

Division(s):

CABINET – 17 JULY 2012

WITNEY: THE WAY FORWARD

Report by Director for Environment, Economy & Customer Services

Purpose

1. This report sets out the proposed actions following the Secretary of State's decision not to confirm the Compulsory Purchase Order and Side Roads Order for the Cogges Link Road following the Public Inquiry.
2. It sets out how the County Council will work in partnership with West Oxfordshire District Council and other key stakeholders in a programme of work that will identify an alternative approach to addressing the transport problems of Witney.

Context

3. The Secretary of State's decision in respect of the Compulsory Purchase Order and Side Roads Orders for the Cogges Link Road is very clear.
4. For the Compulsory Purchase Order to have been confirmed it was necessary to establish that there was a compelling case in the public interest and that there was no better scheme to the one proposed.
5. Following his examination of the evidence before the Public Inquiry the Inspector concluded that the need for a solution to relieve the traffic issues in Witney town centre was not disputed. However, he also concluded that as there was an alternative proposal that would have less impact and be better value for the money, he could not agree to the Compulsory Purchase Order and Side Roads Order being confirmed. He went on to conclude that the merits of the potential alternative were so strong that even if revisions were made to the Cogges Link Road scheme it would equally not have been successful.

Implications arising from the Secretary of State's Decision

6. As a consequence of the Secretary of State's decision the application for the extension of the current planning permission has been formally withdrawn, as has the application to discharge the pre-commencement conditions.
7. The County Council still has an extant planning permission for the Cogges Link Road. However, the Secretary of State's decision in respect of the Compulsory Purchase Order and Side Roads Order means that the planning permission is redundant as it cannot be fully implemented. The Director for Environment, Economy & Customer Services has therefore determined that this planning permission shall not be acted upon further.
8. Given that the County Council cannot proceed with the extant planning permission it has invited the landowners to withdraw their application for a Judicial Review of the planning case.
9. The Cogges Link Road was to have formed part of the proposals for Witney in the draft Core Strategy for West Oxfordshire. The Secretary of State's decision means that the District Council's proposals need to be reviewed before proceeding to the next stage.
10. The Inspector's report re-affirms the need for investment in the transport infrastructure of Witney, both to address the current situation and to enable planned levels of growth in the town. The County Council concur with this view and is committed to identifying and then delivering an alternative transport strategy for Witney.

Witney: Way Forward

11. Working in partnership with West Oxfordshire District Council additional technical work is being commissioned with a view to exploring the impact of potential alternative solutions. Whilst one potential alternative – the Shores Green Slip Roads – was put before the Inspector at the Public Inquiry there are others that need to be considered as part of the work required to support the development of the Core Strategy.
12. The approach being followed, developed jointly with West Oxfordshire District Council, is:
 - Beginning of July – joint technical team at officer level established
 - Mid-July – joint meeting of elected members: to review issues arising from the Secretary of State's decision and to steer technical work underway
 - Mid-July/August – technical work undertaken by joint officer team, supported by specialist consultants as required: as part of this work the team will engage with key landowners and interest groups

- September – report back from technical work and discussion with elected members on options for the Core Strategy
 - October – input into process associated with West Oxfordshire’s process for preparation of the Core Strategy: as part of which there will subsequently be a wider public consultation on the proposals being put forward for the Core Strategy
13. Initial discussions with West Oxford have indicated that the delay incurred to the Core Strategy whilst far from ideal, is manageable.
14. The delay in the Core Strategy makes it all the more important to ensure that the County Council’s approach to dealing with current and potential planning applications is supportive of the direction of travel for growth in Witney. This is particularly true with regards to proposals on the western side of Witney that are likely to be consistent with the emerging Core Strategy. Securing an appropriate package of infrastructure in support of those proposals will be of wider benefit to Witney as they are likely to form part of any future package of transport measures for the town.

Wider implications for Transport Infrastructure Planning

15. The Secretary of State’s decision may have wider implications for the way that the County Council develops transport strategies and proposals. This will be considered as part of the work associated with Local Transport Plan 3, work that is already required in order to take into account the implication of changes in national policy. This includes, but is not limited to, consideration of the implications of the publication of the National Planning Policy Framework in March 2012. Any changes required in the light of this work will be brought to Cabinet for its consideration in due course.

Financial and Staff Implications

16. Some £4.7m of developer funding might be required to be returned to the developers as it was explicitly linked to the delivery of the Cogges Link Road. The longstop date for this funding to be returned is January 2013.
17. However, all parties involved in the Public Inquiry accepted the urgent need for investment in Witney’s transport infrastructure: a view reinforced in the Inspector’s report. The County Council is committed to working with all interested parties in Witney to develop an alternative strategy that is deliverable and affordable. Such a strategy is likely to require both public and private funding in order to be delivered.
18. In this context the County Council wishes to explore the opportunity for renegotiating the use of the developer funding secured against the Cogges Link Road to the wider benefit of Witney. The work now underway would see an alternative strategy identified by the autumn: before the longstop date falls due.

19. Some £4.4m of developer funding is held by the County Council to deliver transport infrastructure in Witney, with a further £1.7m secured against other planning permissions. A further £0.5m is held against specific transport proposals in Witney, with just over £0.2m secured against other planning permissions. This funding is not explicitly linked to the Cogges Link Road and will therefore continue to be available to invest in Witney's transport infrastructure.
20. Until such time as the work on the alternative strategy for Witney has been completed the implication for the County Council's own capital programme cannot be assessed. However, the timescale associated with the work now underway will enable the implication to be considered as part of the budget setting process.
21. The additional technical work commissioned will be resourced from within existing budgets.

RECOMMENDATIONS

22. **The Cabinet is RECOMMENDED to:**
 - (a) **note the decision not to pursue the extant planning permission in light of the outcome of the Public Inquiry into the Compulsory Purchase Order and Side Roads Orders;**
 - (b) **affirm its commitment to work in partnership with West Oxfordshire District Council to develop and deliver an affordable alternative transport strategy for Witney; and**
 - (c) **instruct officers to seek to re-negotiate developer funding agreements that have an imminent longstop date so any monies held can be used to deliver transport infrastructure improvements in Witney**

HUW JONES
Director for Environment, Economy & Customer Services

Background papers: Secretary of State's decision letter dated 14th June 2012 and accompanying Inspector's report

Contact Officers: Martin Tugwell, Deputy Director, Growth and Infrastructure, (01865) 815113; Tracey Dow, Service Manager, Highways and Transport (01865) 815707

July 2012