

Divisions Affected – Eynsham

CABINET
20 July 2021

A40 HIF2 SMART CORRIDOR **PREFERRED OPTIONS AND FUNDING**

Report by Corporate Director Environment and Place

RECOMMENDATION

1. The Cabinet is **RECOMMENDED** to;
 - a) Note the progress in developing the A40 HIF2 Smart Corridor project specifically the recent public engagement event undertaken to inform the preferred scheme options.
 - b) Approve Officer's preferred options recommendation and for the formal adoption by the Council of the A40 HIF2 Smart Corridor as an approved scheme.
 - c) Note the preferred options are confirmed as fully funded following the recent agreement to amend the Grant Determination Agreement with Homes England, securing the full £106.756m budget.
 - d) To notify Cabinet of the Statutory Blight regime that requires the Council to respond to claims for Statutory Blight pursuant to Part VI, Chapter II and Schedule 13 of the Town and Country Planning Act 1990 (as amended) which would be a consequence of it formally approving the preferred route.
 - e) In respect to Statutory Blight delegate authority to the Director for Property, Investment & Facilities Management and the Director of Law and Governance to agree appropriate terms in accordance with statutory provisions.

Executive Summary

2. Oxfordshire County Council (OCC) submitted a business case for HIF2 in March 2019. In November 2019, it was announced that the bid had been successful (subject to contract) in securing £102m of grant funding towards a package of transport improvements proposed along 10.8km the A40 corridor between Witney and Duke's Cut (North Oxford).

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3. Subsequently further dialogue was held with Homes England on an extension to the original funding window through to February 2025 due to the potential impact of a contested compulsory purchase order required to secure land to deliver the scheme, alongside the need for a side roads order(s). This was alongside an increase to the original budget up to a capped level of £106.756m.
4. The Council's request was formally approved in May 2021 by Homes England and the amendment of the Grant Determination Agreement (GDA) was the subject of a report to Cabinet, along with in principle powers to progress necessary statutory orders to deliver the scheme.
5. The amendment to the GDA is now being legally reviewed alongside Homes England and is expected to be entered in to by the end of July 2021.
6. The HIF2 project will directly unlock 4,813 new homes (including 2,222 affordable homes) at 4 strategic development areas located along the A40 and also support the delivery of 15,950 new homes committed in the West Oxfordshire Local Plan 2031. HIF2, in conjunction with the County Council's wider transport strategy, is required to resolve current severe congestion and future-proof the highway infrastructure along the A40 corridor in the long term.
7. The primary focus of HIF2 is the provision of additional highway, public transport and active travel capacity and connectivity along the A40 to encourage modal shift and enable more sustainable and active forms of travel. This will mitigate the impact of increased travel demand generated by planned housing growth whilst helping the Council to meet its zero carbon transport network ambitions and promote wider health and place shaping benefits in line with the Council's corporate priorities.
8. Following the report to Cabinet in June 2021, a stakeholder engagement and consultation exercise has now concluded, the results of which are contained at paragraphs 51 onwards of this report. The responses to this consultation have influenced the preferred options now presented for formal approval as noted.
9. Key milestone dates for the delivery of the project are outlined in Table 2 of this report.
10. There are a range of current issues and risks associated with the delivery of the A40 corridor programme which are being actively managed by the Programme team. Whilst a number of these can be considered as reflective of the scale and complexity of the programme being undertaken, land assembly is a matter of particular note, the mitigation for which was the subject of a Cabinet paper in June 2021.

Exempt Information

11. This report is not confidential or exempt.

Background

Scheme Description

12. The A40 HIF2 Smart Corridor project is the second phase of the overarching A40 Strategy. The scheme includes three key highway enhancement elements, with the preferred option general arrangement plans contained within the Annexes as indicated:
 - a) **Element 1:** A40 Dualling - dual carriageway extension between Witney and Eynsham including an improved shared path for pedestrians and cyclists (approximately 3.2km in length).
 - b) **Element 2:** A40 Integrated Bus Lanes – bus priority lanes in both an eastbound and westbound direction between the now approved Eynsham Park & Ride site and the Duke's Cut area (approximately 7km in length). These will be complimented by junction enhancements and an improved shared path and crossing facilities for pedestrians and cyclists.
 - c) **Element 3:** A40 Duke's Cut - works to bridge structures in this area that create space for an eastbound bus lane and an improved shared path for pedestrians and cyclists (approximately 0.6km in length). A new shared path linking the A40 path to the Oxford Canal towpath / NCN Route 5 is also proposed.
13. The A40 HIF2 Smart Corridor scheme infrastructure package is essential to enable the delivery of housing and support employment growth in the West Oxfordshire area in line with the West Oxfordshire Local Plan and Oxfordshire's Housing and Growth Deal. 4,813 new homes at 4 major development sites (at North Witney, East Witney, Salt Cross Garden Village and West Eynsham) are directly dependent on the HIF2 infrastructure. The investment will manage the impact of growth and promote sustainable travel in order to enable residential and commercial development to be built.
14. The HIF2 scheme will mitigate the impact of increased transport demand generated by housing growth by increasing the highway capacity of the A40 between Witney and Eynsham, while providing a high-quality, fast and reliable public transport alternative to car travel between Witney, Eynsham and Oxford. The transport improvements will ensure an efficient and safe highway network that can accommodate the additional travel demands through enabling significant shifts in travel demand to public transport and active travel.
15. Interchange would be made possible at Eynsham Park & Ride, part of the A40 Science Transit 2 Scheme.
16. Figure 1 sets out how the HIF2 project and the other elements of the A40 Corridor Improvements Programme have been designed to form an integrated package of measures.

Preferred Options

17. In May 2016 Oxfordshire County Council's Cabinet agreed a long-term strategy for the A40 that included both increased road capacity as well as improvements to the public transport offer. Cabinet agreed to take forward for further feasibility and a commitment to investigate in detail a package of measures comprising:
 - a) a dual-carriageway from Witney to a park and ride at Eynsham
 - b) bus lanes in both directions along the A40 (from a park and ride at Eynsham to the Duke's Cut canal bridge approaching Wolvercote roundabout)
 - c) provision of high-quality cycleways along the length of the route
18. The A40 Strategy and measures were subsequently agreed as part of the county council's Local Transport Plan 4. The A40 Park and Ride site at Eynsham plus the eastbound bus lane were packaged together as the 'A40 Science Transit Phase 2' scheme to be largely funded through the Department for Transport's Local Growth Fund.
19. Following further feasibility work the other A40 strategy elements (dual carriageway extension; westbound bus lane and Duke's Cut bridge works) were packaged together to form the basis of Oxfordshire County Council's 'A40 Smart Corridor' scheme which was the subject of a successful bid to Homes England for Housing Infrastructure Funding (HIF) in 2019.
20. The objectives of the A40 HIF2 Smart Corridor scheme are to: increase transport capacity along the A40 in West Oxfordshire;
 - provide greater travel choice and encourage more use of bus, cycling and walking;
 - deliver faster and more reliable bus journey times;
 - improve safety and reduce environmental impacts such as air pollution and noise;
 - improve accessibility and connectivity to employment and public services;
 - support housing delivery in West Oxfordshire;
 - promote economic growth in Oxfordshire and creation of new jobs.
21. After award of HIF funding the A40 programme board agreed to integrate the design and delivery of the eastbound and westbound bus lanes elements of the A40 proposals into a single 'Integrated Bus Lanes' project. This will maximise benefits, deliver cost and programme efficiencies and minimise impacts during construction.
22. To guide further feasibility and optioneering work and the selection of a preferred scheme options the project team has been following the Department for Transport's Transport Appraisal Guidance (TAG) guidance which provides best practice and guidance on major transport scheme option appraisal and

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design development. TAG provides a structured approach that sets out the necessary steps from initial intervention identification through to the detailed option appraisal that supports the selection of preferred scheme option(s).

23. The transport consultant AECOM was commissioned by the county council to carry out further scheme feasibility work and complete a design optioneering exercise for each element of the A40 HIF2 Smart Corridor scheme. The option 'sifting' has been undertaken in two stages:
 - Stage 1 – Initial Sift:** an initial long list of options was developed and assessed to remove scheme with significant issues. Options were assessed against the scheme objectives and other criteria (deliverability; feasibility; affordability; acceptability)
 - Stage 2 – Detailed Sift:** a more detailed assessment of the most feasible options was undertaken to help identify a 'short list' of options and to inform a recommended preferred option. Options were assessed against strategic, economic, financial, management and commercial case criteria.
24. An Option Appraisal Report (OAR) has been prepared for each scheme element which describes the option appraisal work completed to support the selection of the preferred scheme option(s), contained as background papers to this report and now published to the respective webpages. For each scheme element the options assessed are outlined below.
25. **A40 Dual Carriageway Extension (Witney to Eynsham)** – options identified and assessed included a range of dual carriageway alignments and junction types / arrangements (at Barnard Gate) along this section of the A40. Alternative property access arrangements were also assessed.
26. **A40 Integrated Bus Lanes (Eynsham to Duke's Cut)** – options identified and assessed to facilitate delivery of bus lanes and active travel improvements included a range of:
 - junction types / arrangements including at Park and Ride access, Cuckoo Lane, Witney Road, Lower Road, Cassington signals
 - property access arrangements
 - bridge alterations / works at Cassington New Bridge and Cassington Halt
27. **A40 Duke's Cut Bridge Works** – options identified and assessed to facilitate the delivery of an eastbound bus lane and active travel improvements included:
 - Bus gates
 - Works within extent of existing bridge structures
 - Replacement of Parapets
 - Bridge widening
 - On-line replacement of existing structures
 - Off-line replacement of existing structures
 - New separate bridges for pedestrians and cyclists to north and south of existing bridge structures

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- Alternative alignments for pedestrian and cycle link to NCN 5

28. The preferred option for each scheme element is shown in the General Arrangement Plans attached to this report – **Annex A1-A3**

Scheme Benefits

29. The scheme benefits include:

Economic

- Directly unlocking strategic housing development sites at East and North Witney, West Eynsham as well as the Salt Cross Garden Village development site, which includes 40 hectares of employment land in the form of a Science Park providing long-term capacity for an 80,000m² floorspace (4,500 jobs) in the period to 2031 and beyond.
- These 4 sites will deliver of 4,813 new homes addressing identified housing need, including affordable homes for West Oxfordshire and the County
- By addressing transport challenges, in particular improving public transport connectivity along from Witney and Eynsham on the A40 corridor to employment areas in central and eastern Oxford and more strategically (along the Oxford-Cambridge Arc, Reading, London etc)

Environmental

- Delivering a positive impact on air quality arising from a mode shift away from car use and an increase in public transport, cycling and walking that will reduce vehicular emissions

Social

- Enabling individual and collective health and wellbeing benefits by promoting a mode shift away from car use and an increase in walking and cycling along the A40.
- Delivering enhanced and safer highway and active travel infrastructure will result in a reduction in accidents and severance for all road users and particularly for those walking and cycling.

Highway & Transport

- Providing increased highway capacity between Witney and the proposed Eynsham Park & Ride Site will reduce delays and congestion for all road users.

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- Delivering junction improvements and enhanced management and control of traffic movements along the A40 at Eynsham and east to the Wolvercote Roundabout will reduce congestion and improve journey time reliability.
- Improving highway safety for all road users as described above.
- Providing bus lanes between the proposed A40 Eynsham Park & Ride and Wolvercote Roundabout will improve bus journey times and service reliability. This will reduce bus operating costs and improve resilience enabling delivery of more frequent bus services along the A40 with enhanced connectivity. This will increase bus use along the A40 corridor.
- Improving active travel infrastructure both along and across the A40 will promote a mode shift away from car use and more walking and cycling.
- Providing a number of high-quality at grade controlled and uncontrolled crossings across the A40 will help facilitate safe crossing of the A40 and cater for the forecast increase in walking and cycling demand due to the proposed dependent developments.
- Delivering the proposed infrastructure will enhance the operation of the existing network whilst providing those wider opportunities for users of the A40 corridors to travel by alternative modes. This will strategically manage travel along the A40 corridor moving forward.

30. Key milestones through to successful scheme delivery are set out within Table 2.

Table 2 –Key Delivery Milestones

Activity	Date
Public engagement	May 2021 (COMPLETE)
Cabinet – in principle use of statutory powers	June 2021 (COMPLETE)
Cabinet – preferred scheme options	July 2021
Planning application submission	September 2021
Detailed design commences	October 2021
Cabinet – resolution to make CPO and SRO(s)	late 2021
Planning determination	Early 2022
Local Public Inquiry	Mid-2022
Possession of land	mid 2023
Construction commences	mid 2023
ALL Construction Complete	late 2024
Project close down and post scheme monitoring commences	Early 2025

Corporate Policies and Priorities

31. The delivery of the HIF2 project will actively support the following key themes within Oxfordshire County Council's Corporate Plan 2020-24, with further detail being provided in the related June 2021 report to Cabinet;
- Providing services that enhance the quality of life and protect the local environment.
 - Supporting a thriving local economy by improving transport links to create jobs and homes for the future.
 - Taking action against Climate Change.

Financial Implications

Project Costs

32. The following is a high-level breakdown of the current project costs. The previously reported figures have now been thoroughly reviewed in light of the revisions to the preferred scheme options and are as follows:
- Stage 2/3 Development and Design - £ 6.925m
 - Stage 4 Detailed Design – £ 5.745m
 - Stage 5 Construction - £ 57.150m
 - Stage 2-5 Client and miscellaneous costs – £ 6.173m
 - Legal and property fees (inc. land) – £ 5.446m
 - Statutory Undertakers diversions - £ 6.60m
33. All figures are inclusive of the appropriate inflation allowances.
34. The risks associated with scheme delivery are underwritten by a £18.717m quantified risk and contingency fund which are accounted for separately within the overall forecast budget.
35. Therefore, the total scheme cost to completion remains at **£106.756m**, as previously reported.

Project Funding

36. The project is entirely funded by Housing Infrastructure Fund grant to a capped value of £106.756m, and following the approval of the recommendations as set out in the report to Cabinet in June 2021 (2021/059) a deed of variation to the Grant Determination Agreement (GDA) with Homes England is now being legally reviewed, with a target of end of July 2021 to be entered in to.

Comments checked by:

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Legal Implications

37. If Cabinet approves the preferred route, this means that any Statutory Blight claims received as a result will need to be dealt with by the Council – a key financial implication is dealing with issues of Statutory Blight pursuant to Part VI, Chapter II and Schedule 13 of the Town and Country Planning Act 1990 (as amended). Statutory Blight affects those properties that are 'on-line' of the scheme and their purchase (or part thereof) is required for the scheme. A process for dealing with Statutory Blight notices is essential to ensure effective management of the scheme and this has been established. Officers will manage the process and, with legal advice provided by already appointed specialist solicitors, will liaise with land and property owners with the aim of reaching an agreement for acquisition.
38. Statutory Blight is a consequence of legislative 'triggers', one being the approval by Cabinet of the preferred route. As this report is seeking that approval, Members need to be aware that, in doing so, the Council becomes liable for members of the public submitting a Statutory Blight claim in relation to any qualifying land interest and subject to meeting the statutory requirements for eligibility. A funding stream would need to be made available immediately to support any successful Statutory Blight claims and also to support any Statutory Blight claims which the Council may wish to defend through the Upper Tribunal (Lands Chamber). The Upper Tribunal (Lands Chamber) is part of the justice system, administered by Her Majesty's Courts and Tribunals Service, which decides disputes concerning land.
39. The project team estimates the potential cost of Statutory Blight to the scheme as being in the range of £0.9-1.5m and potentially affecting a very small number of properties. A successful statutory blight notice results in the property being acquired as if it was pursuant to a compulsory purchase order and so there are heads of claim that parties may be entitled to outside of the market value of the property itself.
40. The Council can recover all valid costs in relation to property acquisition required to deliver the scheme via the Homes England funding agreement (GDA).
41. Wider impacts of the scheme on business and residential property that is off-line of the scheme will be dealt with under Part 1 of the Land and Compensation Act 1973 ('Part 1 Claims'). A Part 1 claim can be applied for one year following completion of the scheme and covers claims relating to noise, vibration, smell, fumes, smoke, artificial lighting and discharge (run off from highway) as a result of the construction and use of the scheme.
42. Notwithstanding the possibility of statutory blight claims, the scheme requires the assembly of key areas of land on route in order to deliver the proposed

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highway. This was alongside the in principle use of Highways Act Compulsory Purchase powers, the subject of a report to Cabinet in June 2021 (2021/059).

43. As indicated in the June report, a further report will be brought back to Cabinet later in 2021 to seek formal authority to make the Orders.

Comments checked by:

Christian Smith, Principal Solicitor, Christian.smith@oxfordshire.gov.uk

Staff Implications

44. Specialist legal advisors are already engaged to provide support to the scheme development, Statutory Blight, Highways CPO and other such statutory processes to limit the potential for future challenge to an absolute minimum.
45. Where external professional staffing resources are being utilised there is an ongoing plan to ensure corporate knowledge transfer and developing an in-house delivery and technical capacity and expertise.
46. The forecast Council staffing costs of project and technical management to completion are contained within the total budget quoted within this report.

Equality & Inclusion Implications

47. The equalities implications of the HIF2 scheme have been assessed robustly through the design development stages of the scheme and in reaching the preferred option. These equalities implications will be considered in line with the Equality Act 2010 and through the completion of an Equality Impact Assessment (EqIA).
48. The Public Sector Equality Duty (PSED), to which the County Council is also subject, places additional obligations on public sector bodies to eliminate discrimination, advance equality of opportunity and foster good relations. Recognising and complying with these higher standards is required to discharge the PSED. In particular, steps must be taken to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share that characteristic.
49. Work towards this has already taken the form of considering the safety of all pedestrians, cyclists, and horse-riders through a Walking, Cycling and Horse-Riding Assessment & Review which will form part of the information presented at planning.
50. Reviewing the EqIA and the County Council's PSED will be a continuous process throughout the subsequent stages of scheme development.

Sustainability Implications

51. The HIF2 proposals alongside the complimentary ST2 project is designed to promote sustainable modes of travel for access into Oxford by commuting traffic by modal shift away from the private vehicle and on to public transport or by walking and cycling. In reducing traffic congestion levels this has positive impacts on air quality and carbon emissions.
52. Similar to the above the successful delivery of the project, alongside other planned transport investment on the A40 corridor, will form a core part of the promotion and early enabling the use of more sustainable forms of travel for the new developments planned for the West Oxfordshire area. This will be teamed with promotional activities to achieve the cultural shift required.
53. The scheme design has also been developed to offset any bio-diversity net loss and provision of improved environment and habitat for wildlife, providing a 10% net gain in biodiversity as a direct result of its implementation.
54. During the next stages of scheme delivery there will be specific sustainability targets imposed on the design and build contractor with the likes of re-use of site won materials as an example of how additional temporary environmental impacts during construction will be reduced.

Risk Management

55. Key risks to scheme delivery and their relevant mitigation and management were discussed in detail within the report to June Cabinet as listed within the background papers. These risks, particularly those relating to property acquisition are still relevant.

Consultations

56. Between February and late April 2021, a series of briefings were held with the following stakeholder groups in advance of the formal engagement exercise;
 - District Councils of West Oxfordshire, Cherwell and Oxford City
 - Parish Councils of Eynsham, Cassington and South Leigh
 - Landowner engagement has been ongoing since early 2020 seeking acquisitions by negotiation. Many of these are well progressed. Furthermore, intensive engagement with affected landowners has been undertaken during the months March – June 2021 as the scheme preferred options became known. This will continue throughout all subsequent stages of delivery.
 - A combined forum of cycling groups
 - Proactive engagement with statutory bodies such as the Environment Agency and Natural England to ensure that any scheme impacts are carefully and comprehensively mitigated.

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- Engagement with developers of adjacent sites

57. The feedback gathered at these initial engagement processes was used to inform the scheme design and materials which were subsequently presented at the formal engagement event.
58. The A40 programme and A40 HIF2 Smart Corridor web pages were updated and re-launched in advance of the recent public engagement event in order to make these more accessible, user friendly and in preparation for further and more detailed updates to be provided to the public during the subsequent stages of delivery.

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59. To inform the preferred scheme options and as part of the development of the planning application for the scheme a formal public engagement event took place over four weeks commencing on the 10 May 2021. This included an intensive programme of virtual public exhibitions and stakeholder meetings within these timeframes.
60. This stage allowed the public to give feedback on the scheme via dedicated email address, survey web-form, printed response form or a dedicated phone number. The council advertised the consultation via the local media, social media on site and a direct mailing campaign, linked in with both the District and Parish Councils.
61. 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.
62. A Statement of Community Involvement (SCI) was produced following the formal engagement event and in advance of the formal document being submitted at planning. This contains the complete analysis of the engagement event responses, a detailed summary of which is included at **Annex B**.
63. Key response facts and figures;
 - We have seen at least 6,321 sessions on the pages associated with the A40 Programme. Just under 5k of those were unique users. This generated at least 420 clicks through to the virtual engagement room Social media adverts delivered over 10,000 clicks through to the A40 Programme web pages.
 - The total number of feedback forms received from the engagement event was 109.
 - Circa 25 detailed email responses were also received which are reflected in the statement of community involvement. The themes of the responses received by email were consistent with those gathered through the formal feedback system.

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64. In terms of a high-level summary of the formal responses to each element;
- Element 1 – A40 Dualling extension – 47% support, 4% neutral, 6% minor concerns, 43% significant concerns
 - Element 2 – A40 Integrated Bus Lanes - 41% support, 11% neutral, 9% minor concerns, 40% significant concerns
 - Element 3 – A40 Dukes Cut – 40% support, 18% neutral, 5% minor concerns, 38% significant concerns
 - Active travel provision along full length of scheme – 47% support, 25% neutral, 6% minor concerns, 23% significant concerns
65. Key areas of concern themes include:
- Absence from the proposals of the A40/A44 Loop Farm Link Road as mitigation to potential bottle neck issues at Wolvercote roundabout.
 - Witney – Oxford rail line proposal as alternative
 - Detailed design, rather than the principle of the improved active travel measures
 - Dual full length to relieve congestion for all road users
 - Extend the bus lanes out towards Witney rather than having a dual carriageway extension
 - Improvements to bus service frequency, accessibility and affordability
 - Lots of through traffic and not commuters to and from Oxford
 - Concerns around linked housing growth and location and use of P&R site.
66. Several of the themes within the responses are currently out of scope of the A40 Programme and noting the above also conflict with each other but all points have been responded to in full as part of the Statement of Community Involvement contained as a background paper to this report.
67. The Eynsham Underpass featured within the public engagement material. Various comments were received which generally supported the need for a grade separated crossing, with specific concerns about the location of it as shown. At the present time the provision of the underpass within the delivery of the A40 Programme is unfunded but for completeness it is shown as part of the preferred scheme option plans. This is to demonstrate how this would link in with the wider scheme.
68. Support for the scheme was received from West Oxfordshire District Council and Stagecoach as key partners.
69. As a result of the feedback received through the engagement event a number of changes were made to the scheme proposals now presented as the preferred options. These design changes are heavily active travel and public transport orientated, to improve the scheme design and user benefits.
70. Further information on proposed scheme changes can be seen in Section 4 of the Statement of Community Involvement Executive Summary, as enclosed at **Annex B**.

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71. Therefore, it can be seen that the A40 HIF2 Smart Corridor preferred options as amended are supported by a range of stakeholders hence the recommendation to Members to approve, and to enable a planning application to be submitted.

Bill Cotton
Corporate Director for Environment and Place

Annexes: Annex A1 – A40 Dualling - General Arrangement Plan
Annex A2 – A40 Integrated Bus Lanes - General Arrangement Plan
Annex A3 – A40 Dukes Cut - General Arrangement Plan

Annex B – Public Engagement Executive Summary

Background papers: Cabinet report – June 2021 – FP 2021/059: A40 HIF2
Smart Corridor – In Principle Use of Statutory Powers

A40 Dualling - Options Appraisal Report (OAR) –
available online at: [A40 dual carriageway extension |
Oxfordshire County Council](#)

A40 Integrated Bus Lanes - Options Appraisal Report
(OAR) – available online at: [A40 integrated bus lanes |
Oxfordshire County Council](#)

A40 Dukes Cut - Options Appraisal Report (OAR) –
available online at: [A40 Duke's Cut | Oxfordshire County
Council](#)

Public Engagement Report, June 2021 – available online
at: [A40 improvements | Oxfordshire County Council](#)

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