

Divisions Affected – Benson & Cholsey, Chalgrove & Watlington

CABINET

21 SEPTEMBER 2021

Watlington Relief Road

Report by Corporate Director Environment and Place

RECOMMENDATION

1. The Cabinet is RECOMMENDED to
 - a) Approve the revised alignment route (figure 1) and approve progression into Design and Procurement Stage 2 of the project.
 - b) Approve in principle the use of The Oxfordshire County Council (Watlington Relief Road) Compulsory Purchase Order 202[x] in parallel with negotiations for private acquisition, with such powers of compulsory purchase used only as a matter of last resort. If Compulsory Purchase Order (CPO) is required to deliver the project, we will seek further approval, subject to the scheme meeting all CPO requirements and the paper will be brought back to Cabinet, once the necessary approval has been sought, including public engagement on preferred options and submission of a planning application for the scheme.

Executive Summary

2. The Options Assessment Report (OAR) for Watlington Relief Road project has been completed. This consisted of the assessment of the route alignment options, stakeholder engagement and a development of a route preference that has been consulted with key stakeholders. Following comments, the recommendation is to move to Stage 2 of the project with the revised alignment as consulted.

Land acquisition

3. OCC don't currently own any of the land which the Watlington Relief Road (WRR) would be built upon. Although landowners are being cooperative and supportive at the present time it would be prudent, given the amount of time (over 18 months) required in the Compulsory Purchase process, that a

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compulsory purchase formal process is initiated to avoid potential delays at a later date.

Exempt Information

4. This report is not confidential or exempt

Background

5. The project is to provide an alternative route which will be known as the Watlington Relief Road (WRR). It will connect the B4009 (southeast of Watlington) and the B4009 junction with Pyrton Lane/Station Road. The WRR will provide direct access to the B4009 whilst alleviating congestion in the town centre, enabling future re-prioritisation of road space and improving the air quality – Watlington currently has a declared Air Quality Management Area. The cumulative impact of the proposed developments would have a severe impact on the existing traffic situation and worsen air quality in the centre of Watlington.
6. The primary function of the WRR is to release housing developments in the area to achieve the goals of the emerging SODC Local Plan (2033), the Watlington Neighbourhood Plan and ultimately the Housing & Growth Deal. The local Watlington community supports the housing developments with the proviso that the WRR is delivered to mitigate the transport impact generated from the developments.
7. The WRR will provide the developments with direct access to the B4009 either side of Watlington without the need to travel through the town itself. This will have a positive effect on the Air Quality in the town centre as Watlington is currently a declared Air Quality Management Area. It will also help to unlock new housing developments elsewhere in the vicinity of Watlington.
8. As an alternative route was identified in the optioneering stage work to the safeguarded route, it is a requirement that approval is given to continue to Design and Procurement stage 2 of the project.
9. As part of the Optioneering Appraisal report, it has been recommended to progress through the next stage of the project and consider low speed relief road that will have infrastructure provisions for pedestrians, cyclists and equestrians, such as crossings and cycling routes.

Corporate Policies and Priorities

10. The delivery of the Watlington Relief Road project will actively support the following key themes within Oxfordshire County Council's Corporate Plan 2020-24:
- (a) **Providing services that enhance the quality of life and protect the local environment** – The Watlington Relief road project will promote the modal shift away from private cars and into the more sustainable modes of travel of public transport, cycling and walking. This will be for both existing traffic as well as supporting future development in the area, enabling a culture change from the outset driven by the provision of quality infrastructure, rather than attempting to 'retrofit' afterwards.
 - (b) **Taking action against Climate Change** – by reducing congestion and promoting modal shift in how people travel, there are clear benefits in terms of reducing carbon emissions, promoting 'zero carbon travel' and improving air quality in the area.
 - (c) WRR aligns with, the South Oxfordshire Local Plan, 2011-2035 policy TRANS3 sets out that the land is safeguarded to support the delivery of a bypass for Watlington to reduce traffic congestion, subsequently lowering carbon emissions.
 - (d) The scheme supports the OCC's Local Transport Plan 4 (LTP4) – Goal 1 - Supporting growth and economic vitality Connecting Oxfordshire supports the growth aspirations of the SEP, the economic growth strategy for the county.
 - (e) The WRR scheme is compliant with the Watlington Neighbourhood Development Plan (WNDP), one of the aims identified at the outset of the WNDP is "To safeguard land for a re-aligned B4009 to the north and west of the town in order to reduce congestion in the town centre, to improve air quality and provide a route for some through traffic."
 - (f) Pyrton Neighbourhood Plan (PNP) **Policy SA1: Former MoD site (PYR1)** This policy supports the principle of developing the PYR1 site for residential development with associated landscape and infrastructure works. The PNP includes two of the sites identified for the WRR, referred to as PYR1 and PYR2. Both sites are subject to a site-specific policy in the PNP.

Key Issues

11. The Options Appraisal Report (OAR, **Annex C**) has looked at a range of options that a potential relief road can take through SITE A, SITE B, SITE C, PYR 2 & PRY1. Both ends connect to B4009 via the B480.
12. Initially there was a safeguarded route through the development sites, but it was not supported by a range of key stakeholders in the area. The OAR has looked at what is achievable and alongside this, discussions have been undertaken with the Parish Councils (Watlington & Pyrton), housing developers & agents, the Environment Agency, Pyrton Manor and Icknield Community College (ICC).
13. The discussions in conjunction with the OAR have led to the development of a preferred alignment (see figure 1) which takes on board the key stakeholders concern and requirements as much as possible (see **Annex A: OAR Amalgamated Consultation Response**). Unfortunately, some requirements of stakeholders are in direct conflict with others and where possible, a fair balance has been achieved. The below table shows stakeholder support for the scheme:

Figure 1 - Revised alignment plan (see Annex B more details)

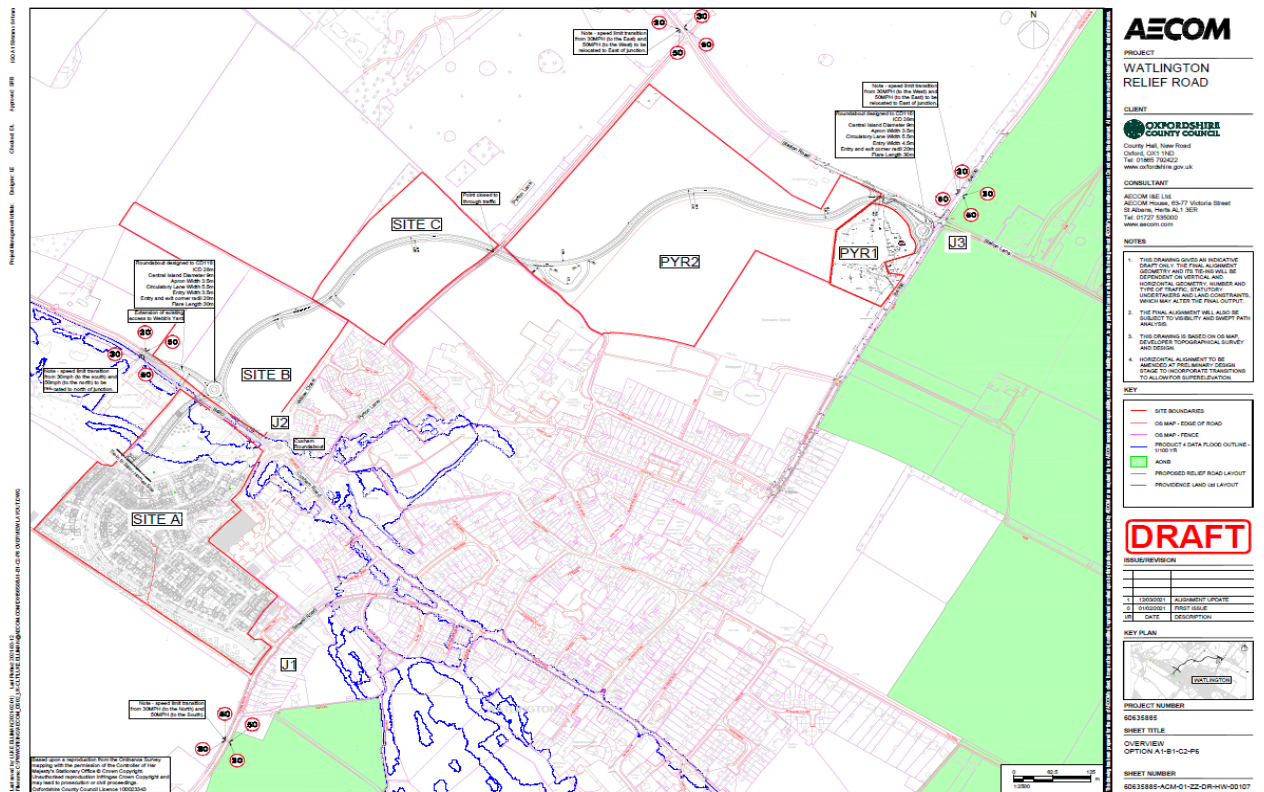


Figure 2 - Stakeholder Consultation Summary

STAKEHOLDER	GENERALLY SUPPORTIVE?	SUPPORT SCORE (1 High-5 Low)	QUESTIONS?	SUMMARY OF RESPONSE NARRATIVE
Pyrtton Parish Council	Yes	2	Answered	Support the scheme subject to some minor tweaks
Watlington Parish Council	Yes	1	Answered	Support the scheme
Pyrtton Manor	Yes	2	Answered	Support the scheme subject to some requests
Beechcroft	Yes	1	Answered	Support the scheme
Providence Homes	Yes	1	Answered	Support the scheme
ICC	Yes	1	No Questions	Support the scheme
Sport England	Yes	1	Answered	Support the scheme
Watlington Cricket Club	No	4	Answered	Do not support the scheme as it does not allow or fund a new Cricket facility
Local resident	No	5	Answered	Do not support the scheme. As the closest resident they are impacted the most heavily
Shirburn Parish Council	No	5	Answered	Do not support the scheme. Concerns around impact on Heritage and views

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14. Majority of stakeholder support the route alignment and the benefits the relief road brings. Three stakeholders do not support the route as described in (Figure 2 - stakeholder consultation summary table). There are constraints to the mitigation possible on the alignment as housing development (labelled PYR1 on the figure 1 – revised alignment plan diagram) has already started on site and it is not possible to thread a road alignment through their site & development PYR2 (see figure 1 – revised alignment plan diagram) without extensive third-party land purchase which is beyond the budget of the scheme.
15. Figure 3 summarises the key benefits for the revised alignment over the safeguarded route:

Figure 3 – benefits of the revised alignment over the safeguarded route

1	Supported by both parish Councils
2	Protects against future infill housing/development
3	Relocates the road further away from Pyrton Manor
4	Provides an alternative access point to ICC
5	Creates a longer section of shared use path along the existing Pyrton Lane

16. The next step in this project is to progress to Stage 2 –Design & Procurement. Stage 2 will address some of the questions raised by stakeholders in further detail, but it is unlikely that opposers to the scheme will change given the impact the revised alignment (and any relief Road for some stakeholders) has. Residents along the road can be mitigated as best possible in the next stage of the project where identified concerns can be assessed, and any mitigation or compensatory measures can be confirmed in further detail.

Land Acquisition

17. Providence, Bloor and Beechcroft Developments Limited control land that is required for the delivery of Watlington Relief Road. For Site A, B, C and PYR2, Providence and Bloor have agreed to construct parts of the WRR and either dedicate land necessary for the completion of the WRR for a peppercorn or complete further sections of Edge Road subject to additional funding being provided.
 - a) **Site A:** Housing developer, Bloor Homes will build a large road section on their site and will safeguard two further parcels of land where OCC will build a section of road called Link 3 and an upgraded junction called Junction 1. Planning has been granted for Site A with outstanding discharge conditions. A s106 agreement in place. If OCC needs more land for Link 3 than is currently safeguarded (e.g., for flood compensation storage), that the developer isn't required to dedicate land outside the safeguarded area, and

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they don't agree to dedicate for a peppercorn. OCC may have to purchase the extra land for a higher cost, CPO the land.

- b) **Sites B, C and PYR2:** A MOU with the developers Providence is in place, that land for the relief road would be dedicated to OCC at a peppercorn. Within sites B, C and PYR2 the developer will construct the section of WRR shown along Site B, Site C, PYR2. Where sections of WRR are not being funded from the development on that parcel, the developer will either (as OCC directs) dedicate any remaining land within their control required for that section of the Road to the Highway Authority (or such other body as OCC directs) for a peppercorn no later than commencement of any development of land, a s106 agreement that makes provision for Junction 1 and land requirements - either the dedication of land and/or direct build of the junction – is needed.
- c) **Site PYR1:** For Site PYR1, Beechcroft Developments Limited will dedicate the land for a peppercorn to OCC that they control necessary for the construction of a road junction called, Junction 3, once they've implemented their planning (but they won't build it). If OCC needs more land for Junction 3 than is currently safeguarded (e.g., for a larger roundabout), that the developer isn't required to dedicate land outside the safeguarded area and they don't agree to dedicate for a peppercorn. OCC may have to purchase the extra land for a higher cost, CPO the land.
18. In order to successfully deliver the scheme, it is vital that the land interests required for the scheme are delivered in a timely manner to ensure that the funding deadline is not passed. This may be by transfer of land under S106 agreements, acquisition by agreement or acquisition under compulsory purchase powers. Although landowners are supportive, there is a risk that, if OCC waits for negotiations to break down valuable time will be lost before starting the compulsory purchase process. Therefore, it is necessary to plan a compulsory purchase timetable as a contingency measure, and Initiate formal procedures. OCC seek to prove that:
- there is a compelling case in the public interest for the land to be acquired compulsorily.
 - there are no reasonable alternatives to compulsory acquisition (including modifications to the scheme) which would have a lesser impact.
 - the acquisition is necessary and proportionate.
 - the land to be acquired is no more than is reasonably required for the purposes of the development.
 - there is a compelling case it is in the public interest to proceed.

Financial Implications

19. Growth Deal funding has been identified to potentially forward fund the entire length of the WRR subject to successful negotiation with developers regarding both land, access to land and proportional funding towards the WRR. If such negotiations are successful, accepted and agreed to, the full costs of delivering would be re-paid through S106 contributions.
20. Our latest revised delivery plan indicates that the project (without potential CPO) will not be delivered by March 2023 and the growth deal funding will need to be extended, subject to approval. Current planned completion date is July 2024. In terms of extending the growth deal funding we will be seeking approval through the Growth board and Homes England
21. The current allocated budget is **£7.13m** for the delivery of the sections of the WRR OCC must deliver. There will be further ongoing reviews on project costs as we proceed through the Design and Procurement stage 2 of the project.
22. Current assumption is that the land will be secured through S106 at a minimal cost to OCC and if CPO is required, the scheme is not currently fully funded and would need to seek further approval before progressing with CPO development.

Comments checked by:

Rob Finlayson, Finance business Partner, rob.finlayson@oxfordshire.gov.uk

Legal Implications

Statutory Powers

23. Members should note that whilst the Council has compulsory purchase powers as an Acquiring Authority, under the Highways Act 1980 and the Acquisition of Land Act 1981, as referenced elsewhere in this report, these powers should be used as a matter of last resort. Dialogue with affected landowners has commenced and will continue in parallel to acquire by negotiation as a first principle.
24. While an Authority can use compulsory purchase powers where it is justified and expedient to do so, in considering whether to confirm the CPO, the Secretary of State will need to be convinced that there is a compelling case in the public interest for compulsory acquisition. Members should therefore apply a similar test before authorising the in-principle decision to use these powers based on the balance of the information contained in this report. This is in the knowledge that a further report will be brought to Cabinet at a later date seeking authority to make the formal statutory Order itself.

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25. The principal powers in the Highways Act 1980 are:
- (a) Section 239(1), which provides that a highway authority may acquire land required for the construction of a highway which is to be maintainable at the public expense;
 - (b) Section 239(3) which allows a highway authority to acquire land for the improvement of a highway being an improvement which the authority is authorised to make under the Act;
 - (c) Section 240, which allows the acquisition of land in relation to an order under Section 14
 - (d) Section 246 authorises the acquisition of land for the purpose of mitigating the adverse effects of the construction or improvement of highways;
 - (e) Section 260 authorises the clearance of the title to land already held by the Council and required for the scheme and which might otherwise interfere with the Council's activities in exercising its statutory powers to construct the works.

though it should be noted that a full assessment of appropriate Highways Act powers will be included in the Report to Cabinet for the making of the CPO in due course.

Comments checked by:

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Staff Implications

26. The resource requirements to successfully deliver Watlington Relief Road are capital funded through the housing growth Deal. There are sufficient resources from existing project and technical management functions, primarily within the Growth and Economy Service. This will be supported by other disciplines from across the Council organisation as the need arises.
27. Specialist legal advisors are already engaged to provide support to the CPO and other such statutory processes to limit the potential for future challenge to an absolute minimum.
28. The forecast Council staffing costs of project and technical management to completion are contained within the total budget quoted within this report.

Equality & Inclusion Implications

29. The equalities implications of the Watlington Relief Road scheme will be assessed robustly through the design development stages of the scheme. These equalities implications will be considered in line with the Equality Act 2010 and through the completion of an Equality Impact Assessment (EqIA) as part of the development of the Watlington Relief Road project

Sustainability Implications

30. During the stage 2 of scheme delivery there will be specific sustainability targets imposed during the design and build of the project

Risk Management

31. As part of this project risks have been identified, assessed and mitigated where possible. The change of route away from the safeguarded route is to appease key stakeholders and move towards a more deliverable project.

32. **Key risks:**

Deliverability	A route has been identified that is achievable pending further investigation work
Support of Key Stakeholders	Stakeholders have been consulted in the development of the preferred route to obtain as much support and acceptance as possible.

Consultations

33. A Comms plan is in place. OCC has recently undertaken consultation with Key Stakeholders through the local plan to obtain feedback on the revised alignment. As part of the feasibility - Stage 1 work, further consultation will be undertaken prior to submission of the planning application with each of the developers

Bill Cotton
Corporate Director for Environment and Place

Annex:

- A. OAR Amalgamated Consultation Response
- B. Revised Alignment Plan
- C. OAR Report

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