



Joint Statement of Reasons

Highways Act 1980

Acquisition of Land Act 1981

The Oxfordshire County Council (Highways Infrastructure - A40 HIF2 Smart Corridor (Hill Farm to Dukes Cut)) Compulsory Purchase Order 2022

The Oxfordshire County Council (Highways Infrastructure – A40 HIF2 Smart Corridor (Hill Farm to Dukes Cut)) (Side Roads) Order 2022

Version control

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TDS	1.1	21.05.2021	Initial draft with comments from technical leads – for TLT review
TDS	1.2	16.06.2021	Draft with TLT comments included for further technical update
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Appendix 3: Cabinet Report and Minute dated 18 January 2022, and Officer's
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Appendix 4a: Compulsory Purchase Order and Order Schedule

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Appendix 5: A40 HIF2 Smart Corridor - Initial Business Case (November 2020)

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1. INTRODUCTION

1.1. This is the Joint Statement of Reasons (the 'Statement') of Oxfordshire County Council (the "Acquiring Authority" or "the Council") to support the making of the following statutory orders:

- The Oxfordshire County Council (Highways Infrastructure – A40 HIF2 Smart Corridor (Hill Farm to Dukes Cut)) (Side Roads) Order 2022 (the 'SRO') pursuant to sections 14 and 125 of the Highways Act 1980; and
- The Oxfordshire County Council (Highways Infrastructure - A40 HIF2 Smart Corridor (Hill Farm to Dukes Cut)) Compulsory Purchase Order 2022 (the 'Order') pursuant to its powers of compulsory acquisition in Part XII sections 239, 240, 246, 250 and 260 of the Highways Act 1980 and Schedule 3 to the Acquisition of Land Act 1981.

1.2. The Statement has been prepared in accordance with the following documents:

- Ministry of Housing, Communities and Local Government "Guidance on Compulsory purchase and the Crichel Down Rules" (July 2019) (the 'Guidance');
- Department of Transport Circular 1/97 "Highways Act 1980: Orders Under Section 14 of the Highways Act 1980 and Opposed Orders Under Section 124 of that Act" (June 1997); and
- Department of Transport Circular 2/97 "Notes on the Preparation, Drafting and Submission of Compulsory Purchase Orders for Highway Schemes and Car Parks for which the Secretary of State for Transport is the Confirming Authority" (June 1997).

1.3. The Acquiring Authority's purpose in seeking to make the SRO and the Order is to facilitate the improvement of the A40, an existing, adopted highway, through a scheme known as the A40 HIF2 Smart Corridor (the 'Scheme').

1.4. The Scheme also includes new traffic regulation orders, managing the movement of traffic through the Scheme.

1.5. The Acquiring Authority considers the Scheme to be a County priority, as it will ease congestion through the provision of additional highway capacity; facilitate modal shift through improved public transport travel times and reliability; improve road safety and encourage and enable housing and economic development in the area.

1.6. The land proposed to be compulsorily acquired under the Order (the 'Order Land') comprises an area of land adjacent to the existing A40 highway between Hill Farm access to the West and the A34 viaduct to the East, where it crosses the A40 at Dukes

Cut area. The Order includes land to accommodate environmental mitigation measures.

1.7. The Scheme is comprised of three sections as follows, and as shown on the plan at **Appendix 1**:

1.7.1 **A40 Extended Dual Carriageway ('Dualling')**: the proposal is to upgrade a 3.2km/2.1-mile section of the A40 from a single carriageway road to a dual carriageway road between the Hill Farm access overbridge and the proposed Eynsham Park and Ride site (a new 850-space Park & Ride facility for which planning permission was granted in March 2021), located immediately to the west of Cuckoo Lane in Eynsham. This element of the Scheme would also provide an improved and dedicated path for walking and cycling (active travel) along this section of the A40. Generally, this section is bounded to the north and south by open agricultural land, with several farm buildings and a small number of residential properties.

1.7.2 **A40 Integrated Bus Lanes ('IBL')**: this element of the Scheme involves the widening of the existing single carriageway road to provide dedicated east and westbound bus lanes, with complementary junction and active travel improvements on a 6.5km/4 mile section of the A40 between the proposed Park and Ride site at Eynsham and the Dukes Cut Bridge, at a point approximately 600 metres west of the A34 viaduct across the A40. In this area, to the north the A40 is bordered by a mixture of open agricultural land, future development land, various small-scale commercial premises and Cassington village. The land to the south of the A40 comprises residential properties forming the northern extents of Eynsham, open agricultural land and the Oxford Meadows, which is a Special Area of Conservation (SAC).

1.7.3 **A40 Duke's Cut Bridge Works ('Duke's Cut')**: this element of the Scheme proposes the construction of a new eastbound dedicated bus lane and active travel improvements along a 600m section of the A40, which is elevated on a number of existing bridge structures over the Duke's Cut Canal Bridge and the Wolvercote Railway and Canal Bridges. The bus lane and active travel improvements will link with the IBL to the west and the separate highway improvement scheme now under construction named A40 Oxford North scheme (see paragraph 3.59 of this Statement) to the east. A new shared path linking the A40 path to the Oxford Canal towpath / NCN Route 5 is also proposed.

- 1.8 A structure within the Duke's Cut extents has been deemed to require strengthening in order to provide it with the required capacity to withstand the additional loading that is to be brought on to the structure by the new eastbound bus lane. The structure also requires works to improve its general condition, including the replacement of a substandard masonry parapet and the removal of superficial concrete on the beams of the bridge that has been found to be spalling. These strengthening and maintenance works at Wolvercote Railway Bridge are envisaged to be carried out earlier than the main highways works and the works to the NCN5 cycle link and will be classed as works that are to be done under permitted development. More details regarding the implications of this can be found in paragraphs 7.5.
- 1.9 The full extent of land to be acquired is set out in greater detail in Section 8, and identified on the map accompanying the Order (the 'Order Map') at **Appendix 2**. The land required for the entirety of the Scheme, including but not limited to the Order Land, is referred to throughout this Statement as the Site and is identified on the Site Plan appended at **Appendix 1**.
- 1.10 Funding has been secured from government to deliver a number of projects that will deliver the A40 strategy and which form the A40 Corridor Improvement Programme: These are described in more detail at paragraph 3.59.
- 1.11 The Acquiring Authority has made significant efforts to acquire by private treaty agreement the interests in land needed to deliver the Scheme but, whilst doing so, has retained in reserve the ability to bring forward compulsory purchase powers. Given the passage of time and the need to facilitate the timely delivery of the Scheme, it has now become apparent that the SRO and the Order must be progressed in parallel with ongoing negotiations, and submitted for confirmation to the Secretary of State for Transport ('the Secretary of State'), in order to facilitate the delivery of the Scheme.
- 1.12 On 18 January 2022, the Cabinet of the Acquiring Authority resolved to make the SRO and the Order [**Appendix 3**], reserving to officers delegated powers to refine the SRO and the Order and their respective associated ancillary documents. The Acquiring Authority by way of an Officer's Decision Notice [**Appendix 3**] dated [date to be confirmed] 2022 approved the final form of SRO, SRO plans, the Order, Order Map and Joint Statement of Reasons.
- 1.13 In reaching the decision to make the SRO and the Order, the Acquiring Authority has had full regard to the Human Rights Act 1998 and the European Convention on Human Rights, as well as its public sector equality duty ('PSED'), and is satisfied that any interference is reasonable and proportionate. Human rights and PSED issues are dealt with in detail in Section 11 of this Statement.

- 1.14 Department of Transport Circular 2/97 provides guidance on compulsory purchase orders for highway schemes and states that it is the Secretary of State's practice not to confirm a compulsory purchase order until satisfied that planning permission for the Scheme, to which the order relates, has been granted. As noted in Section 7 of this Statement, a planning application was submitted and subsequently validated on 22nd December 2021 (application reference R3.0151/21). It is anticipated that planning permission will be granted for the Scheme in Q2 2022.
- 1.15 The Order seeks to acquire all interests in the land coloured pink on the Order Map, together with the new rights in the land coloured blue on the Order Map, as specified in the Schedule to the Order ('the Order Schedule') [**Appendix 4a**].
- 1.16 The Acquiring Authority is satisfied that the implementation of the Scheme requires the acquisition of the land and new rights, as set out in the Order, Order Map and Order Schedule.
- 1.17 The Acquiring Authority already owns or has acquired a substantial part of the land required for the Scheme but the implementation of the Scheme requires the acquisition of the remaining land interests and new rights, as set out in the Order and Order Schedule. The Acquiring Authority has made the Order to facilitate implementation of the Scheme. The Acquiring Authority has sought to notify all of those who have a legal interest in any of the land included within the Order and to acquire all of these interests by agreement where possible. It is clear, however, that compulsory purchase powers must be employed in this case in order to secure the delivery of the Scheme within a reasonable and realistic timescale.
- 1.18 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. The SRO is addressed in more detail in Section 12 of this Statement.
- 1.19 In summary, this Statement:
- 1.18.1. Identifies the statutory powers under which the Order is made (Section 2);
 - 1.18.2. Describes the local context and background to the Scheme, providing details of the Site and a description of the Scheme (Section 3);
 - 1.18.3. Provides an overview of the need for the Scheme (Section 4);
 - 1.18.4. Identifies the alternatives to the Scheme that have been considered (Section 5);
 - 1.18.5. Describes the consultation and public engagement activities undertaken to inform the Scheme (Section 6);
 - 1.18.6. Describes the current planning position and strategic support for the Scheme (Section 7);

- 1.18.7. Identifies the Order Land (Section 8);
- 1.18.8. Explains the need for the Order together with providing details of negotiations undertaken with landowners (Section 9);
- 1.18.9. Explains how the Scheme is to be financed and timescales for implementation (Section 10);
- 1.18.10. Addresses Human Rights and PSED issues (Section 11);
- 1.18.11. Explains the need for the Side Road Order (Section 12)
- 1.18.12. Identifies any Related Orders and Special Category Land (Section 13) and;
- 1.18.13. Sets out the arrangements for the inspection of documents and contact details for further information (Section 14).

2 STATUTORY POWERS UNDER WHICH THE ORDER IS MADE

- 2.1 The Guidance published by the Ministry of Housing, Communities and Local Government in July 2019 provides the latest advice in connection with the use of compulsory purchase powers.
- 2.2 In accordance with the Guidance, the purpose for which an authority seeks to acquire land will determine the statutory powers under which compulsory purchase is sought. Paragraph 11 advises that acquiring authorities should look to use *'the most specific power available for the purpose in mind, and only use a general power when a specific power is not available.'*
- 2.3 The Acquiring Authority has sought, and continues to seek, to negotiate the acquisition of the legal interests in the land required for the proposed Scheme by agreement. A substantial part of the land required for the Scheme is in private ownership and it appears unlikely that negotiations will secure the acquisition of all necessary interests on a voluntary basis within a reasonable timeframe. As such, it is considered that without the Order, the Scheme would not be capable of delivery.
- 2.4 The Acquiring Authority is, therefore, utilising its powers under Sections 239, 240, 246, 250 and 260 of the Highways Act 1980 (the '1980 Act') and Schedule 3 to the Acquisition of Land Act 1981, for the acquisition of all of the remaining interests and new rights in the Order Land, required to facilitate the Scheme.
- 2.5 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.
- 2.6 The powers in the 1980 Act enable the Acquiring Authority to acquire land and new rights compulsorily for the following purposes:
- The widening and improvement of the existing A40 publicly maintained highway, maintainable at the public expense approximately between Hill Farm overbridge to the viaduct where the A34 passes over the A40;
 - The improvement of the existing publicly maintained highway various connecting highways running north and south, along the length of the relevant part of the A40;

- The construction of two new cycleway bridges with a right of way on foot to the north and south sides of the existing Cassington Halt Bridge;
 - The carrying out of drainage works in connection with the highway improvements works;
 - the improvement or development of frontages to a highway or of the land adjoining or adjacent to that highway;
 - Use by the Acquiring Authority in connection with the improvement of highways and the provision of new means of access to third party properties as aforesaid;
 - The mitigation of any adverse effects which the existence or use of any highway proposed to be improved by the Acquiring Authority.
- 2.7 In accordance with paragraph 2 of the Guidance, the Acquiring Authority is 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 during the course of the compulsory purchase order process.
- 2.8 Having regard to the nature of the Scheme and the advice set out in the Guidance, the Acquiring Authority is satisfied that the powers available to it under the 1980 Act are the most appropriate powers to use in order to achieve its objectives.

3 LOCAL CONTEXT, BACKGROUND AND EXPLANATION OF THE SCHEME

- 3.1 The Scheme runs predominantly in West Oxfordshire, which is one of the five districts of the County of Oxfordshire, located to the west of Oxford City. To the east, the Scheme also enters Cherwell district and connects at Wolvercote to the City of Oxford.
- 3.2 West Oxfordshire District is predominantly a rural area with a population density of 1.5 people per hectare making it the second most sparsely populated of the 67 local authorities in South East England. A third of the District falls within the Cotswolds Area of Outstanding Natural Beauty (AONB).
- 3.3 The Office for National Statistics (ONS) 2019 population estimate placed the population of West Oxfordshire at 110,600; in the 2011 census it was estimated that there were 43,241 households in the district.
- 3.4 The largest towns in West Oxfordshire are Witney (28,000 population) and Carterton (16,000), located close to the A40. Eynsham, identified as a rural service centre in the West Oxfordshire Local Plan with a population of 5,000, is located immediately to the south of the A40 between Witney and Oxford¹.
- 3.5 The West Oxfordshire District has a strong and resilient local economy, with strong manufacturing, financial and business services, and tourism sectors. The District has strong functional links in economic and employment terms with a number of other areas, particularly with Oxford City, but also Cherwell and the Vale of White Horse Districts and, to a lesser extent, with South Oxfordshire, Swindon, Cotswold District and London.
- 3.6 The District is crossed in a generally east-west direction by the A40 and the A44, both of which take traffic to, from and through the city of Oxford. The A40 corridor connects the City of Oxford and the southern areas of West Oxfordshire.
- 3.7 The A40 forms the primary route between Oxford and Cheltenham, as well as forming part of a long-distance route between London and south-west Wales. Figure 1 shows the context of the A40 Witney-Oxford Corridor, highlighting the main road and rail links. The A40 carries a mix of local, regional and longer-distance traffic, some travelling to/from M40 and the A34.

¹ Populations from 2011 Census

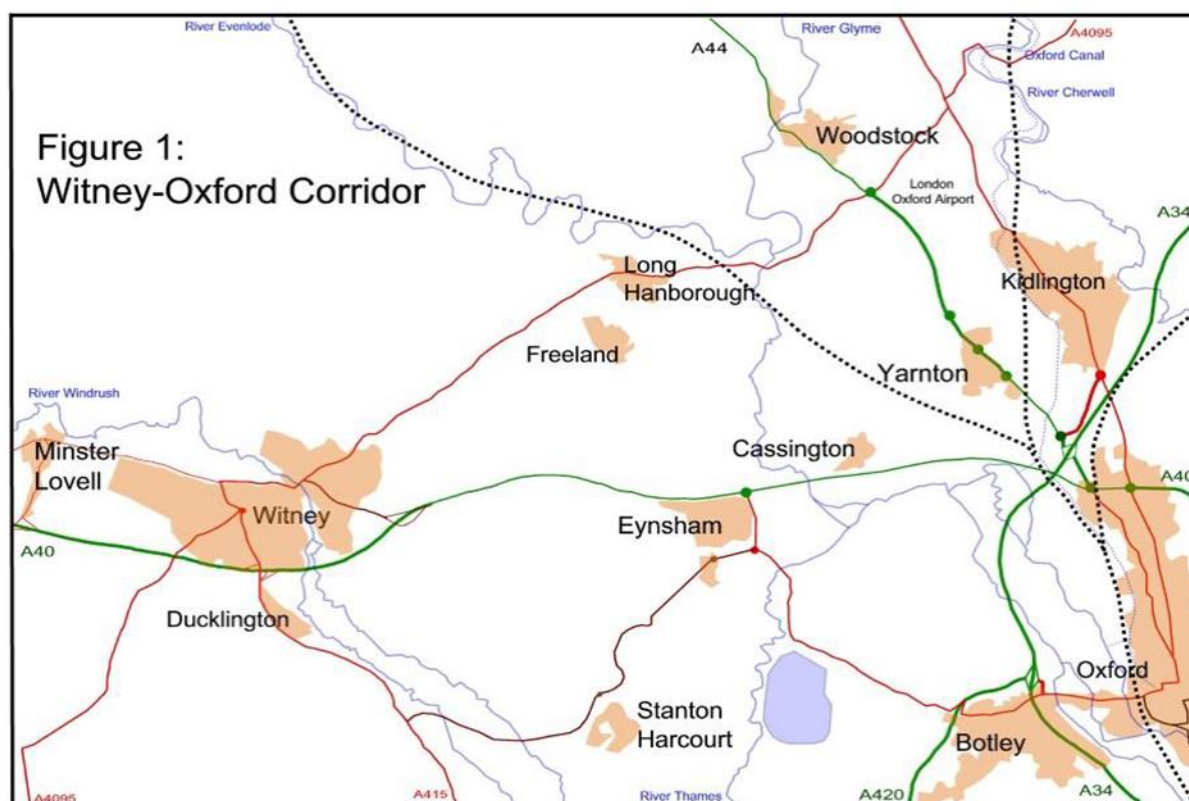


Figure 1: Witney - Oxford Corridor

- 3.8 The A40 passes close to Witney, the district's largest settlement, as well as Carterton (including RAF Brize Norton) and the smaller settlements of Eynsham and Burford, although it does not directly pass through any of these. The A40 was de-trunked in 2002 and has since been managed as part of Oxfordshire County Council's highway network. The A40 is signposted as the advisory route for HGV traffic between Oxford and Eynsham, to encourage these vehicles to avoid the Air Quality Management Area in Chipping Norton. The A40 corridor is a key commuting route into Oxford, with 7,500 commuters travelling to Oxford per day from West Oxfordshire².
- 3.9 The A40 forms the most direct transport link between Oxford and Witney, although there are less suitable and attractive alternatives using A4095/A44 and B4449/B4044. The A4095/A44 also forms an informal route for bypassing the A40 and Oxford and accessing the M40 for longer distance traffic. Some vehicle traffic between Carterton and Oxford also travels via Bampton (B4449/A415) to the A420 to avoid the A40. Drivers also use other local routes e.g. through Cassington, Yarnton, Freeland and South Leigh to avoid traffic queues on the A40 through Eynsham and Cassington and on the approaches to Wolvercote Roundabout.
- 3.10 East of Witney, the traffic flow along the A40 exceeds the capacity of the road on a regular basis during peak flow periods. This causes severe congestion at peak times, resulting in longer journey times and greater journey time unpredictability.

² From 2011 Census

- 3.11 Additional housing growth planned in West Oxfordshire and the wider area will add pressure to the already congested A40 corridor, due to the higher levels of travel demand. The intervention strategy is, therefore, focussed on providing additional transport capacity through improved public transport services and active travel, shifting as many local journeys as possible to public transport, cycling and walking. This provides capacity to support increased travel demand as well as managing potential impacts on the environment and communities.

Air Quality – A40 Corridor

- 3.12 Air quality issues tend to occur mostly in areas of higher vehicle volumes and congested urban areas. On the A40 corridor, there are Air Quality Management Areas (AQMAs) in close proximity. One is located in Witney along Bridge Street and the other covers Oxford City from east of the A34 flyover. NO₂ levels in both AQMAs remain higher than the national objectives but have been relatively constant for the last 10 years.
- 3.13 Despite the improvements to overall air quality indicators in Oxford during the last decade, air quality levels are still considered to be poor in the city, with road transport being the main source of emissions of pollutants such as NO_x and Particulate Matter (PM). Consequently, Oxfordshire County Council and Oxford City Council are pursuing plans to reduce emissions in the city, which are typically focused on reducing car traffic and encouraging modal shift to more sustainable, less polluting modes of transport.
- 3.14 The Oxford Meadows Special Area of Conservation (SAC) is a European designated site for ecology, located to the north-west of Oxford City. A section of the SAC is located immediately to the south of the A40, between Cassington and Wolvercote. The need to ensure there is no increase in nitrogen deposition within the SAC has been considered throughout the development of the Scheme and subsequently evidenced through the assessments undertaken as part of the planning process.
- 3.15 In this regard, air quality modelling to assess the impact of the Scheme on nitrogen deposition along the A40 corridor, including within the SAC, has been undertaken as part of the Environmental Impact Assessment that accompanies the planning application for the Scheme, as submitted to the Local Planning Authority on 22 November 2021. This air quality modelling did not identify any likely significant effects on the SAC. A meeting was held with Natural England in October 2021 to discuss the air quality modelling and it agreed in principle with the assessment conclusions (subject to more detailed review during determination of the planning application).
- 3.16 Transport schemes that result in improvements to public transport services, in terms of increased frequencies and dedicated infrastructure to reduce journey times and improve reliability, will encourage modal shift from private car to public transport. Achieving a reduction in the number and the speed of vehicles accessing the city centre would positively contribute towards improvements in local air quality.

- 3.17 Emissions decrease at lower speeds. Therefore, lower speeds at constant traffic flow are considered to mitigate the air quality impact that would otherwise arise from future developments. Further details concerning the effect of the Scheme on Air Quality has been provided in sections 4.33 – 4.35 of the report.

Traffic Collisions and Road Safety

- 3.18 Collision data recorded for the periods 2014-2018 and January-November 2019 on the A40 between Hill Farm (Witney) and Wolvercote Roundabout in Oxford, shows that 141 collisions occurred during that time.
- 3.19 The majority of collisions recorded involved motor vehicles only, with almost no accidents involving pedestrians (1 in each of 2014 and 2015 and none since), and a small percentage involving bikes (17 in total between 2014 and 2019). Of the total 141 collisions recorded, 2 (1%) resulted in fatal casualties, 35 (25%) were categorised as serious and the remaining 104 (74%) were categorised as slight.
- 3.20 The locations of the recorded collisions on this section of the A40 are spread across most of its length, although there is some pattern of concentration of collisions at or nearby junctions, Eynsham Road junction at Cassington, Eynsham Roundabout, Barnard Gate and Hill Farm junction.
- 3.21 In summary, there are opportunities for road safety improvements as part of the Scheme, notably by the significantly enhanced signalized crossing provisions along the length of the scheme and designs which have been developed considering all road users. This is further explored in paragraph 4.48.

Housing and Economic Growth Objectives

- 3.22 The Oxfordshire Housing and Growth Deal ('HGD') sets out the County's bold housing and economic development ambitions via sustainable growth objectives, to be unlocked through appropriate investments in the County's strategic and local infrastructure.
- 3.23 Through the HGD, Oxfordshire commits to:
- Plan for and support the delivery of 100,000 new homes between 2011 – 2031, backed up with a credible plan for delivery outlining interim milestones and targets agreed with Homes England and Government
 - The submission and adoption, subject to the examination process, of a Joint Statutory Spatial Plan (JSSP) covering all five districts, by 2021, and submission of the current suite of Oxfordshire Local Plans

- Work with government to explore further opportunities to drive innovation in partnership, design and construction
- Work to secure additional public and private funding to plan for and support delivery of 100,000 homes by 2031
- Consider the introduction of a Strategic Infrastructure Tariff

3.24 The West Oxfordshire Local Plan 2031 (adopted September 2018) ('WOLP'), **[Appendix 14]** identifies the total level of housing provision needed in the period from 2011- 2031 of at least 15,950 new homes in West Oxfordshire. The WOLP allocations include four Strategic Development Areas located along the A40 corridor at: East Witney (450 homes); North Witney (1,400 homes); Oxfordshire Cotswolds Garden Village (now known as Salt Cross Garden Village at Eynsham) (2,200 homes); and West Eynsham (763 homes). These four sites have been specifically identified as 'HIF-dependent' schemes i.e., the Scheme is needed in order to bring forward delivery of the sites.

3.25 Oxfordshire County Council maintains permanent traffic count sites. The following information is drawn from records up to the end of 2018 (prior to the impact of Covid-19 on travel patterns from March 2019). On an average weekday, a total of 32,000 vehicles per day (total for both directions) travel along the A40 Witney to Eynsham, with around 2,000 vehicles using this in both directions during the morning and evening peak busiest hour. East of Cassington junction, the average weekday traffic flows are lower, with a total daily flow of 23,000 vehicles in both directions and around 1,600 in the morning peak and the evening peak busiest hour.

3.26 Poor network performance on the A40 corridor translates into slow moving traffic and subsequently longer journey times with significant variability in travel times. This is evident from journey time surveys and Google Maps congestion data during morning and evening peak periods. See figures 2, 3 & 4. Journey time reliability issues on the corridor present significant challenges for bus operations and timetabling.

Travel time variability for vehicles on the A40 between Witney and Wolvercote
Feb 2020 (surveys)

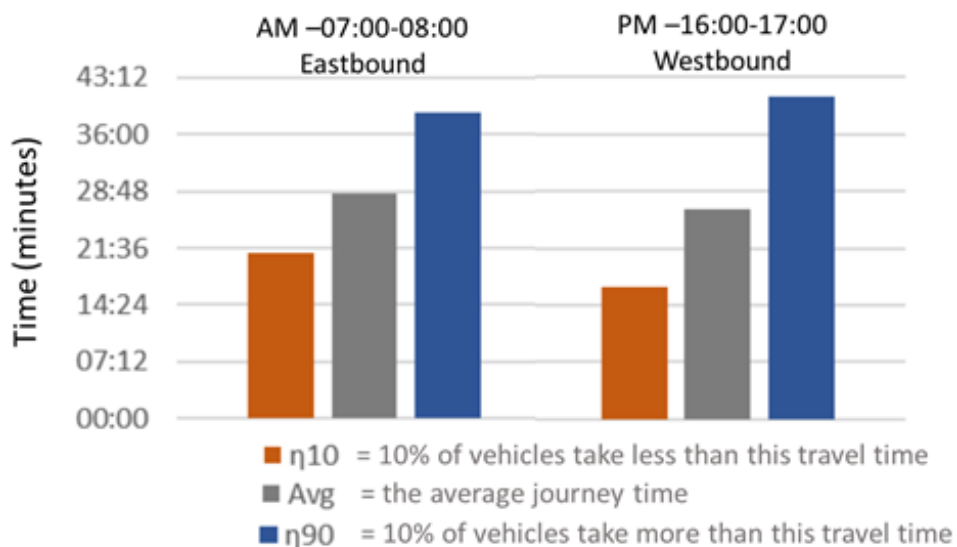


Figure 2: A40 Witney to Wolvercote Travel time Variability

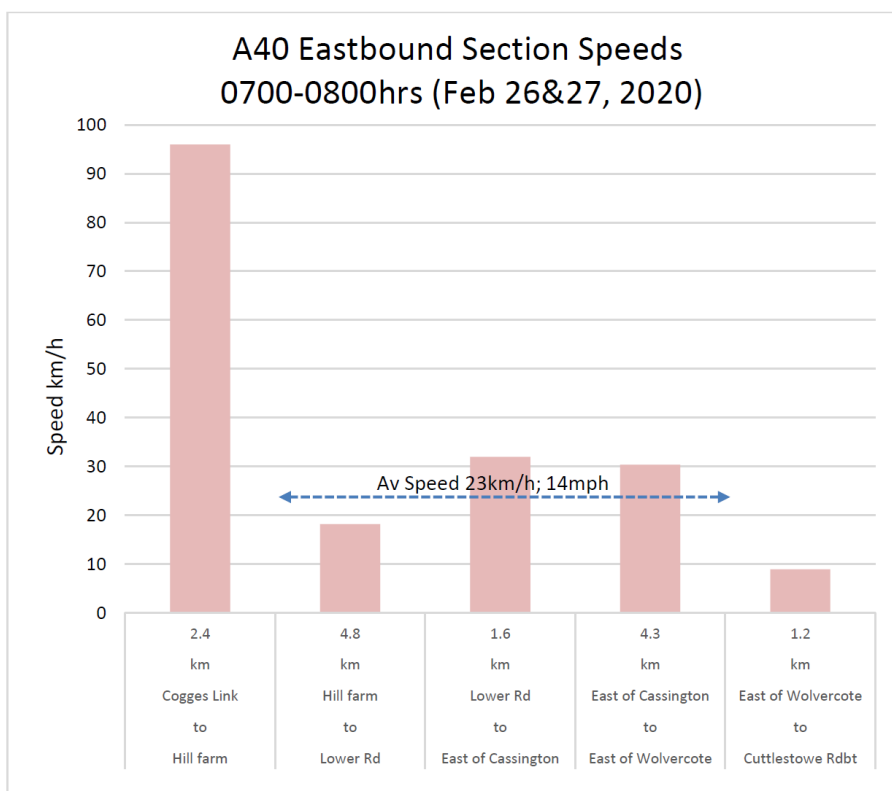


Figure 3: A40 Eastbound Section Average Travel Times AM Peak - 0700-0800hrs

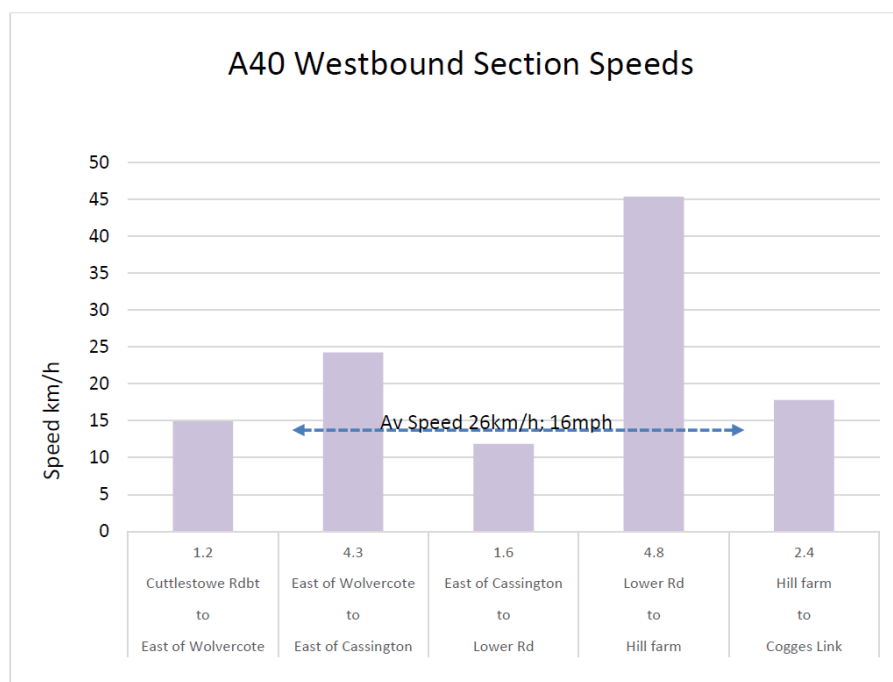


Figure 4: A40 Westbound Section Average Travel Times PM Peak - 1700-1800hrs

3.27 In terms of journey times between the A40/B4022 Shores Green Junction at Witney and the Wolvercote Roundabout, the surveyed journey times (ANPR Survey February 2020) demonstrate that congestion during the peak hours effectively doubles the journey times in both directions from a free flow travel time of 11 to 26 minutes.

Existing Public Transport Services along the A40

3.28 The A40 is an important bus corridor. There are 4 scheduled bus public transport routes that operate on the A40 between Witney, Eynsham and Oxford. From 17 January 2021, Stagecoach re-numbered service S7 between Carterton, Witney and the John Radcliffe Hospital to H2 and introduced two new journeys on Sundays to cover shift times. Table 1 identifies the route and weekday frequency of these services.

3.29

Service	Route	AM 0800-0900	Off- Peak ^[1]	PM 1700-1800
S1	Oxford - Farmoor - Eynsham - Witney - Carterton	5	4	5
S2	Oxford - Cassington Turn - Witney - Carterton	1	1	1
H2	JR Hospital - Eynsham - Witney - Carterton	1	1	1
853	Gloucester/Cheltenham-Burford-Witney-Oxford	1	0	1

Table 1: Frequency of Local Bus Routes (Single Direction)

^[1] Average number of buses per hour taken between 0900-1700

3.30 East of Witney, bus services share the single carriageway in each direction with general traffic. As a result, buses are heavily affected by the congested traffic conditions along the A40, which significantly increases journey times and creates timetable unreliability. The S2 and H2 services, the routes for which are demonstrated in Figure 5, are affected along the full length of the A40 from Witney to Oxford North. Low service frequencies on these routes reflect the low demands for the service currently, and the high proportion of trips along the A40 by private vehicle. The S1 service turns off the A40 east of Witney Road, Eynsham and runs via the B4044 via Botley to Oxford. This service currently operates at higher frequencies partly due to its shorter trip times into central Oxford.

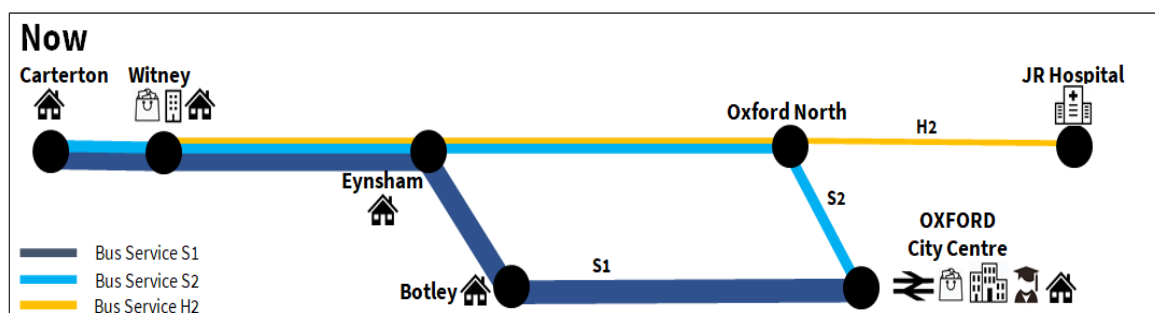


Figure 5: Bus routes along the A40

3.31 Pre-Covid, bus patronage³ on these services had been growing steadily, with 2019 patronage showing a 45% increase on 2007/8 levels. This has taken place in a context of limited background demographic growth and with timetabled journey times being steadily extended to reflect worsening congestion and delay, as a result of travel conditions on the A40. The mode share of bus for commuting trips into Oxford City Centre is around 30% from areas along the A40 corridor, such as Witney and Eynsham, according to Census 2011 travel to work figures (Office for National Suveys), see Table 2 below.

Table 2: Percentage of Works Trips by Bus

Origin: West Ox 010 - Witney Central		
Destination	Middle Layer Super Output Areas (MSOA) authority District (Local)	Bus, % of all work trips
Oxford Central	Ox 008	44%
Botley	Ox 009	34%
Headington S	Ox 010	17%
Headington N	Ox 006	10%

³ Data provided to the County Council by bus operator, Stagecoach

Origin: West Ox 011 - Eynsham		
Destination	MSOA	Bus, % of all work trips
Oxford Central	Ox 008	50%
Botley	Ox 009	27%
Jericho	Ox 003	28%
Headington N	Ox 006	15%

Table 2: Bus Commuter Travel Origins and Destinations along the A40

- 3.32 Further connectivity and growth in the bus passenger market is constrained by the long and highly unreliable journey times, with services delayed in the same congestion as all other vehicles. The current service operator (Stagecoach) has indicated that it is unwilling to increase services along the A40 to Oxford City Centre or to increase services to the John Radcliffe Hospital and employment areas in Eastern Oxford (such as the Brookes Headington Campus, the Oxford Business Park and the Oxford Science Park), during the peak periods because it is impractical to timetable bus services. Currently the benefits of increasing the level of service would be negated by existing levels of congestion and hence unreliability.

Rail

- 3.33 The nearest rail station is in Hanborough, which is over 4km to the north of the A40. The station is served by Great Western Railway (GWR) and operates between Paddington and Hereford. The rail journey between Hanborough Station and Oxford Station typically takes between 9 and 14 minutes. Hanborough station has 1-2 trains per hour in each direction on a typical weekday. The latest information regarding timetables at Hanborough Station are available from the GWR website (www.gwr.com/).

Cycling and Walking

- 3.34 Current infrastructure for active modes of travel comprises a cycleway with a right of way on foot that runs alongside both sides of the A40 from Eynsham to the east, with a path only on the northern side of the A40 between Eynsham and Witney. This pathway is approximately 1.5m wide and lacks signalised crossings for pedestrians and cyclists at most intersections with local roads, and on sections of the route near more built-up areas, mainly at Eynsham. This creates severance barriers and means it is not currently a particularly attractive route for cyclists.

- 3.35 The city of Oxford has one of the highest rates of cycling in the UK, with over a quarter of all commuting trips under 3 miles made by bike and 16% of those between 3 and 5 miles, compared to 6% and 3% for England, respectively. Cycle mode share is, however, significantly lower along the A40 corridor and within settlements, at around 5% in Witney and 7% in Eynsham and Cassington (based on 2011 Census Data). Current lower quality cycling provision along the A40 corridor into Oxford City Centre is a contributory factor as well as the typical longer journey distances.
- 3.36 Based on surveys undertaken in July and August 2021, active travel cycle travel demand on the existing A40 cycle path is at its highest between Cassington and Duke's Cut, with 200-250 two-way daily trips. Pedestrian volumes were lower, with the greatest activity recorded near the A40 bus stops at Eynsham in the Witney Road area.

The Scheme – A40 HIF2 Smart Corridor Objectives

- 3.37 The Acquiring Authority's objectives for the Scheme, as outlined in the Acquiring Authority's Initial Business Case for the Scheme dated 24 November 2020 [**Appendix 5**], are to:
- Increase transport capacity along the A40 in West Oxfordshire
 - Provide greater travel choice and encourage more use of bus, cycling and walking
 - Deliver faster and more reliable bus journey times
 - Improve safety and reduce environmental impacts such as air pollution and noise
 - Improve accessibility and connectivity to employment and public services
 - Directly enabling housing delivery in West Oxfordshire
 - Promote economic growth in Oxfordshire and creation of new jobs.
- 3.38 It should be noted that as the Scheme has evolved, directly influenced by the consultation which has been undertaken, so have the Scheme's objectives. The latest versions of these objectives are set out in the planning application documentation, specifically the Planning Statement [**Appendix 7**] and Transport Assessment [**Appendix 6**] and are identified below;

- 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.
- 3.39 The main works required for the Scheme will be undertaken immediately adjacent to the existing A40, which runs east to west from the point at which the A34 crosses in a north south direction to approximately the Hill Farm overbridge, just to the east of Witney.
- 3.40 The Acquiring Authority is proposing to construct new sections of road and to carry out widening and improvement works to existing publicly maintained highways, together with complementary junction improvements, new and enhanced walking and cycling facilities and dedicated public transport infrastructure.
- 3.41 All of the Scheme elements described below will include improved and fit for purpose cycleways with a right of way on foot and crossing facilities for pedestrians and cyclists along the A40 from Witney to Oxford North (see paragraph 3.59.3 of this Statement). This will provide increased and dedicated capacity for pedestrians and cyclists, as well as offering improved and safer crossing facilities.
- 3.42 As already noted in this Statement, the Scheme generally falls into three sections. These are as set out below:

Element 1 - A40 Dual Carriageway Extension (from Witney to Eynsham Park & Ride Site)

- 3.43 This element of the Scheme involves the widening of the existing single carriageway to dual carriageway along the A40, from the Hill Farm overbridge (east of Witney) to Eynsham, a section of 3.2km/2.1miles. This 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. This capacity enhancement will also draw traffic back onto the A40 route away from less suitable diversion routes.
- 3.44 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 50mph and then to 40mph on the approach to the new Park & Ride Junction.
- 3.45 This element also includes improvement to the cycleway with a right of way on foot along the north side of the A40 and a new roundabout at the Barnard Gate/South Leigh junction, with a controlled crossing point west of the new Barnard Gate roundabout.
- 3.46 The Scheme works lie within the current A40 corridor, but also include some significant alterations to junctions. Element 1 will involve considerable land acquisition.
- 3.47 This element of the Scheme is designed to overcome capacity constraints, increase accessibility, and reduce journey times between Witney and the Eynsham Park & Ride Site. It is within 5km of the Oxford Meadows SAC and will, therefore, also include measures to mitigate the impact on the local environment.

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

- 3.48 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.
- 3.49 This element of the Scheme involves widening of the existing single carriageway road to provide both dedicated eastbound and westbound bus lanes, with complementary junction and active travel improvements along the A40 from the proposed new Eynsham Park & 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.

- 3.50 This element includes the addition of continuous eastbound and westbound bus lanes along the A40 between Eynsham Park & Ride towards Duke's Cut over a distance of 6.5km/4 miles. This dedicated infrastructure provision will enable the operation of a faster and more reliable public transport service, with bus journey times not being affected by general traffic levels along the A40 as they will operate in a dedicated bus lane.
- 3.51 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 Duke's Cut.
- 3.52 This element also involves the following:
- Improved north side and south side cycleway with a right of way on foot
 - New signalised crossing facilities for pedestrians and cyclists along the A40 through Eynsham and Cassington.
 - All existing accesses and egresses (residential, field and commercial) along the A40 are to be maintained. The accesses will be retained in their existing position on the Highway boundary, or repositioned where the Highway boundary has been widened set-back in association with the widened carriageway. The following 12 locations are where the highway boundary has been set-back and therefore the private means of access repositioned.
 - Ch3910EB; Woodland Trust pedestrian access
 - Ch4690EB; Reduction in footpath 206/9/20 length
 - Ch5160EB; Existing dropped kerb (Uncontrolled pedestrian access)
 - Ch5160WB; BP Petrol station western exit
 - Ch5230WB; BP Petrol station eastern entrance
 - Ch6370EB; Residential access set-back for safety purposes
 - Ch6440WB; Durham Lane private access
 - Ch7000EB; Residential access
 - Ch7025WB; Residential access
 - Ch7725EB; Worton Farm commercial access
 - Ch7825WB; Worton Farm commercial access
 - Ch9990EB; Field access @NCN5
 - The Horsemere Lane junction on the eastbound carriageway of the A40 will be closed off to motor vehicles except for access to the farm building and Thames Water access track. Properties on Horsemere Lane will be accessible through Eynsham Road. Access along Horsemere Lane will be maintained for non-motorised users.
 - New signalised junction at the Eynsham Park & 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 cycleway bridges with a right of way on foot running parallel to Cassington Halt Bridge
- Junction improvement works at Witney Road, Lower Road Roundabout and Cassington Signals.
- New bus stop locations and new bus stop facilities at Eynsham and Cassington.

3.53 The Scheme will also include traffic signal prioritisation and pre-emption to minimise bus journey times and maximise bus reliability. It will also improve the current cycleways with rights of way on foot on the north and south sides of the A40 carriageway.

Element 3 - A40 Duke's Cut Bridge Works

3.54 This element of the Scheme includes works to bridge structures in the Duke's Cut area, creating space for a new eastbound bus lane and improvement to cycleways with a right of way on foot along this section of the A40. A new cycleway with a right of way on foot from the A40 to the Oxford Canal tow path / NCN Route 5 is also proposed for both the north and south sides of the A40 carriageway.

3.55 This aspect of 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 Duke's Cut will be 40mph, reducing to 30mph on the eastern approach to the Oxford North site.

3.56 This element includes 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, being delivered as part of the Oxford North scheme (see paragraph 3.59 of this Statement), to the east.

3.57 This part of 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
- Footpath along the north side and a cycleway with a right of way on foot along the south side of the A40.

3.58 This element is designed to improve bus journey times and reliability. With the planned A40 eastbound bus lane as part of the Oxford North development (see paragraph 3.59.3 of this Statement), there will be a continuous eastbound bus lane through to just west of the Wolvercote roundabout.

The Wider A40 Improvement Programme

3.59 In addition to the Scheme proposals outlined above, there is also a wider improvement programme for the 10.8km stretch of the A40 between Witney and Duke's Cut, of which the Scheme forms a part. This wider programme also includes the following works, as identified on Figure 6:

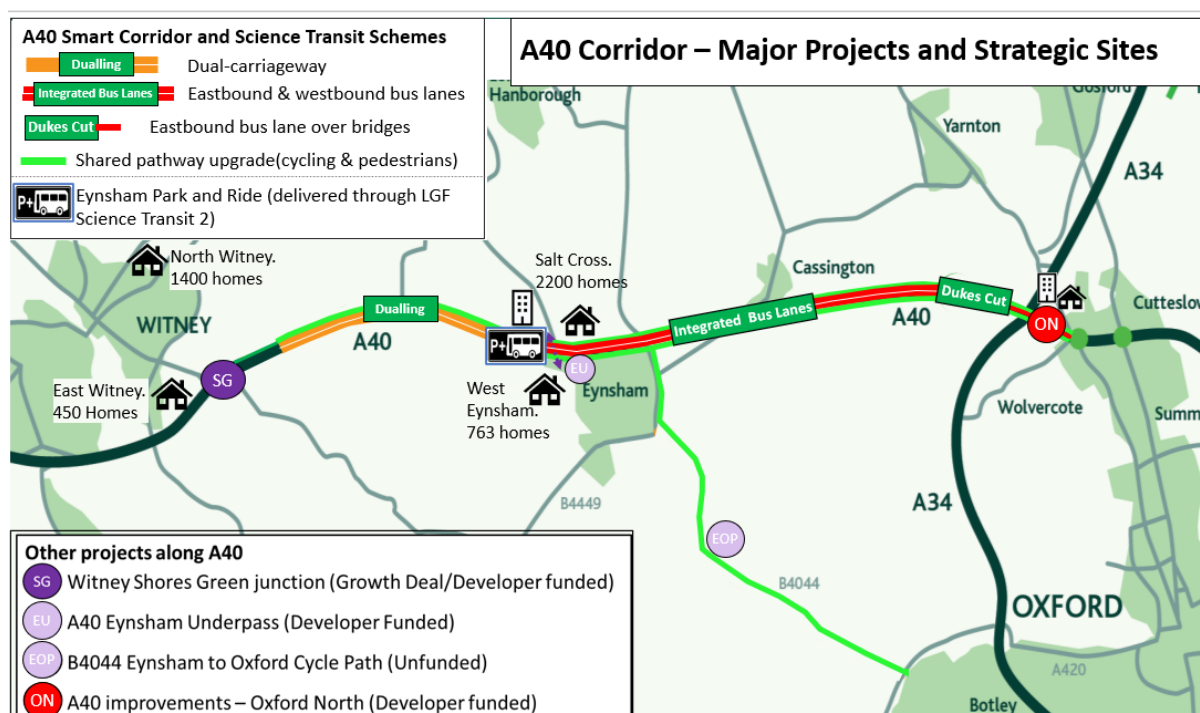


Figure 6: A40 Corridor - Major Projects and Strategic Sites

- **A40 Eynsham Park and Ride** – a new Park & Ride site for 850 cars to the north of the A40, located to the west of the A40/Cuckoo Lane junction at Eynsham. Planning consent was granted for this scheme in March 2021 (reference R3.0057/19).
- **A40 Access to Witney** – the addition of west facing slip roads (eastbound off slip and westbound on slip) at the A40/B4022 Shores Green junction to improve access to Witney. A planning application is due to be submitted in Early 2022 and construction scheduled to start in mid-2023, subject to grant of planning permission and a compulsory purchase order (if necessary) being confirmed.

- **A40 Oxford North** – a new eastbound bus lane and active travel improvements between the Wolvercote roundabout and the A34 flyover. Planning permission was granted in March 2021 under application reference [8/02065/OUTFUL] and the highways works commenced in February 2021.
- **A40 Western Roundabout** - the proposed Western Roundabout is a four-arm roundabout to the immediate east of the Eynsham motocross site on the A40. The roundabout with a diameter of approximately 70m will provide access to two proposed major developments north and south of the A40. It will be located between the current Barnard Gate staggered intersection to the west and the proposed Park & Ride junction in the east. The new junction will provide direct access to the proposed Salt Cross Garden Village via a northern arm, with its southern arm offering secondary access to another development, the West Eynsham SDA. The roundabout has been designed to align with the Scheme, with its position and radius carefully calibrated to fit in with the agreed alignment of the Scheme.
- **A40 Eynsham Underpass** - The proposed underpass will be constructed to run underneath the A40 at Eynsham between Cuckoo Lane in the north and Old Witney Road to the south of the A40. The design work is being undertaken to ensure safe and secure access and way finding, to maximise light, optimise access gradients and enhance connectivity to existing and future desire lines for walkers and cyclists. Access to the underpass will be provided by pathway approaches with gentle gradients allowing step free access in addition to staired access with sufficient landing space to meet industry best practise.

3.60 It should be noted that the planning application for the Scheme is proposed to be flexible to allow for the Western Roundabout and the Eynsham Underpass to be delivered under the same application, should the funding for both of these wider elements be realised. It is key to note, however, that the Western Roundabout and Eynsham Underpass are not part of the Scheme and, as such, are not included within the SRO or the Order. Instead, the Scheme has been designed in such a way as not to prejudice the future delivery of the Western Roundabout or the Eynsham Underpass.

3.61 The transport infrastructure elements described above will combine with planned bus service improvements to deliver faster, more reliable and more frequent bus services along the A40 from Carterton and Witney to Oxford, including services to/from the new A40 Park & Ride Interchange at Eynsham. The bus services will provide improved connectivity from Carterton, Witney and Eynsham to Oxford North, Oxford City Centre and employment areas and healthcare facilities (including John Radcliffe Hospital) in east Oxford, see Figure 7.

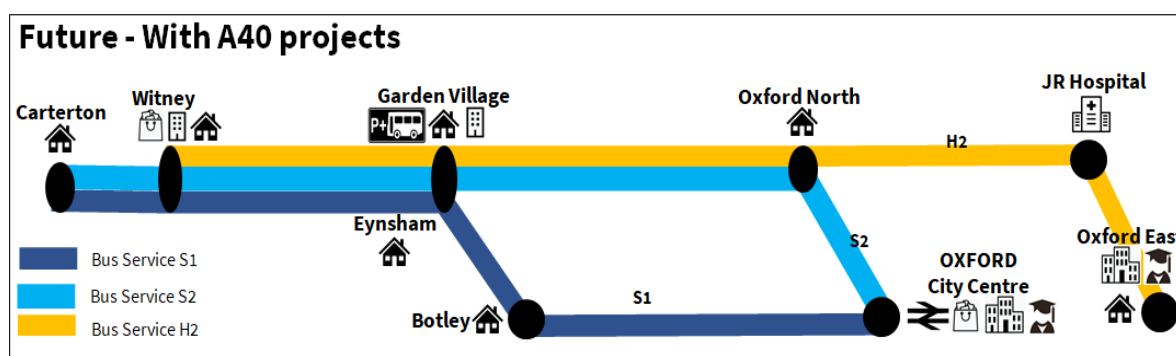


Figure 7: Future Bus Services along A40 from Carterton and Witney to Oxford

Housing Allocations

- 3.62 The West Oxfordshire Local Plan (adopted 2018) sets out how WODC will move forward to 2031 and address issues such as housing, economic growth and climate change. Housing provision in the Local Plan includes 15,950 homes to be delivered by 2031 comprising 13,200 homes to meet West Oxfordshire’s own housing needs and 2,750 homes to assist with the unmet housing needs of Oxford City.
- 3.63 The Local Plan highlights the importance of the A40 Corridor Improvements in delivering the Local Plan growth, including Eynsham Park & Ride, east and westbound bus lanes and dualling between Witney and Eynsham, and includes a commitment for WODC to work with OCC to deliver these improvements.
- 3.64 In recognition that transport infrastructure is a fundamental enabler of housing delivery, the Government invited bids for the Housing Infrastructure Fund (HIF) to forward fund infrastructure that is considered essential to unlocking housing sites. OCC submitted a successful HIF Bid for the A40 Smart Corridor Scheme in 2019 comprising a package of the essential A40 Corridor components (the Scheme) identified in the Local Plan. The funding bid’s focus was on 4,813 homes allocated in the Local Plan, to be unlocked by the investment at four Strategic Sites along the A40 corridor at Eynsham and Witney. In the business case/ bid for HIF 2 funding, these were referred to as ‘dependent’ sites given the importance of the Scheme improvements in directly enabling their delivery. These ‘dependent sites’ included:
- **Oxfordshire Cotswolds Garden Village (OCGV)**, a Strategic Location for Growth of approximately 2,200 houses, 40 hectares of business land and up to two primary schools, located to the north of the A40 at Eynsham.
 - **West Eynsham Strategic Development Area (SDA)** including 1,000 houses and a new primary school, located to the south of the A40.
 - **East Witney SDA** comprising 450 homes.
 - **North Witney SDA** comprising 1,400 homes and a new primary school.

- 3.65 It should be reiterated however, that the Scheme will bring benefits for the wider Local Plan allocated sites and not only those sites identified as ‘dependent’ within the HIF bid/ business case for funding bid purposes. For example, Carterton and other Witney housing and employment sites, with their proximity to the A40, will clearly benefit from the Scheme.

Employment sites benefitting from the Scheme

- 3.66 Employment Development Land and Employment Sites are those which include predominantly office based, industrial or storage and distribution activities (B class uses) or related sui generis uses. Including existing commitments, the following Employment Development Land provision has been identified in the Local Plan to meet employment needs and is located within the broad A40 Corridor area, thus benefitting from the Scheme:
- **Witney Sub-Area** - 18ha to the west of Witney including 10ha to be provided as part of the West Witney (North Curbridge) urban extension and 8ha within the existing employment area around Downs Road through existing commitments and previous Local Plan allocations.
 - **Carterton Sub-Area** – 6ha including land at West Oxon Business Park, land at Ventura Park (4.5ha) and land east of Monahan Way (1.5ha) with further consideration to be given to additional sites for employment use in appropriate locations.
 - **Oxfordshire Cotswolds Garden Village** – around 40 hectares of employment land in the form of a campus-style ‘science park’ to be taken forward through an Area Action Plan (AAP). The employment land at the Garden Village is proposed adjacent to Eynsham Park & Ride and will have direct access onto the A40; this commercial allocation will benefit significantly from the sustainable travel opportunities that the Scheme will bring. The importance of the Scheme is highlighted in the pre-submission draft of the Area Action Plan for the Garden Village.

Local Plan Strategy for allocated sites

- 3.67 Paragraphs 7.8 and 7.9 of The West Oxfordshire Local Plan highlights that developments which generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. It goes on to say that “*this has been a key consideration in the development of the overall [local] plan strategy which seeks to focus a significant proportion of future growth at Witney, Carterton Chipping Norton and the Eynsham area, where there are already good opportunities for walking, cycling and using public transport and the potential to make further improvements.*” These ‘further improvements’ include infrastructure, such as the A40 Corridor components, with the Scheme therefore supporting the Local Plan strategy.

- 3.68 Paragraph 7.23 of The Local Plan also states that *“the importance of the highway network will continue to be recognised with necessary improvements being identified and safeguarded as appropriate. This will include ‘strategic’ and ‘non-strategic’ highway schemes needed to support the level and distribution of growth set out in the plan. These will need to be considered alongside the provision of other essential supporting infrastructure to mitigate the impact of the development. Many of these schemes are already included in Oxfordshire County Council’s Local Transport Plan (LTP).”* The latter includes the Scheme components.
- 3.69 Section 3 of the Infrastructure Delivery Plan (IDP), produced in support of the Main Modifications to the Local Plan, identified the infrastructure needed to support the growth in West Oxfordshire until 2031. Infrastructure refers to a broad range of services and facilities and each scheme has a ‘priority’ categorisation: critical, necessary and preferred. The categories used are:
- **Critical:** Without the infrastructure the development cannot commence;
 - **Necessary:** The infrastructure is needed to support a new development, but the precise timing and phasing are less critical, and the development can commence ahead of its provision; and
 - **Preferred:** The infrastructure is needed to build a sustainable community, but timing and phasing are not critical over the plan period.
- 3.70 The Scheme elements are all identified in Appendix I of the IDP as being critical, and are referenced as follows:
- **A40 Science Transit** (Eynsham P&R and eastbound bus lane) improvements – Phase 1
 - **A40 Longer Term Strategy** - Wolvercote to Eynsham P&R westbound bus lane and dual carriageway between Witney Shores Green interchange and Eynsham P&R improvements – Phase 2
- 3.71 In addition, the Schedule of Future Infrastructure Requirements that is found in Appendix 1 of the IDP, identifies the need to enhance the frequency of the S1/S2/S7 bus service between Witney, Carterton, Eynsham and Oxford; these service improvements will be directly facilitated by the Scheme.
- 3.72 A HIF recovery mechanism will secure financial contributions from the dependent sites towards the Scheme as the sites progress through planning, Without the forward funding that HIF provides it would not be possible to deliver the scale of infrastructure required to enable the sites to come forward. The Scheme is therefore a direct enabler of the housing allocations. There is strong National, Regional and Local Policy support for all elements that comprise the Scheme, as detailed in Section 2 of the Transport Assessment [**Appendix 6**].

- 3.73 Further work is being undertaken to finalise the contribution requirements for each dependent site based on recent independent viability assessments. Monies recovered will be reinvested in further infrastructure within Oxfordshire with monies to be recovered via obligations attached to planning consents for the dependent sites. Additional mitigation will also be secured in the usual way from the dependent sites.
- 3.74 In summary, this section has highlighted how the Scheme will directly support and unlock Local Plan growth, with HIF funding enabling early delivery of infrastructure, the scale of which could not otherwise be viably delivered by the individual allocated sites. It should be noted that as Local Plan allocated sites come forward through the planning process they will themselves deliver additional site-specific measures to mitigate the residual transport impacts, as well as provide financial contributions towards the Scheme costs.

4 NEED FOR THE SCHEME

4.1 The basis and the need for the Scheme is centred on:

- Addressing existing, long stranding high levels of congestion and long journey times faced by all users, together with the wider impacts associated with the congestion.
- Upgrading the A40 corridor to support and enable fulfilment of comprehensive transport policy obligations towards sustainable travel and low carbon future.
- Enabling the delivery of housing and to support employment growth in the West Oxfordshire area, in line with the WOLP and Oxfordshire's Housing Growth Deal.

4.2 The transport issues along the A40, as outlined in Section 3, and the key requirements for intervention will be satisfied through the Scheme via the provision of appropriate transport capacity and greater travel choices. This is reflected through the Scheme Objectives referenced in the Planning Statement [**Appendix 7**] and Transport Assessment [**Appendix 6**] documents which 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;
- 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
- Facilitate safer travel for all A40 users.

Enabling the Delivery of Housing

- 4.3 There are a number of National, Regional/County and Local Policy documents that demonstrate support for delivery of transport infrastructure along the West Oxfordshire A40 Corridor, including all elements that comprise the Scheme. Section 2 of the Transport Assessment [**Appendix 6**] demonstrates that the Scheme is fully aligned with these Policy objectives and section 7 of this Statement provides a summary of this.
- 4.4 The HIF Bid specifically references the 4,813 new homes at four major development sites that are dependent on the HIF2 infrastructure (see Table 3) being in place as the Scheme directly enables the delivery of the developments.
- 4.5 The investment will unlock residential and commercial development in West Oxfordshire by delivering critical infrastructure required to manage the impact of new development sites. Traffic modelling undertaken to support the Scheme included all allocated sites in adopted Local Plans (constrained to NTEM, the National Trip End Model, at the county level) with the assumption that all housing and employment growth in the West Oxfordshire Local Plan would be delivered by 2031. Future year modelling included key site-specific infrastructure required in addition to the Scheme, to mitigate the residual transport impacts associated with individual development sites.

Site Name	No of Units	Local Authority	Current Ownership
North Witney	1,400	West Oxfordshire	Meridian Strategic Land Ltd (promoter) Taylor Wimpey, Gallagher Estates, Vanderbilt Strategic LTD.
East Witney	450	West Oxfordshire	The Mawle Trust represented by Carter Jonas
Oxfordshire Cotswold Garden Village	2,200	West Oxfordshire	Grosvenor Britain & Ireland (promoter?)
West Eynsham	763	West Oxfordshire	Berkeley Strategic Land, Vanderbilt Strategic LTD, Oxfordshire County Council, Jansons Property.

Table 3: Development Sites Dependent on A40 HIF2 Smart Corridor Scheme

- 4.6 The investment will manage the impact of development growth and promote sustainable travel in order to enable residential and commercial development to be delivered. Traffic modelling undertaken to support the Scheme has included all dependent development. The traffic modelling includes the highway capacity for all four of the developments noted in Table 3 (above), though each will require site specific access infrastructure outside of the Scheme to support traffic generation.
- 4.7 In the most recent West Oxfordshire Economic Snapshot, which formed part of the evidence base for the Local Plan, several barriers to development were pinpointed as the keys to directly enabling economic development in the area. The A40 has consistently been identified as a constraint to economic development, with the most recent economic study highlighting it as a key issue, which impacts upon the local economy with congestion on major inter-urban routes. It notes that public transport infrastructure is limited primarily to bus services, which are also impacted by congestion on major routes.
- 4.8 The Local Industrial Strategy (LIS) echoed the previous studies that informed the Local Plan in highlighting that while Oxfordshire in general has a highly skilled workforce, the opportunities for employment are often not located to make best use of them, leading to commuting and skills' leakage out of Oxfordshire. The District in general has a much lower level of productivity than one would expect based on the labour resources available. The LIS identifies both the new settlement in Eynsham and the existing area of Carterton as the areas in West Oxfordshire whose development is crucial to the overall growth of the District and County. The improvement of the A40 offers a significant opportunity to attract businesses further West and extend the strong science and technology hub that currently exists in Oxford, taking advantage of the skilled workforce already in place and offering long term growth to West Oxfordshire.
- 4.9 The Scheme will help mitigate the impact of increased transport demand generated by housing growth and commercial development 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 support the additional travel demands through enabling significant shifts in travel demand to park and ride services, bus public transport and active travel.

Public Transport – Accessibility, Connectivity and Reliability

4.10 The A40 is an important bus corridor. Bus routes S1, S2 and S7 connect Carterton, Witney and Eynsham with Oxford. Pre-Covid, bus patronage (data provided to the County Council by bus operator Stagecoach) on these services had been growing steadily, with 2019 patronage showing a 45% increase on 2007/8 levels. This has taken place in a context of limited background demographic growth and with timetabled journey times being steadily extended to reflect worsening congestion and delay, as a result of travel conditions on the A40. The mode share of bus for commuting trips into Oxford City Centre is over 30% from areas along the A40 corridor, such as Witney and Eynsham, according to Census 2011 travel to work figures (ONS), see Table 3.

Origin: West Ox 010 - Witney Central		
Destination	Middle Layer Super Output Areas (MSOA) (Local authority District)	Bus, % of all work trips
Oxford Central	Ox 008	44%
Botley	Ox 009	34%
Headington S	Ox 010	17%
Headington N	Ox 006	10%
Origin: West Ox 011 - Eynsham		
Destination	MSOA	Bus, % of all work trips
Oxford Central	Ox 008	50%
Botley	Ox 009	27%
Jericho	Ox 003	28%
Headington N	Ox 006	15%

Table 3: Bus Commuter Travel Origins and Destinations along the A40

4.11 Further connectivity and growth in the bus passenger market is constrained by the long and highly unreliable journey times, with services delayed in the same congestion as all other vehicles. The current service operator (Stagecoach) has indicated that it is unwilling to increase services along the A40 to Oxford City Centre or to increase services to the John Radcliffe Hospital and employment areas in Eastern Oxford (such as the Brookes Headington Campus, the Oxford Business Park and the Oxford Science Park), during the peak periods because it is impractical to timetable bus services. Currently the benefits of increasing the level of service would be negated by existing levels of congestion and hence unreliability.

Addressing Transport Capacity Issues – All Modes

- 4.12 The A40 road corridor west of Oxford is a heavily constrained route. Oxfordshire's Local Transport Plan **[Appendix 13]**, Connecting Oxfordshire (Volume 7A A40 Route Strategy Para 3) states: "The route carries daily traffic flow of between 23,000 and 30000 vehicles per day - well above the road's link capacity exacerbated by junction capacity issues at Eynsham, Cassington and Wolvercote. This results in congestion on the route for much of the day, including at weekends. During school term times the average journey speed on the A40 between Cassington and Wolvercote in the morning peak is 17 mph, while on the worst days it can be as low as 10 mph." It should be noted that the figure of 30,000 was correct at the time of the Plan's adoption, in 2015, but that this figure is now 32,000 (as referenced further at paragraph 3.25 of this Statement).
- 4.13 The heavy traffic congestion on the A40 represents a critical constraint to inward investment as well as a great inconvenience for all users. The WOLP **[Appendix 14]** notes (at paragraph 2.30) that severe congestion on the A40 to Oxford is a daily occurrence and gives rise to wider impacts, as drivers choose to take alternative routes in order to avoid the A40, leading to congestion elsewhere. One of the key weaknesses identified in the WOLP is the severe congestion on the A40, east of Witney (WOLP, page 15) and a key consideration is the need to address traffic congestion on the A40 between Witney and Oxford (WOLP, page 17).
- 4.14 In order to achieve sustainable development, the WOLP recognises that it will be necessary to tackle traffic congestion in key locations, including the A40 (paragraph 4.7) and it states at paragraph 9.2.12 that: "Relieving congestion through investment in transport infrastructure is not only important in terms of public amenity and air quality, it is also essential to directly enabling future housing provision and sustainable economic growth."
- 4.15 Slow journey times & unreliability (as evidenced in Figures 3,4 & 5) has affected the A40 East of Witney for many years. The high traffic levels and congestion has also significantly lengthened the period of very heavy flows and led to the redistribution of traffic to less suitable alternative routes.
- 4.16 Without dedicated bus lanes and associated bus priority measures on the A40 corridor, bus services along the A40 suffer from slow journeys as well as poor reliability (See also 4.13 & 4.14 of this Statement) and this limits the potential to shift demand to more sustainable alternatives.

Fulfilling the Council's obligations towards a low carbon future

- 4.17 Recent, rapid shifts in national policy now place sustainable transport and the provision of inclusive, cost-efficient access within a low carbon future as pivotal and fundamental to national, regional and local objectives.

4.18 Key relevant national policy documents include:

- A Green Future: Our 25 Year Plan to Improve the Environment (HM Government, 2018)_Clean Air Strategy (DEFRA, 2019)_
- Future of Mobility: Urban Strategy – Moving Britain Ahead (2019)
- Gear Change: A Bold Vision for Cycling and Walking (2020)
- Bus Back Better – National Bus Strategy for England, Department for Transport (2020)
- National Planning Policy Framework (MHCLG, 2021)
- Decarbonising Transport: A Better, Greener Britain (DfT, 2021)

4.19 Transport specific changes to policy are aimed at achieving solutions which:

- Facilitate walking, cycling and other forms of active travel as the best options for short journeys
- Enable an increasing shift to travel by public transport
- Ensure that limited road space is managed efficiently to support public transport and active travel through initiatives including bus priority and park-and-ride infrastructure along with comprehensive travel demand management programmes, and
- Provide safe, low emission overall outcomes.

4.20 These policy aims are fully aligned with, and are an endorsement of, the Scheme's focus to promote sustainable travel as the means to accommodate future access needs.

Economic, Environmental and Social Benefits of the Scheme

4.21 The Scheme would provide economic, environmental and social benefits as detailed below:

Economic

4.22 The Scheme will directly enable delivery of four allocated sites in the adopted West Oxfordshire Local Plan (2018-31):

- Salt Cross Garden Village – identified as a 'Strategic Location for Growth' comprising 2,200 homes and 40 hectares of employment land.

- West Eynsham Strategic Development Area (SDA) providing 1,000 new homes of which 763 are dependent on the Scheme.
 - East Witney SDA delivering 450 homes.
 - North Witney SDA delivering 1,400 homes.
- 4.23 Policy EW1 of the Local Plan (Oxfordshire Cotswolds Garden Village Strategic Location for Growth) highlights the need for *‘essential supporting transport infrastructure the detail of which will be identified through the AAP (Area Action Plan) process, including mitigating the impact of traffic associated with the development’*, and goes on to say, *‘the provision of appropriate financial contributions towards LTP4 transport schemes such as the A40 Strategy; and provision of a comprehensive network for pedestrians and cyclists with good connectivity provided to adjoining areas.’*
- 4.24 The AAP for the Garden Village has been the subject of an Examination in Public which is currently on pause whilst additional information is submitted to the Inspector. The pre-submission draft of the AAP includes the A40 improvements as key policy requirements, setting out that *‘Section 106 planning obligations will be required to secure financial contributions towards the A40 Corridor infrastructure schemes and the required repayment of the HIF funding secured to facilitate the delivery of these schemes ahead of the receipt of S106 funding. S106 contributions for these schemes will be required from developers at Salt Cross and other sites proposed along the A40 corridor.’*
- 4.25 Policy 17 (Road Connectivity and Access) of the AAP states that: *‘First occupation of Salt Cross (unless car-free) will not be permitted until completion of the A40 bus lanes, and completion of the junction improvements at Pear Tree roundabout. Car-free development close to the A40/ Park & Ride would however be considered in advance.’* This is being tested through the Examination process.
- 4.26 The Inspector’s Report to the Local Plan also highlighted the challenge of the A40 in delivering Salt Cross: *‘It is clear that there are a considerable number of potential constraints to development of the site. The most significant of these include transport (in particular congestion on the A40)...’* These four sites will deliver 4,813 new homes, addressing identified housing need, including affordable homes for West Oxfordshire. The Garden Village is also allocated as a site to contribute towards West Oxfordshire’s requirement to deliver 2,750 homes by 2031 to meet Oxford City’s Unmet Housing Need as identified in Oxfordshire’s Strategic Housing Market Assessment (March 2014).
- 4.27 Further the Scheme also supports delivery of employment land coming forward. The Scheme, in enabling major employment development, including indicatively 80,000 sqm at Salt Cross, is forecast to create anywhere between 1,775 and 3,200 jobs, based on typical job density assumptions and dependent on land use classes.

- 4.28 The current traffic modelling underpinning the scheme assumes 4 hectares of B1 (office) employment build-out by 2031, which is principally located within the boundary of the Salt Cross Garden Village.
- 4.29 The Scheme addresses transport challenges, in particular improving public transport connectivity along the A40 corridor from Witney and Eynsham into employment areas in central and eastern Oxford and, more strategically, along the Oxford-Cambridge Arc, and into Reading, London and onwards.
- 4.30 Initial feasibility and business case work was undertaken to scope and cost the Scheme in order to prepare the funding submission and demonstrate value for money to Homes England prior to entering into the funding agreement. The economic appraisal results forming part of the business case for the Scheme provided a Net Present Value of £362m and Benefit to Cost ratio (BCR) of 2.5:1 for housing and transport combined. Therefore, for every £1 invested there is a £2.50 return to the wider economy, in the form of A40 user travel time savings, improved road safety, health benefits as well as land value uplift from housing developments.
- 4.31 In line with Department for Transport's Value for Money Framework, the Scheme represents "high" value for money for the taxpayer ("high" in the Value for Money Framework equates to a BCR of between 2 and 4). This initial economic assessment reinforces the case for the Scheme.

Environmental

- 4.32 The Scheme includes mitigation for environmental impacts, specifically air quality and noise along the A40 corridor (LTP4 2015-2031), which would otherwise arise as a result of future development along the A40 corridor.

Air Quality

- 4.33 Air quality modelling completed as part of the Environmental Statement submitted as part of the planning application for the Scheme predicts no significant adverse effects in terms of air quality, with a significant improvement in air quality around Barnard Gate.
- 4.34 As can be seen from Figure 8 which sets out the variances in air quality at various points along the scheme length, all predicted air quality levels with the 2024 Do Something (Scheme opening year and indicated under column 5 - 2024 DS) are below those observed in the Base (column 3) observed concentrations. Therefore, an improvement in air quality is forecast with the Scheme in place when compared to the 2018 observed figures. These figures also consider the impact of any increase traffic from adjacent developments to the forecast years, hence how the scheme assists in mitigating these impacts.
- 4.35 Any air quality effects of the Scheme have been mitigated by appropriate design and reducing the speed limits along this affected section of the A40. Further detail is included in Environmental Statement [**Appendix 8**] Volume I Chapter 5: Air Quality.

Area	Receptor ID	2018 Base NO ₂ (µg/m ³)	LTT _{ES} 2024 DM NO ₂ (µg/m ³)	LTT _{ES} 2024 DS NO ₂ (µg/m ³)	LTT _{ES} 2024 NO ₂ Change (µg/m ³)
Witney	W10	53.1	41.5	42.7	+1.1
A40 (Burford)	R26	28.4	24.8	25.6	+0.8
A40 (Barnard Gate)	R6	35.0	29.6	16.9	-12.7
A40 (Eynsham)	R7	17.6	14.9	15.1	+0.2
A40 (Cassington)	R8	20.2	17.1	18.7	+1.6
Woodcote Roundabout	R18	24.8	22.1	22.3	+0.1
Bladon	R22	16.1	14.1	14.3	+0.1
A44 (Woodstock)	R27	17.9	16.1	16.1	-0.1

Note: Numbers in bold exceed the annual mean AQS objective of 40µg/m³

Figure 8: Air Quality modelling results

Noise

- 4.36 Noise modelling completed as part of the Environmental Statement submitted as part of the planning application for the Scheme predicts a general improvement in noise impacts from traffic throughout most of Eynsham and north Cassington. A number of localised areas were predicted to have slight worsening of noise impacts to adjacent properties however these impacts have been mitigated as part of the proposals to negligible difference.
- 4.37 The noise modelling process, mitigation proposed and results is discussed further in Environmental Statement [**Appendix 8**] Volume I Chapter 12: Noise and Vibration.
- 4.38 The long-term changes in predicted Do-Something scenario (the scenario that assumes that the Scheme is in place) traffic noise levels is summarised in Figure 9. As can be seen, the Scheme is forecast to provide a reduction in noise levels to a significantly greater number of residential buildings and other sensitive receptors than those properties affected by an increase. This is noting, however, that in either increase or decrease in noise level scenarios, these are classified as negligible effects.
- 4.39 All minor increases in noise levels forecast will be mitigated by the use of acoustic barriers or low noise surfacing. With the Scheme implemented there are no predicted moderate or major noise impacts during either the day or night time modelled scenarios.

Change in traffic noise level	Magnitude of impact	Daytime		Night-time		
		Number of residential buildings	Number of other sensitive receptors	Number of residential buildings	Number of other sensitive receptors	
Increase in noise level Daytime $L_{A10,18h}$ dB	0.1-2.9	Negligible	466	2	458	1
	3.0-4.9	Minor	8	0	6	0
	5.0-9.9	Moderate	0	0	0	0
Night-time $L_{night,outside}$ dB	≥10	Major	0	0	0	0
	0	No change	1	0	2	0
Decrease in noise level Daytime $L_{A10,18h}$ dB	0.1-2.9	Negligible	1812	12	1826	0
	3.0-4.9	Minor	7	0	2	0
	5.0-9.9	Moderate	0	0	0	0
Night-time $L_{night,outside}$ dB	≥10	Major	0	0	0	0

Figure 9: Noise Quality modelling results

Water Quality

- 4.40 Surface water currently discharges unattenuated from the A40 into the Oxford Meadows SAC. Even though the Scheme will result in an increase in impermeable

hard-standing, the drainage design includes swales on both the northern and southern sides of the A40, which are predicted to maintain existing discharge rates into the SAC, together with a slight improvement in water quality discharging into the SAC.

Biodiversity Net Gain

- 4.41 A key workstream during the design stage of the Scheme has been ensuring that 10% biodiversity net gain is achieved. Given the constrained nature of the existing A40 corridor, with trees and hedgerows in close proximity on both the northern and southern sides, vegetation removal is inevitable. However, the outline landscaping design has sought to maximise the new landscaping within the Scheme boundary. In order to achieve 10% biodiversity net gain, the project team have also progressed discussions with nearby landowners about accommodating additional biodiversity enhancements on their land. These additional enhancements would be on third-party land negotiated with landowners and therefore not subject to compulsory purchase. A Biodiversity Net Gain Assessment has been submitted during determination of the planning application, which will demonstrate the Scheme's ability to achieve 10% net gain.

Climate Change

- 4.42 As part of the EqIA, a Climate Change Impact Assessment (CCIA) was undertaken in accordance with the spreadsheet tool currently approved by the Acquiring Authority (v1.36, as appended in the EqCIA report in **Appendix 9**). This summarised that the Scheme had an overall score of +24. This positive score was built predominately on high scores in sections of Transport & Connectivity (since the Scheme will support active travel and increase use of public transport), Nature (since the Scheme will achieve 10% biodiversity net gain, provides sustainable drainage systems and improves access to wildlife sites) and co-benefits (promoting health, well-being, inclusion, participation and job creation; and reducing poverty and inequality).
- 4.43 As part of the Environmental Statement, a separate climate change assessment was undertaken, which assessed the lifecycle greenhouse gas emissions during construction and operation of the Scheme, as well as the Scheme's vulnerability to climate change. This concluded that the Scheme would not have any significant adverse effects on climate

Social

- 4.44 The Scheme is critical in directly enabling the delivery of 4,813 new homes, addressing unmet housing need, including affordable homes for West Oxfordshire, as identified in Oxfordshire's Strategic Housing Market Assessment (April 2014), paragraph 6.46.

- 4.45 Alongside the new homes the Scheme also enables the delivery of new and enhanced social infrastructure, principally located within the boundaries of the Salt Cross Garden Village but which will service the existing established villages along the A40.
- 4.46 The Scheme will enable individual and collective health and wellbeing benefits by promoting a modal shift away from low occupancy private vehicles towards increases in public transport use, cycling and walking along the A40 corridor for local travel. The Scheme's Transport Assessment [**Appendix 6**] provides further details.
- 4.47 Improvements in air quality compared to the current baseline and considering the planned growth in the area together with reduced noise impacts with the Scheme in place, as compared to without, constitute important improvements in public health.
- 4.48 Delivering enhanced and safer highway and active travel infrastructure will result in a reduction in the rate of accidents and severance for all road users and particularly for those walking and cycling. Reference to specific safety improvements provided as a result of the Scheme are included below:
- Barnard Gate roundabout replaces two major/ minor junctions (Barnard Gate and South Leigh roads) and a number of current direct accesses onto A40 (Hill farm, Whitehouse Farm, Salutation Farm, Fire Tree Farm, Ambury Close farm & Home Farm). The integration of these accesses into a single roundabout junction on the A40 is expected to bring improvements in road safety through a reduction in the number of collisions observed along this section of the A40 (see paragraph 3.18);
 - Speed limits are being reduced within the Scheme from 60mph to 50mph in non-built up areas, and from 60mph to 40mph through the Eynsham section. The national speed limit will be retained west of Barnard Gate roundabout. The speed limit reductions are expected to reduce the likelihood and severity of collisions and create a safer environment for pedestrians and cyclists;
 - With the extent of planned new development adjacent to the A40, the volume of movements by active travel means is projected to increase. Without intervention this would, in turn, increase the likelihood of collisions to pedestrians and cyclists. A major component of the Scheme is the provision of new and improved crossing points and much improved segregated provision for active travel, which will enable a safer environment and interactions for pedestrians, cyclists and motorised vehicles. This is, therefore, likely to result in a reduction in the rate and severity of collisions involving pedestrians and cyclists going forward; and

- As part of the Scheme, two new lay-bys are proposed within the dualling section to replace existing lay-bys at Eynsham. The location of the new lay-bys ensures that spacing between lay-bys remains acceptable, recognising the continued importance of the A40 as an important route for the safe movement of freight.

Highway and Transport Network Benefits

- 4.49 The A40 HIF2 Smart Corridor infrastructure proposals will provide a number of Highway and Transport benefits as described below.
- 4.50 Providing increased general highway capacity of the A40 between Witney and the proposed Eynsham Park & Ride Site facilitates an increase in traffic flows, which is predicted due to more trips to/from the Park & Ride, without any network capacity issues. This has been evidenced through the traffic modelling undertaken and detailed in the Transport Assessment [**Appendix 6**].
- 4.51 Delivering bus lanes in both directions, as well as junction improvements and enhanced management and control of traffic movements along the A40 at Eynsham and east to the Wolvercote Roundabout, will reduce congestion and improve public transport journey time reliability. Again, this has been evidenced through the traffic modelling undertaken and detailed in the Transport Assessment. An indication of expected bus journey time savings is indicated in the paragraph below.
- 4.52 Providing bus lanes between the proposed A40 Eynsham Park & Ride and Wolvercote Roundabout will improve bus journey times and service reliability with additional bus stops along the route providing better access to buses from the new developments and from the rest of Eynsham. In the 2031 AM peak hour, the eastbound bus journey time between Shores Green and Wolvercote roundabout is predicted to reduce by 65%. Reduced bus travel times will bring down bus operating costs and improve resilience, and thereby enable delivery of more frequent bus services along the A40, with enhanced connectivity. This will increase bus use along the A40 corridor.
- 4.53 Improving active travel infrastructure both along and across the A40 will promote a modal shift away from car use towards more walking and cycling. Providing the appropriate number of high quality, at-grade controlled and uncontrolled crossings across the A40 will help facilitate the forecast increase in walking and cycling demand due to improved the proposed dependent developments.
- 4.54 Delivering the proposed infrastructure will enhance the operation of the existing network whilst providing those wider opportunities for users of the A40 corridors to travel by alternative modes. This will strategically manage travel along the A40 corridor moving forward.

5 ALTERNATIVES TO THE SCHEME

5.1 Identification of the preferred scheme option has been progressed in line with DfT's WebTag guidance as per the process shown in Figure 10 below.

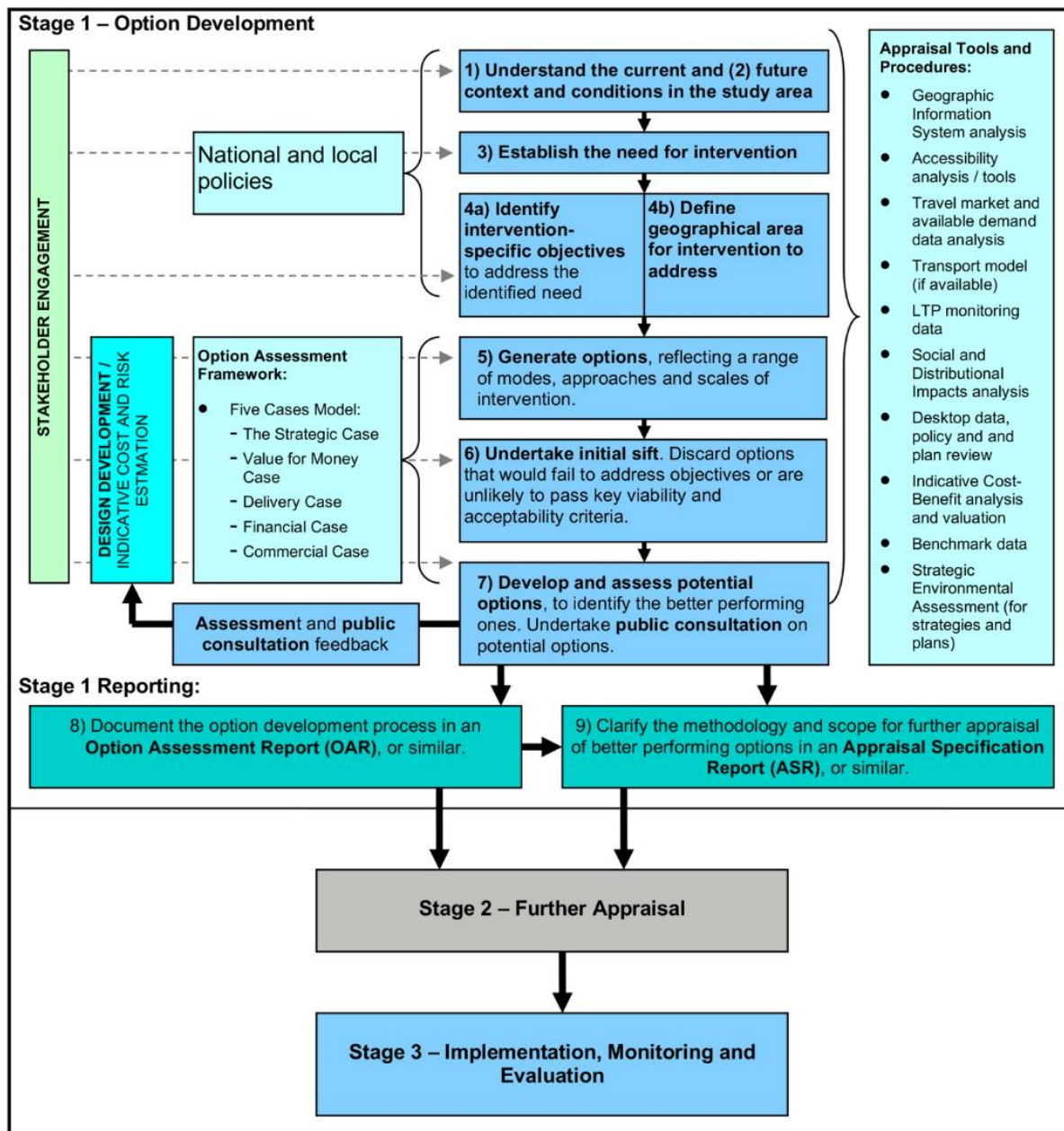


Figure 10: DfT's WebTag guidance

- 5.2 In July 2015, Oxfordshire County Council's Cabinet agreed to a major infrastructure project (A40 Science Transit Phase 2) for public transport improvements along the A40 from Eynsham to Wolvercote, as well as providing a Park & Ride site in the Eynsham area. This was largely to be funded through the Department for Transport's Local Growth Fund, in order to provide congestion relief through offering priority to bus travel and improved travel choice. This project set the stage for a much larger undertaking to tackle congestion in the long term and the County Council committed to finding a long-term strategy to tackle current and future congestion and transport challenges on the A40.
- 5.3 In order to focus priorities, objectives for identifying a long-term strategy were set out as follows:
- Improve travel times and journey reliability along the A40 corridor, particularly between Witney and Oxford
 - Stimulate economic growth, in line with the Oxfordshire Strategic Economic Plan
 - Improve safety and reduce environmental impacts such as air pollution and noise along the A40 corridor.
- 5.4 A number of potential strategy options were identified and divided into those that could be implemented within 5 years and those that would require a longer timeframe.
- 5.5 An initial public consultation into the long-term strategy ran from the 26 September - 8 November 2015, with a high response rate of nearly 800 participants. The conceptual options presented were:
- A40 bus lanes in both directions between Witney and Duke's Cut Canal bridge
 - Guided busway between Ducklington Roundabout and Duke's Cut Canal Bridge in both directions, along the alignment of the old railway line
 - A40 Dual Carriageway from Witney to Duke's Cut Canal bridge
 - Train from Witney to Oxford by joining the Cotswold railway line at Yarnton, either by re-instating the old line or building a new route entirely to the north of the A40
 - Tram from Ducklington Roundabout and Duke's Cut Canal Bridge in both directions along the alignment of the old railway line.

- 5.6 A detailed report was prepared on the results of the consultation. In summary, the greatest level of support was for the dual carriageway option, which also received the lowest number of objections.
- 5.7 However, it was considered that a dual carriageway only approach offered no improvement for public transport and there were significant concerns that this approach would lead to additional low occupancy private vehicle traffic generation. Furthermore, to have any significant system impact on traffic flow, dualling to the east of Eynsham would require a full Oxford northern bypass, at very significant additional financial and environmental costs.
- 5.8 Equally, there was concern that a wholly bus priority approach may not offer the all-mode transport access and connectivity the corridor requires to realise its potential for delivery of housing and economic growth.
- 5.9 At the same time that the A40 strategy was being investigated, the County Council was developing a strategy for the development of the Park & Ride network serving Oxford City Centre. This suggested that a ring of Park & Ride sites on the main roads remote from the city could provide an effective alternative to traffic commuting directly into Oxford, which would reduce congestion on these routes and in the vicinity of Oxford Ring Road. A subsequent study suggested that the most appropriate location for a remote Park & Ride in the A40 corridor would be in the vicinity of Eynsham, to the west of the B4449 roundabout. Whilst the bus lane option did not score very highly in the public consultation, it fitted with this Park & Ride strategy as well as proving the most readily affordable and deliverable option for the A40.
- 5.10 The consultation provided significant insight into people's views about the A40; however, there were further considerations to be taken into account in making a recommendation for an approach to a long-term strategy for the A40. These included: timeframe for delivery; available funding (or likely future available funding); engagement with key delivery partners; effectiveness; and environmental and other physical constraints. County Council officers considered these factors in light of the consultation results and arrived at the recommendations noted in paragraph 5.12 below. A qualitative appraisal was made of the options against these considerations and included in the Option Assessment Reports (OAR) [**Appendix 11**]. The options were also assessed in terms of their contribution to meeting the project objectives set out at paragraph 5.3.
- 5.11 As a result of the consultation and the option appraisal, the following recommendations were made to Oxfordshire County Council's Cabinet in May 2016:
- Two Options should be discounted: Tram and Guided Bus
 - One Option should not be progressed at that point in time: Train- Heavy Rail
 - Two Options should be assessed further and in combination

- Bus Lanes
 - Dual-Carriageway
- 5.12 It was the recommendation of officers that the long-term strategy for the A40 should take a combined approach, including both increased road capacity as well as improvements to the public transport offer.
- 5.13 Oxfordshire County Council at the Cabinet meeting in May 2016 (Investing in the A40 – A Long Term Strategy, decision reference 2015/114) approved the Scheme to be taken forward comprising:
- a dual-carriageway from Witney to a Park & Ride at Eynsham;
 - bus lanes in both directions along the A40 from a Park & Ride at Eynsham to the Duke's Cut canal bridge approaching Wolvercote roundabout; and
 - provision of high-quality cycleways along the length of the route.
- 5.14 Application for forward funding via the Housing Infrastructure Fund to the Ministry of Housing, Communities and Local Government, was approved in November 2019.
- 5.15 Through subsequent feasibility design and optioneering assessment the HIF2 scheme objectives became fully defined as described in paragraph 3.37, and set out Acquiring Authority's Initial Business Case for HIF2, 24 November 2020 [**Appendix 5**].
- 5.16 Given that the decision regarding the preferred Scheme to be progressed was taken in 2016, the Acquiring Authority notes the importance of ensuring that the proposals remain the optimal scheme to deliver the Scheme objectives. In this regard, the Acquiring Authority commissioned as part of the feasibility design work and in line with the WebTAG process outlined in Figure 10 a review of the previous optioneering work. This resulted in the production of a series of complimentary Options Assessment Reports (OAR), one for each of the three elements of the Scheme [**Appendix 11**]. These reports were completed in July 2021, informed by the results of the May 2021 public engagement and were included as part of the evidence base to Cabinet in July 2021, at which the preferred Scheme was approved (A40 HIF2 Smart Corridor - Preferred Options and Funding, decision reference 2021/082)

5.17 In brief the summary of each is as follows;

A40 Dualling

5.17..1 Paragraph of the A40 Dualling OAR 2.4.16 states *‘The investment in the A40 Dualling scheme will provide increased capacity along the A40 which will help reduce queues and congestion as well as improve journey times and journey time reliability along the route. This will help support housing and economic growth along the A40 corridor. It is a key piece of infrastructure in Oxfordshire and as such will help achieve many of the strategic goals as outlined in the OCC LTP4 and the WODC Local Plan. Enhancement of the active travel infrastructure alongside the A40 as part of the Dualling scheme will support use of active travel. Local Plan allocations show there to be a significant amount of proposed development along the A40 Corridor, which need to be considered in conjunction with suitable transport schemes and mitigation. For example, the emerging planning documents related to the Salt Cross Garden Village highlight the importance of sufficient transport capacity along the A40 Corridor and highlight the importance of the A40 Dualling specifically.’*

A40 Integrated Bus Lanes

5.17..2 Paragraph 2.4.15 of the Integrated Bus Lanes OAR states *‘The investment in the Integrated Bus Lanes scheme will deliver bus lanes and active travel infrastructure that would help to promote sustainable travel, improve accessibility, support/create jobs and likely improve air quality and growth. It will provide a sustainable alternative to car travel which could have other co-benefits such as reduction in carbon emission and improved health. Some existing policies identify schemes which can enable mode shift towards sustainable travel from car travel, such as Workplace Parking Levy, and these will be supported by the Integrated Bus Lanes scheme. Local Plan allocations show there to be a significant amount of proposed development along the A40 Corridor, which need to be considered in conjunction with suitable transport schemes and mitigation. For example, the emerging planning documents related to the Salt Cross Garden Village highlight the importance of sustainable transport along the A40 Corridor and create a need for the Integrated Bus Lanes scheme to be taken forward. The Integrated Bus Lanes scheme will support sustainable transport provision for the Salt Cross Garden Village from the outset to avoid a reliance on private cars.’*

A40 Dukes Cut

5.17..3 Paragraph 2.4.15 of the Dukes Cut OAR states *‘The investment in the Duke’s Cut scheme will prioritise bus travel and help support the Integrated Bus Lane scheme along the A40. This will improve bus journey times, journey time reliability, increased capacity and support sustainable transport. This will help support housing and economic growth along the A40 corridor..... The provision of a cycle path connection to NCN Route 5 will also encourage active travel between Eynsham and Oxford, which will have health benefits. Local Plan allocations show there to be a significant amount of proposed development along the A40 Corridor, which need to be considered in conjunction with suitable transport schemes and mitigation. For example, the emerging planning documents related to the Salt Cross Garden Village highlight the importance of sufficient transport capacity along the A40 Corridor and highlight the importance of the Duke’s Cut scheme specifically.’*

Conclusion

- 5.18 The 2021 options assessment process concluded that *‘Overall, across the local, regional and national policies considered there is expected to be strong support for the A40 Scheme as it will help achieve many of these policies.’*
- 5.19 Therefore, in summary, the Scheme remains the most appropriate choice to be delivered to meet the County’s sustainable transport objectives and obligations.

6 CONSULTATION AND PUBLIC ENGAGEMENT

6.1 The five main phases of engagement/consultation that have taken place prior to the submission of the planning application for the Scheme are as follows:

- EIA Scoping Engagement (March 2021 – October 2021)
- Landowner Engagement (February 2021 – present)
- Stakeholder Briefings/Meetings (February 2021 – present)
- County Planning Authority Pre-application Engagement (April 2021 – October 2021)
- Online Public Engagement (10 May – 7 June 2021)

6.2 Between February and late April 2021, a series of briefings were held with the following stakeholder groups in advance of the formal engagement exercise:

- District Councils of West Oxfordshire, Cherwell and Oxford City
- Parish Councils of Eynsham, Cassington and South Leigh
- Landowner engagement has been ongoing since early 2020 seeking acquisitions by negotiation. Many of these are well progressed. Furthermore, intensive engagement with affected landowners has been undertaken during the months March – June 2021 as the scheme preferred options became known
- A combined forum of cycling groups
- Proactive engagement with statutory bodies such as the Environment Agency and Natural England to ensure that any scheme impacts are carefully and comprehensively mitigated
- Engagement with developers of adjacent sites

6.3 The feedback gathered at these initial engagement processes was used to inform the Scheme design and materials, which were subsequently presented at the formal engagement event.

- 6.4 The A40 programme and A40 HIF2 Smart Corridor web pages (hyperlink attached below) were updated and re-launched in advance of the public engagement event undertaken in May 2021 in order to make these more accessible, user friendly and in preparation for further and more detailed updates to be provided to the public during the subsequent stages of delivery.

<https://www.oxfordshire.gov.uk/residents/roads-and-transport/roadworks/future-transport-projects/a40-improvements>

- 6.5 To inform the preferred scheme options and as part of the development of the planning application for the Scheme, a formal public engagement event took place over four weeks commencing on the 10 May 2021. This included an intensive programme of virtual public exhibitions and stakeholder meetings within these timeframes.
- 6.6 This stage allowed the public to give feedback on the technical preferred options for each of the three elements of the Scheme via a dedicated email address, survey web-form, printed response form or a dedicated phone number. The Acquiring Authority advertised the consultation via the local media, social media, on site and a direct mailing campaign, linked in with both West Oxfordshire District and Eynsham and Cassington Parish Councils.
- 6.7 Information about the Scheme could be obtained online, at the consultation events, in the dedicated consultation booklet/response form or via a discussion with a Council officer via the dedicated project email/phone number. This included general information about each of the options, plus the relevant scheme plans.
- 6.8 A Statement of Community Involvement (SCI) [**Appendix 12**] was produced following the formal engagement event and was submitted as part of the planning application.
- 6.9 The key response facts and figures were as follows:
- 6.9.1 At least 6,321 sessions on the pages associated with the A40 Programme. Just under 5,000 of those were unique users. This generated at least 420 clicks through to the virtual engagement room. Social media adverts delivered over 10,000 clicks through to the A40 Programme web pages
 - 6.9.2 The total number of responses received from the engagement event was 109, including 102 feedback forms.
 - 6.9.3 Detailed email responses were also received which are reflected in the Statement of Community Involvement. The themes of the responses received by email were consistent with those gathered through the formal feedback system.

6.10 In terms of a high-level summary of the formal responses to each element:

- Element 1 – A40 Dualling extension – 47% support, 4% neutral, 6% minor concerns, 44% significant concerns
- Element 2 – A40 Integrated Bus Lanes - 41% support, 11% neutral, 9% minor concerns, 40% significant concerns
- Element 3 – A40 Dukes Cut – 41% support, 18% neutral, 5% minor concerns, 38% significant concerns

6.11 Active travel provision along full length of scheme was considered specifically – 47% support, 25% neutral, 6% minor concerns, 23% significant concerns

6.12 Key areas of feedback received include:

- Absence from the proposals of the A40/A44 Loop Farm Link Road as mitigation to potential bottleneck issues at Wolvercote roundabout.
- Witney – Oxford rail line proposal as alternative
- Detailed design, rather than the principle of the improved active travel measures
- Dual full length to relieve congestion for all road users
- Extend the bus lanes out towards Witney rather than having a dual carriageway extension
- Improvements to bus service frequency, accessibility and affordability
- Lots of through traffic and not commuters to and from Oxford
- Concerns around linked housing growth and location and use of Park & Ride site.

6.13 Support for the Scheme was received from West Oxfordshire District Council and Stagecoach as key partners.

6.14 As a result of the feedback received through the engagement, a number of changes were made to the Scheme proposals now presented as the preferred options. These design changes are heavily active travel and public transport orientated, to improve the Scheme design and user benefits, see Table 4.

Issue Raised	Source of / Request for Change	Design Change
Post-Feasibility		
Encroachment on operational farm area	Engagement with Local landowner	Local access alignment realigned to avoid earthworks encroaching on Whitehouse Farm
Encroachment on operational farm area	Engagement with Local landowner	A40 dual alignment realigned and moved slightly south to avoid earthworks encroachment into Whitehouse Farm
Access to operational areas	Engagement with Local landowner	Modified local access road and junction following Landowner consultation on 13 May 2021
Scope of active travel provision at proposed Barnard Gate junction	Engagement with Active Travel stakeholders, Eynsham Parish Council and South Leigh Parish Council	Two Toucan crossings of the A40 at Barnard Gate junction, western roundabout and new south leigh cycleway/footway added to the dualling design following OCC's instruction
Impact on farm operations	Engagement with Local landowner May 2021	Modified Ambury Close Farm access and inclusion of bund
Impact on farm operations	Engagement with Local landowner May 2021	Modified Home Farm access following landowner consultation on 13 May 2021
Highway safety	Engagement with Active Travel stakeholders,	A40 dual alignment (east of Barnard Gate junction) cross section narrowed due to change in speed limit instructed
Futureproofing to avoid abortive work and additional highway network disruption	WODC & Land Developer discussions	Western roundabout incorporated into the dualling design following OCC'S instruction [Note that the Western Roundabout does not form part of the Scheme to which this Statement is the subject]
Highway safety – pedestrians and cyclists	Engagement with Active Travel stakeholders,	Northern entry to Barnard Gate – road alignment amended to create slower vehicle approach to uncontrolled crossing
Retention of access to existing land	Scheme detailing through preliminary design	Existing South Leigh Road maintained to provide access to existing agricultural lands and proposed attenuation basins
Retention of access to existing land	Scheme detailing through preliminary design	New field access and proposed maintenance access
Scope of active travel provision at proposed Barnard Gate junction	Following engagement with Active Travel Stakeholders and OCC's HIF1 Team	Uncontrolled crossings on Barnard Gate and western roundabout northern arms changed to signal controlled crossings following OCC'S instruction
Highway safety and operation	Engagement with OCC's Traffic Signals Team	Signal controlled crossings on Barnard Gate and western roundabout northern and eastern arms moved 20m and 35m respectively from roundabout
Improvements to active travel provisions included	Following engagement with Active Travel stakeholders	Shared use link provided between the realigned Barnard Gate road and access link to Hill Farm

in scheme		
Futureproofing for additional public transport facilities	Scheme through design	detailing preliminary Safeguarding possible bus lay-by sites instructed by OCC
Improvements to active travel provisions included in scheme	Scheme through design	detailing preliminary Shared use path extended along the south east quadrant of the western round and into the development land south of the roundabout
Post Engagement		
Design to incorporate	Following consultation with CPA PROW team	PROW link to Barnard Gate road. Unsurfaced connection to be included
To be taken forward in detailed design	Requested by Active Travel Stakeholders, Eynsham Parish Council, and Stagecoach.	Cycle storage at Bus Stops
To be taken forward in detailed design	Stakeholder feedback from Eynsham Society	Consideration to be given to shared path surfacing throughout.. Concern that asphalt is very slippery/dangerous under tree canopy - leaves, drops, black ice (stays in shade).
Confirmed subsequent stakeholder engagement of	following engagement with Active Travel Stakeholders and Eynsham Society	Uncontrolled crossing to be raised, coloured and/or surface differentiated, with warning markings for road users (this applies to all whether priority for shared path or for road users)
Confirmed stakeholder engagement after	Scheme through design	detailing preliminary Proposed layout for crossing point now has priority for peds/cycles at the Park and Ride bus only eastbound exit. Shared use, uncontrolled
Confirmed stakeholder engagement after	Following engagement with Active Travel stakeholders	Amend bend out of crossing to ensure max. set back from A40 entrance, without encroaching on Evenlode land at Evenlode Pub
Confirmed stakeholder engagement after	As a result of engagement with CPA Active Travel Lead and Active Travel Stakeholders	South side path width at Witney Road to Lower Road to be extended to 3.5m (from previously proposed 3m) to align with OCC active travel standards for bus shared path section.
Confirmed following stakeholder engagement	following Stakeholder engagement	Active Provide pedestrian and cycle priority over motor traffic entering the A40 east of Lower Road at the BP Petrol Station (i.e., vehicles existing the BP Station),

Table 4: Design Changes

7 PLANNING POSITION

- 7.1 In making the Order, the Acquiring Authority has had regard to the national and local planning policy context and other material planning considerations. This section describes the planning background and planning policy context. It includes a summary of Scheme compliance when considered against the relevant planning policy context and other material considerations. A full planning assessment of the Scheme is contained within the Planning Statement [**Appendix 7**].

Current Planning Status

- 7.2 An EIA Scoping Report, which set out in detail the proposed approach to the requisite EIA was submitted to the Local Planning Authority (LPA) on 16 March 2021 (R3.0034/21). A Scoping Opinion was received on 28 April 2021. The Environmental Statement to support the planning application has been prepared in accordance with the Scoping Opinion and the 2017 EIA Regulations and is the result of ongoing consultation with the relevant technical disciplines at the CPA and surrounding authorities.
- 7.3 On 22nd December a planning application was validated by Oxfordshire County Council as the determining authority for the following development under application reference R3.0151/21 (“the Application”). This seeks permission for the following:
- 7.3.1 The dualling of approximately 3.2km of the A40 carriageway from the existing Hill Farm junction at Witney to the Eynsham Park and Ride site (R3.0057/19) including the construction of two new roundabouts;
 - 7.3.2 An eastbound and westbound bus lane approximately 6.5km in length from the Eynsham Park and Ride site to existing structures at Duke’s Cut waterway (Duke’s Cut Canal Bridge, Earl’s Culvert, Wolvercote Railway Bridge and Wolvercote Canal Bridge);
 - 7.3.3 Capacity and connectivity improvements over the existing structures at Duke’s Cut waterway to enable the proposed eastbound bus lane to extend over the existing structures up to the A34 flyover in the east, forming a connection into Oxford North (Northern Gateway) strategic development site;
 - 7.3.4 Construction of a new signalised junction to the Eynsham Park and Ride site;
 - 7.3.5 New pedestrian/cyclist underpass at Cuckoo Lane (‘the Eynsham Underpass’). Two new pedestrian/cycle bridges at Cassington Halt (Cassington Halt Footbridge North and Cassington Halt Footbridge South);
 - 7.3.6 Widening of Cassington New Bridge;
 - 7.3.7 Demolition and replacement/extension of existing White House Culvert;

- 7.3.8 Demolition and replacement/extension of Barnard Gate New Culvert
 - 7.3.9 New and improved shared use footways and cycleways, including new shared use links to National Cycle Network (NCN) Route 5 at Duke's Cut waterway;
 - 7.3.10 Alterations to existing junctions and property accesses along the A40;
 - 7.3.11 Controlled crossings, external lighting, noise barriers, sustainable drainage systems, landscaping, habitat creation including ecology ponds and associated hibernacula; and
 - 7.3.12 All associated engineering and temporary construction works, site compound and storage areas.
- 7.4 Following discussions between the A40 HIF2 Programme Team and its Planning and internal Legal Advisors regarding the potential inclusion of the Duke's Cut element of works within the planning application, the option to divorce a section of the works at Wolvercote Railway Bridge (WRB) from the planning application proposals was explored on the basis that this section of works, comprising the removal of the concrete cladding encasing the bridge beams and replacement of a masonry parapet with a lighter, stronger parapet, is considered to comprise works of maintenance only. The Works at WRB would involve maintenance and strengthening works, that are not considered to require planning permission on the basis that they are not works comprising 'development' in line with the definition at S55 of the Town and Country Planning Act 1990.
- 7.5 It was therefore decided between the aforementioned teams within OCC that the maintenance and strengthening works to the Wolvercote Railway Bridge (WRB) should be managed as a separate project to the overall Dukes Cut project, with its own Detailed Design and Construction phase, while the remainder of the works, which mainly involve the Highways Element and establishing the link between A40 to the NCN5 for the element could be carried out later in the programme. The purpose of this is to de-risk the programme by bringing the works at WRB forward. All land and property rights to construct this element of the work will be obtained by agreement with Network Rail via an outside party Asset Protection Agreement. The APA was entered in to on 17th December 2021 by the Council and Network Rail to secure these rights.

Planning Policy Context

- 7.6 Section 38(6) of the Planning and Compulsory Purchase Act 2004, together with s.70 of the Town and Country Planning Act 1990, provides that planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise.

7.7 The Scheme is located within Oxfordshire County. The Scheme passes through the administrative boundaries of three local authorities: West Oxfordshire District Council, Cherwell District Council and Oxford City Council from west to east. The A40 Extended Dual Carriageway section of the Scheme is entirely within West Oxfordshire District. The A40 Integrated Bus Lanes section is within West Oxfordshire District and Cherwell District. The A40 Duke's Cut Bridge Works section is predominantly within Cherwell District, however, the very eastern extent is within Oxford City Council's area.

7.8 The Development Plan for the Scheme comprises the following documents:

- 7.8.1 West Oxfordshire Local Plan 2031 (adopted 2018) ('WOLP')
- 7.8.2 Cherwell Local Plan 2011 – 2031 (Part 1) (adopted 2015) ('CLP1')
- 7.8.3 Cherwell Local Plan 2011-2032 (Part 1) Partial Review – Oxford's Unmet Housing Need (adopted 2020) ('CLPPR')
- 7.8.4 Cherwell Local Plan 1996 Saved Policies (1996) ('CLPSP')
- 7.8.5 Oxford Local Plan 2036 (adopted 2020) ('OLP')
- 7.8.6 Northern Gateway Area Action Plan (adopted 2015) ('NG AAP')
- 7.8.7 Wolvercote Neighbourhood Plan (made 2021) ('WNP')
- 7.8.8 Eynsham Neighbourhood Plan (made 2020) ('ENP')
- 7.8.9 South Leigh Neighbourhood Plan (made 2019) ('SLNP')
- 7.8.10 Oxfordshire Minerals and Waste Local Plan (adopted 2017) ('OMWLP')

7.9 Other material considerations include:

- 7.9.1 National Planning Policy Framework (2019) ('NPPF')
- 7.9.2 National Planning Practice Guidance ('NPPG')
- 7.9.3 Connecting Oxfordshire: Local Transport Plan 2015-2031 (published 2015, updated 2016) ('LTP4') [**Appendix 13**]
- 7.9.4 National Infrastructure Strategy (2020) ('NIS')
- 7.9.5 Oxfordshire 2020 Climate Action Framework (2020) ('CAF')
- 7.9.6 Oxfordshire Infrastructure Strategy (2017) ('OxIS')
- 7.9.7 Oxfordshire's Strategic Vision for Long-Term Sustainable Development (2021)
- 7.9.8 West Oxfordshire Infrastructure Delivery Plan (2016) ('WOIDP')

- 7.9.9 West Oxfordshire Design Guide (2016) ('WODG')
- 7.9.10 West Oxfordshire Interim Biodiversity Net Gain Guidance for Developers and Ecological Consultants (2020) ('WOBG')
- 7.9.11 Non-Statutory Cherwell Local Plan 2011 (2004) ('NSCLP')
- 7.9.12 Cherwell District Council: Developer Contributions SPD (2018) ('CDC')
- 7.9.13 Biodiversity and Planning in Oxfordshire (2014) ('BPO')
- 7.10 Emerging planning policy and guidance relevant to the Scheme include:
 - 7.10.1 Draft Oxfordshire Local Transport and Connectivity Plan ('Draft LTCP')
 - 7.10.2 Draft Oxfordshire Plan 2050 ('Draft OP')
 - 7.10.3 Draft Salt Cross Area Action Plan Pre-Submission Version ('SCGV AAP')
 - 7.10.4 Draft West Oxfordshire Local Plan 2040 ('DWOLP')
 - 7.10.5 Draft Cherwell Local Plan Review 2040 ('DCLPR')
 - 7.10.6 Draft Oxford Local Plan 2040 ('DOLP')
 - 7.10.7 Emerging Oxfordshire Infrastructure Strategy 2021 ('emerging OxIS')
 - 7.10.8 Emerging Cassington Neighbourhood Plan ('emerging CNP')
 - 7.10.9 The Cassington Green Infrastructure Plan (2021) ('CGIP')
 - 7.10.10 Draft West Oxfordshire Developer Contributions SPD ('draft WODC SPD')

Key Planning Policies and Material Considerations of Relevance to the Scheme

- 7.11 The WOLP paragraph 2.51 identifies the following as key weaknesses in West Oxfordshire District (among other matters):
 - 7.11.1 Severe traffic congestion in Witney and on Oxford approach roads, particularly A40 east of Witney; and
 - 7.11.2 Limited opportunities for safe travel by foot or cycle outside main towns such as where routes are adjacent to roads
- 7.12 The ENP highlights on page 7 that the most-mentioned issue at the ENP consultation events was the congestion on the A40 and Toll Bridge.
- 7.13 Paragraph 77 of LTP4 Volume 1 states that the objectives of a long-term strategy for improving the A40 are as follows:

- 7.13.1 To improve travel times and/or journey reliability along the A40 corridor, in particular between Witney/Carterton and Oxford, taking account of future travel needs;
 - 7.13.2 To stimulate economic in line with the Oxfordshire Strategic Economic Plan; and
 - 7.13.3 To reduce the environmental impacts and safety issues along the A40 corridor.
- 7.14 LTP4 Volume 1 Policy 01 states *“the Council will work to ensure that the transport network supports sustainable economic and housing growth in the county, whilst protecting and where possible enhancing its environmental and heritage assets and supporting the health and wellbeing of its residents.”*
- 7.15 LTP4 Volume 1 Policy 02 states that OCC *“will manage, and where appropriate, develop the county’s road network to reduce congestion and minimise disruption and delays, prioritising strategic routes.”* LTP4 Volume 1 Policy 03 states that OCC *“will support measures and innovation that make more efficient use of transport network capacity by reducing the proportion of single occupancy car journeys and encouraging a greater proportion of journeys to be made on foot, by bicycle, and/or by public transport.”*
- 7.16 The Scheme is considered a County priority, as it will ease congestion through the provision of additional highway capacity; facilitate modal shift through improved public transport travel times and reliability; improve safety and air quality and encourage and enable housing and economic development in the area.
- 7.17 The Scheme meets the aspirations of the A40 Route Strategy set out in LTP4 Volume 7a, specifically Policy A40, which states that OCC will deliver public transport improvements in the A40 corridor in order to improve access between towns in West Oxfordshire and Oxford, including the new employment site at Oxford’s ‘Northern Gateway’.
- 7.18 The public transport improvements along the A40 corridor identified in Policy A40 include:
- 7.18.1 eastbound bus lane between Eynsham/ Lower Road roundabout and Duke’s Cut;
 - 7.18.2 westbound bus priority measures;
 - 7.18.3 a Park and Ride car park on the A40 corridor; and

- 7.18.4 Junction improvements along the A40 corridor between Witney bypass and Eynsham/ Lower Road roundabout. Planning permission was approved for a Park & Ride at Eynsham in March 2021 (OCC application reference R3.0057/19). The eastbound bus lane and junction improvements identified in Policy A40 form part of the Scheme. The Scheme improves upon the ‘westbound bus priority measures’ referenced in Policy A40, instead providing a dedicated westbound bus lane between the Eynsham Park & Ride site and the Duke’s Cut structures in the east.
- 7.20 The West Oxfordshire Infrastructure Delivery Plan (WOIDP) identifies the eastbound bus lane as a critical priority for delivery between 2016-2021 and the westbound bus lane and dual carriageway between Witney and the Eynsham Park & Ride site as a critical priority for delivery between 2021-2026.
- 7.21 The Scheme is supported by WOLP Policy T2 which states that WODC will continue to work in partnership with OCC in relation to securing improvements to the A40 between Witney and Oxford, including the provision of an eastbound bus lane, a westbound bus lane from Oxford to Eynsham and dualling of the A40 between Witney and Eynsham.
- 7.22 The Scheme also aligns with WOLP Policy EW10, which requires proposals for development in the Eynsham – Woodstock sub-area to seek to alleviate traffic congestion issues on the A40, to enhance public transport and to enhance pedestrian and cycle routes and infrastructure.
- 7.23 NPPF paragraph 81 states “*planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development...*” The WOLP identifies congestion on the A40 as a major constraint to inward investment (paragraph 9.2.11) and addressing transport congestion on the A40 is highlighted as a key element of WODC’s strategy for achieving their economic objectives (paragraph 6.13). The Scheme addresses the issues identified in the WOLP, by easing congestion through the provision of additional highway capacity and facilitating modal shift through improved public transport travel times and reliability.
- 7.24 The A40 corridor between Witney and Oxford is a major housing and employment growth location in the WOLP. The WOLP allocates approximately 10,000 homes and around 64 ha of employment land in the vicinity of the A40 corridor in the sub-areas of Witney (4,702 homes / 18 ha), Eynsham – Woodstock (5,596 homes / 40 ha) and Carterton (2,680 homes / 6 ha).

- 7.25 The WOLP recognises that Eynsham has an important role to play in meeting cross-boundary housing needs because of its proximity and connections to Oxford City. The indicative distribution for the Eynsham - Woodstock sub-area includes 2,750 homes to provide for Oxford City’s unmet housing need delivered through West Eynsham SDA and the SCGV allocation north of the A40 near Eynsham.
- 7.26 The Scheme will directly enable the delivery of 4,813 new homes at four major development sites allocated in the WOLP (see Table 5). The investment will support this growth and promote sustainable travel in order to enable residential and commercial development to be built. Traffic modelling undertaken to support the Scheme has included all dependent development.

Site	Site Name	Homes	Current Status
1	Salt Cross Garden Village	2,200	In Planning (Outline application Submitted)
2	West Eynsham	763	In Planning (Outline Application for 180 homes on part of SDA)
3	East Witney	450	In Planning (Outline Application submitted for up to 495 homes)
4	North Witney	1,400	Pre-Application Stage

Table 5: HIF2 Dependent Sites

- 7.27 The Scheme will directly enable the delivery of WOLP allocated housing and employment sites, mitigating the transport impact of this planned 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.
- 7.28 In summary, the planning application for the Scheme has been prepared in full cognisance of the planning policy context within which it sits and there is support for the Scheme at both a strategic and local planning policy level. The Scheme accords with the development plan.
- 7.29 The application is supported by a comprehensive suite of supporting technical and environmental documentation and is the product of extensive and meaningful engagement with the local community and a wide range of key stakeholders, as detailed in Section 6 of this Statement.
- 7.30 There is no reason why planning permission will not be forthcoming for the Scheme, and it is anticipated that permission will be granted in Q2 2022.

8 THE ORDER LAND

- 8.1 In preparing the Order documents, the Acquiring Authority (through its appointed land referencing/surveying consultants, Gateley Hamer) has carried out diligent enquiry in order to identify all persons with an interest in the land that is required for the Scheme.
- 8.2 An initial desktop referencing exercise was undertaken to ensure that all registered interests in the land and property required were identified, resulting in the production of land referencing schedules and a land ownership map. This included obtaining the relevant HM Land Registry information, which has been (and will continue to be) regularly refreshed to make sure that all the information is as up to date as possible. Gateley Hamer also undertook all other necessary and relevant searches and enquiries to establish principal ownerships and note any third-party mortgages, unilateral notices and/or rights and restrictions, including carrying out relevant Companies House checks, postcode searches and checking the electoral roll.
- 8.3 The Acquiring Authority and Gateley Hamer then used the information above to issue Statutory Requests for Information pursuant to section 16 of the Local Government (Miscellaneous Provisions) Act 1976. The first batch of requisitions were issued on 25 August 2021. The Acquiring Authority received a response rate of over 80% to these requisitions.
- 8.4 Where there are any areas of unregistered land, unknown owner site notices were prepared and erected on site at the unregistered land. These were then regularly checked over a 4-week period to ensure that none were damaged or removed.
- 8.5 The information collected throughout the processes outlined above has been collated and analysed by Gateley Hamer to produce the required documentation to inform the compulsory purchase process and ensure that the Acquiring Authority has discharged its duty to exercise diligent enquiry to ascertain all interests in the Order Land.
- 8.6 The Order Land has a total area of approximately 79.08ha. This comprises of [to be updated]:
- 8.6.1 [xx]ha for which the title of land is required, this includes [xx]ha of existing public highway
 - 8.6.2 [xx]ha of land is required for the construction of the Scheme and could be available to return to landowners under the Crichel Down rules.
 - 8.6.3 [xx]ha for which new rights over land are required.
- 8.7 The Order Land is composed of agricultural land, ancillary residential land and gardens, woodland, public highway and commercial property.

8.8 Description of Land Require for Title by Plot Reference

8.8.1 Alan Kirk – Plots 5/25, 5/26, 5/27, 5/28 and 5/29

This section compromises of 0.26 hectares of agricultural land, driveway, hedgerow and hardstanding required got the mitigation of adverse effects of the highway, providing a new private means of access and for highway improvements for the A40.

8.8.2 Alvar and Frances Swainston – Plot 13/6

This section compromises of 0.10 hectares of agricultural land required as working areas for the construction of the scheme.

8.8.3 Canal and Rivers Trust – Plots 18/21, 18/22, 18/23, 18/24, 18/25 and 18/26

This section compromises of 0.12 hectares of Canal, Towpath and Shrubland required for highway improvement, new highway and dedication and working areas.

8.8.4 Dairystock Company Limited – Plots 13/8, 13/9, 13/22, 14/11, 14/12, 14/14, 14/19, 14/26, 16/1, 16/4 and 16/5

This section compromises of 6.02 hectares of agricultural land, haul road and hedgerow required for the improvement and creation of the highway and working areas.

All plots are subject to a leasehold with Worton Park Farms.

8.8.5 David Carrington – Plot 9/9

This section compromises of 0.03 hectares of overgrown shrubland required as working areas.

8.8.6 English Nature – Plot 14/5

English Nature have a caution against the first registration of 0.13 hectares of wood and highway required for the improvement of the highway.

8.8.7 Environment Agency – Plots 18/1 and 18/6

This section compromises of 0.25 hectares of hedge and treeline required as working areas.

8.8.8 Esso Petroleum Company Limited – Plot 9/7

This section compromises of 0.005 hectares of access road require for the improvement of the highway.

- 8.8.9 Hanson Quarry Products Europe Limited – Plots 11/9, 11/11, 13/14, 13/15, 13/24, 13/26, 13/27, 13/28, 13/30, 13/31, 13/32, 13/33, 13/42, 13/43, 14/3, 14/4 and 14/8

This section comprises of 3.6 hectares of agricultural land, haul road, hedgerow, tree line and hardstanding required for the improvement of the highway and working areas.

- 8.8.10 Highways England Company Limited – Plots 1/1, 1/1a, 1/2, 1/4, 1/5, 1/6, 1/15, 1/16, 1/17, 1/28, 2/22, 2/23, 2/24, 2/25, 2/31, 3/11, 3/12, 3/13, 3/63, 3/67, 4/6, 4/8, 4/10, 4/30, 4/31, 5/5, 5/6, 5/41, 5/42, 5/43, 5/44, 5/45, 5/48, 5/49, 6/2, 6/2, 6/3, 6/4, 6/5, 6/9, 6/10, 6/11, 6/17, 7/3, 7/7, 7/17, 7/24, 16/9, 17/3, 18/27, 19/2, 19/8, 19/21, 19/23, 19/24, 19/25, 19/28, 19/29, 19/31, 19/33, 19/34, 19/38, 19/39, 19/40, 19/41, 19/42, 19/43, 19/44, 19/45, 19/47, 19/48, 19/50 and 19/52

This section comprises of 12.4 hectares of adopted highway required for the improvement of the highway, mitigation of the adverse effects of the Highway upon their surroundings and working areas.

Although all of the titles are owned Highways England they are within the adopted highway of the A40 and were include in the de-trunking of the A40.

- 8.8.11 The Lyall Family – Plots 4/24, 4/25, 4/26, 4/27, 4/28, 4/37, 5/1, 5/2, 5/3, 5/4, 5/50 and 5/10

This section comprises of 0.77 hectares of agricultural land, access track and hardstanding require for the improvement of the highway, mitigation of the adverse effects of the Highway upon their surroundings and working areas.

- 8.8.12 James Humphris – Plot 13/17

This section comprises of 0.09 hectares of agricultural land required as working areas.

- 8.8.13 Matthew Hawell – Plot 13/3

This section comprises of 0.09 hectares of agricultural land required as working areas.

- 8.8.14 Matthew and Louise Walls – Plot 13/10

This section comprises of 0.13 hectares of pastureland and access track required as working areas.

- 8.8.15 Matthew and Carley Neilson – Plot 10/11

This section comprises of 0.18 hectares of overgrown pastureland required for working areas.

- 8.8.16 Eynsham Land Pool Trust – Plots 5/46, 5/47, 6/13, 6/14, 6/15, 7/1, 7/2,

8/26, 9/12, 9/13, 9/15, 9/16, 9/44, 9/47, 10/1 and 10/2

This section comprises of 2.65 hectares of motocross track and agricultural land required for the improvement of the highway, creation of new highway, mitigation of the adverse effects of the highway upon their surroundings and working areas.

This land is all included within the proposed Salt Cross Garden Village site.

8.8.17 Robert and Kate Allen – Plots 4/38, 5/7, 5/9, 5/9a, 5/10, 5/11, 5/12 and 5/13

This section comprises of 0.46 hectares of access track, agricultural land and garden required for the provision of a new private means of access and mitigation of the adverse effects of the highway upon their surroundings.

8.8.18 The Eynsham Park Estate – Plots 1/3, 1/8, 1/9, 1/9a, 1/11, 1/12, 1/13, 1/14, 1/20, 1/21, 1/26, 1/27, 2/3, 2/4, 2/5, 2/6, 2/7, 2/8, 3/1, 3/2, 3/3, 3/4, 3/5, 3/6, 3/7, 3/8, 3/9, 3/10, 3/22, 3/23, 3/24, 3/25, 3/28, 3/29, 3/30, 3/31, 3/32, 3/33, 3/34, 3/35, 3/6, 3/37, 3/38, 3/39, 3/40, 3/41, 3/42, 3/43, 3/44, 3/45, 3/46, 3/53, 3/54, 3/55, 3/56, 3/57, 3/58, 3/59, 3/60, 4/1, 4/2, 4/3, 4/4, 4/5, 4/13, 4/15, 4/17 and 4/18

This section comprises of 15.20 hectares of adopted highway, agricultural land, access tracks and woodland required for the improvement and creation of the highway, creation of private means of accesses, mitigation of the adverse effected of the highway upon their surroundings, subsoil of the unregistered adopted highway and working areas.

The estate has multiple tenants under various different basis's of occupation.

8.8.19 Rory Wootton and Kate Wootton – Plots 5/14, 5/15, 5/16, 5/17, 5/18, 5/19, 5/19, 5/20, 5/21, 5/22, 5/23 and 5/24.

This section comprises of 1.13 hectares of agricultural land, access track and hardstanding required for the creation of a new private means of access, creation of a new highway and working areas.

8.8.20 Smith & Sons (Blechington) Limited – Plots 10/15, 10/22, 10/23, 10/24, 10/26, 10/27, 10/28, 11/1, 11/2, 11/3, 11/4, 11/5, 11/6, 11/10 and 11/12

This section of land comprises of 3.03 hectares of agricultural land required for the improvement of the highway and working areas.

We are aware of the agricultural tenant this is in occupation of this land.

8.8.21 The Oxfordshire County Council – Plots 6/7, 6/8, 6/12, 7/8, 7/9, 7/10, 7/11, 7/12, 4/14, 7/15, 7/16, 7/22, 7/23, 7/25, 8/1, 8/3, 8/27, 8/28, 9/52, 10/4, 10/5, 10/8 and 10/9.

This section of land comprises of 6.63 hectares of adopted highway and

agricultural land required for the improvement of the highway and working area. This plot included here are only the registered ownership belonging to the Council, they do have rights as the local highway authority to improve and maintain land within the adopted highway.

The land which has been allocated as the Park and Ride site which was recently given planning permission will be used for working areas for this scheme.

8.8.22 The Woodland Trust – Plots 8/4, 8/10, 8/11 and 8/12

This section of land compromises of 0.77 hectares of woodland and hedgerow required for the improvement and creation of the highway and working areas.

8.8.23 Thomas White Oxford Limited – Plots 18/28, 19/1, 19/4, 19/9, 19/12, 19/13, 19/14, 19/18, 19/19, 19/20, 19/22, 19/26, 19/27, 19/30, 19/32, 19/35, 19/36, 19/37, 19/46, 19/49, 19/51, 19/53, 19/54, 19/55, 19/56 and 19/57

This section compromises of 0.92 hectares of highway and commercial development land require for the improvement of the highway, the creation of cycle paths and working areas.

8.8.24 Una Blake and Emma Blake – Plots 5/30, 5/31, 5/32 and 6/6

This section compromises of 0.57 hectares of agricultural land required for the improvement of the highway, the creation of drainage ponds and working areas.

8.8.25 Vanbrugh Trustees Limited & Vanbrugh Trustees No 2 Limited (Blenhiem Palace Estate) – Plots 11/16, 11/18, 12/19, 18/3, 18/4, 18/5 and 18/10

This section compromises of 1.29 hectares of agricultural land required for the improvement of the highway, creation of a new cycleway and working areas.

8.8.26 Unregistered Adopted Highway – Plots 1/18, 1/19, 1/22, 1/23/ 1/24, 1/25, 1/29, 1/30, 1/31, 1/32, 1/33, 1/34, 2/1, 2/2, 2/9, 2/10, 2/11, 2/12, 2/13, 2/14, 2/15, 2/16, 2/17, 2/18, 2/19, 2/20, 2/21, 2/26, 2/27, 2/28, 2/29, 2/30, 3/14, 3/15, 3/16/3/17, 3/18, 3/19, 3/20, 3/21, 3/26, 3/27, 3/47, 3/48, 3/49, 3/50, 3/51, 3/52, 3/61, 3/62, 3/64, 3/65, 3/66, 5/33, 5/34, 3/35, 3/36, 5/37, 5/37, 5/38, 5/39, 5/52, 6/16, 7/4, 7/5, 7/6, 7/13, 7/18, 7/19, 7/20, 7/21, 7/26, 7/27, 7/28, 7/29, 8/5, 8/6, 8/7, 8/9, 8/13, 8/14, 8/15, 8/16, 8/17m, 8/18, 8/19, 8/20, 8/21, 8/22, 8/23, 8/24, 8/25, 8/29, 9/1, 9/2, 9/3, 9/5, 9/6, 9/10, 9/11, 9/14, 9/17, 9/18, 9/19, 9/20, 9/21, 9/22, 9/23, 9/24, 9/25, 9/26, 9/27, 9/28, 9/29, 9/30, 9/31, 9/32, 9/33, 9/34, 9/35, 9/36, 9/37, 9/38, 9/39, 9/40, 9/41, 9/42, 9/43, 9/45, 9/46, 9/48, 9/49, 9/50, 9/53, 9/54, 10/3, 10/6, 10/7, 10/10, 10/13, 10/14, 10/16, 10/17, 10/18, 10/19, 10/20, 10/21, 11/7, 11/8, 11/13, 11/14, 11/15, 11/20, 11/21, 11/22, 11/23, 12/1, 12/2, 12/3, 12/4, 12/5, 16/6, 16/7, 12/8, 12/9, 12/10, 12/11, 12/12, 12/13, 12/14, 12/16, 12/17, 12/18, 12/20, 12/21, 12/22, 12/23, 12/24, 12/25, 12/26, 12/27, 12/28, 12/29, 12/30, 12/31, 12/32, 12/33, 13/1, 13/2, 13/4, 13/6, 13/7, 13/12, 13/16, 13/19, 13/20, 13/36, 13/37, 13/38, 13/39, 13/40, 13/41, 13/45, 13/46,

13/46, 13/47, 13/48, 13/49, 13/51, 13/52, 13/53, 13/54, 13/55, 14/6, 14/7, 14/16, 14/17, 14/18, 14/22, 14/29, 14/30, 14/31, 15/1, 15/2, 15/3, 15/4, 16/2, 16/3, 16/6, 16/7, 16/8, 17/1, 17/2, 17/4, 17/5, 17/7, 17/8, 17/9, 18/8, 18/9, 18/11, 18/12, 18/13, 18/14, 18/16, 18/17, 18/18, 18/19, 18/20, 18/29, 18/30, 19/3, 19/5, 19/6, 19/7, 19/10, 19/11, 19/16 and 19/17.

This section of 19.09 hectares of unregistered adopted highway. Where subsoil interests are going to be impacted, the ad medium filum presumption has been adopted and the freehold owners of the adjacent land have been presumed to own the subsoil up the center line of the adopted highway.

9 COMPULSORY PURCHASE ORDER JUSTIFICATION

Appropriateness of Powers

- 9.1 The acquisition of land to facilitate the delivery of the Scheme falls within the scope of the compulsory purchase powers as set out in Sections 239, 240, 246, 250 and 260 of the Highways Act 1980, being a highway infrastructure scheme.

The compelling case in the public interest

- 9.2 Paragraph 2 of the 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 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:

- 9.2.1 Provision of greatly increased transport capacity of the route, enabling wider travel choice to undertake journeys by more sustainable means, i.e. public transport and active travel. Bus travel along the A40 corridor with dedicated lane priority will lead to significantly reduced travel times compared to the current situation.
- 9.2.2 Individual and collective health and wellbeing benefits by promoting a modal shift away from car use, an increase in public transport use, cycling and walking along the A40 and a very significant increase in active travel for undertaking local trips and trips between West Oxfordshire and Oxford city.
- 9.2.3 Improvement in road safety across all user groups through a reduction in the rate and severity of collisions, as set out in paragraphs 4.48. Improvements above current air quality and noise base levels, as compared with conditions on the A40 if the scheme did not proceed and considering the background development in the West Oxfordshire area. This is set out within paragraphs 4.33-4.35 by reducing stationary and slow-moving traffic, a contributor to poor air quality, and enabling the switch to lower emission modes.
- 9.2.4 Improved access to jobs and education for residents within West Oxfordshire, through improved transport connectivity, wider travel choice, more affordable options and reduced journey travel times.

Need for the Order Land

- 9.3 The Acquiring Authority has given careful consideration to the necessity of acquiring the land and new rights shown on the Order Map and described further in Section 8 of this Statement.

- 9.4 The Acquiring Authority has a clear idea how it will use the land it intends to acquire and has the necessary resources to acquire the land and interests needed for the Scheme.

Attempts to Acquire by Agreement

- 9.5 The Acquiring Authority's approach is only to acquire land and rights compulsorily where they are necessary to ensure successful delivery of the Scheme in accordance with best engineering and environmental practices.
- 9.6 The Acquiring Authority recognises that compulsory purchase is intended as a last resort to secure the assembly of land and has taken reasonable steps to acquire the land and rights required to deliver the Scheme by agreement. The Council has been working with landowners to identify means of mitigating the impacts of the Scheme proposals on property, where possible, with private treaty negotiations continuing in parallel with the preparation of the Order.
- 9.7 The Acquiring Authority, as Highway Authority, is already the owner of the freehold interest in a number of plots or parts of plots required to deliver the Scheme, and its interests in the various plots or parts thereof are included in the Order under the provisions of section 260 (clearance of title to land acquired for statutory purposes) of the 1980 Act.
- 9.8 During the preparation of the Order, the Acquiring Authority has fully considered the Guidance, in particular those sections relating to the acquisition of land by agreement, namely, paragraphs 17 – 19.
- 9.9 In accordance with the Guidance, the majority of owners and occupiers with an interest in land have been approached to ask if they would be prepared to enter into negotiations with the Acquiring Authority for the purchase of their respective interests. Some landowners have not responded to our requests to engage on the project, and as such it has not been possible to pursue negotiations despite the Acquiring Authority's efforts to do so. Notwithstanding this, efforts to engage with those landowners will continue, with the intention of agreeing the acquisition of all land by private agreement, where possible.
- 9.10 Detailed negotiations are taking place with a number of landowners and occupiers; however, the Acquiring Authority has concluded that acquisition by agreement is unlikely to occur in all cases or within sufficient time to ensure that the programme for funding and subsequent construction of the Scheme is met. There are also some plots of land where interests are within unknown ownership and, therefore, it will not be possible to acquire the interest except by way of compulsory acquisition.

- 9.11 Discussions will continue with owners of relevant interests and new rights required, with the intention of securing them by agreement, wherever possible, with a view to limiting the number of interests needing to be acquired compulsorily. The approach adopted by the Acquiring Authority is in accordance with the policy advice and recognised good practice.
- 9.12 Further information on the status of negotiations to date is set out in paragraph 9.15 onwards below.
- 9.13 Where the Acquiring Authority has been unable to reach agreement with landowners and occupiers it will offer alternative dispute resolution to enable agreement on compensation to be reached as suggested in the Guidance (paragraph 18). The Acquiring Authority will provide full information on the Scheme, with Gateley Hamer appointed as the dedicated case manager for the Scheme, assisting impacted parties and their agents with their queries and providing reassurance on fees, in accordance with paragraph 19 of the Guidance.
- 9.14 The Order will be made to secure the outstanding interests and rights required to enable implementation of the Scheme.

Detail of Negotiations

- 9.15 The Acquiring Authority, together with its representatives at Gateley Hamer has been engaging with landowners since March 2020. This has included negotiations for access to land to undertake environmental and ecology surveys and discussions regarding the mitigation of the impacts that the Scheme will have upon their property. This has then led to discussions regarding the terms for the acquisition of land in accordance with paragraph 16 of the Guidance. Brief details of the negotiations that have been undertaken to date are further outlined below.
- 9.16 The Scheme essentially comprises 3 different sections of works. The Acquiring Authority's approach to working with landowners was originally focussed on the Dualling section, as it was known from the outset that there would be land required outside of the existing highway boundary in order to deliver the Scheme. Gateley Hamer first met with landowners in this section of the Scheme in May 2020.
- 9.17 There are 11 freehold owners within this section and a further 6 occupiers under various different forms of agricultural tenancies. Gateley Hamer has been in contact with all impacted parties in this section of the Scheme, via emails, phone calls, and in person and virtual meetings. The majority of these impacted parties are willing to work with the Acquiring Authority to enable the acquisition of the necessary land and new rights to facilitate the delivery of the Scheme.
- 9.18 It was initially anticipated that there would be minimal land requirements within the Integrated Bus Lanes Section of the Scheme, due to the wide nature of the existing

highway boundary in this area. However, additional land requirements were identified following further survey results in early 2021, where it was identified that additional land take would be required outside of the existing highway boundary. As a result, formal meetings with landowners commenced in July 2021. There are 26 freehold owners within this section and 5 additional occupiers under different agricultural and commercial tenancies. All landowners within this section have been written to with regards to the Scheme, to facilitate discussions surrounding access for surveys, section 16 Requisitions for Information and negotiations for acquisition of the necessary land and new rights.

- 9.19 With regards to the Dukes Cut Section of the Scheme, there are 5 freehold owners and 1 additional long-term agricultural occupier. The Acquiring Authority, together with its design engineering consultants, Aecom, has had detailed engagement with 3 of the 5 freehold owners due to the complex nature of the works that proposed to be undertaken and the additional permissions needed including Outside Party Asset Protection Agreements, which are required to undertake the proposed works. Gateley Hamer has been liaising with the other landowners, who are willing to work with the Acquiring Authority to enable the acquisition of the necessary land and new rights to facilitate delivery of the Scheme.
- 9.20 Negotiations with impacted landowners are ongoing and will continue to progress throughout the entirety of the compulsory purchase process, right up until the point of implementation of powers, should the Secretary of State see fit to confirm the Orders.

Conclusions

- 9.21 All elements of the Order Land are required and necessary in order to deliver the Scheme. Negotiations have taken place, and continue to take place, with affected parties but there is no certainty that the necessary land interests and new rights can be assembled by private agreement within a reasonable period of time. Where such interests have already been acquired for the purpose of the Scheme, parcels of land are included within the Order Land in order to ensure that the delivery of the Scheme is not prejudiced by the existence of third party rights using the prescribed powers under section 260 of the Highways Act 1980.
- 9.22 In consideration of the above, the Order and all of the land contained within it is necessary to deliver the Scheme. The Acquiring Authority has taken/is taking reasonable steps to acquire all of the land and new rights included in the Order by private agreement. Further, these efforts to acquire the land and new rights by negotiation will continue in parallel, both up to the making and confirmation of the Order and also post confirmation, prior to its implementation.

10 DELIVERABILITY AND VIABILITY

- 10.1 Paragraph 14 of the Guidance identifies the issues that will be considered by the Secretary of State when confirming an order and requires evidence as to the sources and timing of funding.
- 10.2 A Property Cost Estimate was commissioned from Gateley Hamer Limited, with the total estimated value for the acquisition of land based on market conditions, as at November 2021.
- 10.3 The Acquiring Authority has given proper consideration to potential statutory blight claims being received by affected owners and occupiers. Statutory Blight was, in part, the subject of a report to Cabinet in July 2021 at which the preferred options were approved.
- 10.4 The total estimated cost of delivering the Scheme is £106.757 million, inclusive of costs associated with land acquisition and potential blight claims, which will be met in its entirety from public sector funds, as outlined at paragraph 10.5 - 10.8.

Public Sector Funding

- 10.5 The Acquiring Authority submitted a business case to Homes England for the Scheme in March 2019. In November 2019, it was announced by Government that the bid had been successful (subject to contract) in securing £102.011 million of funding pursuant to the Housing Infrastructure Fund (Forward Fund) towards a package of transport improvements proposed along circa 10.8km of the A40 corridor between Witney and Duke's Cut (North Oxford).
- 10.6 Subsequent to the funding announcement and a further period of work to develop the Scheme and agreements, Cabinet resolved to approve the recommendation to enter into the Grant Determination Agreement (GDA), as set out in a report in July 2020. The GDA was subsequently entered in to with Homes England to secure full scheme funding of £102.011 million, subject to a series of milestone conditions.
- 10.7 Following the report to Cabinet, a further phase of development work was undertaken between August 2020 and April 2021 to identify preferred options for each of the three elements of the Scheme. These options were then the subject of the public consultation process, details of which can be found in paragraphs 5.5 – 5.13 and Section 6 of this Statement.
- 10.8 Following further review of the preferred options, Homes England agreed to extend its funding allocation to cover all forecast Scheme costs to completion, subject to an amended GDA to the value of £106.757 million, as well as making these monies available until February 2025. The Deed of Variation to the GDA was completed on 25th November 2021.

Timescales for Implementation

- 10.9 The Acquiring Authority will continue to negotiate with all parties with an interest in the Order Land, but would hope to be in a position that the majority of land and new rights will be privately secured (or the terms agreed and progressing through detailed legal agreements) by mid-2022
- 10.10 The Acquiring Authority anticipates that should the compulsory purchase process result in a local Public Inquiry, this would be heard in late 2022.
- 10.11 In the event that the Order is confirmed by the Secretary of State, this would likely result in implementation by Spring 2023, allowing the construction contract for the works to be awarded. Main construction works would then commence on Site in Summer 2023, completing in early 2025.
- 10.12 In the event that a local Public Inquiry is not required, the Acquiring Authority would seek to commence works on Site at the earliest possible time following confirmation of the SRO and the Order, noting the statutory periods for implementation and acknowledging the need to let the construction contracts.

Conclusion

- 10.13 The Acquiring Authority is satisfied that, in accordance with Paragraph 14 of the Guidance, the Scheme has available all relevant resources to enable delivery, the necessary funding can be provided and, as set out above, it is financially viable.
- 10.14 If the Order is confirmed, development of the Scheme will be brought forward on the Order Land and the Site at the earliest opportunity. The target completion for delivering the A40 HIF2 Smart Corridor project is 21 months from commencement of main construction works.

11 HUMAN RIGHTS AND PUBLIC SECTOR EQUALITY DUTY

Human Rights

- 11.1 The Human Rights Act 1998 incorporated into domestic law the European Convention on Human Rights ("the Convention"). The Convention includes provisions in the form of Articles, the aim of which is to protect the rights of the individual.
- 11.2 The following articles of the Convention are relevant to the determination as to whether the Order should be confirmed:
- 11.2.1 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;
- 11.2.2 Article 6 entitles those affected by the powers sought in the Order to a fair and public hearing by an independent and impartial tribunal;
- 11.2.3 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.
- 11.3 The Order has the potential to infringe the human rights of persons who own property in the Order Land. Such infringement is authorised by law provided:
- 11.3.1 The statutory procedures for obtaining the Order are followed and there is a compelling case in the public interest for the Order; and
- 11.3.2 Any intervention with the Convention right is proportionate to the legitimate aim served.

- 11.4 The Scheme has been designed to minimise interference with the peaceful enjoyment of a person's possessions under Article 1 of the First Protocol of the Human Rights Act. Article 1 of the First Protocol provides for the peaceful enjoyment of possessions and provides that no one shall be deprived of possessions except in the public interest and as provided by law. The Order will strike a fair balance between the private loss of property and the public interest. In light of the social, environmental and economic benefits that will result from the Scheme, it is considered that there is a compelling case in the public interest for the use of compulsory purchase powers and that the resulting interference with private property rights is both in accordance with national law and proportionate. Compensation will be available under the statutory compensation code to those with a legitimate claim arising from the exercise of the compulsory purchase power.
- 11.5 Article 6 of the Convention provides that everyone shall be entitled to a fair and public hearing in the determination of his civil rights and obligations. The Council considers that the statutory procedures which give rise to the right to object and provide for judicial review are sufficient to ensure compliance with the requirements of this Article.
- 11.6 In promoting the Order, the Acquiring Authority has complied with all relevant legislation and regulations. The Scheme has been extensively publicised (as detailed within the Statement of Community Involvement (August 2021) [**Appendix 12**] and consultation has taken place with the communities and parties that will be affected by the Order.
- 11.7 All those affected by the Order will be notified, will have the right to make representations and/or objections to the Secretary of State, and to be heard at a Local Public Inquiry. It has been held that the statutory processes and associated right for those affected to pursue remedies in the High Court where relevant, are compliant with Article 6.
- 11.8 The Acquiring Authority considers that such interferences with Article 8, as may occur should the Order be confirmed, are in accordance with the law and are necessary in a democratic society in that they would be in pursuit of a legitimate aim, namely the economic well-being of the country and/or the protection of the rights and freedoms of others, and are proportionate, having regard to the public interest that the Scheme will bring, which will benefit the well-being of the area.
- 11.9 Although there is no obligation on the Acquiring Authority to establish that there are no less intrusive means available, the Order Land has been kept to the minimum necessary to construct the road and provide the associated mitigation measures.

- 11.10 Those directly affected by the Order will also be entitled to compensation, which will be payable in accordance with the Compulsory Purchase Compensation Code. This will be assessed on the basis of the market value of the property interest acquired, disturbance and statutory loss payment. The reasonable surveying and legal fees incurred by those affected will also be paid by the Acquiring Authority.
- 11.11 In pursuing this Order, the Acquiring Authority has carefully considered the balance to be struck between the effect of acquisition on individual rights and the wider public interest in the Scheme construction. Having regard to the competing interests of the individual and of the community as a whole, it is satisfied that there will be no unlawful interference with human rights through the use of powers of compulsory acquisition given the public benefits that will result and the availability of compensation to those whose interests have been acquired.

Public Sector Equality Duty

- 11.12 The Acquiring Authority is subject to the Public Sector Equality Duty contained within section 149 of the Equality Act 2010. This obliges the Acquiring Authority, when exercising its functions, to have due regard to the need to;
- 11.12.1 Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - 11.12.2 Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - 11.12.3 Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 11.13 The Acquiring Authority has had due regard to those objectives throughout the decision-making process. It has commissioned a formal Equalities Impact Assessment (EqIA) [**Appendix 9**], which identifies the potential impacts of the Scheme upon those with protected characteristics and to consider any mitigating actions to reduce or remove potential negative impacts. The EqIA assessment approach will continue throughout the Scheme's life cycle and post-delivery, in order to ensure every opportunity to positively promote equality is taken.
- 11.14 The conclusions from the EqIA report indicates that due regard has been taken in considering design principles from an equality perspective, and that measures have been included within the proposals to mitigate against potential differential impacts, which may be experienced by some protected characteristic groups. The EqIA report recommends the Acquiring Authority, through Scheme finalisation, ensures that designs are fully inclusive and attractive for everyone, specifically listing information provision, materials use, public realm design, lighting and seating as key areas. The Acquiring Authority is fully aligned and in agreement with these recommendations.

Conclusion

- 11.15 The Acquiring Authority considers that there is a compelling case in the public interest whereby the public benefit of the Scheme will outweigh any private loss. Interference with rights under the European Convention on Human Rights is considered to be justified, in order to secure the benefits that the Scheme will bring.
- 11.16 The use of compulsory purchase powers is both necessary and proportionate, and there is a compelling case in the public interest for the making and confirmation of the Order. Given the qualified nature of the rights affected and the public interest in delivering the Scheme, the Order does not constitute any unlawful interference with individual property rights. The compulsory purchase process enables objections to be submitted and a Local Public Inquiry to be held to consider those objections.
- 11.17 The parties directly affected by the Order will be entitled to compensation in accordance with the Compensation Code, which is the collective term used for the principles set out in the Land Compensation Act 1961, the Compulsory Purchase Act 1965, the Land Compensation Act 1973, the Planning & Compulsory Purchase Act 1991 and the Planning & Compulsory Purchase Act 2004. This is supplemented by case law relating to compensation for compulsory acquisition, and the more recent provisions relating to compulsory purchase contained in the Housing and Planning Act 2016 and the Neighbourhood Planning Act 2017.

12 SIDE ROAD ORDER(S)

- 12.1 The Council has also made the Side Roads Order ("SRO") [**Appendix 4b**] under Sections 14 and 125 of Highways Act 1980, in relation to the Classified Road works of the A40, which comprise its improvement, including widening, and a short length of new highway which is to be constructed as the A40, all between just west of the Hill Farm Overbridge, in the west, and just east of the A34 Western Bypass bridge over the A40, in the east.
- 12.2 The SRO, if confirmed, will authorise the Council, in relation to the aforementioned A40 Classified Road, to improve highways, stop up existing highways and private means of access to premises affected by the Scheme, and to construct new highways and provide new private means of access required as a consequence of the Scheme works.
- 12.3 The full title of the SRO published under the Highways Act 1980 is **The Oxfordshire County Council (Highways Infrastructure - A40 HIF2 Smart Corridor (Hill Farm to Dukes Cut)) (Side Roads) Order 2022**
- 12.4 A copy of the SRO Site Plans are appended hereto [**Appendix 2b**], which shows the extent to which it is necessary to carry out works to existing highways, stopping up of existing highways, stopping up of private means of access, and the provision of new private means of access to premises that are likely to be affected by the Scheme.

The Need for Side Roads Alterations

- 12.5 The proposed alterations to existing highways and private means of access that would be affected by the Scheme are detailed in the Schedules to the SRO and shown diagrammatically on the Side Roads Order Site Plans [**Appendix 2b**].
- 12.6 The SRO and the necessary changes to the highways and private means of access to premises affected by the SRO are an integral part of the proposed construction of the Scheme, the details of which is set out below.
- 12.7 A40 Dualling - Hill Farm to Whitehouse Farm (Site Plan No.1)

- *Highways to be Stopped Up*
 - (i) Bridleway 353/19/20 (South Leigh), (1/S1), carried by the Hill Farm Overbridge, Bridleway 353/19/40 (South Leigh), (1/S2), from the A40 eastbound carriageway to Bridleway 353/19/20 (South Leigh), and Bridleway 353/19/30 (South Leigh), (1/S3), from the A40 westbound carriageway to its junction with Bridleway 353/19/20 (South Leigh) and Footpath 353/1/30 (South Leigh), are to be stopped up.

- (ii) A southern part width of the A40 (1/S4), at its connection point with Bridleway 353/19/30 (South Leigh) and the Private Access approach on the south side of the A40 to Hill Farm Overbridge, will be stopped up. This area of stopped up highway will be provided as off-highway landscaping, providing a landscape buffer between the improved A40 and the remaining length of Access Road on the south side of the A40, which will continue to serve agricultural land to the south of the A40 as it does now. A short length of new Footpath will be provided through this area also, from the southern footway of the improved A40, connecting to new Footpaths on the south side of the A40 and across the Hill Farm Overbridge.

- (iii) A northern part width of the A40 (1/S5), at its connection point with Bridleway 353/19/40 (South Leigh) and the Private Access approach on the north side of the A40 to Hill Farm Overbridge, will be stopped up. This area of stopped up highway will be provided as off-highway landscaping, providing a continuous landscape buffer between the improved A40 and the new Access Road and Bridleway to its north.

- (v) A northern part width and a length of the A40 (1/S6), from just east of the Hill Farm Access off the eastbound carriageway, to 57 metres east of Whitehouse Farm and Whitehouse Farm Cottages, will be stopped up. The A40 presently runs along the frontage of these properties, but its corridor is to be moved southwards, with the remainder of the old A40 corridor, and a length of stopped up Unclassified Road off the C35469 at Barnard Gate North, together with a new length of carriageway to be provided as its continuity westwards to the connection with the Hill Farm Overbridge becoming a co-existent Private Access Road and Bridleway route, through to its connection with the remaining Unclassified Road in the east, just west off the realigned C35469 at Barnard Gate North. This new Private Access Road will serve all premises situated along it (South Lodge, Eynsham Park, Hill Farm Solar Farm, Salutation Farmhouse and Salutation Farm, Whitehouse Farm and Whitehouse Farm Cottages, and Hill Farm and Hill Farm Cottages where existing Access Tracks to those premises will continue from its westerly termination point.

- (vi) A 43 metres length of Footpath 206/22/10 (Eynsham), (1/S7), southwards from the southern boundary of the A40 will be stopped up. The Footpath will remain connected with the A40, at the southern boundary of its new length at this location.

- *New Highways*
 - (i) A new Bridleway length is to be provided on the north side of the A40, which will be part of a complete route between the Hill Farm Overbridge and the Unclassified Road which leads westwards off the C35469 at Barnard Gate North. Additionally, a new Footpath will be provided on the Hill Farm Overbridge and to the south side of the A40, connecting to its southern footway, which will run from this point to the connection with Footpath with Footpath 206/2/10 (Eynsham), further to the east. Together, these new rights of way, will provide compatible status rights of way connections with the rights of way network on the north and south sides of the A40, taking non-motorised vehicular users to safe, off-road, crossing points and connections either side of the A40.

- *Private Means of Access to be Stopped Up and New Means of Access*
 - (i) The length of Access Track (1/1), from the A40 (eastbound), leading up to the Hill Farm Overbridge, will be stopped up. There will be no direct access connection with the A40 at this point with the Scheme. The alternative Private Access track connection from this point, for both traffic leaving and joining the A40 both eastbound and westbound will be in the new Access Track which is to be provided from this westerly termination point at Hill Farm Overbridge, eastwards through to the Unclassified Road connection off the C35469 at Barnard Gate North, to use the new A40 roundabout at the realigned Barnard Gate North.
 - (ii) The Access point (1/2), from the A40 (westbound), leading up to the Hill Farm Overbridge, will be stopped up over a short length at its junction with the A40. There will be no direct access connection with the A40 at this point with the Scheme. The alternative Private Access track connection point to and from Hill Farm premises, will be that set out in (i) above. The Hill Farm Overbridge Access track will remain as now, connecting lands of the holding to the north and to the south of the A40, connecting on the south via an existing access track which remains off the severed length of track with the A40.

- (iii) The Private Access (1/3) off the A40, which is also to be stopped up, to Whitehouse Farm and Whitehouse Farm Cottages, will be stopped up. The alternative Private Access track connection from this point, for both traffic leaving and joining the A40 both eastbound and westbound will be in use of that part of the new Access Track which is to be provided from the Hill Farm Overbridge, eastwards through to the Unclassified Road connection off the C35469 at Barnard Gate North. Traffic to and from Whitehouse Farm and Whitehouse Farm Cottages will travel eastwards along this Track to use the new A40 roundabout at the realigned Barnard Gate North.
- (iv) A 45 metres length of Private Access track (1/4) to agricultural land of Green Farm, co-existent with the route of Footpath 206/22/10 (Eynsham), southwards from the southern boundary of the A40, will be stopped up. This Access will not be replaced. The agricultural land it serves, immediately south of the A40, is presently also accessed directly from other fields of the farm holding to the south and provides an existing reasonably convenient means of access for serving the land.
- (v) A length of new Private Means of Access (1/b), on the south side of the A40, at the point of its severed connection with the A40 east of Hill Farm Overbridge, will be provided eastwards for the Council's use and purposes to serve an off-highway attenuation pond.

12.8 A40 Dualling – Salutation Farm to South Lodge (Site Plan No.2)

- *Highways to be Stopped Up*
 - (i) A 590 metres length and northern part width of the A40 (2/S1), from a point 125 metres west of its junction with the westerly Private Access Track to Salutation Farm and Salutation Barn, eastwards to the access point to the Hill Farm Solar Farm on the northern side of the A40, where the new A40 corridor is to be situated to its south, will be stopped up.
 - (ii) The Unclassified Road which leads westwards off the C35469 at Barnard Gate North, from its junction with the easterly Private Access to Salutation Farm and Salutation Barn, at which point it terminates, eastwards, to the access point to the Hill Farm Solar Farm (2/S2), will be stopped up.
 - (iii) The whole of Footpath 206/33/10 (Eynsham) where it runs across the western termination point of the Unclassified Road which leads westwards off the C35469 at Barnard Gate North, at its junction with the boundary of the A40 (2/S3), will be stopped up.

- *Private Means of Access to be Stopped Up and New Means of Access*
 - (i) The westerly Private Access off the A40, which is also to be stopped up, to Salutation Farmhouse and Salutation Barn (2/1), will be stopped up. As will the easterly Private Access to the Farmhouse and Barn (2/2) off the westerly terminal point of the Unclassified Road, which is also to be stopped up, which leads westwards off the C35469 Barnard Gate North. The alternative Private Access track connection from these points, for both traffic leaving and joining the A40 both eastbound and westbound will be in use of that part of the new Private Access Track which is to be provided from the Hill Farm Overbridge, eastwards through to the Unclassified Road connection off the C35469 at Barnard Gate North. Traffic to and from Salutation Farmhouse and Salutation Barn will travel eastwards along this Track to use the new A40 roundabout at the realigned C35469 at Barnard Gate North.
 - (ii) A length of new Private Means of Access on the south side of the A40 (2/f) will be provided for the Council's use and purposes to serve a further three off-highway attenuation ponds.

12.9 A40 Dualling – Salutation Farm to South Lodge (Site Plan No.3)

- *Highways to be Improved*
 - (i) The Unclassified Road leading westwards off the C35469 at Barnard Gate North, the C35469 at Barnard Gate North, and the Unclassified Road leading northwards off the C35469 at Barnard Gate North, will all be improved to provide suitable tie-ins with the new/realigned length of C354469 which will be provided to the east of the existing, as a new northerly arm of the A40 Roundabout which is to be provided at this location. The Unclassified Road leading southwards off the A40 at Barnard Gate South will similarly be improved at its southerly tie-in with the new/realigned length of the Unclassified Road, which will provide the new southerly arm of the A40 Roundabout.
- *Highways to be Stopped Up*
 - (i) A northern part width of the A40 (3/S1) from its junction with the C35469 at Barnard Gate North, westwards for 195 metres, will be stopped up. This area of stopped up highway will be provided as off-highway landscaping, providing a continuous landscape buffer between the improved A40 and the new Access Road and Bridleway to its north.

- (ii) A 206 metres length of the Unclassified Road (locally referenced 43655199), (3/S2), westwards from its T-junction with the C35469 at Barnard Gate North, will be stopped up. This will be reprovided from this easterly point of its stopping up, westwards through to the Hill Farm Overbridge, as a co-existent Private Access Road and Bridleway route. This new Private Access Road will serve all premises situated along it (South Lodge, Eynsham Park, Hill Farm Solar Farm, Salutation Farmhouse and Salutation Barn, Whitehouse Farm and Whitehouse Farm Cottages, and Hill Farm and Hill Farm Cottages).
 - (iii) A length of the westerly arm of the C35469 at Barnard Gate North, 3/S3, from its junction with the A40, generally northwards to its junction with the Unclassified Road (locally referenced 43655199), will be stopped up. The new highway proposed as its realignment, some 30 metres to its east, will provide its replacement and northerly arm connecting to a new A40 Roundabout.
 - (iv) A 280 metres length of the Unclassified Road (locally referenced 43603545), leading southwards off the A40 at Barnard Gate South, opposite its junction with the C35469 at Barnard Gate North, will be stopped up. The new highway proposed as a realignment of this Unclassified Road, some 60 metres to its east, will provide its replacement and southerly arm connecting to a new A40 Roundabout.
- *Private Means of Access to be Stopped Up and New Means of Access*
 - (i) The Private Accesses off the Unclassified Road (locally referenced 43655199), which is also to be stopped up, to Hill Farm Solar Farm (3/1), Eynsham Park (3/2), and South Lodge and Eynsham Park (3/3), will be stopped up. The alternative Private Access track connection from these points, for both traffic leaving and joining the A40 both eastbound and westbound will be in use of that part of the new Private Access Track which is to be provided from the Hill Farm Overbridge, eastwards through to the Unclassified Road connection off the C35469 at Barnard Gate North. Traffic to and from Hill Farm Solar Farm, Eynsham Park, and South Lodge, will travel eastwards along this Track to join the realigned C35469 at Barnard Gate North and to use the new A40 roundabout at the junction with the realigned C35469.

- (ii) Two Private Accesses off the western side of the Unclassified Road (locally referenced 43603545), which is also to be stopped up, at points 132 metres (3/4) and 188 metres (3/5), respectively, south of the junction of that Unclassified Road with the A40, into agricultural land and a woodland belt, of Green Farm, are to be stopped up. A new Private Access Track off the realigned Unclassified Road will be provided for serving the Council's off-highway drainage attenuation ponds and features. Two new PMA spurs (3/j and 3/k), will be provided off the first length of this new Private Access Track (3/h), for shared use by the Council and the land owner of land to its west, returning the landowners access to the same entry points into their land as before.
- (iii) A Private Access off the Unclassified Road (locally referenced 43603545), which is also to be stopped up, at a point 189 metres south of the junction of that Unclassified Road with the A40, into agricultural land of Green Farm, will be stopped up. A new Private Access Track off the realigned Unclassified Road will be provided eastwards, on the south side of the A40, to serve Ambury Close Farm and Fir Tree Farm (3/l on Site Plan 3), as well as the Council's off-highway drainage attenuation ponds to be situated on the south side of the A40. A new PMA spur (3/n) will be provided off this main Access Track to serve the same land holding area as the PMA which is stopped up.
- (iv) Other lengths of new PMAs are to be provided for the Council's own use in accessing its off-highway drainage attenuation ponds on the south side of the A40, to the west of the realigned Unclassified Road (locally referenced 4363545), 3/e, 3/f, and 3/g; to an off-highway drainage attenuation pond on the north side of the A40 and to the east of the realigned C35469 Barnard Gate North, 3/l; and to an area of off-site planting on the south side of the A40, 3/1o.

12.10 A40 Dualling – Chil Brook to Barnard Gate Farm (Site Plan No.4)

- *Highways to be Stopped Up*
 - (i) A northern part width of the A40 (4/S1), immediately east of Chil Brook, will be stopped up (4/S1). This area is to sit outside the new A40 northern boundary and is absorbed within the area of an off-highway drainage Attenuation Pond.
 - (ii) A southern part width of the A40 (4/S2), extending westwards from a point west of the access to Ambury Close Farm, is to be stopped up. This area will become part of the Private Access Track corridor serving Ambury Close Farm and Fir Tree Farm, as well as the off-highway drainage attenuation pond areas of the Council, on the south side of the A40.

- (iii) A length of the C35469 at Barnard Gate North (4/S3), at its easterly junction with the A40, to the west of Home Farm and east of Barnard Gate Farm, is to be stopped up, closing the vehicular junction of the C35469 Barnard Gate North with the A40 at this point.
- (iv) A northern part width of the A40, comprising highway verge (4/S4), eastwards of its junction with the C35469 at Barnard Gate North, is to be stopped up.

- *New Highways*

- (i) A new Cycle Track (with a right of way on foot), 4/A, will be provided over part of the stopped up C35469 at its easterly junction with the A40, maintaining a pedestrian and cyclist connection between what will become this easterly terminal point of the C35469 at Barnard Gate North and the A40. A new co-existent Footpath (4/B) and Private Means of Access Track (4/c) will be provided over the other part of the stopped up C35469 Barnard Gate North and stopped up A40, being the commencement of a new co-existent Footpath/Private Means of Access Track between this point eastwards to connect with Footpath 206/3/10 (Eynsham) on the northern side of the A40 and providing access to Home Farm and the Council's off-highway drainage attenuation ponds.

- *New Private Means of Access*

- (i) A new co-existent Private Means of Access Track (4/c) will be provided as referred to above. Additionally, a length of Private Means of Access (PMA) Track (4/a) will be provided along this stretch of the Scheme, on the south side of the A40, being a continuity length of the PMA track off the realigned Unclassified Road (locally referenced 43603545), eastwards to Ambury Close Farm and Fir Tree Farm and the Council's off-highway drainage attenuation features.

12.11 A40 Dualling – Ambury Close Farm to Home Farm to Fir Tree Farm (Site Plan 5)

- *Highways to be Stopped Up*

- (i) A northern part width of the A40, to the east of the easterly junction of the C35469 with the A40, 5/S1, is to be stopped up. This area will be absorbed within the new co-existent Footpath/PMA corridor which leads eastwards off the easterly terminal point of the C35469 at Barnard Gate North, to Home Farm and to the Council's two drainage attenuation pond areas further to the east, as well as to agricultural land of Barnard Lodge Farm, on the northern side of the A40, with the new Footpath component ending where it connects with Footpath 206/13/10 (Eynsham), and the PMA ending at the eastern end of the most easterly of the two attenuation ponds.
- (ii) A southern part width of the A40, 5/S2, which runs along the northern frontage of Fir Tree Farm, is to be stopped up. This area will be absorbed within the new PMA corridor, serving Ambury Close Farm and Fir Tree Farm and the Council's off-highway drainage attenuation features, on the south side of the A40.
- (i) A 56 metres length of Footpath 206/13/10 (Eynsham), north eastwards from its junction with the A40, will be stopped up (5/S3). Footpath 206/3/10 (Eynsham) will no longer connect directly with the A40, but will have a new Footpath connection with the easterly terminal length of the C35469.
- *New Highways*
 - (i) A length of new Footpath, 5/A, co-existent with new PMAs, will be constructed on the northern side of the A40, as a continuity of the new Footpath which will run between the eastern termination point of the C35469 at Barnard Gate North and Footpath 206/13/10 (Eynsham). This, together with the remaining length of the C35469 at Barnard Gate North, which will become a largely motorised vehicular traffic free route with its removed connection with the A40, and the new Bridleway route to be provided from realigned Unclassified Road at Barnard Gate North through to Hill Farm Overbridge, will provide a quieter, less trafficked route, leading to north eastwards extending Footpath 206/14/10 (Eynsham), from the east side of The Boot Public House on the C35469 at Barnard Gate North, and the northwards extending Bridleway 353/19/10 (South Leigh) at Hill Farm Overbridge, which currently exist on the northern side of the A40 along this stretch of its proposed dualling.
- *Private Means of Access to be Stopped Up and New Means of Access*

- (i) A 45 metres length of Private Access Track running southwards off the A40 to Ambury Close Farm, 5/1, is to be stopped up. Access will no longer be provided directly to the A40, but via that part of the Private Access Track off the realigned Unclassified Road leading eastwards to Ambury Close Farm (and further to Fir Tree Farm and the Council's off-highway drainage attenuation features). A new Private Access Track for sole use of Ambury Close Farm, 5/a, will be provided off this main Private Access Track.
- (ii) A 54 metres length of Private Access Track running northwards off the A40 to Home Farm, 5/2, is to be stopped up. Access will no longer be provided directly to the A40, but via a new length of Private Access Track, off the easterly termination point of the C35469 at Barnard Gate North, with Home Farm traffic proceeding to and from the A40, using this length of the C35469 and its realigned section, joining and leaving the A40 via its new Roundabout Junction at the western arm connection of the C35469.
- (ii) A 10 metres length of Private Access Track running southwards off the A40 to Fir Tree Farm, 5/3, is to be stopped up. Access will no longer be provided directly to the A40, but via that part of the Private Access Track off the realigned Unclassified Road leading eastwards to Fir Tree Farm (and further to Council's off-highway drainage attenuation features).
- (iii) A 56 metres length of (redundant/disused) Private Access Track running north eastwards off the A40, co-existent with Footpath 206/3/10 (Eynsham) to an agricultural field of Barnard Lodge Farm, is to be stopped up. A new PMA, 5/g, will be provided off the eastern termination point of the Private Access Track, off the easterly termination point of the C35469 at Barnard Gate North eastwards A40 to Home Farm and the Council's off-highway drainage attenuation pond features to be located on the north side of the A40.
- (iv) Additional new PMA lengths, 5h, 5j an 5k, will be provided to offsite drainage facilities on the north side of the A40, and 5/c and 5/f, on the south side of the A40.

12.12 A40 Dualling – Eynsham Motocross to East of New A40 Roundabout Junction (Site Plan 6)

- *Highways to be Stopped Up*
 - (i) A 160 metres length of a southern part width of the A40, 6/S1, which runs eastwards from a point 282 metres east of its junction with the Private Access to Fir Tree Farm, is to be stopped up. This area will be absorbed within the new PMA corridor, serving Ambury Close Farm and Fir Tree Farm and the Council's off-highway drainage attenuation features, at the eastern terminal end point of the Access Corridor.

- *New Private Means of Access*
 - (i) The easterly cul-de-sac terminal length of the new Private Means of Access, 6/a, serving Ambury Close farm and Fir Tree Farm and the Council's off-highway drainage attenuation features, is to be provided here.

12.13 A40 Dukes Cut – Railway Crossing and Oxford Canal Crossing to East of Underpass Crossing of A34 Western Bypass, and New Cycle Track Link

- *Highways to be Stopped Up*
 - (i) A 43 metres length of Footpath 229/12/10 (Gosford and Water Eaton), and a 27 metres length of Footpath 229/11/12 (Gosford and Water Eaton, where those two Footpaths adjoin on the western side of the Dukes Cut canal, are to be stopped up.

- *New Highways*
 - (i) The stopped up Footpaths referred to in (i) above, will be replaced with a Cycle Track (with a right of way on foot), which will run from the northern side of the A40, and its integral Cycle Track, and run eastwards, then north eastwards, to connect with underpass crossing of the Dukes Cut canal of the railway, on its south west side. A new Cycle Track (with a right of way on foot), will be provided from the south side of the A40, to connect with Bridleway 320/15/10, both routes providing valuable additions to the Cyclist/Pedestrian network in this vicinity.

Side Roads Order Summary

- 12.13 The SRO is made in relation to the A40 to be improved and short length of new A40 to be constructed along the dualled section. This latter section of proposed A40 will be subject to a preliminary Classification of the new length as the A40, prior to Order making.
- 12.14 The Council is satisfied that where highways are to be stopped up, as a consequence of the Scheme, other reasonably convenient routes for those highways will be provided under the Scheme, allowing the Secretary of State for Transport to satisfy himself on that matter under Section 14(6) of the Highways Act 1980, in his consideration of confirmation of the Side Roads Order.

- 12.15 The Council is also satisfied that where private means of access to premises are to be stopped up under the Side Roads Order, that it is providing another reasonably convenient means of access to the relevant premises under the Scheme, where such premises are to remain, or that other reasonably convenient means of access to those premises already exist, and otherwise that in other instances no access to the premises is reasonably required because such premises are to become absorbed within the Scheme lands, allowing the Secretary of State for Transport to satisfy himself on that matter under section 125(3) of the Highways Act 1980, in his consideration of confirmation of the Side Roads Order.
- 12.16 Additionally, where the Scheme severs land, the Council has addressed the need to provide new means of access to severed land where necessary and where not otherwise served by existing means of access to such land.

13 RELATED ORDERS, CONSENTS AND SPECIAL CATEGORY LAND

Planning Application

- 13.1 Planning permission is required for the Scheme. On 22nd December a planning application was validated for the Scheme by Oxfordshire County Council as the determining local planning authority under application reference R3.0151/21. As noted above, there is no reason why planning permission would not be forthcoming and it is anticipated that it will be granted in Q2 2022.

Traffic Regulation Orders

- 13.2 Traffic Regulation Orders will be required to introduce new, and amend existing speed limits, to prohibit or restrict parking and waiting of vehicles, and to prohibit or restrict the loading and unloading of vehicles.
- 13.3 The A40 between Witney and Dukes Cut currently operates at the national speed limit for a single carriageway – 60 mph. The significant improvements including safety enhancements which the scheme will deliver and the changing face of the surrounding urban landscape demand a more calibrated approach to speeds along the route.
- 13.4 The new dual carriageway extension from the existing section of dual link currently terminating at Hill Farm junction in the west will be upgraded to 70 mph to ensuring consistency with the existing speed limit from the west. This speed limit will be reduced to 50 mph as it approaches the natural ‘breaking point’ presented by the proposed Barnard Gate roundabout at the gates of Eynsham. Going east towards the Park and Ride a further reduction to 40 mph will match the emerging backdrop of increased urbanisation and new road crossings around Eynsham. Further eastwards a mixture of 40 and 50 mph speed limits will be used to obtain the right balance between journey time reliability, travel demand, safety and design constraints.
- 13.5 The Traffic Regulation Orders are in the process of being drafted and are not considered to represent an impediment to the delivery of the Scheme.

Ecology Licences

- 13.6 Licences to manage impacts to protected species are anticipated to be required during construction. This will include:
- Great crested newts: To manage the losses of great crested newt (GCN) ponds in the Eynsham Motocross, it is anticipated that impacts can be managed through the provision of on-site habitat mitigation in addition to applying for a GCN district licence.

- Roosting bats: Two trees within the Scheme boundary have been identified as supporting bat roosts. Subject to detailed design and confirmation of the construction method from the contractor, should removal be required, then a licence from Natural England will be sought.
 - Badger: One badger sett was identified near Cassington Halt Bridge. If its closure is required, then a licence from Natural England will be sought.
- 13.7 As per the ecological assessment in the EIA, following the application of best practice construction measures in a Construction Environmental Management Plan (CEMP) prepared by the contractor and applying for protected species licences from the relevant regulators, no significant adverse effects on biodiversity are anticipated.

Network Rail – Asset Protection Agreement

- 13.8 The Council has entered into an Asset Protection Agreement with Network Rail which will enable it to secure the necessary temporary access rights, design approvals and rail possessions to undertake the works to the Wolvercote Railway Bridge.
- 13.9 It is recognised that the various rights required to deliver this work are excluded from the Orders, as they have been obtained via this agreement, however there is no reason to consider as to why this agreement would not obtain all the necessary rights to carry out this element of the Scheme.

Special Category Land

Statutory Undertakers' Land

- 13.10 The Acquiring Authority has concluded that the only Special Category Land is that which is owned by Statutory Undertakers. There is no land which is classified as public open space, allotments, consecrated ground or land within the ownership of the Crown Estate or the National Trust.
- 13.11 The Order Land includes land which has been previously acquired by a statutory undertaker for the purposes of their undertaking.
- 13.12 Should a statutory undertaker object to the Order and make a representation under Section 16 of the Acquisition of Land Act 1981 in respect of such land, it cannot be confirmed unless the Secretary of State for Business, Energy and Industrial Strategy is satisfied that the land in question can either be purchased without serious detriment to the carrying on of the undertaking, or that if purchased, it can be replaced by other land belonging to, or available for acquisition by the undertakers.

- 13.13 The Acquiring Authority has been working with Network Rail to allow a series of night time possessions, where the Acquiring Authority will occupy the area and where Network Rail will shut off the power to the railway line and stop train movements in the localised area to allow work to be undertaken for approximately 8 hours each time. The Acquiring Authority has entered in to an Outside Party Asset Protection Agreement with Network Rail and have all the agreements in place to allow access to the land in order to carry out the works.
- 13.14 Further parcels of land are also required from Thames Water, The Environment Agency and Natural England. However, the Council does not believe that these pieces of land are used, owned and occupied for the purposes of undertaking their statutory duties. Further discussions are ongoing in this regard.
- 13.15 In accordance with the New Roads and Street Works Act 1991, extensive discussions have taken place with all statutory undertakers to determine if they are affected by the Scheme. Potential necessary measures and diversions that will be required where their operational apparatus is likely to be impacted have been discussed with the statutory undertakers. All of the statutory undertakers have received 'C4' detailed estimate applications and the Acquiring Authority is currently awaiting responses to these applications (see Table 6 below). Bearing this in mind, and in consideration of the ongoing negotiations with the relevant statutory undertakers, it is considered that there will be no serious detriment to the carrying on of the undertaking and, as such, section 16(2) is satisfied.

Utilities Provider	C4 application submitted	C4 Detailed estimate ETA
Openreach BT	22/11/2021	20/02/2022
SGN IP Dualling	20/09/2021	14/01/2022
SGN IP Cassington New Bridge	TBC	TBC
SGN IP Eynsham Underpass	13/12/2021	04/04/2022
SGN MP Main	29/11/2021	10/02/2022
SSE	03/12/2021	15/01/2022
Virgin Media	18/11/2021	20/01/2022
Thames Water	01/12/2021	01/07/2022
Gigaclear	29/11/2021	20/02/2022

Table 6: C4 Statutory Undertakers correspondence summary

14 INSPECTION OF DOCUMENTS AND CONTACT DETAILS

14.1 The following documents are available for public inspection during normal opening hours at the following locations;

- Oxfordshire County Council, County Hall, Oxford OX1 1DJ.
- Eynsham Library, 30 Mill Street, Eynsham OX29 4JS
- Witney Library, Welch Way, Witney OX28 6JH

14.2 The documents are:

- the Order and Order Schedule;
- the Order Map;
- the SRO and SRO schedule;
- the SRO plan; and
- this Statement of Reasons.

14.3 The documents can also be viewed on the Acquiring Authority's website at <https://www.oxfordshire.gov.uk/a40programme>

14.4 Interested parties affected by the Order who wish to discuss matters with the Acquiring Authority should contact Tom Shuttleworth, Programme Lead, by one of the following means:

- by telephone on 07908 059132
- by e-mail to tom.shuttleworth@oxfordshire.gov.uk
- by post to Oxfordshire County Council, County Hall, Oxford OX1 1DJ marked for the attention of

Mr T Shuttleworth, Programme Lead, Environment and Place Directorate