

CABINET MEMBER FOR TRANSPORT - 11 OCTOBER 2010

COGGES LINK ROAD: APPROVAL TO MODIFICATIONS TO COMPULSORY PURCHASE AND SIDE ROADS PLANS; CONSTRUCTION OF THE DIVERTED SECTION OF FOOTPATH NO. 15 (WITNEY); SERVICE OF DOCUMENTS WHERE LAND IN 'UNKNOWN OWNERSHIP; UPDATE ON LAND ACQUISITION IN ADVANCE OF COMPULSORY PURCHASE ORDER (CPO).

Report by Head of Highways & Transport

Introduction

1. On 20 July 2010 Cabinet approved the exercise of statutory powers for the compulsory purchase of land required for Cogges Link Road, the making of a Side Roads Order (SRO) for the scheme and other related statutory procedures including the service, publication and display of notices. Since the Cabinet meeting the Council's consultant engineers advised minor modifications to the scheme design. These have been incorporated on the map which shows the land to be acquired and on the plan which shows details for the Side Roads Order. They are summarised as follows:
 - Revision to the extent of land to be acquired on the south east side of Witan Way by the Two Rivers Industrial Estate;
 - Extension to the land being acquired to the east of the River Windrush (West Branch) in the Witney Lake and Meadows Country Park;
 - Revision to the extent of land to be acquired at the northern end of the Witney Lake and Meadows Country Park;
 - Deletion of a plot west of the River Windrush (East Branch) in the Witney Lake and Meadows Country Park;
 - Deletion of multiple plots to the east of the proposed road, east of Blakes Avenue;
 - Revision to the extent of land to be acquired for exchange east of the Cogges Hill Road;
 - Revisions to the extent of highway to be improved at Witan Way and Station Lane;
 - Revision to the extent of highway to be stopped up, Footpath No. 15 (Witney).
2. The attached map, drawing number B0800100/B4501 Revision H shows the land requirements for Cogges Link Road.
3. The attached plan, drawing number B0800100/B4500 Revision G, will be used for making the Side Roads Order.

4. The scheme requires the stopping up and diversion of a section of Footpath No. 15 (Witney). These works will be included in the Side Roads Order, and were addressed in the resolution adopted by Cabinet on 20 July 2010. For clarification it is considered prudent to obtain express authorisation for the Side Roads Order to include the construction of the diverted section of Footpath No. 15 (Witney).
5. Investigations into ownership of the land for Cogges Link Road have revealed that in respect of some plots no owner or occupier could be found. The compulsory purchase procedure enables the Council to include these plots in the compulsory purchase order. Where land is found to be in 'unknown ownership' the Council may serve documents relating to the compulsory purchase of the plot by delivering them to a person on the land or if there is no such person by leaving them on or near the land (Acquisition of Land Act 1981 section 6(4)).
6. Officers have completed the purchase of one of the plots required for the scheme by private treaty. This plot will remain in the compulsory purchase order by virtue of section 260 of the Highways Act 1980 to overcome matters which burden the title to this plot. Officers together with the Council's property consultants are working to secure the acquisition of other plots of land required for Cogges Link Road by private treaty, and any which are purchased ahead of the making of the compulsory purchase order will be included in the order for the same reason.

Support for the Cogges Link Road

7. The Cogges Link Road is supported by both the West Oxfordshire District Council and the Witney Town Council. Council officers have met with senior officers and members of Oxfordshire County Council, West Oxfordshire District Council and Witney Town Council to explain the current position of the scheme.

Main Issues facing publishing the CPO Order

8. Much of the land on which the Cogges Link Road sits is in private ownership. It is necessary to use compulsory purchase powers to ensure that the land can be acquired in time for the scheme delivery. The Council must have contracted the main works before January 2013 otherwise it will lose the main section 106 contribution towards the scheme.

Financial and Staff Implications

9. There are no financial implications for these minor changes to the drawings.
10. The financial and staff implications were covered by Cabinet on 20 July 2010.

RECOMMENDATION

11. **The Cabinet Member for Transport is RECOMMENDED to approve:**
- (a) Drawing number B0800100/B4501 Revision H for use in connection with the exercise of the Council's statutory powers of compulsory purchase to enable the acquisition of all land requirements for the Cogges Link Road scheme.**
 - (b) Drawing number B0800100/B4500 Revision G for use in connection with the Side Roads Order which will be made for the Cogges Link Road scheme.**
 - (c) The inclusion in the Side Roads Order of the construction of a new length of highway for the diversion of Footpath No. 15 (Witney).**
 - (d) The service of documents in accordance with section 6(4) of the Acquisition of Land Act 1981 in connection with any plots of land required for the Cogges Link Road scheme that have 'unknown ownership'.**
 - (e) The inclusion in a compulsory purchase order of any plots of land that are acquired in advance by private treaty.**

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Background papers: Nil

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