

Divisions Affected – Didcot, Hendreds & Harwell, Sutton Courtenay & Marcham, Berinsfield & Garsington

CABINET

19 July 2022

**Didcot Garden Town Housing Infrastructure Fund
COMPULSORY PURCHASE, BRIDGING SCHEME AND SIDE ROADS
ORDERS**

Report by Director of Transport and Infrastructure

RECOMMENDATION

1. The Cabinet is RECOMMENDED to:

- a) Confirm that the acquisition of the land and new rights identified on the map attached to this report (Annex B) (“the Order Map”) being the map accompanying 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 CPO”) is necessary for highway purposes;
- b) Approve the CPO, the Order Map, the SRO, the plans accompanying the SRO (“SRO Plans”) and the Bridge Scheme all substantially in the form annexed to this report but to delegate to the Director of Transport and Infrastructure 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 (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 pursuant to Sections 239, 240, 246, 250 and 260 of the Highways Act 1980 (as amended) and Parts II and III of 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 and other necessary and related works and mitigation on such land and to affix the Common Seal of the Council to the CPO and to the Order Map;

- d) Authorise the Director of Law & Governance to make The Oxfordshire County Council (Didcot to Culham Thames Bridge) Scheme 2022 (“the Bridge Scheme”) pursuant to Section 106(3) of the Highways Act 1980 (as amended) for the purpose of allowing construction of a bridge over a navigable waterway, being the Thames River and to affix the Common Seal of the Council to the Bridge Scheme and its accompanying plan(s);
- e) Authorise the Director of Law & Governance to make 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”) pursuant to Sections 14 and 125 of the Highways Act 1980 (as amended) to enable the stopping-up, diversion, alteration, improvement and creation of new lengths of highway or reclassification of existing highways, enabling the stopping up of private means of access as necessary where the scheme design necessitates and re-provision of private means of access and giving authority for the acquisition of necessary land pursuant to the CPO and to affix the Common Seal of the Council to the SRO and to the SRO Plans;
- f) Authorise the Director of Law & Governance to remove from the CPO any plot (or interest therein) no longer required to be acquired compulsorily, to amend the interests scheduled in the CPO (if so advised) and to request that the Secretary of State makes any modifications to the CPO prior to confirmation as may be appropriate;
- g) Authorise the Director of Law & Governance to amend and finalise the draft Joint Statement of Reasons (Annex A) for the CPO 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 2022 (“the SRO”) and The Oxfordshire County Council (Didcot to Culham Thames Bridge) Scheme 2022 (“the Bridge Scheme”) considered necessary prior to its submission to the Secretary of State;
- h) Authorise the Director of Law & Governance to advertise the making of the CPO, the SRO and the Bridge Scheme and to submit the CPO, SRO and Bridge Scheme 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 and/or publication of the CPO, SRO and Bridge Scheme (including by statutory instrument for the Bridge Scheme);
- i) In the event that any Public Inquiry is convened to consider objections to the CPO and/or SRO and/or Bridge Scheme and/or planning application (by way of a call-in decision), to authorise the Director of Law & Governance, in consultation with the Director of Transport and Infrastructure to prepare and submit such evidence as is necessary in

support of the CPO and/or SRO and/or Bridge Scheme 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.

- j) As soon as the CPO, the SRO and the Bridge Scheme 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 at the appropriate time thereafter 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;
- k) Authorise the Director of Transport and Infrastructure 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;
- l) Authorise the Director of Property in consultation with the Director of Law & Governance to complete the acquisition of such interests or rights and execute their legal transfer/grant to the Council;
- m) 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;
- n) 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.
- o) Be notified 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).
- p) In respect to Statutory Blight delegate authority to the Director for Property Services and the Director of Law & Governance to agree appropriate terms in accordance with statutory provisions.

Executive Summary

2. The Didcot Garden Town Housing Infrastructure Fund programme (hereon referred to as HIF1) is a £296m investment in new highways and transport and consists of four elements, as follows:
 - A4130 widening from Milton Interchange to a new Science Bridge by making it a dual carriageway;
 - a new Didcot Science Bridge from the A4130 over the Great Western Railway Mainline into the Didcot 'A' Power Station site and re-joining the A4130 Northern Perimeter Road north of the Purchas Road/Hawksworth roundabout;
 - a new river crossing and link road between the A4130 at Didcot and A415 at Culham, including two new bridges;
 - a Clifton Hampden Bypass between the A415 at Culham Science Centre and B4015 north of Clifton Hampden.

and, taken together, these component elements form the Scheme.

3. The Scheme features specifically within Oxfordshire's Local Transport Plan and the policies of both the adopted Vale of White Horse Local Plan 2031 and the South Oxfordshire Local Plan 2035.
4. The Scheme is also essential for the economic and social prosperity of Science Vale UK, one of the first Enterprise Zones, in addition to other newer Enterprise Zones in the area. Whilst the HIF1 programme is based on future growth, the Scheme will also help to alleviate the issues resulting from historic housing and employment growth.
5. The Housing Infrastructure Fund, administered by Homes England, is funding £239.8m towards the Scheme.
6. The grant funding will need to be spent by March 2026, as detailed in the Grant Determination Agreement (contract) with Homes England, following its amendment as authorised by Cabinet in March 2022 (2021/221) and June 2022 (2022/045).
7. The remaining funding is either held in respect to section 106 contributions or underwritten in full by Oxfordshire County Council. The funding that has been underwritten in full is expected to be received before completion of the Scheme. Refer to paragraph 69-74 for further details.
8. Following a report to Cabinet in July 2020, the preferred options were agreed by Cabinet to proceed with the preliminary design and planning application for the Scheme. A subsequent report in June 2021 approved the "in principle" use of statutory powers.
9. There are a range of issues and risks associated with the delivery of the Scheme, 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.

10. Members should be aware of the position of the scheme in relation to Statutory Blight claims, the implications of which are considered in paragraph 61 onwards.

Exempt Information

11. Annex A – Appendix 8b (CPO and Land Reference Schedule) and Annex B (CPO and Land Reference Schedule) to be made exempt due to information which is likely to reveal the identity of an individual. This information will be made available to the general public once/if Orders are made.

Background

Scheme Purposes

12. The purposes of the HIF1 Scheme are to address:
 - Existing Highway Network Performance
 - Active Travel
 - Public Transport
 - Network Resilience and Safety Improvements
 - Delivery of Housing and Employment Growth

Objectives

13. The agreed Scheme objectives are to:
 - Reduce congestion and provide capacity on the arterial routes within Didcot;
 - Enable modal shift across the Science Vale;
 - Improve accessibility across the River Thames and the Great Western Main Line in Didcot;
 - Improve resilience of the transport network, including safety enhancements, which will respond to future uncertainties and opportunities;
 - Enable sustainable growth within the Science Vale; and
 - Ensure the Science Vale remains a world-leading research location.

Scheme Description

14. The HIF1 Scheme is made up of four key elements, which are described in detail below. It should however be noted that although component elements, these elements constitute the Scheme and must be delivered cohesively for the HIF1 benefits to be fully realised.

Element 1 – A4130 Widening

15. Widening of 1.5km of A4130 east from the A34 Milton Interchange to create a dual carriageway from a single carriageway including:
- a new roundabout junction east of Backhill Lane Tunnel
 - a revised signalised T-junction to access the proposed development site known as Valley Park
 - two new roundabout junctions and link road from the A4130 west of the Great Western Park signalised junction

Element 2 – Didcot Science Bridge

16. A new road bridge over the A4130, the Great Western Railway Line, Milton Road and link road (circa 1.5km) including:
- a new road overbridge
 - single carriageway development road in the former Didcot Power Station coal yard with a number of side road junctions
 - potential relocation of RWE nPower Gatehouse
 - single carriageway access link road through the RWE nPower car park (including relocated RWE nPower access road and lagoon), the former cricket field and agricultural field adjacent to the National Cycle Route (NCR) 5
 - a new priority T-junction north of Purchas Road roundabout connecting into the A4130
 - revised alignment of the NCR5 route with improved pedestrian crossing link to Hawksworth and wider cycle network
 - new pedestrian and cycle link within the field boundary adjacent to A4130 (Didcot Northern Perimeter Road)

Element 3 – Didcot to Culham River Crossing

17. A single carriageway road between A4130 (Didcot Northern Perimeter Road) and A415 (Abingdon Road) (3.6km) including:
- a replacement four arm roundabout at A4130 (Didcot Northern Perimeter Road and Collett)
 - A new haul road and T-junction for Hanson and FCC Environment operations
 - a new road overbridge spanning the Hanson private railway siding at the Appleford Level Crossing
 - a new priority T-junction on B4016 (Appleford Road) at Appleford
 - a new shared use cycle way with a right of way on foot between the T-junction and Appleford Railway Station
 - a new three arm roundabout junction on B4016 (Appleford Road) from Sutton Courtenay
 - a new road overbridge spanning the restored quarry area and the River Thames

- a new farm access for Zouch Farm agricultural buildings
- a new four arm roundabout junction on the A415 (Abingdon Road)
- a shared use cycle way with a right of way on foot on the southern side of the A415 (Abingdon Road)

Element 4 – Clifton Hampden Bypass

18. A single carriageway bypass for Clifton Hampden, between Culham Science Centre and B4015 just north of Clifton Hampden Village (1.8km including link roads) including:
 - a new four arm roundabout and access roads at the Culham No.1 employment site just west of Culham Science Centre
 - a new priority T-Junction east of the Culham Science Centre main gate to link the existing A415 from Clifton Hampden with the new Clifton Hampden Bypass, including new access junctions for the Fullamoor Farms agricultural buildings and residential and commercial properties to the south of the A415
 - a revised access for the Thames Water sewage treatment site
 - a revised farm access and crossing
 - a new priority T-junction on the B4106 (Oxford Road) just north of Clifton Hampden Village
19. The HIF1 Scheme is the cornerstone of the Science Vale transport strategy and helps to support employment and growth ambitions in neighbouring Oxford City. It will benefit a large swathe of Oxfordshire residents that are required to travel from or into the Science Vale area for work, shopping and leisure. The funding awarded will transform Didcot and the surrounding areas and will help deliver the Garden Town aspirations by forward funding essential highway infrastructure, which includes substantial improvements to pedestrian and cycle connectivity, and will help to facilitate new and enhanced bus services.
20. Any future bids to funding bodies for schemes in other priority areas, such as community facilities, affordable housing, and further walking and cycling infrastructure, will be made more viable by the presence of the HIF1 Scheme.
21. OCC's Local Transport Plan: Connecting Oxfordshire 2015-2031 was agreed by Full Council in September 2015, following public consultation on the draft plan earlier that year. This includes the HIF1 elements as specific proposals in policies, SV2.6, SV2.13, and SV2.16 within the Science Vale Transport Strategy.
22. The Evaluation of Transport Impacts (ETI), 2014, which formed part of the evidence base for the Vale of White Horse Local Plan 2031 identified the requirement for significant highway infrastructure intervention in order to support the delivery of homes and jobs growth in the area.
23. Subsequently, the ETI produced in 2017 to support the submitted South Oxfordshire Local Plan 2035 lends further weight to the need for the HIF1

Scheme. These ETIs were undertaken using the Oxfordshire Strategic Model (OSM).

24. The Scheme is also included in the policies of the Vale of White Horse Local Plan 2031 Part 1 and Part 2 (adopted) and the South Oxfordshire Local Plan 2035 (adopted). Both Local Plans include policies to safeguard land for the HIF1 Scheme and were consulted upon extensively with the public and through examination.
25. Without the HIF1 Scheme, the County Council cannot ensure an efficient and safe highway network. Such are the current pressures on the network that the County Council, as the Highway Authority, has objected to planning applications for very small residential developments (single dwellings or extensions) with an identified traffic impact on the river crossing at Culham (comprised of Sutton Bridge and Culham Cut) on the grounds that traffic generated by these proposals would result in a severe impact on the highway network.
26. Four such applications have subsequently received planning committee refusals, with the decisions then being tested at appeal. On each occasion, the Planning Inspectorate has upheld the decision of the local planning authority and dismissed the appeals due to the severe cumulative impact on the highway network, as per Paragraph 109 of the National Planning Policy Framework.
27. With the security of HIF funding, the County Council, together with its partners such as District and Parish Councils, landowners, developers and funders, can manage growth to enable residential and, importantly, commercial development in high tech sectors in the Science Vale area to progress, ensuring economic and jobs growth for residents of Oxfordshire.
28. To support delivery of the HIF1 Scheme, Cabinet has previously authorised (23rd April 2019) assembling the necessary land to support the Scheme, including exercising compulsory purchase powers where necessary in the event that the land cannot be acquired by negotiation, along with adding the HIF1 Scheme to the capital programme (15th October 2019). The initial funding agreement was signed with Homes England in late June 2020.
29. On 22nd June 2021, Cabinet approved the principle and preparation of the Compulsory Purchase Order, Side Roads Order and Bridge Scheme, with a requirement for formal approval for the making of the Compulsory Purchase Order, Side Roads Order and Bridge Scheme to be reported to Cabinet following the submission of the planning application for the Scheme.
30. Reports subsequently approved by Cabinet on 15th March 2022 and 21st June 2022 set out a revised funding package and delivery timeline for the Scheme.

Planning - Current Position

31. One single full planning application (Regulation 3 (Town and Country Planning General Regulations 1992) Development) was submitted and subsequently

validated in November 2021 (application reference R3.0138/21) for the HIF1 Scheme. Determination is targeted for September 2022.

Explanation of Statutory Powers

32. 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 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.
33. 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.
34. The Council has been seeking to negotiate the acquisition of all of the legal interests in the land required for the construction of the HIF1 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.
35. 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.
36. Paragraphs 201 and 202 of the Guidance state 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.

37. 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.
38. 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 HIF1 Scheme have already been worked or that, where workable minerals exist, the HIF1 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.
39. 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.
40. 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 Section 3, Parts II and III of 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.
41. Pursuant to Section 106(3) of the Highways Act 1980, the Bridge Scheme will authorise the construction of a new bridge across the River Thames, being a navigable waterway. Without the Bridge Scheme, construction that has an impact on rights of navigation would not be permitted. This Bridge Scheme is in addition to needing to secure the acquisition of the airspace where the bridge structure will be constructed, the land where any bridge supports sit 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).
42. Pursuant to Sections 14 and 125 of the Highways Act 1980, the SRO will authorise the stopping-up, amendment, diversion, improvement and creation of new lengths of highway or reclassification of existing highways, along with providing for the stopping up and reprovision of private means of access. 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.

43. A recommendation to this report seeks delegation to officers to amend the Orders. These amendments will be limited to technical clarifications, noting that no additional land or land interests will be included in excess of the total of those defined in the CPO before Members for approval. This ability to modify is required to ensure that the Orders are accurate in advance of them being made following Cabinet approval. The SRO specifically will be further reviewed to ensure consistency across all four elements of the Scheme relating to how private means of access are treated, alongside those rights secured via the CPO. As a result, additional elements may be included in the SRO but all parties that currently benefit from a private means of access will continue to do so (whether by provision of a new means of access under the SRO, or because another reasonably convenient means of access is already available) following construction of the Scheme.

Location and Description of Order Land

44. 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 under recommendation 1 of this report are sought is shaded blue on the Map. It should be noted that in respect of those plots where new rights are to be acquired (shaded blue), a cautious view has been taken at this stage. Currently, the CPO provides for all rights listed in the CPO to be acquired over each of these rights plots, to ensure that no rights are missed. However, the rights to be included for each rights plot will be refined and reduced as necessary prior to the making of the CPO, to ensure that only those rights that are specifically required are included. As such, the plots of land impacted will only be subject to a reduction in new rights to be acquired rather than an increase.
45. The Order Land is located within the boundaries of the South Oxfordshire District Council and Vale of the White Horse District Council.
46. The Order Land generally falls in four sections aligned to the four elements of the Scheme:
- 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; and

- Construction of a new road between the B4015 and A415 (Clifton Hampden bypass), including the provision of one roundabout and associated junctions.
47. The draft Joint Statement of Reasons accompanying the CPO, SRO and Bridge Scheme contains a more detailed analysis of the Order Land and of current land uses to be found within the Order Land. The CPO, Order Map and Order Schedule will identify all of the land.

The Need for and Benefits of the Scheme

48. A detailed rationale behind the need for the HIF1 Scheme was set out within the report to Cabinet in June 2021 (2021/052).
49. The reasons can be described as follows:

Existing Highway Network Performance

50. The highway network currently suffers from severe congestion at key parts of the highway network including the impact of local growth on the strategic road network (A34). The severance effects of the Great Western Mainline Railway and the River Thames results in significant traffic flows and associated queues through historic parishes due to limited route choice to key destinations.

Active Travel

51. The highway network has an absence of direct, coherent and safe cycling and walking network. Connectivity and accessibility between areas of high housing growth and employment growth provides a barrier to active travel modes.

Public Transport

52. The area currently has an absence of good quality, reliable and frequent bus services due to the existing congestion between settlements. Due to poor journey time reliability bus operators are unable to run frequent services which in turn discourages bus patronage and bus service viability.

Network Resilience and Safety Improvements

53. 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.
54. In addition, road safety improvements are required given the historic and constrained nature of the current highway network. The highway network is

not designed to current horizontal or vertical design standards and provides poor substandard walking and cycling infrastructure.

Delivery of Housing and Employment Growth

55. The current severely congested road network is unable to accommodate the significant housing growth allocated in Local Plans in the area. This severe congestion has resulted in highway objections to major and minor residential planning applications in the area.
56. In addition to the housing growth, the current highway network is also unable to support economic development and employment growth. This has resulted in highway objections to commercial development in a local area that is identified as a significant growth area for local, national and international enterprise.
57. The significant upfront costs of the infrastructure have resulted in viability issues for private developers. In addition, the need for third party land (which is not necessarily attainable by private developers), has determined that it is only public sector organisations that are able to deliver such complex and high value infrastructure.
58. A detailed analysis and consideration of the policy context is found in the draft Joint Statement of Reasons, contained at Annex A.

Planning Policy Considerations

59. In making the Orders, it is relevant to have regard to national planning policy, the Development Plan and other local policy and guidance, together with other material considerations.
60. The relevant national planning policy is contained in the National Planning Policy Framework (NPPF) and the relevant Development Plan comprises the Vale of White Horse Local Plan 2031 Part 1 and Part 2 (adopted) and the South Oxfordshire Local Plan 2035 (adopted).
61. A detailed analysis and consideration of the policy context can be found in the draft Joint Statement of Reasons, attached at Annex A.
62. The Secretary of State for Transport adopts a practice of not confirming statutory orders until such time as planning permission for the scheme being advanced has been secured. As such, the CPO, SRO and Bridge Scheme are highly unlikely to be confirmed by the Secretary of State for Transport until such time as planning permission for the Scheme has been granted. It is anticipated that planning permission for the Scheme will be granted in September 2022.

Legal Implications – The Need for Use of Statutory Powers

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

The Compelling Case in the Public Interest

64. Paragraph 2 of the Department of Levelling Up, Housing and Communities CPO Guidance advises that a compulsory purchase order should only be made where there is a compelling case in the public interest. The Scheme will provide numerous and substantial benefits to the public, which are summarised below and which provide a compelling case in the public interest for the acquisition of the Order Land:

- The need for the Scheme is summarised below and detailed in Section 3 Need for the Scheme in the draft Statement of Reasons;
 - Existing Highway Network Performance.
 - Active Travel.
 - Public Transport.
 - Network Resilience and Safety Improvements.
 - Delivery of Housing and Employment Growth.

- The benefits of the Scheme are summarised below and set out and explained in Section 5 'Meeting the Scheme Objectives and the Benefits of the Scheme' in the draft Statement of Reasons;
 - Reduce congestion and provide capacity on the arterial routes within Didcot.
 - Enable modal shift across the Science Vale.
 - Improve accessibility across the River Thames and the Great Western Main Line in Didcot.
 - Improve resilience of the transport network, including safety enhancements, which will respond to future uncertainties and opportunities.
 - Enable sustainable growth within the Science Vale.
 - Ensure the Science Vale remains a world-leading research location.

- The lack of more appropriate alternative for meeting the objectives of the Scheme are summarised below and set out and explained in Section 6 Alternatives to the Scheme in the Statement of Reasons;
 - 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.
 - Identification of the preferred scheme option has been progressed in line with Department for Transport WebTag guidance.
 - An Option Appraisal Report (OAR) Part Two was produced and submitted as part of the planning application and includes more detail on the alternatives and optioning process

- The scheme 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.
- The planning policy support for the scheme is summarised below and set out and explained in Section 8 of the draft Statement of Reasons; and
 - The Scheme is deemed as essential to deliver future growth as identified within the adopted Local Plans for both South Oxfordshire District Council and Vale of White Horse District Council and is also identified in the Science Vale Area Strategy forming part of the Councils Local Transport Plan 4.
 - 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.
 - 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 Scheme under application reference R3.0138/21 (the Application).
- Section 10 'Compulsory Purchase Justification' of the draft Statement of Reasons sets 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.

Appropriateness of Powers

65. 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.

Need for Compulsory Acquisition

66. The Council has made and will continue to make reasonable efforts 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

67. 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 and that the public benefits of the Scheme outweigh the interference with private rights. Officers consider that the benefits summarised in this report and in the draft Joint Statement of Reasons provide a compelling case in the public interest, which justifies the compulsory acquisition of the Order Land.

Statutory Blight

68. In progressing the HIF1 Scheme, the Council could be required to deal 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 where the statutory criteria have been met.
69. Statutory Blight is a consequence of legislative 'triggers', one being the approval by the Council of the preferred route. As Cabinet has already approved this in July 2020, the Council became 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.
70. Based on external property and legal advice, officers are advised that the HIF 1 Scheme potentially affects a very small number of properties where there is a threat of Statutory Blight and its estimated costs are included in the budget. 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 will be entitled to outside of the market value of the property itself.
71. The Council can recover all valid costs in relation to property acquisition required to deliver the Scheme via the Homes England funding agreement (GDA). This includes Statutory Blight.
72. 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 and one day following the Scheme being opened to the public and covers claims relating to noise, vibration, smell, fumes, smoke, artificial lighting and discharge of water or other substances as a result of the use of the Scheme.

These legal implications have been reviewed by TLT LLP as the Council's appointed legal advisors. TLT has reviewed an earlier version of the CPO (including Order Schedule), CPO Maps, SRO and SRO Plans but has not reviewed the documentation presented to Cabinet. All documentation will require a final legal review before making the Orders.

Comments checked by:

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Consideration of Human Rights

73. The following articles of the Convention are relevant to the determination as to whether the Orders 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 Orders 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.
74. 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 draft Joint Statement of Reasons.
75. In considering the justification for the CPO, the SRO and the Bridge Scheme, 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 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

76. The total scheme cost to completion is **£296.155m**.

77. The breakdown of the funding package for the scheme is set out within Table 1 (as previously reported to Cabinet in March 2022 (ref 2021/221)). The project is substantially funded by Housing Infrastructure Fund grant to a capped value of **£239.816m** (the sum of the two Housing Infrastructure Grant figures in Table 1) and, following the approval of the recommendations as set out in the report to Cabinet in March 2022 and June 2022 (2022/045), a Deed of Variation to the Grant Determination Agreement (GDA) with Homes England will now be entered in to.
78. The remaining funding has been secured from the Council's capital programme and Section 106 developer contributions. As noted in Paragraph 7, some of the Section 106 contributions are secured, and others are underwritten by the Council. There is no guarantee of recovery of non-secure Section 106 contributions.

Table 1 – Revised Funding Summary

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

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

79. 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.
80. Inflation is 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 budget of £296.155m.
81. The current spend profile indicates that the total of the HIF grants would be drawn down in full first, with any additional financial contributions to the scheme backloaded to the latter stages of delivery. Therefore, spend on any additional contributions is anticipated to commence in 2025 onwards.

Comments checked by:

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Equality & Inclusion Implications

82. The equalities implications of the HIF1 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), April 22, contained as an Annex to the draft Joint Statement of Reasons.

83. 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.
84. 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 has formed part of the information presented at planning.
85. Reviewing the EqIA and the County Council's PSED will be a continuous process throughout the subsequent stages of scheme development.

Sustainability Implications

86. The HIF1 Scheme is designed to promote sustainable modes of travel for access into and around Didcot by commuting traffic by modal shift away from the private vehicle and on to public transport or by walking and cycling. High-quality pedestrian and cycling infrastructure will be provided along the full length of the Scheme, with new routes setting the conditions for new bus services between Oxford, Culham, Didcot and Harwell. In reducing traffic congestion levels, this has positive impacts on air quality and carbon emissions, especially in local villages such as Sutton Courtenay, Appleford, Long Wittenham, Clifton Hampden and Burcot.
87. Similar to the above, the successful delivery of the Scheme will form a core part of the promotion and early enabling the use of more sustainable forms of travel for the existing and new developments (new homes and employment) planned for the Didcot area. This will be coupled with promotional activities to achieve the cultural shift required. The HIF1 Scheme funds the essential infrastructure that would have been required from development sites to mitigate harm and will, therefore, enable developments to concentrate their resources on sustainable travel modes to/from their sites as primary mitigation.
88. The Scheme has been developed to be as sustainable as possible in terms of its impact on the environment by using the likes of sustainable urban drainage systems as a core part of its design development to date, non-statutory 10% biodiversity net gain provisions and appropriate levels of flood compensation.
89. 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

90. Key risks to Scheme delivery and their relevant mitigation and management were discussed in detail within the report to March 2022 Cabinet, as listed within the background papers. A detailed risk register is being maintained.
91. 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 CPO if necessary.
92. The risks will be managed and monitored on an ongoing basis as part of the overall governance of the Scheme.

Consultations

93. A series of public consultations have been undertaken over the course of the Scheme development, notably (but not restricted to) engagement events in November 2018 and March/April 2020. The first public consultation took place between Friday 2 November and Sunday 25 November 2018, via in-person and online consultation. Two public exhibitions took place on Wednesday 7 November at the Didcot Civic Hall and Saturday 17 November at the Cornerstone, both in Didcot. Approximately 300 people attended the public exhibitions. Following the 2018 public consultation, the designs for each section of the Scheme were developed further and a second consultation took place between Friday 20 March and Thursday 30 April 2020. The consultation was originally planned to last four weeks, which is the required duration for a non-statutory consultation. However, as a result of the COVID-19 pandemic and national social distancing guidance, this duration was extended to six weeks to allow people more time to respond. In total, 686 consultation responses were received.
94. Frequent engagement meetings (both in person and virtually) have also been undertaken with elected representatives relevant to the Scheme, landowners, developers and key relevant statutory consultees since July 2021. Formal responses have been received during the statutory planning application consultation, which officially ended in December 2021, however statutory consultee responses are still being considered.
95. The Consultation Response Report was included within the report to Cabinet in June 2021, now listed as a background paper.
96. 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.

Owen Jenkins
Director of Transport and Infrastructure

Annexes:

Annex A – Draft Joint Statement of Reasons
Annex B – Draft CPO, draft Order Map, draft SRO and draft SRO Plans
Annex C – Draft Bridging Scheme plan

Background papers:

Cabinet report – July 2020 – FP 2020/043: Didcot Garden Town Housing Infrastructure Fund – Preferred Alignment

Cabinet report – June 2021 – FP 2021/052: Didcot Garden Town Housing Infrastructure Fund – In Principle Use of Statutory Powers

Cabinet report – March 2022 – FP 2021/221: Didcot Garden Town Housing Infrastructure Fund – Amendment to Grant Determination Agreement

Cabinet report – June 2022 – FP 2022/045: Didcot Garden Town Housing Infrastructure Fund (HIF) Revised Grant Determination Agreement

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