which will benefit the well-being of the area.
- 12.8. Although there is no obligation on the Acquiring Authority to establish that there are no less intrusive means available, the Order Land has been kept to the minimum necessary to construct the Scheme and provide the associated mitigation measures.
- 12.9. Those directly affected by the CPO will also be entitled to compensation, which will be payable in accordance with the Compulsory Purchase Compensation Code. This will be assessed on the basis of the market value of the property interest acquired, disturbance and statutory loss payment. The reasonable surveying and legal fees incurred by those affected will also be paid by the Acquiring Authority.
- 12.10. The Compulsory Purchase Code has been held to be compliant with Article 8 and Article 1 of the First Protocol.
- 12.11. Both public and private interests are to be taken into account in the exercise of the Acquiring Authority's powers and duties. Similarly, any interference with Article 8 rights must be "necessary in a democratic society", i.e., proportionate.
- 12.12. The public interest can only be safeguarded by the acquisition of this land and such acquisition would not place a disproportionate burden on the affected landowners.
- 12.13. In pursuing this CPO, the Acquiring Authority has carefully considered the balance to be struck between the effect of acquisition on individual rights and the wider public interest in the Scheme construction.
- 12.14. Interference with Convention rights is considered by the Acquiring Authority to be justified in order to secure the economic regeneration, environmental and public benefits which the Scheme will bring.

Public Sector Equality Duty

- 12.15. In formulating and promoting the Orders, the Council has had regard to its statutory duties and obligations under the Equality Act 2010 (2010 Act) and in particular, to its obligations in section 149 and 150 of the 2010 Act, in taking into account the differential impact the Orders will have on various groups of persons with different characteristics.
- 12.16. The Equality Impact Assessment (EqIA) [Appendix 17] concluded The Scheme will result in beneficial impacts which can be shared by communities across Oxfordshire, including those from protected characteristic groups. Some of the main benefits include:

- Improved connectivity and accessibility
- Improved safety, especially for children, older people, those with mobility restrictions and for vulnerable groups using active travel, such as pedestrians and cyclists
- Increased opportunities for active travel
- Employment opportunities during the construction of the Scheme, especially for young people, armed forces/ex-military personnel, individuals from BAME backgrounds, disabled people and those affected by the COVID-19 pandemic
- Supporting new employment and housing growth in the area.

12.17 The EqIA also identified some adverse impacts for groups with protected characteristics primarily during the construction stage regarding noise, vibration and dust, disruption to Public Rights of Way and increases in annual mean NO2 concentrations. The following actions have been recommended to mitigate against the effects of the adverse impacts as well as to enhance the beneficial effects of the construction and operation of the Scheme:

- Develop a Construction Management Plan and Construction Environmental Plan
- Inclusive design standards for footpaths and Public Rights of Way or design rest stops
- Undertake Road Safety Audits at appropriate design stages
- Establish a local procurement policy
- Produce a school engagement plan
- Inclusive cycling opportunities
- Engagement with bus passengers
- Ongoing and inclusive engagement
- Develop community and business travel plans

12.18. The Acquiring Authority will continue to have regard to its Public Sector Equality Duty throughout the process of the Orders and detailed design of the Scheme.

13. BRIDGE SCHEME AND SIDE ROADS ORDER

Bridge Scheme

- 13.1 Section 106(3) of the Highways Act 1980 states that *“Provision may be made by a scheme made by a local highway authority or a strategic highways company under this subsection, and confirmed by the Minister, for the construction of a bridge over or a tunnel under specified navigable waters as part of a highway or proposed highway which is or is to be a highway (other than a special road) maintainable at the public expense by the authority or company.”*
- 13.2 As the Scheme involves the construction of Bridge over navigable waters of the River Thames, the Council has made the ‘The Oxfordshire County Council (Didcot to Culham Thames Bridge) Scheme 2022’ (‘the Bridge Scheme’). If confirmed by the Secretary of State for Transport, the Bridge Scheme will authorise the Council to construct a single 65 metre span bridge from the south bank to the north bank of the River Thames over the navigable waters of the River Thames, at a location south east of Culham and north west of Appleford. The bridge headway will be 4.7 metres, based on the soffit level of 51.502 metres AOD over the standard headwater level at Clifton Lock of 46.802 metres AOD. The existing minimum clear navigable waterway of the Thames of 13 metres is maintained and the River unimpeded and fully cleared by the single span structure, which piers are set back onto the banks of the Thames.
- 13.3 The Council is satisfied that the design dimensions proposed for the Bridge will not impede the navigable interests on the River Thames.

Side Roads Order

- 13.4 The Council has also made 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 SRO’) under Sections 14 and 125 of Highways Act 1980.
- 13.5 The SRO is made in relation to six lengths of Classified Road, commencing on the A4130 just south west of its junction with Milton Gate, in the south, and terminating on the B4015 just north of Clifton Hampden Village, where the last Classified Road length will provide a Bypass of that Village. The Classified Road works, from south to north, comprise –
- (a) The A4130 Principal Road Sections – Two lengths of the A4130 to be improved and a new length of A4130 to be constructed, from just south west of its junction with Milton Gate, to a point on the A4130, approximately 110 metres north of the A4130/Hawksworth Roundabout junction and then eastwards for some 193 metres to the west side of the Cherwell Valley Railway Line corridor at Didcot North Junction;
 - (b) The new A4197 Principal Road Section – The highway which the Council propose to construct from its junction with the A4130 enlarged roundabout

junction with Collett, northwards, crossing over the River Thames on a new bridge, to its junction with the A415 Abingdon Road at a new Abingdon roundabout junction, north of the agricultural outbuildings of Zouch Farm; and

- (c) The A415 Principal Road Sections – A length of the A415 to be improved, from a point some 392 metres west of the access track to the agricultural outbuildings of Zouch Farm, eastwards to a point some 250 metres east of its crossing over the Cherwell Valley Railway Line at Culham Station, and the highway which the Council propose to construct, as the Clifton Hampden Bypass, from that point at the end of its improved section eastwards to a new roundabout junction located to the south east of Culham No 1 Site and to the south west of Culham Science Centre, then north eastwards, to its junction with the B4015 Oxford Road, to the north of Clifton Hampden Village.

- 13.6. The SRO, if confirmed, will authorise the Council, in relation to the aforementioned Classified Roads, to improve highways, stop up existing highways and private means of access to premises affected by the Scheme, and to construct new highways and provide new private means of access required as a consequence of the Scheme works.
- 13.7. The SRO Plans show the extent to which it is necessary to carry out works to existing highways, stopping up of existing highways, stopping up of private means of access to premises, and the provision of new private means of access to premises that are likely to be affected by the Scheme.
- 13.8. The proposed alterations to existing highways and private means of access to premises that would be affected by the Scheme are detailed in the Schedules to the SRO and shown diagrammatically on the SRO Plans.
- 13.9. The SRO and the necessary changes to the highways and private means of access to premises affected by the SRO are an integral part of the proposed construction of the Scheme, as detailed below.
- 13.10 The A4130 Principal Road Improved and New Sections (Site Plans 1 – 7 (part))

(a) Highways to be Stopped Up, Highways to be Improved, and New Highways

- (i) A 89 metres length of what is proposed as a new Cycle Track (with a right of way on foot) or Footpath, southwards from its junction with Footpath 299/10/20 (Milton (Abingdon)), **(1/S1)**, will be stopped up. The Cycle Track or Footpath route does not presently exist but is expected will do at the time the Scheme is built. The SRO proposes its stopping up, within its current protected route corridor of land, so that when it becomes built, its stopping up is authorised under the SRO. The remainder of the Cycle Track or Footpath will connect with the eastern boundary of the new Link Road, **(1/A)**, which is to run south westwards off the A4130 Backhill Roundabout into the land sites and run southwards towards the A34 and a proposed bridge crossing there. The integral Cycle Track and pedestrian footway facilities within the proposed new

Link Road will continue its route for cyclists and pedestrians proceeding to and from the A4130.

- (ii) New all-purpose highways, roads, **(1/A, 1/B, 1/C and 1/E)**, will be provided to lands on the south side of and off the proposed A4130 Backhill Roundabout and which will facilitate any future development proposals, as may be granted planning permission, from those connections. A new Cycle Track (with a right of way on foot), **(1/D)**, with a northern verge, will be provided on the south side of the A4130 Backhill Roundabout, connecting the pedestrian/cyclist facilities of new highways 1/A and 1/E. Footpath 299/10/20 (Milton (Abingdon)) will be improved at its eastern cul-de-sac terminal end and to make a connection with new highway 1/A.
- (iii) A 22 metres length of Footpath 243/3/10 (Harwell), **(2/S1)**, southwards from its junction with the A4130 will be stopped up. The remaining Footpath will continue to connect with the A4130 at its new widened southern boundary, at which point a short length of the Footpath will also be improved where it will tie in with the widened A4130.
- (iv) A 22 metres length of Bridleway 243/1/10 (Harwell), **(3/S1)**, which runs co-existent with the Private Access Track to agricultural land/development land of Persimmon Homes Limited known as Cow Lane, south westwards from its junction with the A4130 will be stopped up. The remaining Bridleway will continue to connect with the A4130 at its new widened southern boundary, at which point a short length of the Bridleway will also be improved where it will tie in with the widened A4130.
- (v) A new all-purpose highway, road, spur, **(3/C)**, will be provided off the new A4130 Science Bridge Roundabout and provide the connection point to the planned Valley Park Spine Road which will lead into that proposed development area. Two new Cycle Tracks (with a right of way on foot) spurs, **(3/A and 3/B)**, will be provided off the west side of the new A4130 stretch between the A4130 roundabout and the A4130 Science Bridge roundabout, to be co-existent with private means of access to land, into that future development land and to connect with continuity cyclist/pedestrian facilities of the proposed development.
- (vi) The Classified Unnumbered Milton Road will be improved **(Site Plan 4)**, to provide a maintenance layby on its northern side and that of the Bridge crossing of the A4130 Principal Road, the Great Western Railway Line, and Milton Road. A further maintenance layby will be provided on the A4130, utilising the Council's general improvement powers under Part V of the Highways Act 1980 to undertake those works on that highway.
- (vii) A new all-purpose highway spur, **(5/A)**, to connect to the Purchas Road Link Road, will be provided off the south east side of the new A4130 Principal Road

and which will connect with the remainder of that highway route, which is proposed by its developer.

- (viii) A 170 metres length of Bridleway 373/24/40 (Sutton Courtney)/National Cycle Network (NCN) 5, **(6/S1)**, running generally northwards from its junction with the A4130 roundabout with Hawksworth and the Private Access Track known as Purchas Road, will be stopped up.
- (ix) The A4130 Principal Road and Hawksworth will be improved on the south side of where the new length of A4130 Principal Road will connect with the existing A4130 approximately 110 metres north of the A4130/Hawksworth roundabout junction, and provide their realignment and tie in with the new length of the Scheme at this location. The remaining length of the Bridleway/NCN 5 route on the northern side of the new A4130 and NCN 5 route on its southern side will remain connected through non-motorised vehicular integral facilities of the new A4130, and those within the improved A4130 on its southern side, and which also include a proposed Toucan Crossing as a feature of the new A4130 to facilitate ease of movement to and from its southern and northern sides and from which latter point Bridleway 373/24/40 (Sutton Courtenay)/NCN5 will continue northwards on its existing route.
- (x) A new Cycle Track (with a right of way on foot), **(6/A and 7/A)**, co-existent in part with a new private means of access to premises, will be provided on the northern side of the improved length of the A4130, lying to the west of its enlarged roundabout with Collett, and lying to the north of an envelope of land containing statutory utility equipment and services, including a high top pylon.

(b) Private Means of Access to be Stopped Up and New Means of Access to be Provided

- (i) Lengths of Private Access Track, known as Backhill Lane and former Backhill Lane, which runs eastwards and southwards off the A4130, together with lengths of Private Access Track which extend to and from the aforementioned Access Track, on their western and eastern sides, will be stopped up **(1/1, 1/2, 1/3, 1/4 and 1/5)**

These Access Tracks currently serve the existing land holdings encircling the tracks and are to be replaced with New Means of Access to those land holdings, off the new Link Road which will run south westwards off the proposed A4130 Backhill Roundabout, and off a new highway spur which will run south eastwards off that roundabout. Both of these new highways are proposed to facilitate future development proposals off them, as may be granted planning permission in the future together with any continuity highway or access roads leading from them as may granted under such future permission(s). In the meantime, new means of access to these surrounding

premises, off the new Link Roads, are to be provided under the Scheme, **(1/a, 1/b, 1/c, 1/d, 1/e, and 1/f)**.

- (ii) A length of Private Access Track to New Farm, **(1/6)**, which runs southwards off the A4130, will be stopped up, with a new Means of Access being provided at the southern boundary of the widened A4130, **(1/g)**, where this access will continue to make its connection.
- (iii) A length of Private Access Track to agricultural land/development land of Persimmon Homes Limited, **(2/1)**, which runs southwards off the A4130 and co-existent with the route of Footpath 243/3/10 (Harwell), will be stopped up, with a New Means of Access being provided at the southern boundary of the widened A4130, **(2/a)**. A New Means of Access to premises, to one of the Council's proposed off-highway drainage Attenuation Ponds, **(2/b)**, will be provided off the southern side of the widened A4130, some 220 metres east of where the western access to the planned Valley Park off the A4130 is proposed.
- (iv) A length of Private Access Track to agricultural land/development land of Persimmon Homes Limited, **(3/1)**, known as Cow Lane, which runs southwards off the A4130 and co-existent with the route of Bridleway 243/1/20 (Harwell), will be stopped up. This access will not be replaced, as other reasonably convenient means of access to the premises will be available.
- (v) New Means of Access to premises, to other of the Council's proposed drainage Attenuation Ponds and other drainage features and Scheme lands, will be provided off the southern side of the improved A4130, to the north east of its proposed A4130 Roundabout junction; off the A4130 Science Bridge Roundabout junction; off the length of new A4130 which connects those two roundabouts; and off the existing A4130 south of Milton Road **(3/a, 3/b, 3/c, 3/d, 3/e, 4/a, 4/b, and 4/c)**.
- (vi) Three New Means of Access, **5/a, 5/b, and 5/c**, will be provided to existing land holdings on the north and north west side of the proposed new A4197 Classified Road, and which lands are currently being progressed in their development. Two of these new Accesses, 5/a and 5/c, together with a new access on the south east of the new A4197, **5/e and 6a**, will also serve three of the Council's proposed drainage Attenuation Ponds.
- (vii) A number of Private Means of Access tracks within the RWE Generation UK PLC site ('the RWE site'), **5/1, 5/2, 5/3, 5/4, 5/5, 5/6, 5/7, 6/1, 6/2, and 6/3**, are to be stopped up, as lead off the A4130 and otherwise are continuous routes within the RWE site. A New Means of Access to the severed RWE site on the north west side of, and connecting with, the new A4130 on its north western side, extending to the private access road known as Chimney Road, will be provided, **5/d**. At this location the Council proposes to provide a new Lagoon on the RWE site, as an improvement/development of the RWE site frontage, and which will replace the RWE current drainage Ponds which will be lost under

the Scheme. The severed RWE site on the south eastern side of the new A4130, will continue to be served, as now, by the private access road known as Purchas Road, which extends westwards off the A4130/Hawksworth roundabout junction, as well as by a New Means of Access, **5/e and 6a**, directly off the new A4130 into its Car Park area and which access also serves the Council's off highway Attenuation Pond.

- (viii) A gated access to agricultural land of Hill Farm off the northern side of the A4130, **6/4**, will be stopped up, with a New Means of Access, **6/b**, being provided, set back onto the improved A4130 boundary at that same location.

13.11 The New A4197 Principal Road Section (Site Plans 7 (part) – 14 (part))

(a) Highways to be Stopped Up, Highways to be Improved, and New Highways

- (i) The whole of Bridleway 106/3/10 (Appleford), (**comprising lengths 7/S1, 8/S1 and 9/S1**), from its junction with the A4130/Collett Roundabout junction, northwards to its junction with Restricted Byway 106/4/10 (Appleford), will be stopped up. This route will be subsumed by the new length of A4197 Classified Road and its integral Cycle Tracks, Footways, and verges, will provide a complete replacement route for non-motorised vehicular uses from the A4130/Collett Roundabout junction northwards to the A415 and beyond. Collett will be improved over its immediate northwards length approaching the enlarged A4130/Collett roundabout junction, to provide an appropriate tie in with the enlarged roundabout junction and by the undertaking of general resurfacing works.
- (ii) A new all-purpose highway, road, spur, (8/A), will be provided off the western side of the new A4197 Principal Road length, to the south of Hill Farm Cottage and will facilitate a new private means of access to those premises northwards off it, as well as providing the future highway connection to prospective development land lying to the west of that new A4197 stretch. A new all-purpose highway, road, spur, (8/B), will be provided eastwards off the new A4197 Principal Road length, to the south of the former J James Ltd Pallets & Wood Recycling Site and will facilitate a new private means of access connection, linking to an easterly private access road which will not remain connected to the A4197 at its northern and southern end points.
- (iii) A 366 metres length of Restricted Byway 106/4/10 (Appleford), (9/S2), north westwards from its junction with the northern terminal point of Bridleway 106/3/10 (Appleford), just west of Appleford Level Crossing, will be stopped up. A length of new all-purpose highway, road, (9/A), extending north westwards off the western side of the new A4197 Classified Road, and skirting the large Attenuation Pond located to the south west of Appleford Level Crossing, will reconnect with the remaining length of the Restricted Byway, providing an alternative route for Byway users connecting to the western side of the A4197

only and in making use of this replacement side road and the new A4197 to continue their journey northwards or southwards along the A4197 and to other connections beyond.

- (iv) The B4016 will be improved westwards (Site Plans 11 and 12), from the western side of the access road to Bridge Farm House, to where it will make a new T-Junction with the new A4197 Principal Road length at the corner of where the B4106 presently takes its east – west to north – south route turn. A new integral Cycle Track (with a right of way on foot), will be incorporated within the northern part of the B4016 improvement.
- (v) A 67 metres length of Footpath 106/8/10 (Appleford), south eastwards from its junction with Footpath 373/31/10 (Sutton Courtenay), (12/S1); the whole of Footpath 373/31/10 (Sutton Courtenay), (12/S2), a 154 metres length of the B4016, (12/S3), and a 60 metres length of Footpath 373/12/50 (Sutton Courtenay), (12/S4), where they will all be subsumed within the extent of the new A4197 and its Sutton Courtenay Roundabout on the south side of the River Thames, will be stopped up.
- (vi) The B4016 will remain connected with the new A4197 on its eastern side and Footpath 373/31/10 (Sutton Courtney) connected with the A4197 on its western side. Integral Cycle Tracks and Footways, separated from the A4197 carriageway by wide highway verges, around the proposed Sutton Courtenay roundabout, will provide replacement routes for non-motorised vehicular users, taking users north west to Sutton Courtenay, south east along the new A4197, and northwards onto the viaduct approach of the new River Thames bridge. The B4016 will be improved to form a T-junction on the eastern side of the new A4197 and by other tie in works and incorporation of an integral Cycle Track (with a right of way on foot) on its northern side eastwards to the point of the western side of the access road to Bridge Farm House. A further length of the B4016 will be improved by widening and other works north westwards from the Sutton Courtenay Roundabout, with the existing B4016 carriageway being incorporated as an integral Cycle Track of the improved/widened B4106.
- (vii) A new Footpath, **(13/A)**, will be provided from the eastern side of the new A4197 Principal Road, immediately north of where it crosses the River Thames on bridge, to connect to the Thames Path (Footpath 181/11/80 (Culham)) on the north side of the River Thames.
- (viii) A new all-purpose highway, road, spur, **(14/A)** will be provided off the proposed A415 Abingdon Roundabout, which will provide a connection to a future development area and also facilitate access to two private means of access routes to and within offsite Attenuation Pond sites of the Scheme.

(b) Private Means of Access to be Stopped Up and New Means of Access to be Provided

- (i) That length of the Access Road (the westerly Access Road), **(7/1, 8/1, and 9/1)**, which extends northwards off the A4130/Collett Roundabout junction and then takes a westerly turn just to the west of Appleford Level Crossing and up to a point some 370 metres west of the Level Crossing, and which serves the premises of agricultural land of Hill Farm; Hill Farm Cottage; the former J James Ltd Pallets & Wood Recycling site; Hartwright House; Level Crossing Cottage; FCC Environment (UK) Limited – Waste Management Services Site(s); Thames Water Utilities Limited Appleford Crossing Sewage Pumping Station and of land containing underground services; and Hanson Quarry Products Europe Limited Site, will be stopped up.

A, second, field gate access to agricultural land of Hill Farm, **(7/2)**, and accesses to premises of Hill Farm Cottage, **(8/2)**, the former J James Ltd Pallets & Wood Recycling site, **(8/3 and 8/4)**, to a site of cleared commercial/industrial buildings, **(8/5)**, the southerly and northerly accesses to Hartwright House, **(8/6 and 8/7, respectively)**, all from the Private Access Road mentioned in (i) above, will be stopped up.

The northern and southern connections only of an easterly Access Road, **(7/3 and 9/2)**, which extends off the westerly Access Road, from a point some 60 metres north of the A4130 Collett Roundabout junction, to a point 162 metres north of the northerly access to Hartwright House, will be stopped up. This easterly Access Road, serves land of Hill Farm; the former J James Ltd Pallets & Wood Recycling Site; FCC Environment (UK) Limited – Waste Management Services Site(s) (Heavy Goods Vehicles use); and Hanson Quarry Products Europe Limited Site (Heavy Goods Vehicles use), and land of Hartwright Estates Limited, and two extensive Ponds which lie to the north of Hartwright House, the westerly of which is used as a fishing Pond.

The stopped up westerly Access Road will be subsumed within the new A4197 Classified Road length, with new Means of Access being provided off that to Hill Farm Cottage, on the west of the A4197 via a new highway stub which is to be provided westwards off the A4197 as a link to a future development area, together with a length of new private means of access running northwards off that stub to Hill Farm Cottage, **8/a**. The Council will share use of the first length of this new Access, as access to its new Attenuation Pond which is to be positioned to the north of the new highway stub and south of Hill Farm Cottage, on the west side of the new A4197. Additionally, a new single Means of Access, at the position of the current northerly Access, to Hartwright House will be provided directly off the eastern side of the new A4197, **8/b**.

Other premises currently served by the westerly Access Road, will not be provided with direct access to and from the A4197.

Agricultural land lying to the west of the westerly Access Road and immediately to the north of Collett Roundabout, presently afforded access off the Westerly Access Road, will instead use a New Means of Access, **6/b**, set back on the widened northern boundary of the A4130 some 320 metres west of the Collett

Roundabout junction and where another private access to that land presently exists and which is to be stopped up.

A new highway Link Road to a future development area which is to be provided eastwards off the new A4197 length, opposite the access road to Hill Farm Cottage, and at a point just south of the former J James Pallets and Wood Recycling site, is to be provided to connect the new A4197 with the easterly Access Road. A new Private Means of Access, **8/c**, will be provided off the eastern end of the new Link Road, reconnecting with the easterly Access Road and continuing private access rights for those who presently have such private access rights, the site of the former J James Pallets and Wood Recycling, the Hartwright Estates.

Lands and Ponds, and agricultural land, over what will become the remaining cul-de-sac easterly Access Road.

The existing Level Crossing Cottage property, together with areas of woodland and landscaped area, severed by the new A4197 and lying to the north west of the Appleford Level Crossing and to the west of the Cherwell Valley Railway Line, will be provided with new means of access off the new A4197 lying to the west of the Appleford Level Crossing, **9/a and 9/b** and off which accommodation would be made for access to the woodland area. An area of land lying to the west and abutting the rear curtilage boundary of Level Crossing Cottage and which is not to be acquired for the Scheme, would also be provided with accommodation access off 9/b through an area of land to be acquired by the Council for its Scheme works.

A New Private Means of Access, **9/c**, will be provided eastwards off the western terminal end of new Link Road 9/A and which will provide access for the Council to its proposed mitigation landscaping area on the north side of the FCC Environment (UK) Limited disused quarry/restored afteruse landfill site balancing pond lying to the south of the access road, as far as the west side of the proposed A4197 boundary. Access rights will be regranted over the relevant length of this new access to Hanson Quarry Products Europe Ltd to its land lying to the north of the new access and to the west of the new A4197. FCC Environment (UK) Limited will also be afforded access rights over the new access road as it would need for the purposes of access to its balancing pond for its maintenance. The Council would, in negotiations with FCC Environment (UK) Limited, grant it such rights over the Council's acquired mitigation land as it might need to take pipes, equipment etc from any parked vehicle on the access road, for the purposes of cleaning and maintenance of its balancing pond.

- (ii) A new private means of access track will be provided southwards off the B4016, **10/a, 12/a and 12/b**, and lying to the west of Bridge Farm House and Bridge House, on the eastern side of the new A4197, into a land corridor which the Council is to acquire and which will accommodate three new Attenuation Ponds

as part of the Scheme. A length of this new access track, **12/b**, will also provide access into the remaining land holding, known as 90-Acre field, which is severed by the new A4197 and the Attenuation Ponds site to its east.

- (iii) Two new means of Access, **12/c and 12/d**, are to be provided to a further two new Attenuation Pond sites proposed by the Council under the Scheme, located on the western side of the proposed Sutton Courtenay Roundabout and lying to the north and south of Footpath 373/12/50 (Sutton Courtenay).
- (iv) A new means of Access, **13/a**, to an Attenuation Pond, on the east side of the new A4197, where it has crossed over the River Thames on bridge and joins its northern bank, will be provided.
- (v) New means of Access to agricultural land on the west side of the new A4197, **14/b**, and to an agricultural barn and outbuildings housing farm animals on the east side of the A4197, **14/a**, of Zouch Farm, at a point some 320 metres south of the proposed A415 Abingdon Road roundabout junction, will be provided to those holdings severed by the new A4197.

13.12 The A415 Improved and New Sections (Site Plans 14 (part) – 19)

(a) Highways to be Stopped Up, Highways to be Improved, and New Highways

- (i) A 256 metres length of Station Road, **(16/S1)**, and a 234 metres southern part width and length of the A415 Abingdon Road, **(16/S2)**, are to be stopped up, at the new A415 roundabout junction, which is the commencement of the Clifton Hampden Bypass, just east of Culham Station, south east of Culham No 1 Site and south west of Culham Science Centre.

New Link Roads, into Culham Science Centre, **(16/H)**, and to Culham No 1 Site **(16/D)**, and off that to rejoin with Station Road, **(16/A)**, leading to Culham Station, will be provided, together with a number of new Cycle Track connections, for pedestrian and cyclist use, leading into the Culham Science Centre **(16/E and 16/J)** and into Culham Station **(16/B and 16/C)**, to the north of the new A415 junction, and to its south, providing connections back to the bypassed A415 **(16/K)**, co-existent with a private means of access route to an offsite Attenuation Pond of the Council's Scheme) and **16/L**. Station Road will be improved to tie in to its new Link Road connection 16/A and new Cycle Track 16/B. The existing A415 Abingdon Road will be improved along its bypassed stretch up to what will become a westerly cul-de-sac highway for motorised vehicular traffic, at the access point to Fullamoor Farm and Fullamoor Barns and where a new Cycle Track connection will pick up westwards, along the stopped up A415, running on the south side of the new A415 roundabout.

- (ii) A new Link Road, **(17/A)**, will be provided off the south east side of the new A415 Principal Road and running on the west side of the Fullamoor Farm (Agricultural Unit), providing a link between the new and the old lengths of the

A415. Fullamoor Farm (Agricultural Unit) will take its access off the eastern side of this new Link Road and which is presently facilitated off a private access road connection running south eastwards off Thame Lane private access road, both of which are to be stopped up.

The existing A415 will be improved to form a new T-Junction with the new Link Road and from which a cluster of existing properties (3 and 4 Fullamoor Cottages, North Cottage and South Cottage, 1 – 4 Fullamoor Barns, and Fullamoor Farm), will continue to take their access onto the existing A415 at this junction location and from the westerly length of the existing A415 which is to become a motorised vehicular cul-de-sac at the location of Fullamoor Farm and Fullamoor Barns. This new junction arrangement will also form the westerly junction connection with the new A4197 to and from Clifton Hampden and other localities to the east. A new vehicular highway spur, **(17/B)**, will also be provided off the south east side of the new A415 to Culham Sewage Treatment works, replacing the private access roads of Thame Lane and the south easterly access road thereof to the Works, which are being stopped up.

- (iii) A 119 metres length of Footpath 171/10/10 (Clifton Hampden), **(18/S1)**, from a point to the north of and a point to the south of the boundaries of the new A415 Clifton Hampden Bypass, will be stopped up. New lengths of Footpath will be provided, north **(18/B)** and south **(18/A)** of the new A415, slightly west of the current Footpath alignment, and from which pedestrians will be led to an uncontrolled crossing of the A415 and use of a short stretch of the integral Cycle Track within the A415 on its northern side. Pedestrians will pick up their journey on those remaining lengths of Footpath north and south of the new A415.
- (iv) The whole of Footpath 171/5/10 (Clifton Hampden), **(19/S2)**, and a 184 metres length of Footpath 171/6/10 (Clifton Hampden), **(19/S1)**, generally westwards from its junction with Footpaths 171/5/10, 171/3/30 and 171/3/20 (Clifton Hampden), together with a 34 metres length of Footpath 171/3/30 (Clifton Hampden), **(19/S3)**, will be stopped up at the north easterly termination point of the Clifton Hampden Bypass section of the Scheme and where that will tie in to the existing B4015 Oxford Road. A 250 metres length of the B4015 Oxford Road, **(19/S4)**, will also be stopped up here, to be replaced by a new Link Road realignment of the B4015, slightly west of the existing route, **(19/C)**, which will connect with the new A415 on its south east side and form the terminal T-Junction connection of the Scheme and its Bypass section.

A new Cycle Track, **(19/D)**, co-existent with a new private access track leading to one of the Scheme's Attenuation Ponds, will be provided along the stopped up B4015, offering a segregated route for pedestrians and cyclists, to link up with the integral cyclist and pedestrian facilities within the Bypass section of the Scheme on its north west and south east sides.

- (v) A new, realigned, length of Footpath 171/6/10 (Clifton Hampden), **(19/A)**, will be provided to connect with the north west side of the new A415. A new Footpath, **(19/B)**, will be provided off the new B4015 Link Road realignment, to

connect with Footpaths 171/3/30 (Clifton Hampden) and 171/3/20 (Clifton Hampden), offering an off-road route for pedestrians to pick up their connections with the Bypass and ongoing lengths of the Scheme.

(b) Private Means of Access to be Stopped Up and New Means of Access to be Provided

- (i) A Private Means of Access to outbuildings of Zouch Farm, **14/1**, off the southern side of the A415 Abingdon Road, will be stopped up, replaced by a new access **14/a**. A Private Means of Access to agricultural fields on the north side of the A415 Abingdon Road, at a point opposite to the aforementioned access to Zouch Farm outbuildings which is to be stopped up, will be stopped up (**14/2**). This access will not be replaced, as another reasonably convenient access to the land is available off the north side of the A415, further to the west. New Means of Access to two Scheme Attenuation Ponds, **14/c and 14/d**, located on the west and east sides of a short new highway spur road to future development land, leading northwards off Abingdon Roundabout, will be provided.
- (ii) A westerly terminal length of a Private Access Track which extends westwards off Station Road highway will be stopped up, **15/1**. The remaining length of the Access Track will continue to serve this land. A new means of Access to a Scheme Attenuation Pond, **15/a**, located on the northern side the A415, north of Zouch Farm, will be provided.
- (iii) A number of new means of Access to Attenuation Ponds, **16/c, 16/e and 16/h**, to the north and south of the new A415 roundabout which is the commencement of the Clifton Hampden Bypass, just east of Culham Station, will be provided, with those on the northern side of the A415 leading off two new Accesses, **16/b** (and which will provide such access rights to Culham No 1 Site as exists over the Access 16/3 which is to be stopped up) and **16/d**, leading to the Culham Science Centre. A further two new accesses, 16/f and 16/g will lead off the western and eastern sides of one of the main new accesses, 16/d, to the Science Centre. These replace existing private means of access which are to be stopped up (**16/3 – 16/8**) to the Culham Science Centre. A New Means of Access, **16/a**, to Culham No 1 Site will be provided, to replace a present cul-de-sac access road which terminates at the boundary of Station Road, **16/2**, and the Access Road to Culham No 1 Site off Station Road, **16/1**, which are to be stopped up. The Council will provide accommodation works in relation to this latter stopped up access, to provide a turning head area at what will become its south east cul-de-sac termination point within the land.
- (iv) A new Private Means of Access to Fullamoor Farm (Agricultural Unit), **17/a**, will be provided off a new highway Link Road which will connect the new and old A415, immediately to the west of those premises. This will replace the existing Private Means of Access which is to be stopped up to the Farm, **17/2**, and which leads southwards of the private access road, Thame Lane, which is also to be stopped up, **17/1**.

- (v) A new private means of Access to Culham Sewage Treatment Works, **17/c**, will be provided off a short new highway spur off the southern side of the A415 Clifton Hampden Bypass, replacing the private means of access which is to be stopped up to the Works, **17/3**, off Thame Lane Private Access Road, which is also to be stopped up.
- (vi) A new private means of Access Track westwards off that same new highway spur, **17/b**, will provide access to the site proposed as Scheme Attenuation Ponds and additional offsite drainage features, located on the south side of the new A415.
- (vii) A new private means of Access off the north western side of the A415 Clifton Hampden Bypass, **18/a**, will be provided as the Culham Science Centre secondary access.
- (viii) Two lengths of new Private Means of Access track, off the south side and north side of the new A415 Bypass, **18/b and 18/c**, to agricultural land, will be provided to replace the existing access track which is stopped up under the Scheme, **18/3**, as severed by the new A415 and also the eastern terminal length of the Thame Lane Private Access Road and an access track leading south eastwards there off, **18/1 and 18/2**, which provide access to the agricultural land of Caudwell & Sons Limited, which are being stopped up.
- (ix) A new Private Means of Access, **19/a**, co-existent with a new Cycle Track (with a right of way on foot), will be provided along a length of the stopped up B4015 Oxford Road, at the eastern termination point of the Scheme, to provide access to a Scheme Attenuation Pond there.

Side Roads Order Summary

- 13.13 The SRO is made in relation to the Classified Roads which are to be improved and constructed under the Scheme.
- 13.14 The Council is satisfied that where highways are to be stopped up, their stopping up is necessary as a consequence of the Scheme, that other reasonably convenient routes for those highways already exist or will be provided under the Scheme before the relevant highway is stopped up, allowing the Secretary of State for Transport to satisfy himself on that matter under Section 14(6) of the Highways Act 1980.
- 13.15 The Council is also satisfied that where private means of access to premises are to be stopped up under the SRO, their stopping up is a necessary consequence of the Scheme, and that where those premises are to remain another reasonably convenient means of access to the relevant premises will be provided under the SRO, or otherwise, before that private means of access is stopped up; and that in other instances no access to the premises to which an access is stopped up is reasonably required, because such premises are vacated and have been or are to be demolished, allowing the Secretary of State for Transport to satisfy himself on that matter under

Section 125(3) of the Highways Act 1980, in his consideration of confirmation of the SRO.

14 RELATED ORDERS, CONSENTS AND SPECIAL CATEGORY LAND

Planning Application

- 14.1. Planning permission is required for the Scheme. On 2 November 2021, a planning application was validated for the Scheme by Oxfordshire County Council as the determining Local Planning Authority under application reference R3.0138/21. As noted at paragraph 8.27 above, there is no reason why planning permission would not be forthcoming. It is anticipated that the application will be determined in Q1 2023.

Traffic Regulation Orders

- 14.2. The Traffic Regulation Orders are in the process of being drafted and are not considered to represent an impediment to the delivery of the Scheme. Traffic Regulation Orders will be required to introduce new, and amend existing speed limits, to prohibit or restrict parking and waiting of vehicles, and to prohibit or restrict the loading and unloading of vehicles.
- 14.3. The A4130 between Milton Gate and circa 260m west of the Great Western Park currently operates at the national speed limit for a single carriageway 60 mph. The Scheme will reduced this section to 40 mph including the proposed dualled section and proposed A4130 single lane carriageway between the two proposed roundabouts linking the existing A4130 to the new Didcot Science Bridge.
- 14.4. The proposed two south eastern arms into proposed development sites will be subject to 20 mph speed limits.
- 14.5. The new A4130 single carriageway from the proposed Didcot Science Bridge roundabout over the A4130, Great Western Mainline and Milton Road through the former Didcot A Power Station site connecting to the existing Northern Perimeter Road will be subject to a 30 mph speed limit.
- 14.6. The existing Purchas roundabout and associated single carriageway arms will be reduced from a 50 mph to 30 mph speed limit.
- 14.7. The enlarged Collett roundabout and associated arms will be reduced from 50 mph to 30 mph. The new Didcot to Culham River Crossing single carriageway will be subject to a 30 mph speed limit circa 690m north of the Collett roundabout. The northern arm of the Collett Roundabout directly links into the proposed Didcot to Culham River crossing, this single carriageway will also be subject to a 30 mph for 690m from the

roundabout. This single carriageway will continue north to the A415 Abingdon Road over the River Thames and will be subject to a 50 mph speed limit.

- 14.8. The existing 60 mph speed limit on the B4016 Appleford Road west of the proposed Didcot to Culham River crossing will be reduced to 30 mph.
- 14.9. The proposed A415 roundabout with the new Didcot to Culham River Crossing and associated arms will be subject to a 50 mph speed limit.
- 14.10. The new A415 roundabout with Culham Science Centre and associated arms will have a designated speed limit of 40 mph.
- 14.11. The proposed single carriageway Clifton Hampden Bypass will be subject to a 50 mph speed limit.
- 14.12. The existing A415 between Culham Science Centre to Clifton Hampden Village will be reduced from 60 mph to 30 mph speed limit.
- 14.13. The existing B4015 Oxford Road between Courtiers Garden and the new Clifton Hampden Bypass will be reduced to a 30 mph speed limit.
- 14.14. The Traffic Regulation Orders are in the process of being drafted and are not considered to represent an impediment to the delivery of the Scheme. Those Orders cannot be made, until it is known that the Scheme is to go ahead and is due to open.

Protected Species Licences

- 14.15. All necessary protected species licences required for the Scheme will be obtained prior to undertaking any works that might result in offences under relevant legislation.
- 14.16. With reference to the defined existing baseline conditions, the requirement for licences relates to the following species:
 - **Fish:** consent will be required to capture and relocate fish away from the works areas in water bodies to be directly impacted, namely at: the unnamed lake and ponds at the Appleford Sidings and the Culham finger lakes. Fish capture and translocation will be facilitated by applications submitted to the Environment Agency, working with their local Biodiversity Team.
 - **Bats:** the Scheme would directly impact on roosts in trees on the northern extent of the Clifton Hampden section of the Scheme and require works under licence from Natural England.
 - **Badgers:** The survey of badger activity identified 13 active badger setts; two of which are main setts which would be directly impacted by the Scheme and require closure under licence from Natural England.
- 14.17. As per the ecological assessment in the EIA, following the application of best practice construction measures in a Construction Environmental Management Plan (CEMP)

prepared by the contractor and applying for protected species licences from the relevant regulators, no significant adverse effects on biodiversity are anticipated.

Network Rail – Asset Protection Agreement

14.19 The Council is continuing to progress an Asset Protection Agreement (APA) with Network Rail, which will enable it to secure the necessary temporary access rights, design approvals and rail possessions to undertake the works to the proposed Didcot Science Bridge.

14.20 The agreement will include, but is not limited to:

- Purpose
- Defining Roles & Responsibilities
- Programme of Works (Design, Surveys, Assurance, Construction, Handover)
- Access / Egress
- Undertaking construction works
- Safeguarding the railway
- Inspection, Construction Completion, Taking Over and Final Completion
- Network Rail costs
- Indemnity
- Limitation of Liability
- Insurances

14.21 It is recognised that the various rights required to deliver this work and future planned works are excluded from the Orders, as they will be obtained via the APA once detailed design has been developed and accepted by Network Rail. However, it is considered that there is no reason why the APA would not obtain all the necessary rights to carry out this element of the Scheme.

14.22 An Approval in Principle (AIP) has been approved by the Council and accepted by Network Rail. The AIP highlights the proposed arrangements for construction, consultation of any special conditions required and proposed arrangements for future maintenance and inspection. Network Rail has provided a letter of no objection confirming to the Planning Inspectorate that Network Rail has been duly consulted and its input has been taken into account in the preliminary design (including having had the opportunity to review and comment on the AIP).

14.23 It is estimated the APA for the main works could be agreed as early as Q1 2023 and an APA for future works as early as Q3 2023.

Special Category Land – Statutory Undertakers' Land

- 14.24 The Acquiring Authority has concluded that the only Special Category Land is that which is owned by Statutory Undertakers. The Order Land also includes land which has been previously acquired by a statutory undertaker for the purposes of their undertaking.
- 14.25 Should a statutory undertaker object to the Orders and make a representation under Section 16 of the Acquisition of Land Act 1981 in respect of such land, it cannot be confirmed unless the responsible Secretary of State, in this case the Secretary of State for Transport, or the Secretary of State for Business, Energy and Industrial Strategy, is satisfied that the land in question can either be purchased without serious detriment to the carrying on of the undertaking, or that if purchased, it can be replaced by other land belonging to, or available for acquisition by the undertakers.
- 14.26 The Acquiring Authority has been working with Network Rail to allow a series of night time possessions, where the Acquiring Authority will occupy the area and where Network Rail will shut off the power to the railway line and stop train movements in the localised area to allow work to be undertaken for approximately 8 hours each time. The Acquiring Authority has entered into an Outside Party Asset Protection Agreement with Network Rail and has all the agreements in place to allow access to the land in order to carry out the works.
- 14.27 The Order Land includes parcels of land which Thames Water and the Environment Agency have rights over. The Council does not believe that the Scheme will interfere with their ability to undertake their statutory duties. Further discussions are ongoing in this regard.
- 14.28 In accordance with the New Roads and Street Works Act 1991, extensive discussions have taken place with all statutory undertakers to determine if they are affected by the Scheme. Potential necessary measures and diversions that will be required where their operational apparatus is likely to be impacted have been discussed with the statutory undertakers. With the exception of Thames Water, all of the statutory undertakers have received and responded to 'C4' (detailed diversion estimate and detailed design including lead times and detailed cost estimates) detailed estimate applications (see **Table 7** below). Bearing this in mind, and in consideration of the ongoing negotiations with the relevant statutory undertakers, it is considered that there will be no serious detriment to the carrying on of the undertaking and, as such, section 16(2) is satisfied.

Utilities Provider	C4 application submitted	C4 detailed estimate received
Openreach BT	07/05/2021	05/11/2021
SGN	07/05/2021	05/11/2021
SSE Telecommunications Ltd	05/05/2021	04/08/2021
SSEN	05/05/2021	03/08/2021
Vodafone	06/04/2021	30/07/2021
Thames Water (enhanced C3)	12/03/2021	17/08/2021
Gigaclear	24/04/2021	20/08/2021
CloudHQ / InstalCom	24/04/2021	20/08/2021
Virgin Media	12/04/2021	03/06/2021

Table 7: C4 Programme

Special Considerations

14.29 The Order Land contains no land which is classified as Public Open Space, Common land, Allotments, or Consecrated Ground (including ecclesiastical or burial ground). The Order Land does not affect any Listed Buildings or Buildings subject to Building Preservation Notices, or Buildings within a Conservation Area, with the closest Conservation Area being the Clifton Hampden Conservation Area, which the Scheme skirts.

14.30 No Scheduled Monument, Registered Park, Garden or Historic Battlefield is affected within the Order Land. Although there are no scheduled ancient monuments or listed buildings within the Order Land, the land required for the Culham to Didcot River Crossing is adjacent to a Scheduled Ancient Monument called 'Settlement site N of Thames', reference 1006345. Ground Penetrating Radar Surveys (GPRS) have been undertaken within the corridors of land for the Scheme to reveal any possible archaeological features within the Order Land. A written scheme of investigation has been developed and agreed with the County Council Archaeologist. Archaeological trenching was undertaken in March 2021 to July 2021 and was considered within the Environmental Statement, submitted as part of the planning application.

14.31 None of the Order Land is owned by the National Trust.

- 14.32 None of the Order Land has a freehold interest of the Crown Estate. However, the Crown (the Home Department, the Secretary of State for Defence, and the Secretary of State for Transport) has the benefit of certain restrictive covenants or rights over land, mainly located around the areas of the Culham Science Centre and the Culham No 1 Site. The Acquiring Authority is of the view that the discharge of such restrictive covenants or removal of rights will not have a detrimental effect on the Crown interests concerned. It aims to seek agreement from those Crown interests that they are content that the SRO and CPO powers of the Highways Act 1980 may be exercised against those interests.
- 14.33 There are no Sites of Special Scientific Interest (SSSI) within the Order Land. The closest SSSI to the Scheme is Culham Brake, which is approximately 2.1km in distance from the northernmost extent of the Culham to Didcot River Crossing.

Views of Government Departments

- 14.34 The Department for Levelling Up, Housing and Communities (DLHC) and Homes England support the Scheme. Homes England, on behalf of the DLHC, has entered a Grant Determination Agreement with the Council providing £239.8 million, via the Housing Infrastructure Fund, for the Council to undertake the Scheme as the Highway Authority (subject to an amended GDA, as well as making these monies available until March 2026). As part of the updated business case yet to be submitted (with the update GDA funding breakdown) to DLHC, the Department for Transport will also need to assess and approve the proposals.
- 14.35 The business case and benefit cost ratio (BCR) was predominantly predicated on the delivery of new homes by evaluation of land value uplift (LVU) rather than a traditional transport business case. Even though the transport benefits/disbenefits were assessed as part of the business case, the use of LVU is reflective of the Government's priority to deliver more new homes in areas where they are most needed. Oxfordshire is a high housing demand area with Oxford City often cited as the most expensive area to live, outside London, relative to wages. Oxfordshire, as demonstrated by the Housing and Growth Deal, is integral to Government achieving its national target of building 300,000 new homes every year.

Statement justifying extent of scheme to be disregarded for the purposes of assessing compensation in the 'no-scheme world'

- 14.36 Paragraph 196(v) of the CPO Guidance requires a statement to be included in every statement of reasons which justifies the extent of the scheme to be disregarded for the purposes of assessing compensation in the 'no-scheme world'.
- 14.37 Section 6(A) of the Land Compensation Act 1961 provides that "*the no-scheme principle is to be applied when assessing the value of land in order to work out how much compensation should be paid by the acquiring authority for the compulsory acquisition of the land*". For the purposes of section 6(A), the "scheme" means the scheme of development underlying the acquisition.

14.38 Section 6D explains that the underlying scheme is to be the scheme provided for by the order unless it is shown that the underlying scheme is a scheme larger than, but incorporating, the scheme provided for by that instrument.

14.39 In the present case, the underlying scheme is Scheme. That is the extent of the scheme to be disregarded for the purposes of assessing compensation in the 'no-scheme world'.

Conclusion

14.40 Having regard to the above, the Acquiring Authority can show in accordance with paragraph 15 of the CPO Guidance that the Scheme is unlikely to be blocked by any physical or legal impediments to implementation or delivery. A statement in accordance with paragraph 196(v) of the CPO Guidance has also been provided.

15. INSPECTION OF DOCUMENTS AND CONTACT DETAILS

15.1 The following documents are available for public inspection during normal opening hours at the following locations:

- Oxfordshire County Council, County Hall, Oxford OX1 1DJ
(Monday – Thursday 8:30 a.m. – 5:00 p.m.; and Friday 8:30 a.m. – 4:30 p.m.)
- Didcot Library, 197 Broadway, Didcot OX11 8RU
(Monday – 1:00 p.m – 7:00 p.m.; Tuesday – 9:00 a.m. – 7:00 p.m.; Wednesday – 9:00 a.m. – 5:30 p.m.; Thursday – 9:00 a.m. – 5:30 p.m.; Friday – 9:00 a.m. – 7:00 p.m.; and Saturday – 9:00 a.m. – 4:30 p.m.; Sunday – Closed)
- Abingdon Library, The Charter, Abingdon OX14 3LY
(Monday – 9:00 a.m. – 7:00 p.m.; Tuesday – 9:00 a.m. – 7:00 p.m.; Wednesday – 9:00 a.m. – 7:00 p.m.; Thursday – 9:00 a.m. – 1:00 p.m.; Friday – 9:00 a.m. – 7:00 p.m.; and Saturday – 9:00 a.m. – 4:30 p.m.; Sunday – Closed)
- Berinsfield Library, Green Furlong Berinsfield, Wallingford OX10 7NR
(Monday – Closed; Tuesday – 10:00 a.m. – 1:00 p.m. and 2:00 p.m. – 5:30 p.m.; Wednesday – 10:00 a.m. – 1:00 p.m. and 2:00 p.m. – 5:30 p.m.; Thursday – 2:00 p.m. – 5:30 p.m.; Friday – 10:00 a.m. – 1:00 p.m. and 2:00 p.m. – 5:30 p.m.; and Saturday – 10:00 a.m. – 12:30 p.m.; Sunday – Closed)

15.2 The documents are:

- the CPO and Order Schedule
- the CPO Map
- the SRO and SRO schedule
- the SRO plans
- the Bridge Scheme and the Bridge Scheme Plan,
- this Joint Statement of Reasons, and
- the suite of General Arrangement Drawings

15.3 The documents can also be viewed on the Acquiring Authority's website at www.oxfordshire.gov.uk/residents/roads-and-transport/roadworks/future-transport-projects/didcot-and-area-improvements

15.4 Interested parties affected by the Orders who wish to discuss matters with the County Council as Promoting Authority should contact Timothy Mann, Programme Lead, by one of the following means:

- by e-mail to hif1project@oxfordshire.gov.uk
- by post to Oxfordshire County Council, County Hall, Oxford OX1 1DJ

15.5 Owners and occupiers of properties affected by the CPO who wish to progress discussions for the acquisition of their interest should contact Ian Miles, Technical Director, Gateley Hamer Limited on 07923 212505 or via email ian.miles@gateleyhamer.com.

- 15.6 The Acquiring Authority will assist, wherever practicable, occupiers of properties affected by the CPO to relocate to alternative premises.

List of Documents in the Event of an Inquiry

- 15.7 The following is a list of documents the County Council may wish to refer to in the event of a Public Inquiry. This is not an exhaustive list and the Council may refer to further documents at any Public Inquiry.

- Planning Statement
- Design and Access Statement (including OAR)
- Statement of Community Involvement
- Lighting and Electrical Design Report
- Transport Assessment
- Foul Water and Utilities Assessment
- Minerals and Waste Safeguarding Preliminary Assessment
- Arboriculture Impact Assessment
- Outline Landscape and Biodiversity Management Plan
- Drainage Strategy Report
- Biodiversity Net Gain Assessment
- Ground Investigations Report
- Environmental Statement (ES) Volume I - Chapter 1 Introduction
- ES Volume I - Chapter 2 The Scheme
- ES Volume I - Chapter 3 Assessment of Alternatives
- ES Volume I - Chapter 4 EIA Methodology
- ES Volume I - Chapter 5 General Consultation
- ES Volume I - Chapter 6 Air Quality
- ES Volume I - Chapter 7 Cultural Heritage
- ES Volume I - Chapter 8 Landscape and Visual
- ES Volume I - Chapter 9 Biodiversity
- ES Volume I - Chapter 10 Noise and Vibration
- ES Volume I - Chapter 11 Geology and Soils
- ES Volume I - Chapter 12 Material Assets and Waste
- ES Volume I - Chapter 13 Population and Health
- ES Volume I - Chapter 14 Road Drainage and Water Environment
- ES Volume I - Chapter 15 Climate
- ES Volume I - Chapter 16 Cumulative Effects
- ES Volume I - Chapter 17 Transport
- ES Volume II – Figures
- ES Volume III – Appendix 1.1 Statement of Competence
- ES Volume III – Appendix 1.2 Glossary
- ES Volume III – Appendix 3.1 Extract from OCC WebTAG Preliminary Environmental Impact Appraisal Report
- ES Volume III – Appendix 3.2 Appleford Position Paper
- ES Volume III – Appendix 3.3 Responses to Appleford Position Paper
- ES Volume III – Appendix 4.1 EIA Scoping Report & EIA Scoping Opinion

- ES Volume III – Appendix 4.2 Outline Environmental Management Plan
- ES Volume III – Appendix 6.1 Verification of Air Quality Modelling Output
- ES Volume III – Appendix 6.2 Local Air Quality Assessment Results
- ES Volume III – Appendix 7.1 Gazetteer of Cultural Heritage Assets
- ES Volume III – Appendix 7.2 Cultural Heritage Desk Based Assessment
- ES Volume III – Appendix 8.1 Landscape and Visual Planning Policy
- ES Volume III – Appendix 8.2 LVIA Methodology
- ES Volume III – Appendix 8.3 Published Character Assessments
- ES Volume III – Appendix 8.4 Landscape and Visual Receptors and Sensitivity
- ES Volume III – Appendix 8.5 Landscape Impact Assessment
- ES Volume III – Appendix 8.6 Visual Impact Assessment
- ES Volume III – Appendix 8.7 Cumulative Landscape and Visual Impact Assessment
- ES Volume III – Appendix 9.1 Preliminary Ecological Appraisal Report
- ES Volume III – Appendix 9.2 Survey Report for Hedgerows and Arable Plants
- ES Volume III – Appendix 9.3 Terrestrial Invertebrate Survey Report
- ES Volume III – Appendix 9.4 Aquatic Ecology Survey Report
- ES Volume III – Appendix 9.5 Reptile Survey Report
- ES Volume III – Appendix 9.6 Great Crested Newt Report
- ES Volume III – Appendix 9.7 Survey Report for Breeding Birds
- ES Volume III – Appendix 9.8 Wintering Bird Survey Report
- ES Volume III – Appendix 9.9 Bat Survey Report
- ES Volume III – Appendix 9.10 Dormouse Survey Report
- ES Volume III – Appendix 9.11 Otter and Water Vole Survey Report
- ES Volume III – Appendix 10.1 Noise and Vibration Terminology
- ES Volume III – Appendix 10.2 Baseline Noise Monitoring
- ES Volume III – Appendix 10.3 Construction Noise
- ES Volume III – Appendix 10.4 Noise Modelling
- ES Volume III – Appendix 10.5 Sensitivity Test Low Noise Surfacing on Sections of the Scheme
- ES Volume III – Appendix 11.1 Conceptual Site Model
- ES Volume III – Appendix 11.2 Agricultural Soils Classification Report
- ES Volume III – Appendix 12.1 Outline Site Waste Management Plan
- ES Volume III – Appendix 12.2 Waste Minimisation Statement
- ES Volume III – Appendix 13.1 Agricultural Circumstances
- ES Volume III – Appendix 14.1 Flood Risk Assessment
- ES Volume III – Appendix 14.2 Preliminary Water Framework Directive Assessment
- ES Volume III – Appendix 14.3 Assessment of Routine Road Runoff and Accidental Spillage
- ES Volume III – Appendix 14.4 RWE Lagoon Survey Technical Note
- ES Volume III – Appendix 14.5 Water Quality Data Tables
- ES Volume III – Appendix 16.1 Location of Collisions
- ES Non-Technical Summary
- Badger Survey Report (confidential)

- EIA Regulation 25 Response
- EIA Regulation 25 Response - Appendix A Regulation 25 Request
- EIA Regulation 25 Response – Appendix B Extended Cross Sections
- EIA Regulation 25 Response – Appendix C Cross Sections
- EIA Regulation 25 Response – Appendix D Revised General Arrangement Drawings
- EIA Regulation 25 Response – Appendix E Revised Drawing Package (Drainage, Catchment, Utilities, Lighting and Visibility)
- EIA Regulation 25 Response - Appendix F Waterbody Drawings
- EIA Regulation 25 Response - Appendix G Oversized Bridge Examples
- EIA Regulation 25 Response - Appendix H Swept Path Analysis Drawing
- EIA Regulation 25 Response - Appendix I Impact Upon Abingdon Technical Note
- EIA Regulation 25 Response - Appendix J RWE Transport Assessment Response
- EIA Regulation 25 Response – Appendix K Climate Change Position Statement
- EIA Regulation 25 Response – Appendix L OCC Climate Impact Assessment
- EIA Regulation 25 Response – Appendix M Flood Risk Assessment
- EIA Regulation 25 Response – Appendix N Flood Compensation Area Drawings
- EIA Regulation 25 Response – Appendix O OCC Flows and Volumes Proformas
- EIA Regulation 25 Response – Appendix P Response to LLFA and District Council Comments
- EIA Regulation 25 Response – Appendix Q Acoustic barrier information
- EIA Regulation 25 Response – Appendix R Revised Biodiversity Net Gain Assessment
- EIA Regulation 25 Response – Appendix S Air Quality Technical Note
- EIA Regulation 25 Response - Appendix T Playing Filed Response
- EIA Regulation 25 Response – Appendix U Public Rights of Way Plans
- EIA Regulation 25 Response – Appendix V Revised Landscape Masterplans
- EIA Regulation 25 Response – Appendix W Revised Arboriculture Impact Assessment
- EIA Regulation 25 Response – Appendix X Habitats Regulation Assessment – No Likely Significant Effects Report
- EIA Regulation 25 Response – Appleford Sidings Road Bridge GA and Eastern Elevation
- RWE Gatehouse - Planning Design and Access Statement
- RWE Gatehouse - Preliminary Ecological Appraisal
- RWE Gatehouse – Arboricultural Impact Assessment
- RWE Gatehouse – Phase 1 Geo-environmental and Geotechnical Assessment
- RWE Gatehouse – Location Plan
- RWE Gatehouse – Planning Notice
- Didcot Garden Town HIF1 Equality Impact Assessment
- Funding and financial documentation and agreements, as referred to in this statement of reasons

16. STATUS OF THIS STATEMENT OF REASONS

- 16.1 This Joint Statement of Reasons has been prepared for the purposes of making the Bridge Scheme, SRO and CPO associated with the Scheme. It is not intended to discharge the Council's requirement to produce, nor is it to be taken as, its Statement of Case in the event that the Secretary of State for Transport should call a Public Inquiry to be held to consider any objections received to the Bridge Scheme, SRO and CPO.
- 16.2 The Council reserves the right to expand or otherwise modify this Statement in the event of a Public Inquiry into the Bridge Scheme, SRO and CPO being held and will produce such Statement of Case, as may be required, under the appropriate rules and at the appropriate time indicated under 'The Highways (Inquiries Procedure) Rules 1994 (S.I. 1994 No.3263)' and 'The Compulsory Purchase (Inquiries Procedure) Rules 2007 (S.I. 2007 No.3617).

Tim Broomhead

From: Tim Broomhead <Tim.Broomhead@knightfrank.com>
Sent: 24 February 2023 17:45
To: Ian Miles
Cc: James Parker
Subject: W E Gale Trust Land
Attachments: OCC revised footpath route.pdf

Dear Ian,

Further to the meeting earlier, I attach the drawing of the proposed access. There is more behind this drawing which is James Parker of Hub Transport's domain.

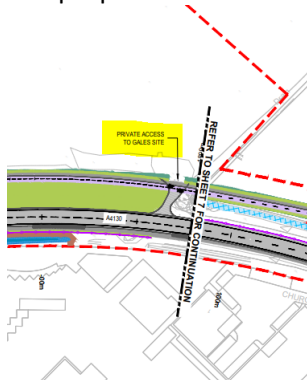
In summary the issues relating to the scheme we discussed are:-

1. Temporary use of Land

- The Trustees would strongly object to the working area land being taken freehold by Compulsory Purchase. We are open to an agreement for the use of the land as a working compound between June/July 2024 to June/July 2026. You indicated that an agreement is OCC's preference.
- I will speak to Patrick and George Gale regarding the proposed cropping for 2024 – We need to aim to reduce a claim for crop loss.
- The remaining land could be cropped if Patrick and George can access it during the work. Can the design include access to the land to the north? The alternative is crop loss, which we should seek to avoid.
- I will speak to the Trustees regarding the reinstatement of the working compound area. The default in my opinion should be for OCC to restore to agricultural use, but there may be scope to agree an alternative to leave a hard area.
- You will send me some HOT's or agreement regarding the Temporary use.

2. Permanent Access to the remaining land

- The proposed Access shown below is not acceptable



- The aspiration of the Trustees is to maximise the value of the land, most probably through commercial development. The access above would preclude development.
- Hub Transport have drawn up a scheme for access suitable for commercial development (attached)
- The straightforward request from the Trustees is for OCC's scheme to incorporate the Hub Transport ghost island junction as part of the proposed road scheme.
- We agreed that you and OCC would consider this proposal with the view to a further meeting with James Parker next week.

3. Compensation Provisions

- You indicated that you consider the compensation for the relatively small amount of land take for the road would be offset by betterment. I disagree on the following basis:-

- The land is capable of development in a No Scheme World, regardless of the new road
- The proposed access is not suitable for development
- In a No Scheme World the land is directly adjoining the highway
- In the proposed Scheme the highway is separated from the retained land by the green area (landscape or possibly flood attenuation area, difficult to see from the key) a ditch and the cycleway.
- As it stands the remaining land is landlocked for anything other than agricultural use via the proposed access in the SE corner.
- On the basis of the above the Trustees claim for compensation is substantial
 - the land taken for the new road would be valued as part of a larger alternative “No Scheme World Development” (in other words the land taken for the road (and the working compound as things stand in the CPO) would be valued at development value)
 - The retained land would suffer a significant diminution by virtue of Severance from a “before” development value to and “after” agricultural value.
- I do not see betterment unless there is an access to the remaining land fit for purpose. In fact I see the opposite “worsenment” for which there would be a substantial claim under the Compulsory Purchase Code.
- Whilst it is accepted that there is a cost to OCC to add the ghost island turn, such costs would be offsetting a substantial claim for severance and injurious affection. It would also allow development of land for commercial purposes, which I understand is one of the objective of the Scheme overall, and of course that of the Trustees.

You suggested a call early next week with a further meeting later in the week. Can you include James Parker from Hub Transport in the invite please (James@hubtransportplanning.co.uk).

I look forward to hearing from you.

Kind regards

Tim



Tim Broomhead MRICS FAAV

Partner

Compensation Department

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