

Divisions Affected – Eynsham, Kidlington South, Wolvercote and Summertown

CABINET

26 April 2022

A40 HIF2 SMART CORRIDOR COMPULSORY PURCHASE AND SIDE ROADS ORDERS

Report by Corporate Director Environment and Place

RECOMMENDATION

1. The Cabinet is RECOMMENDED to:
 - a) Confirm that the acquisition of the land identified on the map attached to this report (Annex B) (“the Order Map”) being the map accompanying The Oxfordshire County Council (Highways Infrastructure - A40 HIF2 Smart Corridor (Hill Farm to Dukes Cut)) Compulsory Purchase Order 2022 (“the CPO”) is necessary for highway purposes;
 - b) Approve the Joint Statement of Reasons (Annex A) for the CPO and The Oxfordshire County Council (Highways Infrastructure – A40 HIF2 Smart Corridor (Hill Farm to Dukes Cut)) (Side Roads) Order 2022 (“the SRO”), together with approving the CPO, the Order Map, the SRO and the plans accompanying the SRO (“SRO Plans”) all substantially in the form annexed to this report but to delegate to the Corporate Director Environment & Place following consultation with the Director of Law & Governance, authority to modify them as necessary;
 - c) Authorise the Director of Law & Governance to make The Oxfordshire County Council (Highways Infrastructure – A40 HIF2 Smart Corridor (Hill Farm to Dukes Cut)) (Side Roads) Order 2022 (“the SRO”) to enable the stopping-up, diversion, alteration, improvement and creation of new lengths of highway or reclassification of existing highways, and giving authority to the acquisition of necessary land pursuant to the CPO and that the Common Seal of the Council be affixed to the SRO and to the SRO Plans. The SRO also enables the stopping up of private means of access as necessary where the scheme design necessitates and re-provision of private means of access;
 - d) Authorise the Director of Law & Governance to make The Oxfordshire County Council (Highways Infrastructure - A40 HIF2 Smart Corridor (Hill Farm to Dukes Cut)) Compulsory Purchase Order 2022 pursuant to Sections 239, 240, 246, 250 and 260 of the Highways Act 1980 (as amended) and Part II and III to Schedule 2, and Schedule 3 to the

Acquisition of Land Act 1981 for the purpose of acquiring the land and interests shown on the Order Map and described in the Schedules to the CPO (or such lesser area of land should this in his opinion be appropriate) to facilitate the construction of new highway on such land and that the Common Seal of the Council be affixed to the CPO and to the Order Map;

- e) Authorise the Director of Law & Governance to advertise the making of the CPO and the SRO and to submit the CPO and SRO to the Secretary of State for Transport for confirmation, together with authorising the Director of Law & Governance to take all other relevant action thereon to promote the confirmation of the CPO and the SRO;
- f) In the event that any Public Inquiry is convened to consider objections to the CPO and/or SRO and/or planning application (by way of a call-in decision), to authorise the Director of Law & Governance, in consultation with the Corporate Director Environment & Place to prepare and submit such evidence as is necessary in support of the CPO and/or SRO and/or planning application, including enlisting the assistance of outside consultants, legal advisors and Counsel to assist in the preparation and presentation of such evidence;
- g) As soon as the CPO and the SRO have been confirmed and become operative, to authorise the Director of Law & Governance to comply with all associated requirements in respect of personal, site and press notices of confirmation and to make, seal and give notice of a General Vesting Declaration (or declarations where more than one is required) under the Compulsory Purchase (Vesting Declarations) Act 1981 and/or to serve Notices to Treat and Notice of Entry in respect of those properties to be acquired compulsorily;
- h) Authorise the Corporate Director Environment & Place in consultation with the Director of Law & Governance to negotiate terms with interested parties for the purchase by agreement or payment of compensation in accordance with the Compensation Code in respect of any interests or rights in or over any land included in the CPO and, where appropriate, to agree terms for relocation;
- i) Authorise the Director of Property in consultation with the Director of Law & Governance to complete the acquisition of such interests or rights and their transfer to the Council;
- j) In the event that compensation for the acquisition of land and/or rights cannot be agreed between the relevant parties, to authorise the Director of Law & Governance to make a reference to the Upper Tribunal (Lands Chamber) for determination of such compensation together with such other questions as may be necessary to determine, including the engagement of appropriate external legal advisors and surveyors and other experts, as required;

- k) In the event that any question of compensation in relation to the acquisition of land and/or rights is made by way of a reference to the Upper Tribunal (Lands Chamber) (whether by the claimant or the Council) to authorise the Director of Law & Governance to take all necessary steps in relation thereto, including advising on the appropriate uses and compensation payable and issuing the appropriate certificates.

Executive Summary

1. The A40 HIF2 Smart Corridor Scheme (hereafter referred to as the HIF2 Scheme) is a Housing Infrastructure Fund funded highway and transport improvement scheme that includes three key highway enhancement elements, as follows:
 - A40 Dual Carriageway Extension from east of Witney to Eynsham Park and Ride Site;
 - A40 Integrated Bus Lane (Between Eynsham Park and Ride Site and Duke's Cut Bridges);
 - A40 Duke's Cut Bridge Works.
2. Oxfordshire County Council (OCC) submitted a business case for A40 HIF2 Smart Corridor 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).
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 in June 2021 (Forward Plan 2021/059), along with in principle use of powers to progress necessary statutory orders to deliver the scheme.
5. The deed of variation to the GDA has now been entered in to with Homes England dated 25/11/2021.
6. When Cabinet considered the HIF2 Scheme on 18 January 2022, recommendation (b), as approved and minuted, delegated to the Corporate Director Environment & Place following consultation with the Director of Law & Governance, the authority to modify the Orders as necessary. The intention was that this modification would then be approved by way of an Officer's Decision Notice (ODN).
7. It is a requirement that Cabinet, when approving the making of the Orders, have fully considered all matters pertaining to the Orders, particularly the justification

for compulsory purchase and the compelling case in the public interest, that being that the public benefits of the HIF2 Scheme outweigh the interference with private rights. In order to undertake this test, the rights being interfered with must be known, referenced and documented in the Order Schedule.

8. It became apparent in the refinement of the Orders, since the consideration and approval of Cabinet in January 2022, that the extent of changes required to the Orders was of such volume that it would not be proper for the finalisation of the Orders to be dealt with by way of delegated authority and, instead, Cabinet should be reconsidering the Orders again in their finalised form.
9. It should be noted that there are some changes to private means of access in the SRO and that, although the redline area is the same in the CPO as previously approved by Cabinet, the plot descriptions, numbers, splits and colourations are significantly different from that which Cabinet has previously approved. As such, the Orders are to be considered afresh by Cabinet, noting that the HIF2 Scheme need, benefits and overall case for justification of the use of statutory powers remains the same as previously considered.
10. The HIF2 Scheme will support the delivery of 4,813 new 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 specifically the Local Transport Plan, is required to resolve current severe congestion and future-proof the highway infrastructure along the A40 corridor in the long term.
11. 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.
12. A report subsequently approved at July 2021 Cabinet (Forward Plan 2021/082) set out the preferred options for each of the three elements of the Scheme. These options have been directly influenced by the results of an extensive public engagement exercise undertaken in May / June 2021.
13. There are a range of 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 note.

Exempt Information

14. This report is not confidential or exempt.

Background

Scheme Purposes

15. The purposes of the HIF2 Scheme are to:
- Directly enable specific major new housing and employment site allocations in the West Oxfordshire Local Plan and unlock growth in line with Housing Infrastructure Fund (HIF) through the provision of enhanced active travel and bus travel facilities;
 - Provide greater travel choice for people walking, cycling and travelling by public transport along the A40 corridor to encourage greater use of sustainable transport options;
 - Improve public transport accessibility and connectivity to employment sites, services and other facilities;
 - Facilitate faster and more reliable journeys for people travelling by bus along the A40;
 - Ensure that the Proposed Development does not increase journey times for private vehicles (i.e. non-bus users) using the A40;
 - Reduce carbon emissions and other harmful pollutants associated with travel; and
 - To facilitate safer travel for all A40 users.

Scheme Description

16. The HIF2 Scheme is the second phase of the overarching A40 Strategy. The scheme includes three key highway enhancement elements and, taken together, these elements form the HIF2 Scheme. These elements are described as follows:

Element 1 - A40 Dual Carriageway Extension (from east of Witney to Eynsham P&R Site)

17. This element of the Scheme proposes the widening of the existing single carriageway to dual carriageway along the A40 from a point just east of Witney to Eynsham. The Scheme will increase highway capacity for all modes of transport and improve bus journey times and reliability along the A40 between Witney and the proposed Eynsham Park & Ride.
18. The Scheme involves the upgrading of the A40 from single to dual carriageway of a 3.4km/2.1 mile section from the east of Witney to the Eynsham Park & Ride site, in order to ease congestion along the A40 by increasing the capacity for all road users. The new section of dual carriageway will be subject to the national speed limit of 70mph between Hill Farm and the new Barnard Gate roundabout

where the speed limit will reduce to 50 and then to 40mph on the approach to the new Park & Ride Junction.

19. The Scheme also involves improved shared footway and cycle paths along the northside of the A40 and a new roundabout at the Barnard Gate/South Leigh junction.
20. The proposed works lie within the current corridor but include some significant alterations to junctions. This Element will involve considerable land acquisition adjacent to the exiting A40 to facilitate the construction of the new widened carriageway. It is designed to overcome capacity constraints, increase accessibility, and improve journey times between Witney and the Eynsham Park & Ride Site.

Element 2 - A40 Integrated Bus Lane (Between Eynsham Park and Ride Site and Duke's Cut Bridges)

21. This element of the Scheme involves widening of the existing single carriageway road to provide both dedicated east and westbound bus lanes with complimentary junction and active travel improvements along the A40 from the proposed new park and ride to Duke's Cut bridges west of the A34 viaduct. The Scheme will provide dedicated highway capacity for bus services and improve bus journey times and reliability along this section of the A40.
22. The Scheme proposals include a 6.5km bus route running eastbound and westbound along the A40 between Eynsham Park and Ride towards Duke's Cut to provide a more reliable public transport service.
23. The speed limit on this section of the A40 will be 40mph between the Park & Ride Junction and the Lower road Roundabout and will be 50mph between the Lower Road roundabout and Dukes Cut.
24. The Scheme also involves the following:
 - Improved shared footways and cycle paths running parallel to the new bus lanes
 - New signalised crossing facilities for pedestrians and cyclists along the A40 through Eynsham
 - New signalised junction at the Eynsham Park and Ride site with controlled pedestrian crossings and access point for the West Eynsham Strategic Development Area (SDA)
 - Widening works to Cassington New Bridge to accommodate the new bus lanes. New shared cycle/pedestrian bridges running parallel to Cassington Halt Bridge

- Junction improvement works at Witney Road, Lower Road Roundabout and Cassington Signals
25. The Scheme includes features (such as traffic signal prioritisation) that are designed to improve bus journey times and reliability. It will also improve the current shared use footways and cycleways on the north and south sides of the A40 carriageway. The overall objective of this element is to improve public transport provision along the route, while providing safe and attractive facilities for pedestrian and cyclists.

Element 3 - A40 Duke's Cut Bridge Works

26. This Element of the Scheme include works to bridge structures in the Duke's Cut area, creating space for a new eastbound bus lane and shared use walking and cycling path improvements along this section of the A40. A new shared path for pedestrians and cyclists from the A40 to the Oxford Canal tow path / NCN Route 5 is also proposed. The Scheme will provide dedicated highway capacity for bus services and improve bus journey times and reliability along this section of the A40. The speed limit on Dukes Cut will be 40mph reducing to 30 mph on approach to the North Oxford site.
27. The Scheme proposals include a new eastbound bus lane along a 600m section of the A40 at Duke's Cut which will link up to the A40 Integrated Bus Lanes scheme to the west and the eastbound bus lane which is being delivered as part of the Oxford North scheme to the east. The Scheme also involves the following proposals:
- Works to Wolvercote Railway Bridge to provide capacity to accommodate the eastbound bus lane.
 - Strengthening works to Wolvercote Railway Bridge to accommodate the bus lane.
 - New shared use pedestrian and cycle path to connect the A40 to the Oxford Canal tow path which is part of National Cycle Route 5.
 - Footpath along the northside and shared footway / cycleway along the southern side of the A40.
28. The Scheme is designed to improve bus journey times and reliability. With the planned A40 eastbound bus lane as part of the Oxford North development, there will be a continuous bus lane through to Wolvercote roundabout. It also includes cycling infrastructure, which will provide a safe and easy connection for cyclists between the A40 Eynsham-Oxford cycleway to access the Oxford Canal towpath on National Cycle Network (NCN Route 5) from the, providing a direct, off-road cycling route between Oxford city centre and Witney.
29. The HIF2 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 four 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.

30. 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.
31. Interchange would be made possible at Eynsham Park & Ride, part of the A40 Science Transit 2 (STP2) project.
32. Officers have developed a robust delivery programme for the project which is maintained and updated regularly alongside costs and risk registers.

Explanation of Statutory Powers

33. The Council is the Local Highways Authority (the "LHA") for the area in which the Order Land is situated. By virtue of Sections 239, 240, 246, 250 and 260 of the Highways Act 1980 (as amended) and Part II and III to Schedule 2, and Schedule 3 to the Acquisition of Land Act 1981, the Council has the power to acquire compulsorily any land in its area for highway purposes.
34. The Guidance published by the Department for Levelling Up, Housing and Communities (latest version - July 2019) ("the Guidance") provides updated guidance on the use of compulsory purchase powers. In accordance with the Guidance, the purpose for which an authority seeks to acquire land will determine the statutory power under which compulsory purchase is sought. The Guidance advises that acquiring authorities should look to use *'the most specific power available for the purpose in mind, and only use a general power where unavoidable'*. The Council relies on the provisions of Part XII of the Highways Act 1980, which provide the specific powers in respect of the compulsory acquisition of land for highway purposes.
35. The Council has been seeking to negotiate the acquisition of all of the legal interests in the land required for the construction of the HIF2 Scheme by agreement and has been successful in agreeing terms for the acquisition of some parts of the land. The Council does, however, need to utilise its powers under the Highways Act 1980 (as amended) and the Acquisition of Land Act 1981 because it considers that it may not be possible to agree terms for the acquisition of all the remaining interests in the land required to facilitate construction of the Scheme. In accordance with Guidance, the Council is therefore using its powers to compulsorily acquire the remaining interests as a matter of last resort, with efforts to acquire interests by private treaty continuing

in parallel with this process right up to confirmation and implementation of the CPO.

36. Having regard to the nature of the proposals and the advice set out in the Guidance, Cabinet is advised that the powers available to it under Sections 239, 240, 246, 250 and 260 of the Highways Act 1980 (as amended) and Part II and III to Schedule 2, and Schedule 3 to the Acquisition of Land Act 1981 are the most appropriate powers to use in order to achieve its objectives for this part of Oxfordshire.
37. The SRO will authorise the stopping-up, amendment, diversion, improvement and creation of new lengths of highway or reclassification of existing highways, along with the stopping up and re-provision (where necessary) of private means of access to premises and land. The CPO will include land that is required to enable the works authorised by the SRO to be carried out. The SRO gives authority to the CPO and the CPO cannot, therefore, be made without the SRO having first been made (i.e., sealed and executed by the Council), though this will happen immediately consecutively.
38. A recommendation to this report seeks delegation to officers to amend the Orders. These amendments will be limited to any minor modifications to the Orders and the Statement of Reasons, including changes to ensure that the Statement of Reasons is as up to date as possible at the time of making of the Orders.

Location and Description of Order Land

39. Details of the land interests to be acquired are set out in the Schedule to the Order and are shown shaded in pink on the Map. The land where new rights are sought is shaded blue on the Map.
40. The Order Land is located within the boundaries of the West Oxfordshire district. It is bounded to the north by a mixture of farmland and open space together with the proposed Salt Cross Garden Village and Cassington village. To the south the land is similarly bounded by a mixture of farmland and open space including watercourses, plus Eynsham village and the proposed West Eynsham development site. To the eastern end in the Dukes Cut area the Scheme crosses a canal in two places and a non-electrified railway.
41. The Order Land generally falls in three sections aligned to the three sections of the Scheme running west to east as follows:
 - Western: running from Hill Farm access point in an easterly direction to the location of the proposed Park & Ride facility at Cuckoo Lane where an extension to the existing dual carriageway will be introduced.
 - Central: running from the Park & Ride site east where the A40 will be widened and upgraded.
 - Eastern: a short section of the A40 widened to the north and upgraded, tied in to the now under construction A40 Oxford North highway improvement scheme.

42. Section 8 of the Joint Statement of Reasons accompanying the CPO and the SRO contains a more detailed analysis of the Order Land and of current land uses to be found within the Order Land and should be considered fully by Cabinet when considering whether there is a compelling case in the public interest for the Scheme and the use of statutory powers of compulsory purchase.

The Need for and Benefits of the Scheme

43. A detailed rationale behind the need for the HIF2 Scheme was set out within the report to June Cabinet in June 2021 (2021/059).
44. In brief the reasons can be described as follows:

Economic

- Directly unlocking strategic housing development sites at East and North Witney and West Eynsham as well as the Salt Cross Garden Village development site, which includes an 80,000m² Science Park (4,500 jobs)
 - Addressing identified housing need, including affordable homes for West Oxfordshire and the County
 - Address transport challenges, in particular improving transport connectivity along the corridor and particularly to employment in Oxford and the strategic east-west movement.
45. This initial economic assessment reinforces the case for the Scheme and in line with Department for Transport's Value for Money Framework the Preferred Option represents high value for money for the taxpayer.

Environmental

- A minimum of 10% biodiversity net gain is to be achieved as a direct result of the scheme. This net gain will be kept local to the scheme boundary.
- A positive impact on air quality and noise with the scheme in place and considering future development in the area.

Social

- Individual and collective health benefits from a mode shift away from car use and an increase in walking and cycling
- A reduction in community severance due to enhanced infrastructure for active travel users allowing safer travel routes both east to west and north to south, helping to alleviate concerns around the A40 being a barrier to movement.

Highway

- Increased capacity between Witney and the proposed Eynsham Park & Ride Site

- Management and control of traffic movements along the A40 at Eynsham and east to the Wolvercote Roundabout
- Improved journey time reliability
- Highway safety improvements and a subsequent reduction in accidents due to an improved highway design and environment that considers the needs and priorities of all road users.

Transport Network

- The provision of Bus Lanes between the proposed Eynsham Park & Ride and Wolvercote Roundabout will provide improved bus journey times and reliability. This would reduce bus operating costs and improve resilience which would provide the opportunity for enhanced bus services in terms of bus frequencies routes and connectivity.
 - Improved Walking and Cycling infrastructure both along and across the A40 which will help facilitate and encourage mode shift.
 - The improved infrastructure would include a number of high quality at grade controlled and uncontrolled crossings across the A40 that 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.
46. The proposed infrastructure will enhance the operation of the existing network whilst providing those wider opportunities for users of the A40 corridor to travel by alternative modes.

Planning Policy Considerations

47. In making the Orders, the Council must have regard to national policy, the development plan and other relevant local policy and guidance, together with any other material considerations as required by Sections 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the 1990 Act.
48. The relevant national planning policy is contained the National Planning Policy Framework (NPPF) and the relevant Development Plan which comprises the West Oxfordshire Local Plan 2031, the emerging Area Action Plan and Oxfordshire Local Transport Plan 4.
49. A detailed analysis and consideration of the planning policy context can be found in the Joint Statement of Reasons, attached at Annex A.

Legal Implications - The Need for Use of Statutory Powers

50. The following set out at a high level the key aspects of using the compulsory purchase order powers.

Appropriateness of Powers

51. The Scheme is a highways scheme and, as such, the Council has statutory powers available for the compulsory acquisition of land and rights to facilitate the Scheme in Part XII of the Highways Act, which are considered to be the most appropriate powers under which to exercise the Council's powers of compulsory acquisition.
52. Sections 239 and 240 are concerned with the general powers of highway authorities to acquire land for the construction and improvement of highways, for the improvement or development of frontages to a highway or land adjoining thereto, and for use of land in connection with the construction or improvement of a highway or the carrying out of other works authorised by a side roads order under Section 14 of the 1980 Act. Section 246 provides a power to acquire land for mitigating the adverse effects of the existence or use of a highway constructed or improved on its surroundings. Section 250 provides that land acquisition powers may extend to the creation as well as acquisition of rights, and Section 260 relates to the clearance of title to land acquired by the Council for statutory purposes.
53. The SRO is required in order to facilitate the delivery of the Scheme pursuant to the Acquiring Authority's powers under Sections 14 and 125 of the Highways Act 1980.

Need for Compulsory Acquisition

54. The Council has made and will continue to make every effort to acquire all necessary interests in and rights over land required to deliver the Scheme (and will continue to do so in parallel to the compulsory purchase process) but it recognises that it may not be possible to agree terms for the acquisition of all the remaining interests. The acquisition of all relevant interests is necessary to enable the delivery of the Scheme.

Public Interest Test

55. The Guidance advises that a compulsory purchase order should only be made where there is a compelling case in the public interest. Members should satisfy themselves in approving this report that this requirement is satisfied. Officers consider that the benefits summarised in this report and in the Statement of Reasons provide a compelling case in the public interest, which justifies the compulsory acquisition of the Order Land.
56. These legal implications have been prepared by TLT Solicitors LLP as the Council's appointed legal advisors.

Comments checked by:
Jayne Pringle, Interim Principal Solicitor

Consideration of Human Rights

57. The following articles of the Convention are relevant to the determination as to whether the Order should be made:
- i) 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;
 - ii) Article 6 entitles those affected by the powers sought in the Order to a fair and public hearing by an independent and impartial tribunal;
 - iii) 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.
58. The Guidance explains that a compulsory purchase order should only be made where there is “a compelling case in the public interest”. The Guidance makes it clear that an acquiring authority should be sure that the purposes for which it is making a compulsory purchase order sufficiently justify interfering with the human rights of those with an interest in the land affected. In making this assessment, an acquiring authority should have regard, in particular, to the provisions of Article 1 of the First Protocol and Article 6 of the Convention and, in the case of a dwelling, Article 8 of the Convention. These are summarised and considered in detail in the Joint Statement of Reasons.
59. In considering the justification for the CPO and the SRO, careful consideration has been given by officers to the balance to be struck between the effect of acquisition on individual rights and the wider public interest in the delivery of the highway improvement scheme. The compulsory acquisition of land and rights is required in order to deliver the Scheme. Interference with Convention rights is considered to be proportionate and justified in order to secure the construction of the Scheme and its associated benefits.

Financial Implications

60. The total Scheme cost to completion remains at **£106.756m**, as previously reported to Cabinet.
61. 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 was entered into on 25th November 2021.

Comments checked by:
Rob Finlayson, Finance business Partner

Equality & Inclusion Implications

62. 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 have been considered in line with the Equality Act 2010 through the completion of an Equality Impact Assessment (EqIA) 14/12/2021, now appended to the Statement of Reasons.
63. 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.
64. 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.
65. Reviewing the EqIA and the County Council's PSED will be a continuous process throughout the subsequent stages of scheme development.

Sustainability Implications

66. The HIF2 Scheme alongside the complimentary STP2 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.
67. The delivery of the Scheme, alongside other planned transport investment on the A40 corridor, will form a core part of the promotion 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.
68. 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.

Risk Management

69. Key risks to Scheme delivery and their relevant mitigation and management were discussed in detail within the report to January 2022 Cabinet as listed within the background papers. A detailed risk register is being maintained.
70. These risks, particularly those relating to property acquisition are still relevant and are being mitigated by the progress that has been made in relation to land purchase and the potential to compulsory purchase if necessary.
71. The risks will be managed and monitored on an ongoing basis as part of the overall governance of the project.

Consultations

72. An online public consultation was undertaken between May and June 2021.
73. A detailed summary of the content, format and response to the aforementioned public consultation, undertaken to inform the detail of the Scheme proposals, was set out within the report to Cabinet in July 2021, now listed as a background paper.
74. The July report also set out how the Scheme had been changed to reflect the feedback offered and how stakeholders would continue to be engaged throughout subsequent stages of delivery. Based on these changes and continued engagement, this paper set out the preferred options for each of the three elements of the scheme, which are now approved.
75. A detailed consideration of the consultation undertaken to inform the Scheme can be found in the draft Joint Statement of Reasons, attached at Annex A.

Bill Cotton
Corporate Director for Environment and Place

Annexes:

Annex A – Draft Joint Statement of Reasons
Annex B – Draft CPO Schedule and Plans, draft SRO Schedule and Plans

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

Cabinet report – July 2021 – FP 2021/082: A40 HIF2
Smart Corridor – Preferred Options and Funding

Cabinet report – January 2022 – FP 2021/131: A40 HIF2
Smart Corridor – Compulsory Purchase and Side Road
Orders

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