

CABINET – 18 DECEMBER 2018

COMPULSORY PURCHASE POWERS FOR THE ACQUISITION OF LAND REQUIRED FOR THE DELIVERY OF SCHEMES

Report by Director of Capital Investment & Delivery

Recommendation

1. The Cabinet is **RECOMMENDED** to:
 - (a) approve delegation of the exercising of Compulsory Purchase Powers to the Director of Capital Investment and Delivery, in consultation with the Cabinet Member responsible for Transport, for the purchase of land required for the delivery of the major infrastructure schemes outlined in paragraphs 7 and 9 of this report, in the event that the land cannot be acquired by negotiation; and
 - (b) note that should the whole or any part of lands required are not acquired by negotiation, the making of a Compulsory Purchase Order under provisions contained in Part XII of the Highways Act 1980 for the acquisition of the land, will be progressed. This could include providing the necessary attendance, expert witness provision, etc. at a Public Enquiry if required.

Executive Summary

2. In order to progress with the delivery of proposed major transport infrastructure schemes, the use of Compulsory Purchase Powers may have to be used for the acquisition of land required for the construction, maintenance and operation of new transport infrastructure.
3. Cabinet is requested to approve delegation to the Director of Capital Investment & Delivery, in consultation with the Cabinet Member responsible for Transport, to exercise Compulsory Purchase Powers for the purchase of land required for schemes detailed in this report, in the event that the land cannot be purchased through negotiation with landowners.
4. The schemes are set out at paragraphs 8 and 10.

Background

5. The Council is proposing to deliver a programme of major transport infrastructure projects, to support and enable housing and economic growth in Oxfordshire. The transport network needs to operate safely and be fit for purpose, delivering the Transport Strategy set out within the Council's Local Transport Plan.

6. Cabinet has previously approved the delegation of the exercising of Compulsory Purchase Powers for major transport schemes at the July 2015 and January 2016 Cabinet meetings.
7. It has now been identified that other proposed major schemes being developed require additional land for the construction of the planned improvements.
8. The Council's land agent will work with landowners and continue negotiations to purchase the required land through agreement in the first instance. However, in some cases there may be issues reaching agreement to enable the schemes to progress to the construction phase and achieve programme delivery. With this in mind, the ability to delegate the decision to use Compulsory Purchase Order (CPO) powers to the Director of Capital Investment & Delivery in consultation with the Cabinet Member responsible for Transport, would enable a swift response should land negotiations be proving to be unconstructive.

Proposed Schemes

9. Schemes within the Council's committed capital programme for which delegated CPO powers are requested are:
 - a) **Tramway Road Accessibility Improvements** – provision of new vehicle access to Banbury Railway Station car park via Tramway Road, and a new two-way bus lane and taxi link connecting Tramway Road to join Station Approach.
 - b) **Former RAF Upper Heyford Mitigation Package Phase 1** – reduce the impact on Middleton Stoney to enable the current Local Plan allocation for Heyford Park to build out without the need for a Grampian condition. Junction work and traffic management under consideration as part of this project, as well as HGV restrictions in the area.
 - c) **Access to Carterton - A40 Minster Lovell West Facing Slips** – to deliver an improved route into Carterton and RAF Brize Norton from the A40 comprising safety improvements to the B4477 and provision of an all movement interchange at the A40/Minster Lovell junction by providing west facing slip roads at the grade separated junction.
 - d) **Frilford Junction** – a new junction arrangement at Frilford which is the confluence of two major A-roads in Oxfordshire (the A415 and A338). Improvements seek to allow additional capacity at the junction.
 - e) **Marcham Bypass** – creation of a new by-pass to the southern side of Marcham Village connecting into the Frilford Junction scheme to provide relief to Marcham Village which is constrained in nature and is an AQMA area.

- f) **Thame to Haddenham Cycle Route** – provision of cycle route between Thame and Haddenham railway station adjacent to A418 (Aylesbury Road) and Thame Road, providing a better walking and cycling environment linking key areas of the town.
 - g) **A4260 and A44 Corridor Improvements** – various measures to improve transport corridor routes along the A44/ Woodstock Road and the A4260/ Banbury Road. Aim to increase bus transport usage into the city, by prioritising public transport, cycling and pedestrian access along the two routes, as well as a proposed new park and ride site on the A44 corridor and expansion of the existing Water Eaton park and ride site.
10. The programme of improvements for each of the routes will consist of a mixture of new highways infrastructure and upgrades to existing public rights of way. Land purchase will be required where new highways infrastructure cannot be fitted into the existing highway boundary and for the creation of new paths.
11. In addition to the above, there are schemes being developed on the forward capital programme which are waiting for future funding opportunities to enable implementation. In order to be able to progress promptly should funding be made available, delegated CPO powers are requested for these schemes too:
- a) **A40 Dual Carriageway** – proposal to extend the existing dual carriageway from Witney eastwards to the proposed Eynsham Park & Ride; retain and improve the existing shared footway/cycleway, and provide new junctions for side road access.
 - b) **A40 Westbound Bus Lane** – phase 1 of the A40 Eynsham Park & Ride with Bus Lanes Scheme, funded by the Local Growth fund, will deliver short sections of westbound bus lane to improve bus journeys from Oxford City Centre to West Oxfordshire. We aim to lengthen these sections of westbound bus lane to ensure that buses are not held in congestion, which will further improve bus service reliability.
 - c) **Footbridge works to the A40 Duke's Cut and Wolvercote Canal Bridges** - there are four bridges which carry the A40 over the canals and railway just west of Wolvercote roundabout. At present there isn't room within the existing highway boundary to provide an eastbound bus lane in addition to the existing pedestrian/cycle paths on the north and south sides of the A40 as well as the single carriageway traffic running lanes. This scheme seeks to widen, or provide new bridges to accommodate an eastbound bus lane in addition to the foot/cycleway and general traffic running lanes.
 - d) **Cycle Route from A40 to National Cycle Route 5** – connecting the A40 with the National Cycle Route from Oxford to Reading, via the Oxford Tow Path near Duke's Cut Lock.

- e) **B4044 Community Path** – provision of a safer multipurpose cycle and pedestrian path along the B4044 between Eynsham, Swinford, Farmoor and North Hinksey on the west side of Oxford.

- 12. Further details of the schemes and wider transport strategies they relate to can be found within the County Council's Local Transport Plan 2015 – 2031.

CPO Processes

- 13. The ability to use CPO powers should help support the land negotiations and provide a greater confidence in achieving earlier agreements without having to resort to actually using the CPO powers sought.
- 14. In the event that CPO powers are required, there will be the need to carry out the statutory requirements to give notice of the CPO to the land owner and to the public. If objections are received, there may be a need for preparation and attendance at a public enquiry.
- 15. All necessary processes and procedure would be followed in the making of any Compulsory Purchase Orders.

Financial and Staff Implications

- 16. Scheme cost estimates currently do not have an allowance for the additional costs likely to be needed for a full CPO process. Initial costs to start the process can be met through the contingency allowance. If it looks likely that the full CPO process will be necessary, then it is probable that the scheme cost estimate will need to be increased or scope of the project reduced.
- 17. In the event of CPO being exercised, it is likely to cause impacts on the delivery timetable of schemes, with an estimated delay of 6 – 8 months. Should a public enquiry be required, delays could be significantly longer estimated between 12 – 18 months. This may also increase project costs.
- 18. There is no direct impact on staffing.

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Background papers Local Transport Plan (4) 2015 – 2031
Available online at www.oxfordshire.gov.uk

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