

CABINET – 27 JANUARY 2015

Compulsory Purchase Powers for Acquisition of Land Required for Delivery of Major Infrastructure Schemes

Report by Director for Environment and Economy

Introduction

1. In order to progress with the delivery of approved major infrastructure schemes, the use of Compulsory Purchase Powers for the acquisition of land required for the construction work may have to be used. This report requests approval by Cabinet for the Director of Environment and Economy in consultation with the Executive Cabinet member to exercise delegated authority for use of Compulsory Purchase powers for the purchase of land for these schemes, in the event that this land required cannot be purchased by negotiation with landowners.

Background

2. The Council is currently delivering a programme of major infrastructure highways projects, which will ensure support for housing and economic growth in Oxfordshire. The housing and new jobs forecast will require transport provision which operates safely and with greater movement and access for all users.
3. Some of these schemes require additional land for construction of the improvements. The Council's land negotiator from Carillion has been working with landowners and is continuing negotiations to agree land purchase. However there have been issues reaching agreement to enable the following schemes to progress to the construction phase. It is very unlikely that land acquisition by agreement will be possible across the whole programme. In some cases land acquisition may be time critical in order to achieve programmes or targets identified in our initial funding bids to government. With this in mind the ability to delegate the decision to use compulsory purchase order powers to the Director of Environment and Economy in consultation with the cabinet portfolio holder for schemes which are already in the councils programme would enable a swift response should land negotiations be proving to be unconstructive. The following schemes may benefit from the availability of compulsory purchase order powers to assist with further negotiations:
 - Chilton Interchange
 - Featherbed and Steventon Lights
 - Harwell Phase 1 – Link Road

- Harwell Phase 2 - Hagbourne Hill
 - Ducklington Lane Corridor Improvements, Witney
4. Please see Annex 1 for plans of each site and land requirements.
 5. **Chilton Interchange** - This scheme provides two new slip roads to and from the north linking with the A34. It will improve connectivity with the Science Vale Enterprise Zone. The land required is for the construction of the proposed north bound slip road onto the A34. There are heads of terms for the purchase of the land, but the landowner has now requested further consideration for the purchase and further negotiation is taking place. This scheme is 'Pinch point' funded and that funding has been received by the Department for Transport.
 6. The risk of not obtaining the land will mean the northbound slip road will not be able to be completed reducing the connectivity of the junction northbound. Compulsory purchase powers will provide the opportunity for the project delivery if the land cannot be purchased through negotiation.
 7. **Featherbed and Steventon Lights** – This scheme will improve capacity and provide an improved link between the A417 and A4130. It involves some road widening and new junction layouts and will reduce the two 90 degree bends on Featherbed Lane. The Land is required to provide for the improvements as detailed in the Annex1.
 8. The risk of not obtaining the land would mean that the main objectives of the scheme to improve capacity and safety would not be achieved. Compulsory purchase powers will provide opportunity for delivery of the project if land cannot be purchased through negotiation.
 9. **Harwell Link Road Phase 1** - The scheme is to construct a new road from Didcot to the A417 as the first section of the Harwell Link Road between SW Didcot and the Harwell Oxford Enterprise Zone. The scheme comprises of a roundabout junction on the B4493 just east of the A34, a new single carriageway across agricultural land joining to a second roundabout junction on the A417.
 10. The scheme cannot be delivered without the required land. Compulsory purchase powers will provide opportunity for delivery if land cannot be purchased through negotiation.
 11. **A417 / A34 Harwell Link Road Phase 2 – Hagbourne Hill** – This scheme is proposed to improve sight lines and facilitate movement on the A417 and A34 via a new roundabout and resurfaced link road.
 12. The risk of not obtaining the land will mean that the main objectives of the scheme to improve capacity and safety will not be achieved. Compulsory purchase powers will provide opportunity for delivery of the project if land cannot be purchased through negotiation.

13. **Ducklington Lane Corridor Improvements, Witney** - the reconstruction of the Ducklington Lane junction with Thorney Leys and Station Lane in Witney required three separate parcels of land to be acquired to enable the benefits of the original proposals to be realised. These included improved footway and cycle way facilities. The acquisition of two parcels of land, shown on drawings S000924-PRE-000-017 (belonging to Westbury Homes (Sevenside) Ltd.) and S-000924-PRE-000-010 Rev D (belonging to Thames Water Utilities Ltd.) included in Annex 1, was not completed by the end of the main construction period, meaning that footway works on the north side of Thorney Leys and on the north-west corner of Thorney Leys and Ducklington Lane could not be fully completed.
14. It is now proposed to acquire the land through the County Council's compulsory purchase order powers to address the risk that the work cannot be completed as proposed and in accordance with the details that were consulted upon.

Financial and Staff Implications

15. The ability to use compulsory purchase order powers should help support the land negotiations and provide a greater confidence in achieving earlier agreements without having to resort to actually having to use these compulsory purchase order powers. This should reduce land negotiations costs.
16. In the event that compulsory purchase order powers are required there will be the need for the Council's officers to issue notices to land owners. In the event objections are received from the landowners involved there may be a need for preparation and attendance at a public inquiry. This is likely to be an infrequent requirement, but may be necessary in a number of instances and will require increased staff and legal costs. In the case of the Chiltern slip road, the Council would need to support the Highways Agency in the process rather than promote the orders ourselves.
17. Where required the funding for a public inquiry will be drawn down from the scheme risk funding allocation, which is reviewed and monitored on a regular basis as the scheme progresses through its various phases. In the event of compulsory purchase order powers being exercised it is likely to delay scheme delivery for a significant period (up to 12 - 18 months) and this in itself will have an upward pressure on costs for delivery of the scheme.
18. It should be noted all necessary procedures, which includes legal would be followed in the making of compulsory purchase orders.

RECOMMENDATIONS

19. **Cabinet is RECOMMENDED to:**
 - (a) **approve delegation of the exercising of compulsory purchase powers to the Director of Environment and Economy in**

consultation with the Executive Cabinet member, for the purchase of land required for the delivery of the major infrastructure schemes as outlined in this report, further to the Council seeking (exhaustively) to acquire the necessary land through negotiation with the landowners;

- (b) note that in so far as the whole or any part or parts of land required is not acquired by negotiation the making of a compulsory purchase order, under provisions contained in Part X11 of the Highways Act 1980 for the acquisition of the land, will be progressed. This could include providing the necessary attendance, expert witness provision, etc at a public inquiry if required.**

SUE SCANE

Director for Environment and Economy

Enclosed: Annex I – CPO Land Plans

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