



## **JOINT STATEMENT OF CASE**

Highways Act 1980

Acquisition of Land Act 1981

**THE OXFORDSHIRE COUNTY COUNCIL (HIGHWAYS  
INFRASTRUCTURE - A40 ACCESS TO WITNEY) COMPULSORY  
PURCHASE ORDER 2023**

**THE OXFORDSHIRE COUNTY COUNCIL (HIGHWAYS  
INFRASTRUCTURE - A40 ACCESS TO WITNEY) (SIDE ROADS)  
ORDER 2023**

**Date: 15 December 2023**

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## 1 INTRODUCTION

- 1.1 This is the Joint Statement of Case (the **Statement**) of Oxfordshire County Council (the **Council** and the **Acquiring Authority**) prepared in connection with the making of the following statutory orders:
- 1.1.1 The Oxfordshire County Council (Highways Infrastructure - A40 Access to Witney) Compulsory Purchase Order 2023 (the **CPO**); and
- 1.1.2 The Oxfordshire County Council (Highways Infrastructure – A40 Access to Witney) (Side Roads) Order 2023 (the **SRO**),
- which have been submitted to the Secretary of State for Transport for confirmation.
- 1.2 For the purposes of this Statement the CPO and the SRO are together referred to as the **Orders**.
- 1.3 This Statement has been prepared in accordance with the following documents:
- 1.3.1 Rule 7 of the Compulsory Purchase (Inquiries Procedure) Rules 2007;
- 1.3.2 Department for Levelling Up, Housing and Communities Guidance on Compulsory Purchase Process and the Crichel Down Rules (July 2019) (the **Guidance**);
- 1.3.3 Department for 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
- 1.3.4 Department for 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).
- 1.4 The Acquiring Authority reserves the right to alter or expand this Statement as necessary.
- 1.5 The Acquiring Authority has made the CPO pursuant to the powers in Sections 239, 240, 246 and 260 of the Highways Act 1980 (the **1980 Act**), and Schedule 2 and Schedule 3 and Section 3 to the Acquisition of Land Act 1981 (the **1981 Act**). In this Statement, the land included within the CPO is referred to as the **Order Land**. The Council is the Local Highway Authority for the Order Land.

### Scheme

- 1.6 The Acquiring Authority's purpose in making the CPO is to enable the delivery of improvements to the existing A40 Principal Road, the B4022 and the C16886 South Leigh Road at its junction with the B4022, at Shores Green, Witney at the location of the junction of the A40 with the B4022, and is a scheme known as the A40 Access to Witney Scheme (the **Scheme**). The Scheme will construct two new west-facing slip roads at the Shores Green junction of the A40; a new eastbound exit slip road from the A40 to a new junction with the B4022; and a new westbound entry slip road onto the A40 from a new junction with the B4022.

The Scheme will provide new walking and cycling facilities on the B4022 and alongside the A40, which will improve provision for active travel.

### Purposes

1.7 The Scheme comprises a number of core elements at and around the A40/B4022 Shores Green junction. The CPO is made for the following purposes:

- **The improvement of the A40 Principal Road from a point on the south west side of the A40 overbridge crossing of the B4022, at South Leigh, south westwards for a distance of approximately 775 metres, and incorporating:**
  - (i) The construction of a new eastbound exit slip road, from a point on the existing A40 approximately 520 metres south-west of the A40 overbridge crossing of the B4022, north eastwards to its junction with the B4022;
  - (ii) The construction of a new westbound entry slip road, from its junction with the B4022, south westwards to its junction with the A40, at a point approximately 280 metres south-west of the A40 overbridge crossing of the B4022,
  - (iii) These two new slip roads will form a grade separated junction, providing a new eastbound exit to and a westbound entry from the B4022, to and from Witney, to complement the existing eastbound access and exit from the A40 on the north-east side of the existing junction;
  - (iv) The provision of an integral footway of the A40 on the north-west side of the new eastbound exit slip road. This new footway will replace Footpaths 410/41/40, 41/41/30 and a length of 410/41/20 (Witney), which presently run on the north-west side of the A40 boundary and which are to be stopped up where they fall within the improved/widened A40. The new integral footway will be provided to retain connections from the B4022 to remaining lengths of Footpaths 410/41/20, 410/42/20 and 410/8/20 (Witney). The new integral footway will be 3m in width to allow it to be converted to a shared use cycle track in the future in line with aspirations set out in the Witney Local Cycling and Walking Improvement Plan (LCWIP) adopted in March 2023. The new integral footway will reconnect with Footpath 410/41/20 (Witney), at the new A40 boundary just to the north-east of the new attenuation pond;
  - (v) Lengths of a further two footpaths, Footpath 410/8/20 (Witney) and Footpath 410/42/20 (Witney) which extend north westwards off this south westwards running route, will also be stopped up, up to the point at which they will junction the new Footway;
  - (vi) The provision of an integral footway of the A40 on the south-east side of the new westbound entry slip road. This new

footway will replace a length of Footpath 353/31/10 (South Leigh), which presently runs on the south-east side of the A40 boundary and which is to be stopped up where it falls within the improved/widened A40. The new integral footway will be provided to retain a connection from the B4022 south westwards to the remaining length of Footpath 353/31/10 (South Leigh) at a point where it takes its generally eastwards turn heading towards the High Cogges road. The new integral footway will have an unbound surface;

- (vii) Removal of two existing lay-bys which are located to the south-west of the A40 overbridge of the B4022 at the Shores Green Junction; and
- (viii) Provision of a new eastbound carriageway integral highway drainage attenuation pond and maintenance access lay-by, just south-west of where Footpath 410/41/20 (Witney) extends north westwards off the A40.
- **Improvement of the B4022, from a point in the west at its junction with the private access to The Barn House at Clementsfield Farm, eastwards to its junction with the C16886 South Leigh Road, and of the C16886 at its junction with the B4022. Such improvements incorporating:**
  - (ix) The upgrading of the B4022 southern footway, and C16886 South Leigh Road western footway at its junction with the B4022, from that junction westwards, to a point on the east side of the proposed A40 westbound entry slip road off the B4022, to a cyclist and pedestrian shared use integral cycle track with a right of way on foot;
  - (x) The provision on the northern side of the B4022 and around the eastern side of the two-way spur of the B4022 of a new cyclist and pedestrian shared use integral cycle track with a right of way on foot;
  - (xi) A new pedestrian and cyclist crossing point of the B4022, at the westerly termination point of the southern cycle track on the B4022 mentioned in (a) above, and the easterly termination point of the northern cycle track on the B4022 mentioned in (b) above;
  - (xii) A new pedestrian and cyclist crossing point of the B4022, just west of where the new A40 eastbound exit slip road will junction with the B4022, providing a crossing point from and to the new integral cycle track on the northern side of the B4022, mentioned in (b) above, to and from the new integral Footway that will be situated within the improved A40 on the north west side of the new A40 eastbound exit slip road;

- (xiii) Provision of a highway drainage attenuation pond and a maintenance access lay-by on the southern side of the B4022, to the west of its junction with the C16886 South Leigh Road;
  - (xiv) Improvements to the existing bus layby and bus stop on what is to become the southern integral cycle track with a right of way on foot of the B4022 near the junction with the C18886 South Leigh Road; and
  - (xv) Resurfacing works, new road markings and signage at the newly formed junction.
- **The existing A40 overbridge at Shores Green will be retained. There will be no change to the existing layout of the B4022 east-facing entry road onto the A40 westbound. The proposed layout will keep the existing B4022 east-facing entry and exit roads onto the A40 as single traffic lanes.**
  - **Traffic exiting and entering the new west facing slip roads close to the overbridge will be controlled by two new signalised 'T' junctions, approximately 100m apart. The proposed layout will keep the existing east-facing slips as single lane entry and exit to/from the B4022. This will also be the case for the new A40 westbound entry slip road. Two lanes will be provided on the approach to the signalised T-junction with the B4022 at the end of the new A40 eastbound exit slip road. Guidance in the Design Manual for Roads and Bridges (DMRB) has been used to determine the suitable type of merge and diverge layouts required on the new slip roads.**
  - **The proposed west-facing slip roads will be subject to a 70 mph (national) speed limit, consistent with the speed limit of the A40 itself at the Shores Green junction. The B4022, within the Scheme extents, will be subject to a 40mph speed limit.**
  - **The improvement of highways in pursuance of The Oxfordshire County Council (Highways Infrastructure – A40 Access to Witney) (Side Roads) Order 2023.**
  - **The carrying out of works on watercourses, in connection with the improvement of highways as aforesaid.**
  - **The improvement or development of frontages to the above-mentioned new and existing highways or of the land adjoining or adjacent thereto.**
  - **The use by the acquiring authority in connection with the improvement of highways as aforesaid.**
  - **Mitigating the adverse effect which the existence or use of the highways to be improved will have on the surroundings thereof.**



### Mining Code

- 1.8 The CPO incorporates Parts II and III of Schedule 2 to the 1981 Act, as applied by Section 3 of that Act, commonly referred to as the Mining Code. By virtue of these provisions, the CPO does not seek to compulsorily acquire mineral interests in the Order Land.

### Side Roads Order

- 1.9 The SRO is made under section 14 of the Highways Act 1980 in relation to the Classified Road works of the A40 Principal Road. The SRO would, if confirmed by the Secretary of State, facilitate the delivery of the Scheme and other necessary and associated highway works.
- 1.10 The making and confirmation of the SRO will enable the Acquiring Authority to carry out Classified Road works comprising the improvement, by widening and other works, of the A40, to stop up existing highways affected by the Scheme and to improve other highways as a consequence of the Classified Road works.

### Scheme Benefits

- 1.11 There is a significant need and demand for housing, including affordable homes, across Oxfordshire. As set out in the adopted West Oxfordshire Local Plan (WOLP) 2031, the Scheme is one of a number of strategic highway improvement schemes identified as needed to facilitate the delivery of housing growth planned in Witney. The Scheme will reduce traffic flows and delays across the town centre helping to mitigate the impact of traffic from Local Plan development planned in Witney, and in particular at the East Witney Strategic Development Area (EWSDA) - which will provide 450 new homes.
- 1.12 The Scheme is an important part of the Witney Area Transport Strategy, prepared as part of the Council's Local Transport Plan 4 (updated 2016). It will improve access, both for local and longer distance traffic, to the A40 from east and north-east areas of Witney and reduce the need for traffic to route along the A4095, Bridge Street and through Witney town centre. By providing west-facing slip roads onto the A40 at Shores Green, the Scheme will provide an alternative means of access to the west of Witney via the B4022 and A40. It will also allow through traffic using the A4095 and travelling further west on the A40 or south on the A4095 and A415 to access the A40 at the A40/B4022 Shores Green junction, rather than at the A40 / Ducklington Lane junction (via the town centre). This will allow the Council to re-designate the A4095 via Jubilee Way, B4022 Oxford Hill, A40, Ducklington Lane and Thorney Leys so through traffic travels around the edge of the town rather than through it.
- 1.13 By improving access to the A40 and providing an alternative route for traffic around the edge of the town and via the A40, the Scheme will reduce traffic volumes on the A4095 Bridge Street. This will allow the Council to implement schemes to manage and deter through traffic, and also to deliver measures to promote the use of sustainable and active travel that will have the effect of improving the environment, road safety and the streetscape in Witney Town Centre. The Scheme will also provide improved road network resilience and open up a new route for through traffic, which will allow the Council to better manage Witney's highway network.

- 1.14 The Scheme will reduce traffic volumes and traffic delays within Witney Town Centre. This will improve air quality in Witney Town Centre, where high traffic levels and congestion has led to West Oxfordshire District Council (WODC) declaring an Air Quality Management Area at Bridge Street, Woodgreen and Mill Street. The identified cause of this exceedance in NO<sub>2</sub> is the level of road traffic. In addition to the direct local air quality benefits arising in the town centre as a result of the Scheme, the improved walking and cycling infrastructure delivered as part of the Scheme will also help encourage less car use and further help reduce vehicular emissions in the local area.
- 1.15 The Scheme will deliver improved access to public transport, faster bus journey times and more reliable buses and will provide safer active travel connections and facilities through the immediate Scheme area, enhancing connections from South Leigh and High Cogges across the A40 into Witney by cycle and on foot. The Scheme is forecast to reduce traffic on Bridge Street and in Witney town centre. This will improve conditions for pedestrians and cyclists in the town centre, reducing conflict with vehicular traffic and provide greater scope for the Council to reallocate road space for segregated cycle lanes and other facilities in the town centre, which will promote more active travel.
- 1.16 The Scheme will enable individual and collective health and wellbeing benefits by providing safer walking and cycle facilities and improved connectivity between South Leigh / High Cogges and Witney town centre (via Cogges), and to the proposed segregated cyclist and pedestrian use cycle track along the A40 towards Oxford. This will promote more walking and cycling, delivering health and wellbeing benefits. The improvements to air quality provided by the Scheme in Witney Town Centre, within the AQMA, will provide positive health benefits for residents and users of the town centre.
- 1.17 The full Scheme benefits are set out in further detail in Section 6.

#### Order Land

- 1.18 The Order Land has a total area of 10.71ha, comprising:
- 8.98ha for which the title of land is required. This includes 6.23ha of land comprising existing public highways for the A40, B4022, and C16886 South Leigh Road at its junction with the B4022; which is required for permanent highways improvement works for mitigation of adverse effects of the proposed improved highways works upon their surroundings; and for improvement and development of frontages to the improved highways (landscaping and drainage outside the new highways boundaries); and
  - 1.73ha for which the title of land comprising of agricultural land is required for use in connection with the construction of the Scheme works (working space and a works compound) and could be available to return to landowners under the Crichel Down rules if compulsory purchase occurred and the land was surplus to the requirements of the Scheme post-construction. The Acquiring Authority would hope it might otherwise achieve licensed use of these lands, by voluntary agreement with

landowners, rather than exercise compulsory purchase powers.

- 1.19 The Order Land is comprised of agricultural land, woodland and existing public highways land, including roads (the A40 Principal Road, the B4022 and the C16886 South Leigh Road at its junction with the B4022) and public Footpaths
- 1.20 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, or at all.
- 1.21 The CPO and all of the land contained within it is necessary to deliver the Scheme. The Acquiring Authority has taken and is continuing to take reasonable steps to acquire all of the land and new rights included in the CPO 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 any confirmation of the Order and also post-confirmation, prior to its implementation.

#### Approval and Statutory Making of the Orders

- 1.22 On 23 May 2023, the Cabinet of the Acquiring Authority resolved to make the Orders reserving to officers delegated powers to refine the Orders and their respective associated ancillary documents prior to their making, to facilitate the construction of the Scheme. The Acquiring Authority by way of an Officer's Decision Notice dated 27 June 2023 approved the final form of the SRO, SRO plan, the CPO, the Order Map and the Joint Statement of Reasons. The Cabinet Decision Notice and Officer Decision Notice are attached as **Appendix 1** [Appendix 3 of Statement of Reasons].
- 1.23 The SRO and SRO Plans [**Appendix 2**], CPO and Order Map [**Appendix 3**] were sealed and dated by the Acquiring Authority on 27 June 2023.
- 1.24 Notices of the making of the CPO were published in two issues of the Witney Gazette on 12 July 2023 and 19 July 2023 [**Appendix 4**]. Notice was served on all persons having an interest in the Order Land [**Appendix 4**], together with a copy of the CPO, Order Maps and the accompanying Joint Statement of Reasons (**SoR**).
- 1.25 Notices of the making of the SRO were served on all parties impacted by the SRO together with a copy of the SRO and accompanying plan (or any number of them) as relevant to each party. Notice of the making of the SRO was published in the Witney Gazette and the London Gazette on 12 July 2023 [**Appendix 5**].
- 1.26 Notices of the CPO and SRO were posted on site in respect of plots of land and in respect of the CPO and SRO generally [Appendix 6].
- 1.27 Copies of the CPO, Order Maps, Statement of Reasons, SRO and general arrangement drawings were put on public deposit for inspection at Witney Library and at the Council's offices, and also on the Council's dedicated web page for the Scheme, being: [www.oxfordshire.gov.uk/a40programme/a40-access-witney](http://www.oxfordshire.gov.uk/a40programme/a40-access-witney)

- 1.28 The CPO and SRO were submitted for confirmation by the Secretary of State for Transport electronically on 21 July 2023 and in hard copy on 1 August 2023.
- 1.29 Statutory Compliance Certificates were signed on behalf of the Council for the CPO and SRO on 28 September 2023 [**Appendix 7**].
- 1.30 Following the receipt of 5 objections to the Orders (being either particularly to the CPO and SRO, or to all Orders), the Secretary of State intends to hold a local Public Inquiry to consider the Orders.
- 1.31 Planning permission for ‘The construction of two new west-facing slip roads at the Shores Green junction of the A40; an off-slip to allow eastbound vehicles to exit the A40 on to the B4022 towards Witney and an on-slip to allow westbound vehicles to enter the A40 from the B4022 at this junction. Two existing lay-bys to the west of the A40 overbridge will be removed to accommodate the construction of the slip roads’, was granted on 15 July 2023 under Oxfordshire County Council Ref. R3.0039/22 and West Oxfordshire District Council Ref. No. 22/01051/CC3REG.
- 1.32 Owing to the evolution of the Scheme design, the Acquiring Authority submitted an application pursuant to Section 73 of the Town and Country Planning Act 1990 (R3.0142/23) on 15 September 2023, to vary condition no. 1 of the original permission, in order to replace a proposed shared-use path with a footway, merge two balancing ponds into one, re-align a drainage ditch, extend the highway boundary and make amendments to the landscaping scheme to include additional planting. In addition, the Section 73 planning application seeks to vary condition no. 18 of the original permission, in order to enable flexibility to amend off-site Biodiversity Net Gain requirements. The statutory determination date is 5 January 2024.

## 2 ENABLING POWERS AND IMPLEMENTATION

### The CPO

- 2.1 The Guidance published by the Department for Levelling Up, Housing and Communities (previously the Ministry of Housing, Communities and Local Government) in July 2019 provides the latest advice in connection with the use of compulsory purchase powers. Paragraph 1 of the Guidance states that:

*"...compulsory purchase powers are an important tool to use as a means of assembling the land needed to help deliver social, environmental and economic change. Used properly, they can contribute towards effective and efficient urban and rural regeneration, essential infrastructure, the revitalisation of communities, and the promotion of business – leading to improvements in quality of life."*

- 2.2 In accordance with the Guidance, the purpose for which an authority seeks to acquire land will determine the statutory power under which compulsory purchase is sought. Tier 1 'compulsory purchase overview' states at section 11 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 Sections 239 and 240 of the 1980 Act contain general powers in favour of highway authorities to acquire land required for the construction and improvement of a highway. Section 246 provides that a highway authority may acquire land for the purpose of mitigating any adverse effect which the existence or use of a highway constructed or improved by them, or proposed to be constructed or improved by them, has or will have on the surroundings of the highway. Section 260 is included so that land already acquired by the highway authority for highway purpose can be cleansed of third-party interests, allowing delivery of the Scheme.
- 2.4 As set out further in Section 10 of this Statement, the Acquiring Authority believes that there is a compelling case in the public interest for promoting and seeking confirmation of the CPO (paragraph 12 of the Guidance). The purposes for which the CPO is being made sufficiently justifies interfering with the human rights of those with an interest in the land affected.
- 2.5 For the reasons set out above the Acquiring Authority's exercise of its powers of compulsory purchase under Sections 239, 240, 246 and 260 of the 1980 Act is considered appropriate and the Scheme complies with the relevant Guidance.

### The Mining Code

- 2.6 The CPO incorporates the Mining Code contained in Parts II and III of Schedule 2 of the 1981 Act and applied by Section 3 of that Act. By virtue of these provisions, the CPO does not seek to compulsorily acquire mineral interests in the Order Land.
- 2.7 Paragraphs 201 and 202 of the Guidance state that the Mining Code should not be incorporated automatically or indiscriminately, as this may lead to the

sterilisation of minerals, including coal reserves. Acquiring authorities are asked to consider the matter carefully before including the Mining Code, having regard to the existence of statutory rights of compensation or whether repair might provide an adequate remedy in the event of damage to land, buildings or works occasioned by mining subsidence.

- 2.8 Incorporation of the Mining Code within an order, thereby engaging Parts II and III of Schedule 2 to the 1981 Act, provides for the exclusion of mineral right acquisition from the CPO, avoiding sterilisation of the minerals whilst providing a degree of protection for the Acquiring Authority and allowing the Scheme to be taken forward. By incorporating the Mining Code, the Acquiring Authority can take steps to prevent the working of minerals within a specified distance of the surface, provided compensation is paid.
- 2.9 The Acquiring Authority has taken full account of the Guidance in preparing the CPO and considers that in the circumstances of this case, where compensation and repair of damage would not be adequate in view of the public use and nature of the Scheme, together with the potential traffic implications and disruption that might occur if the mines and minerals within the Order Land were to be worked and such damage were to occur, it is appropriate to incorporate the Mining Code.

### The SRO

- 2.10 The SRO, made by the Council pursuant to section 14 of the Highways Act 1980, provides for the improvement of the A40 Classified Road under the Scheme. The SRO would, if confirmed by the Secretary of State, enable the construction of the Scheme and other necessary and associated highway works.
- 2.11 Those Classified Road works comprise the improvement, by widening and other works, of the A40 from a point on the south west side of the A40 overbridge crossing of the B4022, at South Leigh, south westwards for a distance of approximately 775 metres, and incorporating the construction of a new eastbound exit slip road, from a point on the existing A40 approximately 520 metres south west of the A40 overbridge crossing of the B4022, north eastwards to its junction with the B4022 and a new westbound entry slip road, from its junction with the B4022, south westwards to its junction with the A40, at a point approximately 280 metres south west of the A40 overbridge crossing of the B4022.
- 2.12 If confirmed, the SRO will authorise the Council, in relation to the aforementioned A40 Classified Road works, to stop up existing highways affected by the Scheme and to improve other highways as a consequence of the Classified Road works.
- 2.13 The SRO Plan shows the extent to which it is necessary to carry out works to existing highways and stopping up of existing highways in relation to the A40 Classified Road works.
- 2.14 The Council is satisfied that where highways and footpaths are to be stopped up, their stopping up is necessary as a consequence of the Scheme, that other reasonably convenient routes for those highways will be provided within the improved A40 Classified Road works before the relevant highway is stopped

up, allowing the Secretary of State for Transport to satisfy himself on that matter under Section 14(6) of the Highways Act 1980.

Implementation

- 2.15 It is intended that a General Vesting Declaration (GVD) or a number of GVDs will be made by the Acquiring Authority in respect of the Order Land, in the event that the CPO is confirmed by the Secretary of State. There may also be a necessity to implement compulsory purchase powers in relation to some plots of the Order Land by way of Notices to Treat and Notices of Entry.
- 2.16 The final decision in relation to implementation powers to be used will be governed by progress with private negotiations and the nature of the land interests to be acquired. In line with the Guidance, the Acquiring Authority will give notice to all persons directly affected by the CPO at the earliest possible opportunity, to allow sufficient time for possession to be taken. Compensation will be paid accordingly in accordance with the Compensation Code and where parties are not able to agree compensation, they will have the ability to refer the determination of compensation to the Upper Tribunal (Lands Chamber). Mortgages and rent charges are to be dealt with in accordance with the relevant provisions of the Compulsory Purchase Act 1965.

### 3 LOCAL CONTEXT, CHALLENGES AND NEED FOR THE SCHEME

#### Introduction

3.1 This section gives an overview of the local context in terms of geographic context, allocated housing sites and existing transport infrastructure. It highlights local transport, housing and environmental issues and challenges, which have led to the need for the Scheme.

#### Geographic Context and Population Growth

3.2 West Oxfordshire is one of five districts of the County of Oxfordshire, located to the west of Oxford City. The West Oxfordshire district boundary is shown by the darker line in Figure 3.1. The other four district areas of South Oxfordshire, City of Oxford, Vale of White Horse and Cherwell, within the County of Oxfordshire, are also shown in Figure 3.1.

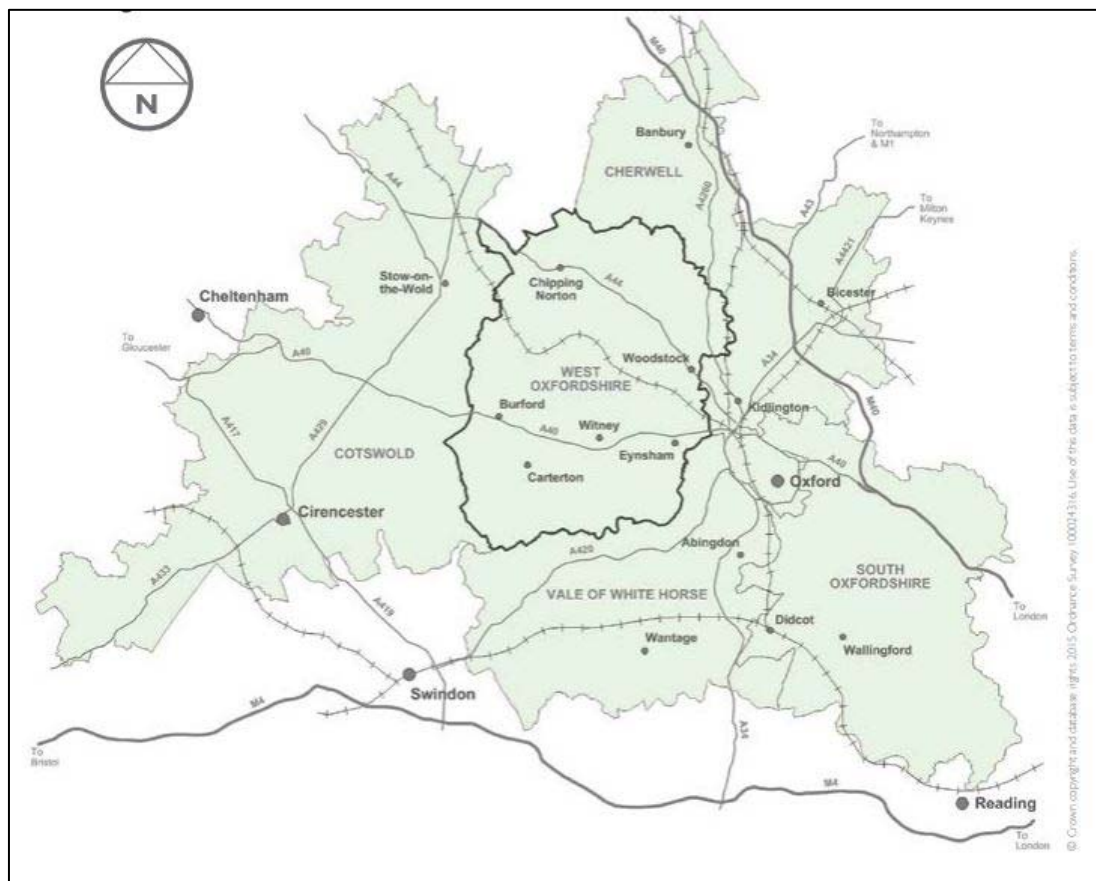


Figure 3.1: West Oxfordshire District (From West Oxfordshire Local Plan 2031- Adopted September 2018)

3.3 Overall, West Oxfordshire is a predominantly rural district and with a population density of 1.5 people per hectare, it is the second most sparsely populated of 67 local authorities in South-East England. Statistics drawn from available information contained within the 2021 Office for National Statistics (ONS) Census reported that the population of West Oxfordshire is 114,200, with 48,000 households in the district. 2011 ONS Census data showed that the population was 104,800 and there were 43,200 households in West



- Oxfordshire. This, therefore, highlights that the population and number of households has grown by 9% and 11% respectively over this 10-year period.
- 3.4 West Oxfordshire is a relatively affluent district, with weekly pay some 8% above the average for England, a well-educated workforce (47.5% with qualifications at NVQ4 and above) and a high proportion of the workforce in employment. The ratio of jobs to population is 0.86, highlighting the need for some commuting out of the District to access jobs, but Oxfordshire as a whole has a job density of 1.0, indicating the potential for residents to find employment opportunities within the County.
- 3.5 There are also relatively high levels of car ownership, with the most recent available data from the 2021 ONS Census for West Oxfordshire showing that only 11.5% of households did not have a car or van (compared to 17% in the South East and 23.5% in England), and 49% of households had 2 or more cars or vans (compared to 42% in the South East and 35% in England).
- 3.6 There are around 130 separate towns, villages and hamlets scattered across the District. Witney, Carterton and Chipping Norton are the three main towns in the District. Witney is the largest town in West Oxfordshire and located approximately 12 miles to the west of Oxford City. It is a relatively compact town, with a developed area spanning less than 5km east to west, and 3km north to south.
- 3.7 Witney is a historic town, which dates back to medieval times, and is located around the crossing of the River Windrush. The town is the most densely populated area in West Oxfordshire. Its population has grown substantially since the 1950s and particularly in the 1980s and 1990s. The population of Witney increased from 6,554 in 1951 to 22,765 in 2001.
- 3.8 This population growth has continued over the last 20 years. The ONS Census data shows that Witney had a population of 27,522 people in 2011 which had increased to 29,632 by 2021. This represents a population growth of 8% in the last 10 years and 30% over the last 20 years.
- 3.9 There are almost 15,000 jobs in Witney (approaching a third of the total in West Oxfordshire District) engaged in wide ranging employment, including jobs in high technology, manufacturing and engineering firms, and the town provides West Oxfordshire's main services and facilities, including retail, health care and leisure.

#### Housing Need in Oxfordshire and New Housing in Witney

- 3.10 There is a significant need and demand for new housing, including affordable housing, across Oxfordshire and the realisation of the region's economic potential relies on accelerated housing delivery. The relationship between economic growth and housing delivery was explicit within the 2017 Housing Growth Deal Outline Agreement and Delivery Plan included at **Appendix 1** [Appendix 4 of the Statement of Reasons], whereby Government devolved £215m funding to the Oxfordshire Growth Board (now named Future Oxfordshire Partnership and made up of Oxfordshire County Council, the five district Councils and the Oxfordshire Local Economic Partnership (OxLEP) to support the delivery of 100,000 homes by 2031 across Oxfordshire.

- 3.11 Of the £215m, £150m was allocated to transport investment which the Government and Oxfordshire County Council recognise as being a fundamental enabler of housing across a number of key locations and sites, some of which have been identified in the West Oxfordshire Local Plan (**WOLP**).
- 3.12 As part of the 2017 Housing Growth Deal, the five District authorities in Oxfordshire and the County Council made a commitment to the delivery of 100,000 new homes by 2031. The allocated growth across the County has been set out within the five district Local Plans of West Oxfordshire, Oxford City, Cherwell, South Oxfordshire and Vale of White Horse.
- 3.13 The WOLP 2031 (adopted in September 2018), [key policies and supporting text are provided at **Appendix 1**] [Appendix 5 of the Statement of Reasons] sets out the vision for the District in 2031 and provides an overarching framework to guide and deliver that vision. The WOLP covers the 20-year period from 2011- 2031.
- 3.14 The WOLP emphasises that the provision of new housing is a critically important issue for West Oxfordshire. New housing is vital to economic growth and as an attractive and well-located place, people want to live in West Oxfordshire. However, the plan recognises that growth needs to be effectively managed in order to prevent significant change to the intrinsic character of the District.
- 3.15 In accordance with the overall WOLP strategy (Policy OS2), a significant proportion of new housing will be provided at the district's three main towns of Witney, Carterton and Chipping Norton. This strategy was tested extensively through the WOLP consultation and sustainability appraisal and is considered to represent the most appropriate and sustainable strategy for West Oxfordshire.
- 3.16 Policy H1 of the WOLP identifies a provision for at least 15,950 new homes in West Oxfordshire. Witney has been identified in the WOLP as a key area for growth and delivery of around 4,702 new homes by 2031.
- 3.17 Witney's historic nature is reflected in the large number of listed buildings and heritage sites, which are largely located in the town centre. Whilst Witney is a desirable place to live and work, with natural and historic attractions, there are limited opportunities for growth in the historic centre, and there are both built environment and physical constraints in terms of adding further transport capacity.
- 3.18 As a result, growth has tended to occur on the fringes of Witney, away from the more sensitive river environment. This does pose a challenge, however, particularly for residents in east and north-east Witney, as the main commercial, retail and employment centres (excluding the town centre) are in the west and south-west of the town, requiring cross town trips to be made through the town centre.
- 3.19 The WOLP identifies a number of Strategic Development Areas (SDAs) with larger housing allocations, which are considered to represent the most sustainable locations for strategic-scale housing growth within the District. Two of these areas are identified within the Witney sub-area, being East Witney (450

homes) and another at North Witney (1,400 homes) (see Table 3.1 and Figures 3.2, 3.3 and 3.4 below for details).

<b>Name</b>	<b>No. of Units</b>	<b>Local Authority</b>	<b>Current Ownership</b>
North Witney SDA	1,400	West Oxfordshire	Meridian Strategic Land Ltd (promoter) Taylor Wimpey, Gallagher Estates, Vanderbilt Strategic LTD.
East Witney SDA	450	West Oxfordshire	The Mawle Trust represented by Carter Jonas

*Table 3.1: Strategic Development Areas (SDAs) in Witney*

- 3.20 The housing allocations at these two SDAs are then put into context in WOLP Policy WIT6 (Witney sub-area strategy), which sets out the basis of WODC's overall spatial approach in this sub-area.

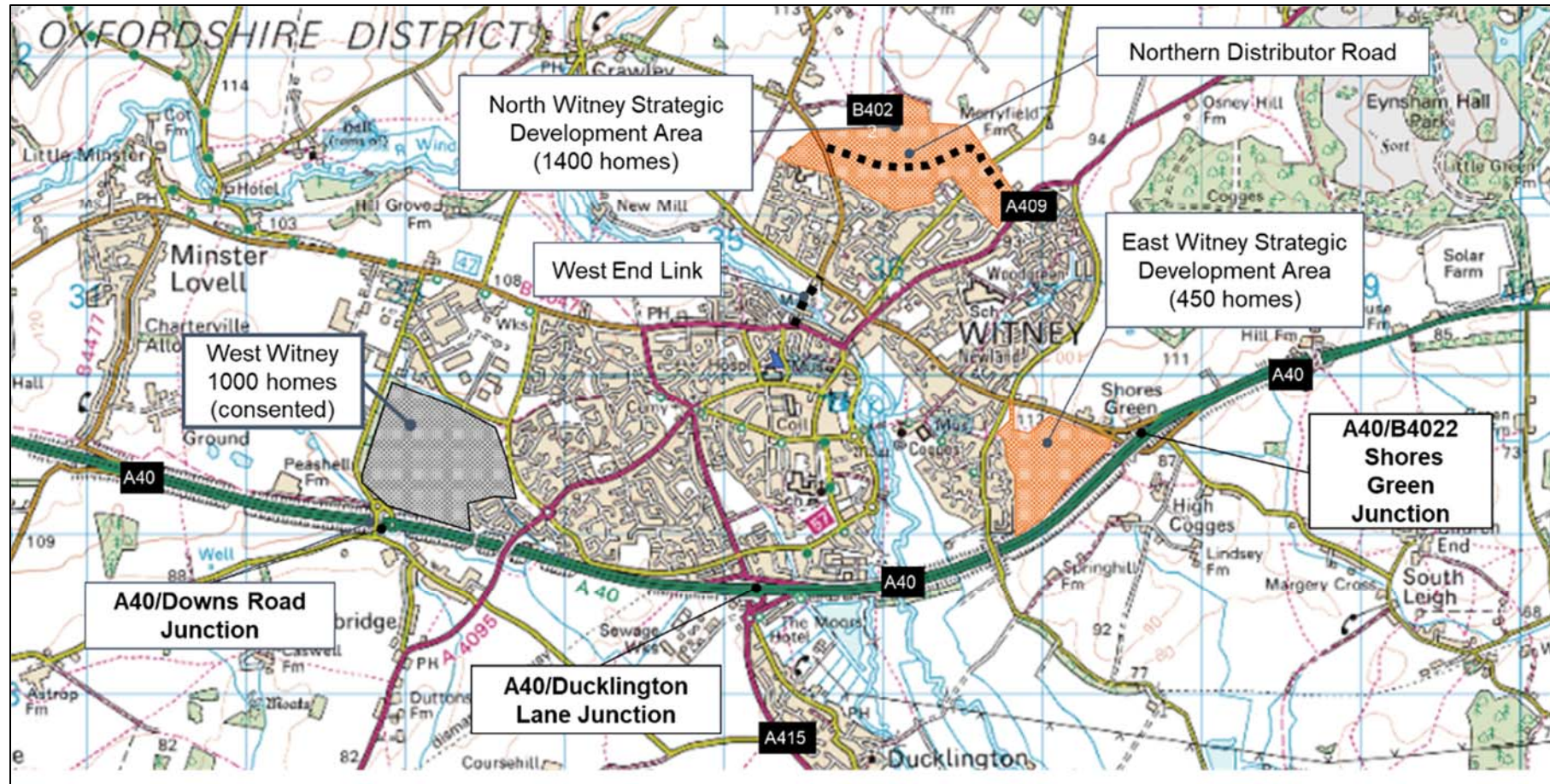
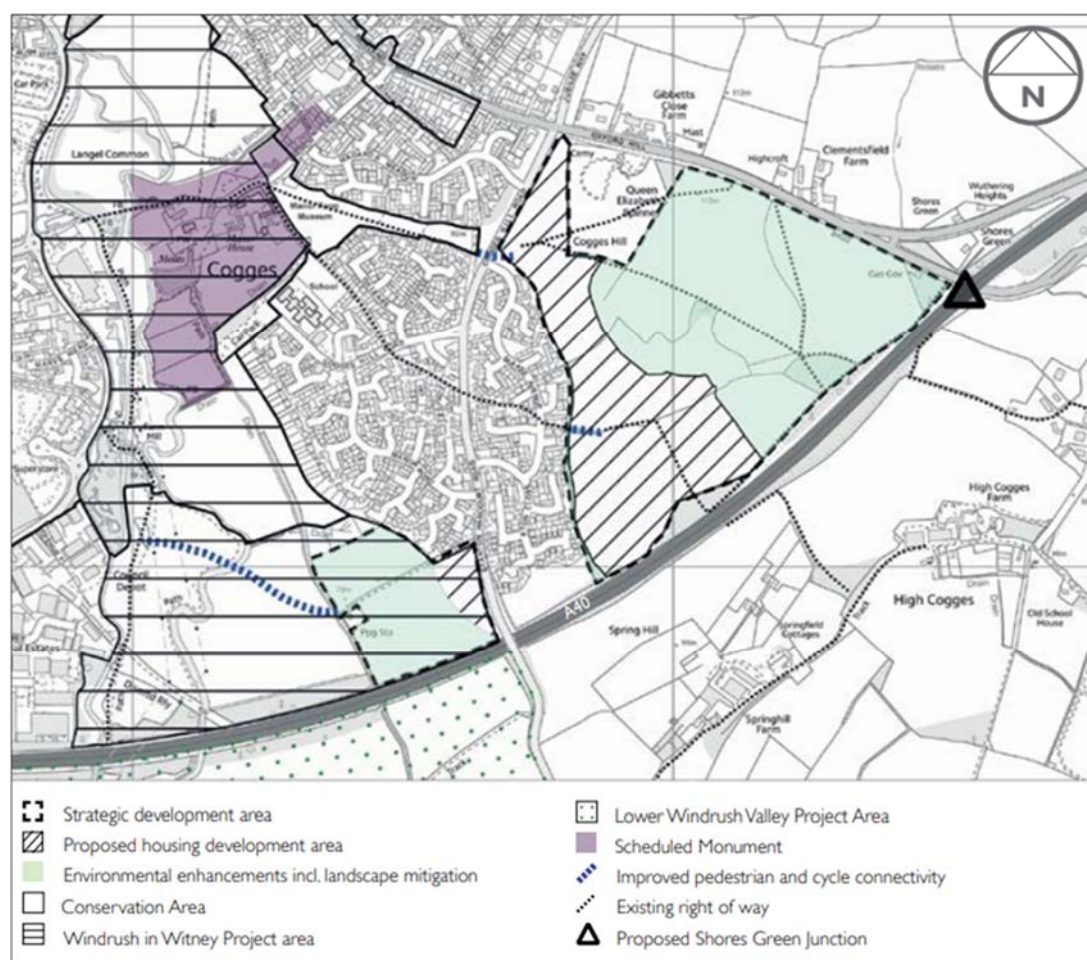


Figure 3.2: Witney Strategic Development Areas and Strategic Highway Infrastructure proposed in the West Oxfordshire Local Plan

### East Witney SDA

- 3.21 The East Witney SDA (**EWSDA**) has been identified by Policy WIT1 in the WOLP as an area for future growth, with a strategic allocation of a minimum of 450 new homes. This is made up of a small parcel of land served off Stanton Harcourt Road, which will provide a development of approximately 30 dwellings, with the remaining 420 homes provided on land known as Cogges Triangle, immediately to the north of the A40 and west of the B4022. EWSDA is shown in Figure 3.3 below.



*Figure 3.3: West Oxfordshire Local Plan – East Witney Strategic Development Area*

- 3.22 An outline planning application (20/02654/OUT) has been submitted for 450 homes, associated green infrastructure and open space. This application was validated on 2 September 2020.
- 3.23 The planning application was refused by West Oxfordshire District Council's Lowlands Area Planning Sub-Committee on 30 May 2023, in accordance with the planning officer's recommendation. There are four reasons for refusal identified on the planning decision notice: (i) lack of agreed masterplan; (ii) landscape harm; (iii) insufficient information with regards to demonstrating a measurable biodiversity net gain; and (iv) the applicant has not entered into legal agreements to secure the provision of affordable housing; or contributions to sport and leisure; public transport; highways improvement schemes/connections; education; waste; biodiversity net gain or the Lower Windrush Valley Project.

- 3.24 Oxfordshire County Council's Transport Development Control Team's final response to the proposed development as statutory consultee identified no objection, subject to contributions pursuant to a S106 planning obligation and an agreement to enter into a s278 agreement to help mitigate the impact of the development. The specific scheme contributions requested by Oxfordshire County Council towards highway improvement schemes were:
- A40 Shores Green West Facing Slips (AtW Scheme) - £6.8m
  - A40 Corridor Infrastructure Programme - £1.1m
  - B4022 Oxford Hill/Jubilee Way/Cogges Hill Road Junction - £0.66m
  - Re-designation of A4095 via Jubilee Way, Oxford Hill, A40 Shores Green, Ducklington Lane and Thorney Leys including signage - £0.16m
- 3.25 No planning condition limiting the amount of development at the EWSDA ahead construction of the Scheme was specified by Oxfordshire County Council. The developer indicated their willingness to make a significant s106 contribution towards the Scheme to help to mitigate the impact of development.
- 3.26 The applicant submitted a notification to West Oxfordshire District Council of their intention to submit a planning appeal on 14/11/2023. Discussions between Oxfordshire County Council and developer regarding the terms of the S106 agreement are currently on hold.

#### North Witney SDA

- 3.27 Policy WIT2 in the WOLP allocates the North Witney SDA (NWSDA) as a location for housing development (1,400 homes). The NWSDA is located to the north of the A40 corridor and to the north of the existing Witney urban area. The extent of the developable area is shown indicatively in Figure 3.4 below.

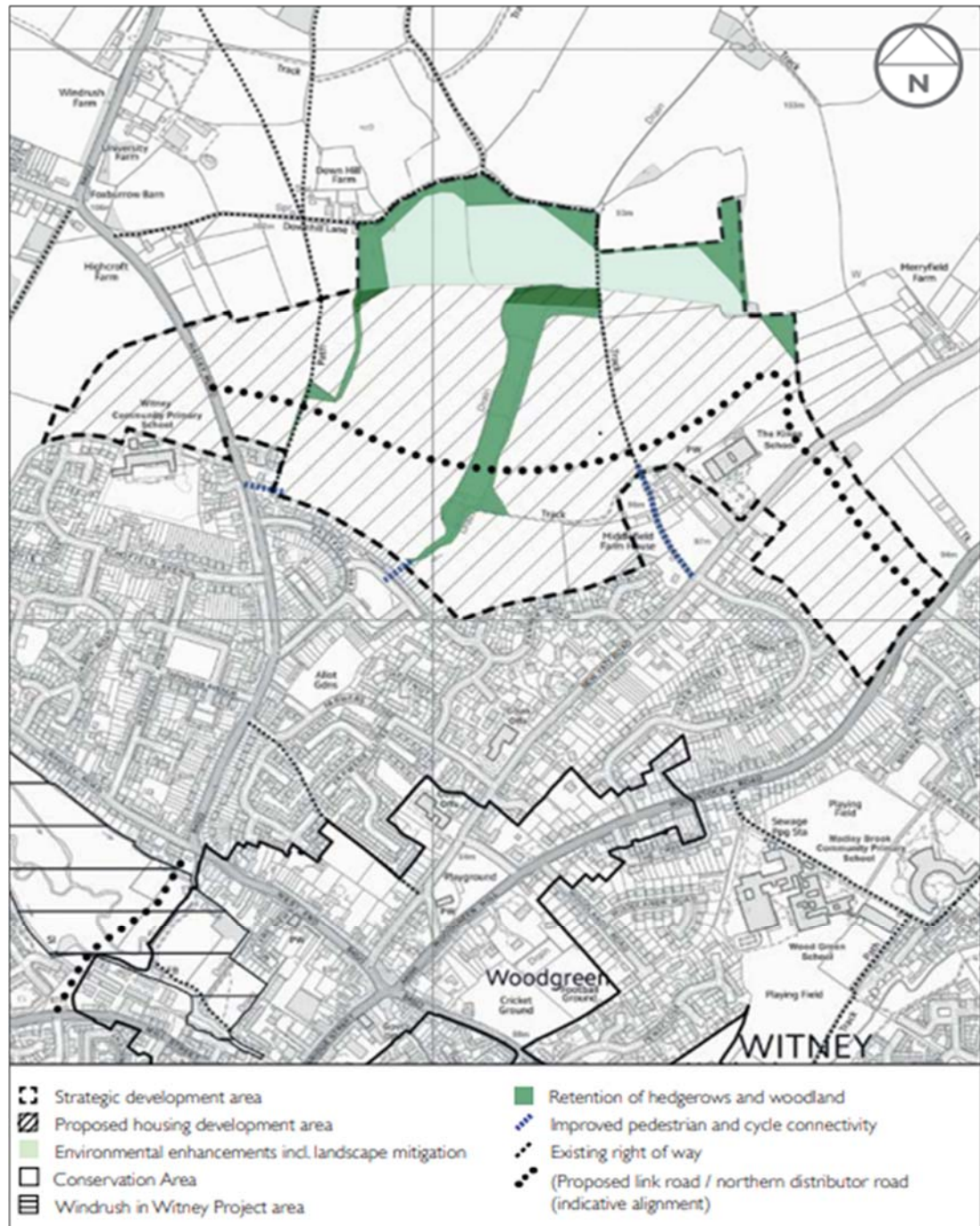


Figure 3.4: West Oxfordshire Local Plan - North Witney Strategic Development Area

3.28 The WOLP indicates that the proposed site allocation comprises of three separate parcels of land; a larger area of land between Hailer Road and New Yatt Road (c49ha); a parcel between New Yatt Road and Woodstock Road (c7ha); and a smaller parcel of land west of Hailey Road (c4ha). It is anticipated that across the allocation as a whole, around 1,400 homes could be provided. The WOLP identifies Hailey Road as being capable of accommodating approximately 100 new homes, the land between Hailey Road and New Yatt Road approximately 1,100 homes, and the land between New Yatt Road and Woodstock Road approximately 200 homes.

- 3.29 An outline planning application (14/01671/OUT) was submitted in November 2014 to seek permission for 200 homes on the land between New Yatt Road and Woodstock Road. A full planning application (19/03317/FUL) was submitted in December 2019, to seek permission for 110 dwellings on the land west of Hailey Road. Both of these planning applications are still under consideration by the Local Planning Authority (West Oxfordshire District Council).

*New and Improved Transport Infrastructure Required to Support Housing Delivery*

- 3.30 The adopted WOLP recognises (paragraphs 7.34 and 7.35) that as Witney is a key focus area for growth, *“it is essential that further development is supported by appropriate and timely investment in new and enhanced highway infrastructure”*. A number of strategic highway improvement schemes are identified as being *“necessary to support the quantum and distribution of planned housing and employment growth at Witney”*. These were:

- **A40/Downs Road junction** – the provision of a new ‘all movements’ junction onto the A40 at Downs Road to the west of Witney (*completed in 2018*)
- **A40/Shores Green Slip Roads (Access to Witney Scheme)** - the provision of west facing slip roads at the Shores Green junction onto the A40 to the east of Witney.
- **West End Link Road (WEL)** – the provision of a new road link between Woodford Way and West End creating a second river crossing for Witney.
- **Northern Distributor Road** – the provision of a new road link between Hailey Road and Woodstock Road via New Yatt Road.

- 3.31 The WOLP recognises (paragraph 7.36) that *“whilst these schemes cannot be expected to eliminate traffic congestion in Witney, they will help to mitigate the impacts of the developments that are proposed to deliver them and as a combined package of measures, will have a number of wider benefits that justify them being safeguarded and taken forward through the Local Plan”*. It is also acknowledged (paragraph 7.4) that a number of potential non-strategic transport improvements are also likely to be needed in and around the central area of Witney to help facilitate the movement of vehicles including buses through the town.

- 3.32 These strategic highway improvement schemes were identified based on transport evidence, including traffic modelling, prepared in support of the WOLP and presented at the time of the Local Plan inquiry process. The WOLP contains the following policies specifically related to the strategic highway schemes required to support EWSDA and NWSDA:

- WOLP Policy WIT1 Part c) states that the EWSDA development is to be *“phased in accordance with the timing of provision of supporting infrastructure and facilities including the essential improvements to the Shore’s Green junction onto the A40 and related highway measures”*.



- WOLP Policy WIT2 Part c) states that the NWSDA development is to be “*phased in accordance with the timing of provision of supporting infrastructure and facilities including the essential delivery of the West End Link and Northern Distributor Road*”.

### Witney’s Transport Network - Constraints and Challenges

#### Existing Travel Patterns

3.33 Data from the ONS Census (2011)<sup>1</sup> as presented in Table 3.2, indicates that the workplaces of two thirds (65%) of Witney residents are not within Witney and the main means of travel to work is closely related to this. Of the three quarters of residents driving to work, 6,865 people (74%) work outside Witney. In addition, nearly 90% of those using the bus and 97% of those using rail are travelling to workplaces outside of Witney. This emphasises the pressure on the road network, particularly on the highway network at peak hours.

Mode (travel to work)	Place of work		Total	%
	Within Witney	Outside Witney		
Rail	3	94	97	1%
Bus	74	636	710	6%
Car	2,291	6,865	9,156	73%
Bicycle	491	219	710	6%
On foot	1,462	246	1,708	14%
Other method of travel to work	32	117	149	1%
Total	4,353	8,177	12,530	
%	35%	65%		100%

Table 3.2: ONS Census (2011) Place of Work and Travel Data for Witney

- 3.34 The 6% of residents using bus as their main mode of transport to work will depend on suitable bus service provision and journey time reliability to use this sustainable mode.
- 3.35 A fifth of residents use active travel as their main mode to work, with 6% of Witney residents cycling to work and 14% walking to work. This is slightly higher than the walking and cycling percentages for West Oxfordshire as a whole (5% bicycle and 12% pedestrian) and for England (3% bicycle and 12% pedestrian). The importance of providing good, safe active travel infrastructure in the local area is emphasised, with 70% of those cycling and 85% accessing places of work within Witney.

### Witney’s Road Network

3.36 The main roads serving West Oxfordshire are shown in Figure 3.5. The A-roads serving Witney and surrounding areas are:

<sup>1</sup> 2021 ONS Census travel data has not been referred to as it was collected during the COVID-19 pandemic. This significantly impacted on working arrangements and travel patterns and use of the travel data is not considered appropriate

- A40: East-west primary highway route (London-Oxford-Gloucester-South Wales-Fishguard), acting as a southern by-pass to Witney.
- A415: Runs into Witney from Berinsfield (south-east of Abingdon) and approaches Witney from the south east.
- A4095: Runs north-east to south-west through Witney, en route between north Bicester and Faringdon.

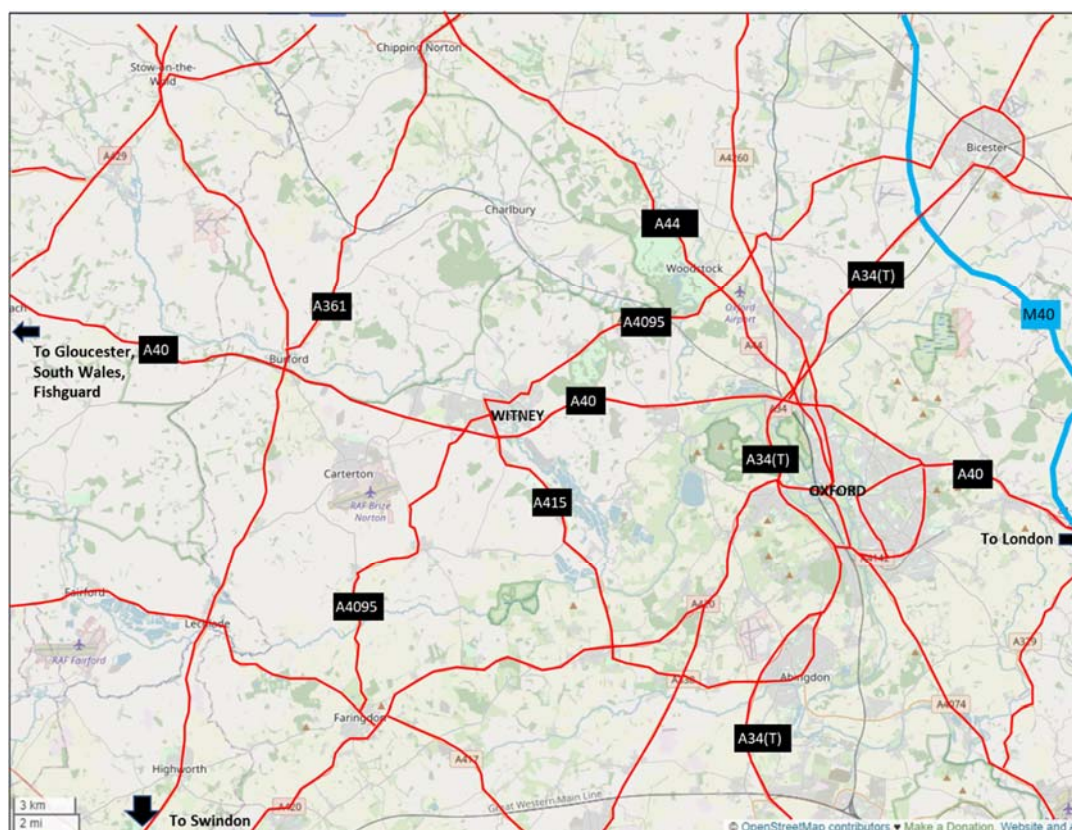


Figure 3.5: Main roads serving West Oxfordshire and Witney

3.37 The A40 was part of the Strategic Road Network (SRN) until it was de-trunked on 1 June 2003. The A40 is a primary route that provides Witney with a southern by-pass, built in the mid-1970s; prior to that, the A40 route ran straight through Witney town centre. The A40 is a key route for residents in West Oxford district to travel in and out of Oxford (or beyond) to the east, or westwards towards Cheltenham and Gloucester. The A40 is a designated through route for the movement of road freight.

### Constrained River Crossing Opportunities

3.38 Figure 3.6 provides an overview of the road network in the local area immediately around Witney, highlighting both A and B classified roads. East-west traffic movements across Witney are constrained by the need to cross the River Windrush and the limited availability of crossing points.

3.39 These river crossing points are limited to A4095, Bridge Street in central Witney; Dry Lane in Crawley village, 2.5km to the north-west of the town centre; and on the A40, 1.7km to the south of the town centre. Bridge Street, which is a particular traffic bottleneck for vehicle movements across Witney, and these

alternative river crossings are highlighted in Figure 3.6. As a result, the main crossing point for east-west traffic movements is currently via Bridge Street in Witney Town Centre.

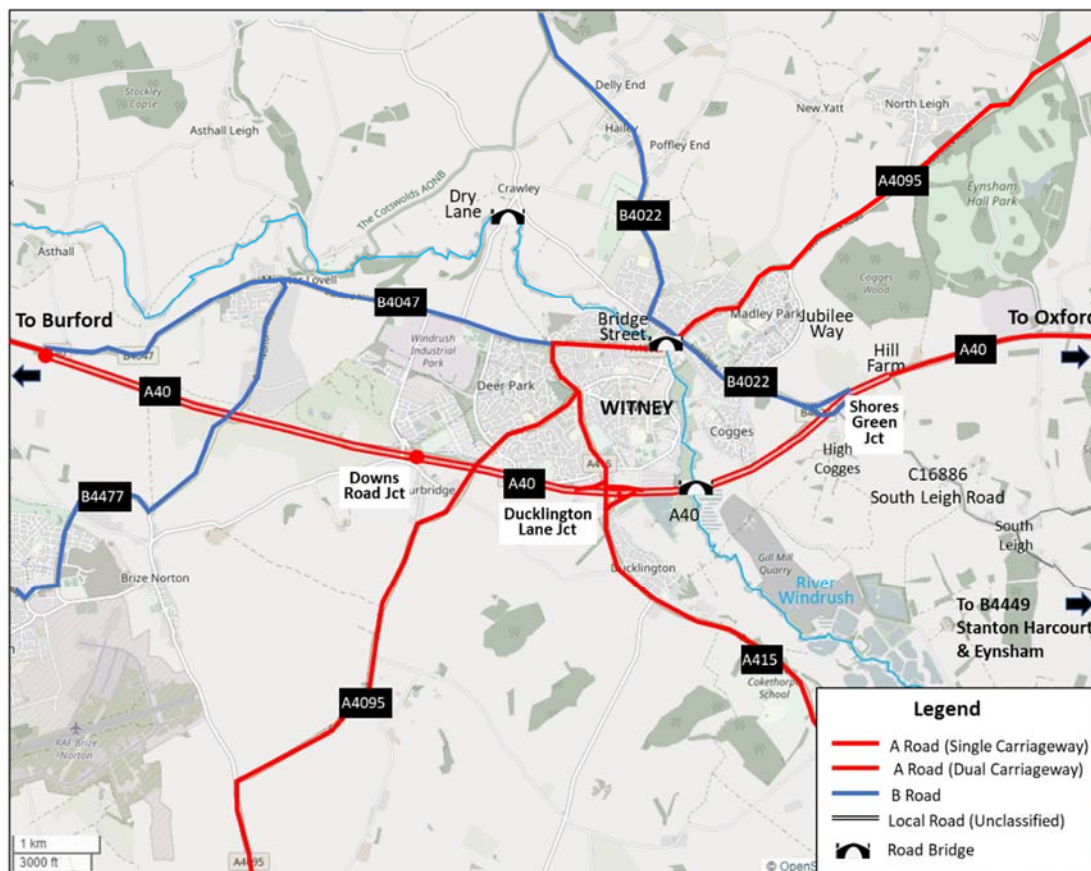


Figure 3.6: Witney – local area road network

- 3.40 Likewise, north-south traffic movements across Witney also mostly require traffic to route via Witney town centre, exacerbating the traffic and air quality problems at Bridge Street. A key factor in this is the lack of west-facing slips at the A40 Shores Green interchange, which would otherwise enable through traffic to/from the A4095 and A415 in the south to use a route via the A40 and B4022 to cross the River Windrush and continue on the A4095, avoiding having to use Bridge Street.

#### Restricted Access to the A40

- 3.41 The A40 is a dual carriageway between the A40/B4047 roundabout in the east and Hill Farm, 1.6km east of the Shores Green interchange. The A40 is single carriageway west of the A40/B4477 roundabout and east of Hill Farm, until the A40 Wolvercote Roundabout (0.7km east of the A34 flyover of the A34), where the A40 becomes a dual carriageway as part of Oxford's northern by-pass. The A415 and A4095 are single carriageway A class roads. They both provide local inter-urban links and carry less traffic than the A40.
- 3.42 The A40 forms the most direct transport link between Witney and Oxford although there are also alternative routes using the A4095/A44 and the B4449/B4044. The A4095/A44 also forms a route for bypassing the A40 and Oxford and accessing the A34 and M40 for longer distance traffic. Some vehicles travelling between Carterton and Oxford also take the route via

Bampton on the B4449/A415 to the A420 to avoid the A40. Traffic using the A4095/A44 route to Oxford and beyond travels through Witney Town Centre.

3.43 Junctions on the A40 south of Witney are also highlighted in Figure 3.6 above. From west to east:

- The A40/Downs Road roundabout opened in 2019 and delivered as part of the committed urban extension to west of Witney. It provides an all-movements link to/from west Witney.
- The A40/A415 Duckington Lane interchange provides a grade-separated all movements junction that was provided as part of the original A40 Witney southern bypass scheme. Improvements were made to the junction in 2014.
- The A40/B4022 Shores Green interchange provides a restricted access grade separated junction with the B4022 linking directly onto the A40 east and providing east-facing access (or slip-roads) only onto the A40 i.e., to/from the Oxford direction. The junction also provides an interchange between the B4022 and the C16886 South Leigh Road and acts a key access point to High Cogges and South Leigh villages located to the South of Witney. This interchange was built as part of the original A40 Witney southern bypass scheme.

3.44 South-west of Witney town centre, the A4095 Curbridge Road crosses the A40 on a bridge, with no direct connection between the two. As a result, traffic from the A40 generally accesses the A4095 at the A40/A415 Duckington Lane Interchange.

3.45 As a result of the existing road network configuration, the limited river crossings, the A40 junction access arrangements and particularly the restricted access to and from the A40 at the Shores Green interchange, significant volumes of local and longer distance traffic currently routes through Witney town centre.

#### Other Local Roads Serving Witney

3.46 There are two B-class roads that serve Witney itself. The B4022 links to/from the A361 between Chipping Norton and Banbury to the north of Witney, from/to the A40 Shores Green interchange to the east of Witney (where the east-facing slips allow for traffic movement to/from Oxford). The B4047 Burford Road links between its junction with the A4095 Tower Hill/Burford Road junction in Witney through to a roundabout junction with the A40 6km west of Witney. Both are single carriageway B class roads.

3.47 The C16886 South Leigh Road, which extends south from the A40/B4022 Shores Green Interchange, provides access to the villages of High Cogges and South Leigh. South Leigh Road/Chapel Road/Station Road also provides a route for traffic from the Witney area heading to Stanton Harcourt, Eynsham and the Swinford Toll Bridge via the B4449 and onward to the A420/A34. It is also sometimes used as an alternative route or 'rat run' by traffic to/from Witney, particularly when the A40 route is very congested or subject to long delays due to an incident. It is an unlit, largely single-track rural road with no footways, and pedestrians and cyclists using the same space as cars. South Leigh and High Cogges Parish Council has long standing concerns regarding the inappropriate

volume, speeds and type of traffic (HGVs) using this route, and its impact on the character of the villages and parish. A 20mph zone was introduced along the route in April 2023.

*Traffic Flows on the Strategic and Local Road Network*

- 3.48 Figure 3.7 highlights the 7-day two-way Annual Average Daily Traffic (AADT) volumes on the A40, A415, A4095, B4022 and on some other local roads in Witney Town Centre. Flows are given both pre and post COVID-19 pandemic years. This highlights the high volumes of two-way traffic using A4095, Bridge Street in Witney Town Centre - 26,500 vehicles per day.
- 3.49 Following the COVID-19 pandemic, traffic flow levels nationally and across Oxfordshire have been returning to pre-pandemic levels. Figure 3.7 shows that in 2022, AADT volumes across the Witney road network were still slightly below pre-pandemic levels. On Bridge Street, two-way AADT were still observed at around 25,000 vehicles a day in 2022 and 2023.

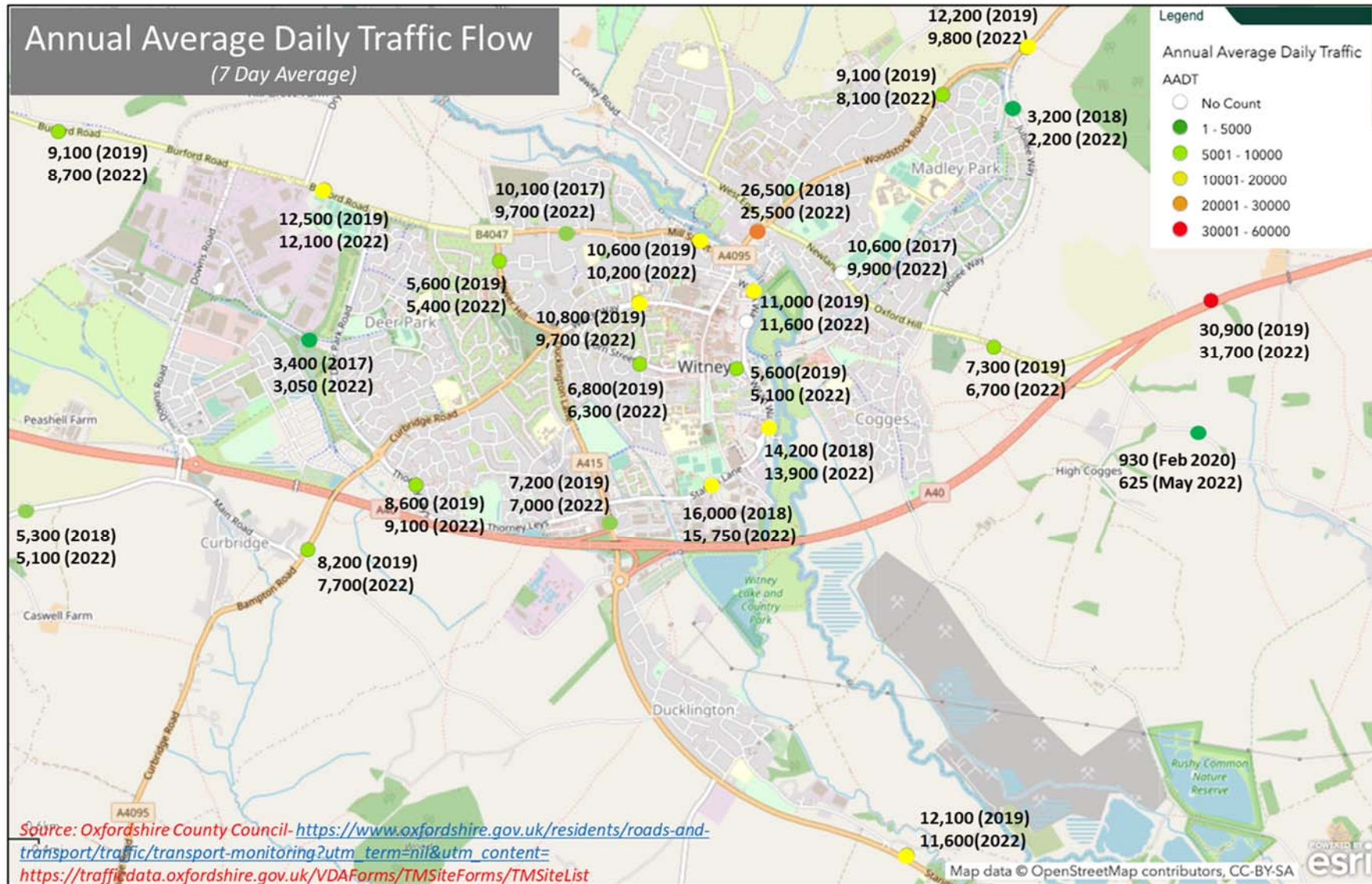


Figure 3.7: Annual Average Daily Traffic (AADT) flows in the Witney Area

A4095, Bridge Street - Traffic Bottleneck and Congestion

- 3.50 Restrictions in Witney's Road network – the limited places to cross the River Windrush and the lack of west-facing slip roads at the A40 Shores Green Interchange – lead to high volumes of traffic to and from east and north-east Witney and longer distance traffic routing through Witney Town Centre and using the A4095, Bridge Street. The location of Bridge Street is highlighted in Figure 3.8 below.
- 3.51 The A4095, Bridge Street is a single carriageway road to the north of Witney High Street. As shown in Figure 3.8, it bridges over the River Windrush towards its southern end, where a mini roundabout provides a junction with High Street and the A4095 Mill Street. At the northern end of Bridge Street is a double mini roundabout, providing junctions with the B4022 West End and with the B4022 Newland/A4095 Woodgreen Hill. Some roundabout approaches have a short length of marking out into two lanes, including both ends of Bridge Street. Despite this, the roundabouts provide limited traffic capacity.

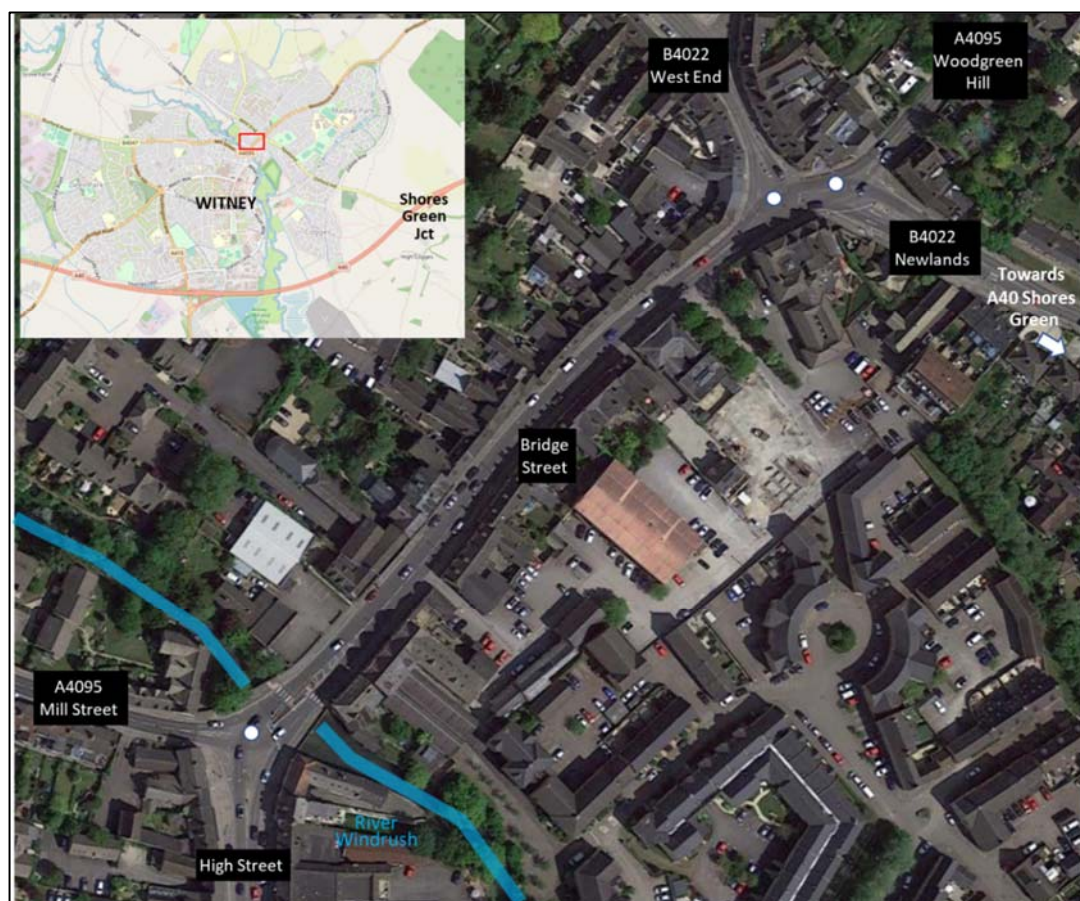


Figure 3.8: Aerial View of A4095 Bridge Street, Witney Town Centre (Source: Google Maps)

- 3.52 As described above, a high volume of traffic - around 25,000 vehicles per day – uses Bridge Street in both directions. Around 3% of this traffic is Heavy Goods Vehicles (HGVs).

- 3.53 On weekdays, total two-way traffic volumes in the AM and PM peak hours is around 2,000 to 2,100 vehicles per hour and as can be seen in Figure 3.9, total traffic volumes on Bridge Street remain high throughout the day (between 06:00 and 18:00), particularly on weekdays but also at the weekend.

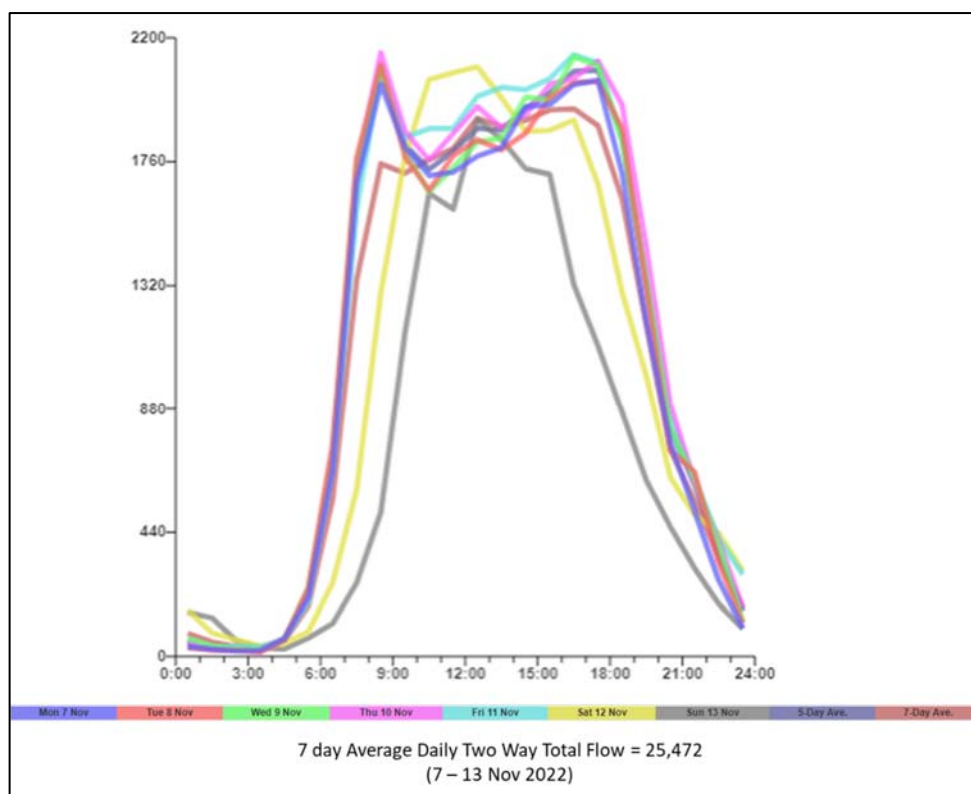


Figure 3.9: Hourly Two-Way Traffic Volumes on Bridge Street (Nov 2022)

- 3.54 Bridge Street is lined by mainly residential properties. There are also a small number of retail and commercial premises along its length. There is some on-street parking along some sections. The footway width varies along its length but there are some very narrow sections towards its northern end. It is an important pedestrian and cycle route into the town centre from the north and east of Witney, although the existing high traffic volumes do not provide an attractive environment for walking and cycling.
- 3.55 Figure 3.10 provides a view of Bridge Street looking north-east from its junction with High Street/Mill Street. Figure 3.11 provides a view of Bridge Street looking north-east from a point mid-way along its length. Figure 3.12 is a view of Bridge Street looking south-west from its junction with the B4022 West End.





Figure 3.10: View of A4095, Bridge Street looking north-east from its junction with Mill Street  
(Source: Google Maps)



Figure 3.11: View of A4095, Bridge Street looking north east mid-way along its length (Source: Google Maps)



Figure 3.12: View of A4095, Bridge Street looking south-west from its junction with the B4022 West End (Source: Google Maps)

- 3.56 At various times, including during the morning and evening peak periods, traffic delays and queues at Bridge Street spill into the wider road network – both within and beyond the town centre – extending west along the A4095 Woodgreen, north and south along the B4022 West End, east along A4095 Mill Lane and south along High Street and Witan Way. This is shown visually in Figures 3.13 and 3.14, which shows typical AM and PM peak traffic conditions.

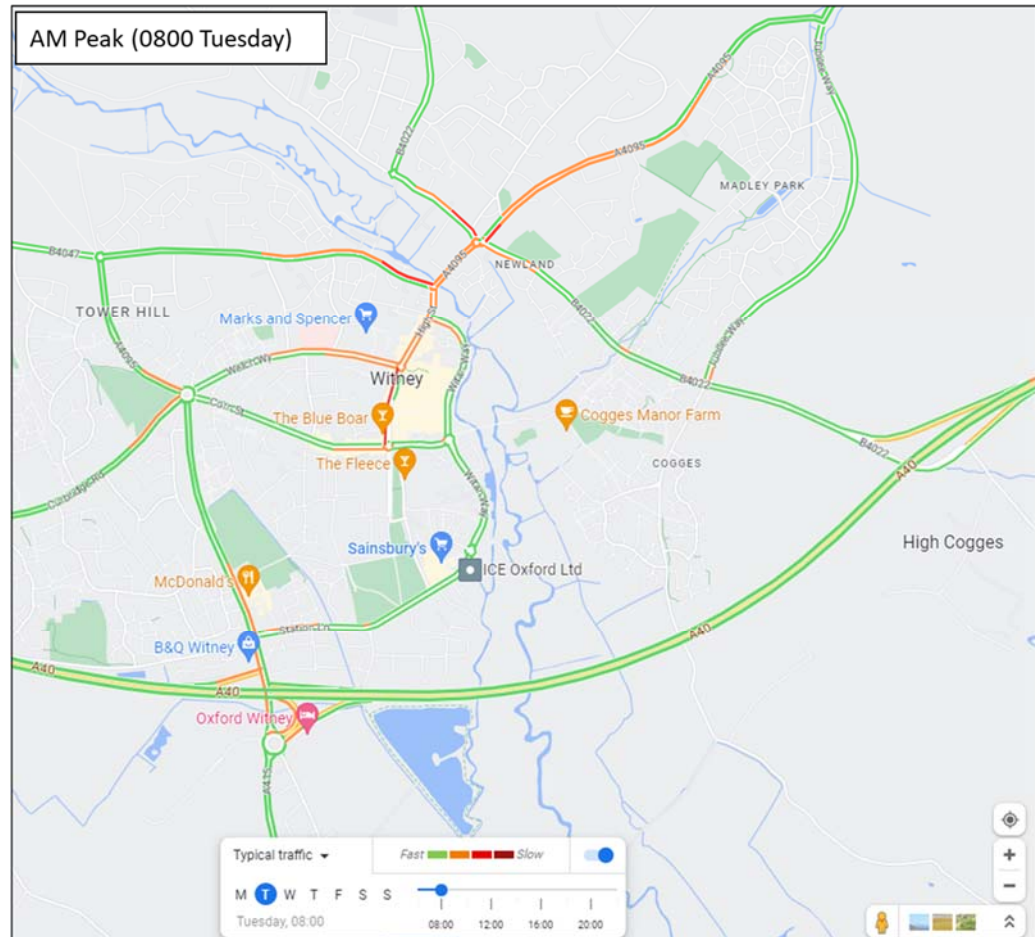


Figure 3.13: Typical traffic conditions in Witney – AM Peak (Source: Google Maps)

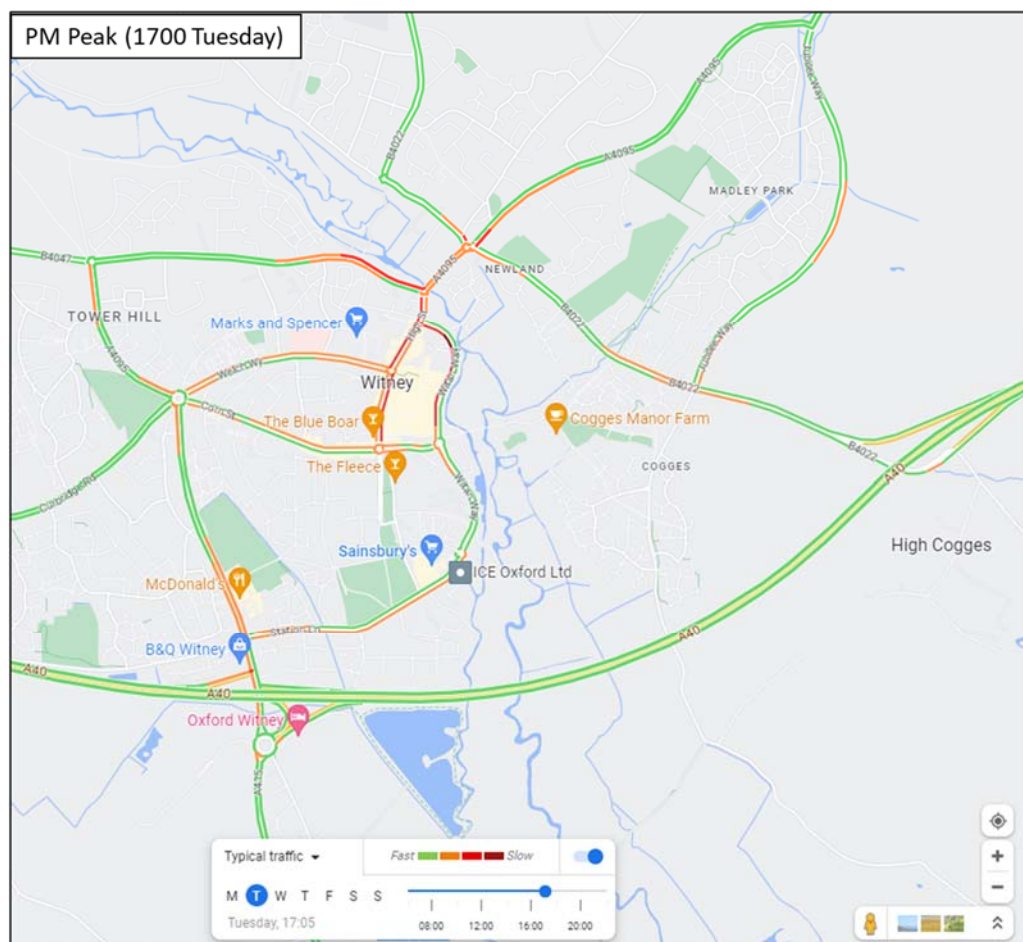


Figure 3.14: Typical traffic conditions in Witney – PM Peak (Source: Google Maps)

### Impact of Traffic on Streetscape and Environment on A4095, Bridge Street

3.57 The high volume of traffic on A4095, Bridge Street and associated congestion has an adverse impact on the quality of the streetscape and environment at Bridge Street itself and in Witney's historic Town Centre. High traffic levels and congestion has led to it being declared an Air Quality Management Area (AQMA) for nitrogen dioxide (NO<sub>2</sub>) – a designation that is described in more detail below in the section entitled '*Impact of High Traffic Volumes on Air Quality in Witney Town Centre*'. The existing high traffic volumes and environmental conditions do not provide an attractive environment for people walking and cycling.

### Public Transport Services

3.58 There are no rail services directly serving Witney. The nearest railway station is Hanborough, some 9.5km north-east of Witney. Hanborough is served by Great Western Railway (GWR) London Paddington-Reading-Oxford-Worcester services, which run roughly hourly in each direction. Much of the Oxford-Worcester line is single track, including at Hanborough station. Hanborough is the first station after Oxford, travelling towards Worcester. Oxford station has a much wider range of train services, including:

- more trains to Reading and Paddington
- trains through Banbury to Birmingham

- services via Bicester and the Chiltern Line to London Marylebone
- services to Swindon towards Bristol, the west country and South Wales

3.59 Witney used to be served by a branch line that ran from Oxford to Fairford, but passenger services ceased in 1962.

3.60 Witney is served by a number of local bus services. Stagecoach, which has an operating base in Witney, operate 6 services between Oxford, Eynsham, Witney and Carterton as shown in Figure 3.15 (as of March 2023).

3.61 Service S1 provides the main service into Oxford (via Farmoor and Oxford Station). Service S2 provides a link to Cheltenham every 2 hours and an hourly link into Oxford via Summertown. Service H2 provides an hourly link to the John Radcliffe Hospital and the Headington Campus; Service S7 provides a link from Witney via the A4095, Long Hanborough and Woodstock to Oxford. Service 233 provides a half hourly ‘cross-country’ link between Burford and Woodstock, which stops near Hanborough Station. Service 234 provides a link between Witney and Burford.

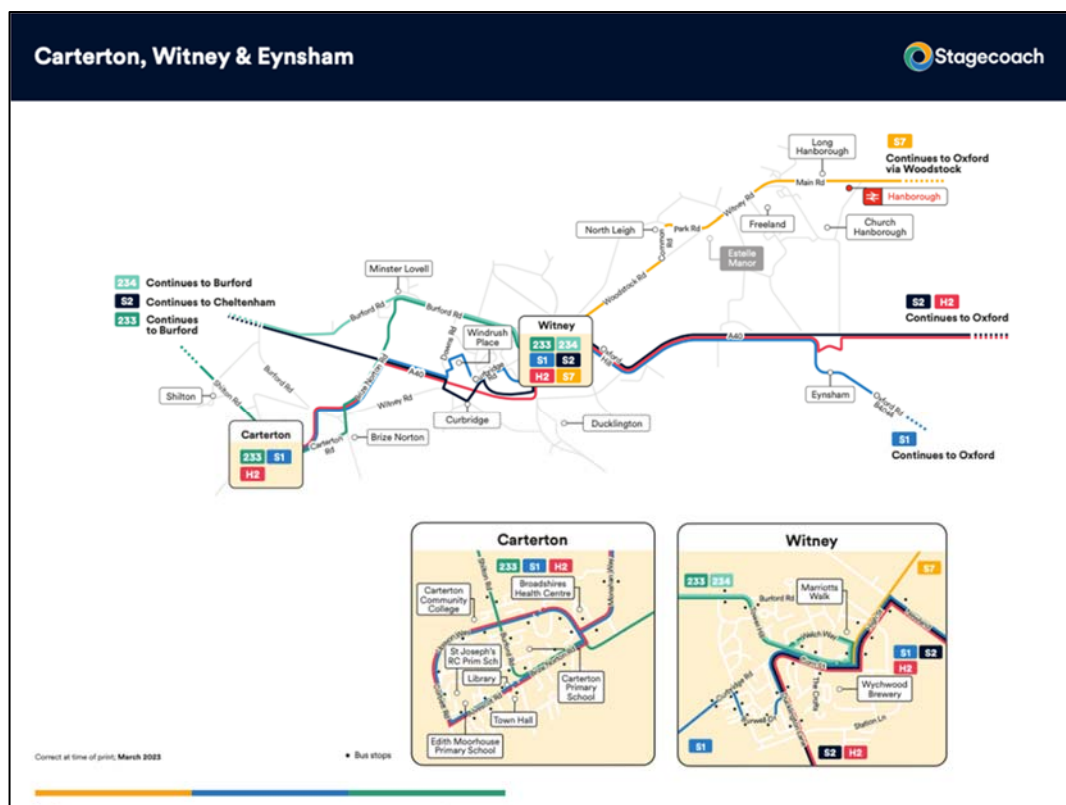


Figure 3.15: Witney Bus Services - Oxford, Witney and Carterton (Stagecoach, March 2023)

3.62 Other bus service operators include West Oxfordshire Community Transport, and Pulham Coaches. Details of all of the bus services, including routes and service levels, are shown in Table 3.3.

Service	Route (Operator)	AM 0800-0900	Off- Peak	PM 1700-1800
S1	Carterton- Witney – Eynsham -Farmoor - Oxford (Stagecoach)	5	32	5
S2	Cheltenham – Curbridge – Witney – Summertown - Oxford (Stagecoach)	2	10	2
S7	Oxford – Woodstock - Long Hanborough - Witney (Stagecoach)	2	26	2
H2	Headington - John Radcliffe Hospital – Eynsham – Witney-Carterton (Stagecoach)	1	12	1
233	Burford - Witney (Stagecoach)	1	8	1
234	Witney - Burford (Stagecoach)	1	8	1
X9	Witney - Charlbury-Chipping Norton (Pulham Coaches)	1	12	1
213	Witney Town Centre (West Oxfordshire Community Transport)	1	8	1
214	Witney Town Centre (West Oxfordshire Community Transport)	1	8	1

*Table 3.3: Witney Bus Routes and Service Levels (weekday timetable)  
Source: Bustimes.org (March 2023)*

*Impact of Traffic Volumes and Delays on Bus Journey Times and Reliability*

3.63 There are no bus priority measures at present in and around Witney and, as a result, buses run with other traffic and experience the same congestion and delays as other road vehicles using the road network in Witney Town Centre. Bus services between Witney and Oxford run via Bridge Street and experience the same congestion and delay described in paragraphs 3.54 - 3.56 above. These delays, which vary across the day, increase bus journey times and have a negative impact on service reliability and resilience. This makes bus travel less attractive, especially to people who currently use their car for equivalent journeys.

### Walking and Cycling

- 3.64 Witney and its surrounding area have a network of primarily public footpaths, with some public bridleways and limited connections available for cycling via pedestrian and cyclist shared use cycle tracks, or on-carriageway cycle lanes. Figure 3.16 shows current public rights of way in the East Witney area in the vicinity of the Scheme.

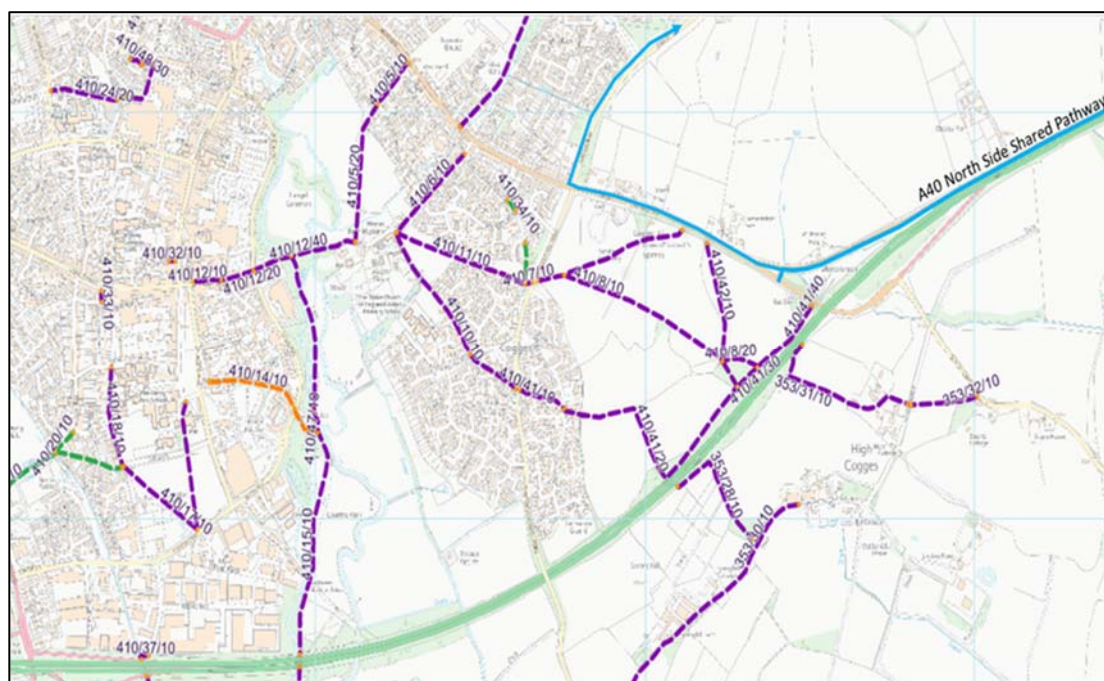
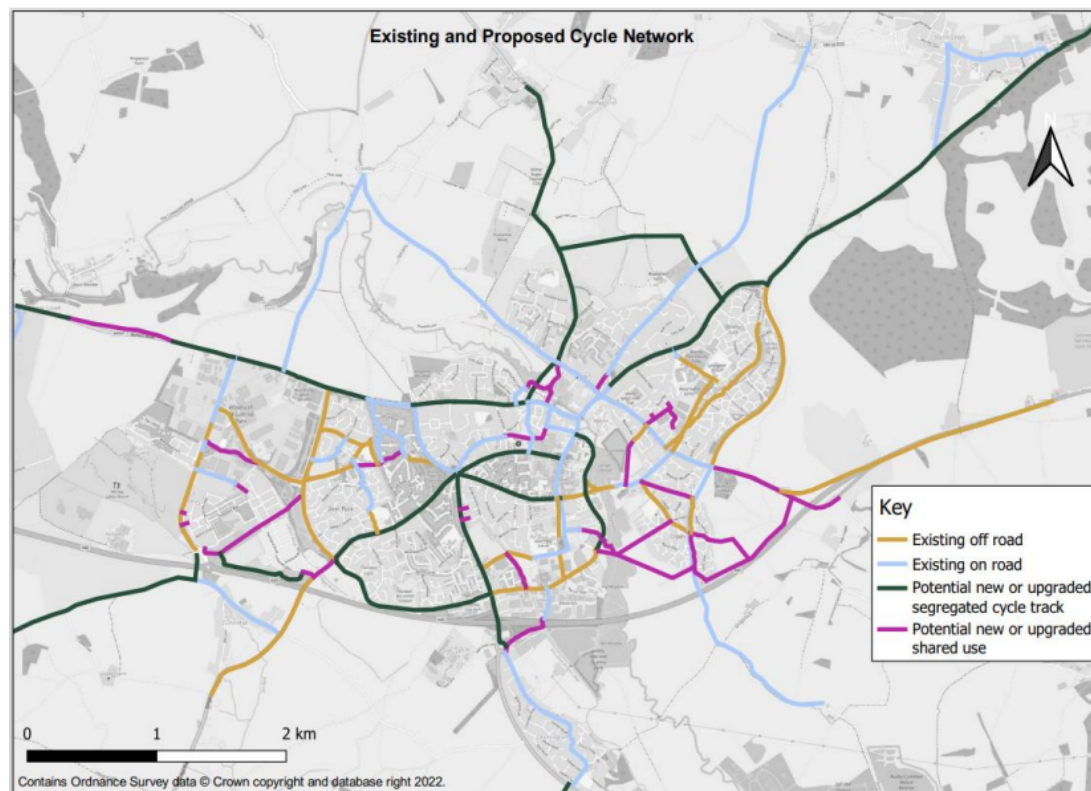


Figure 3.16: Witney East Existing Public Rights of Way

- 3.65 The compact nature of the town means that a wide range of trips can be satisfied within a short distance, thereby offering the potential for residents to walk or cycle for many journeys. However, at present, available routes for cycling do not represent a comprehensive network.
- 3.66 A lack of segregated cycle lanes through Witney Town Centre, and the high traffic volumes and congested traffic conditions

activity and achieving major health benefits. Consultation on the draft Witney LCWIP closed in January 2023, with formal County Council adoption in March 2023. Figure 3.17 shows the existing and proposed Cycle Network in Witney as set out in the adopted Witney LCWIP.



*Figure 3.17: Existing and proposed Cycle Network in Witney - in Witney Local Cycling and Walking Infrastructure Plan (LCWIP) - Adopted, March 2023)*

- 3.69 Figure 3.18 shows the proposed improvements contained in the adopted LCWIP specifically for the east Witney area. Of specific importance to the Scheme, is the recommendation of a new cycle track (with a right of way on foot) linking the B4022 Oxford Hill Road close to the proposed A40 eastbound off slip via a new crossing of the River Windrush (Location 21 in Figure 3.18) to connect Witney town centre (see links 19, 26 and 27 in Figure 3.18). Future delivery of this shared use cycle track will require a future upgrade of the new integral footway that is proposed as part of the Scheme, which runs to the north-west of the new A40 westbound.

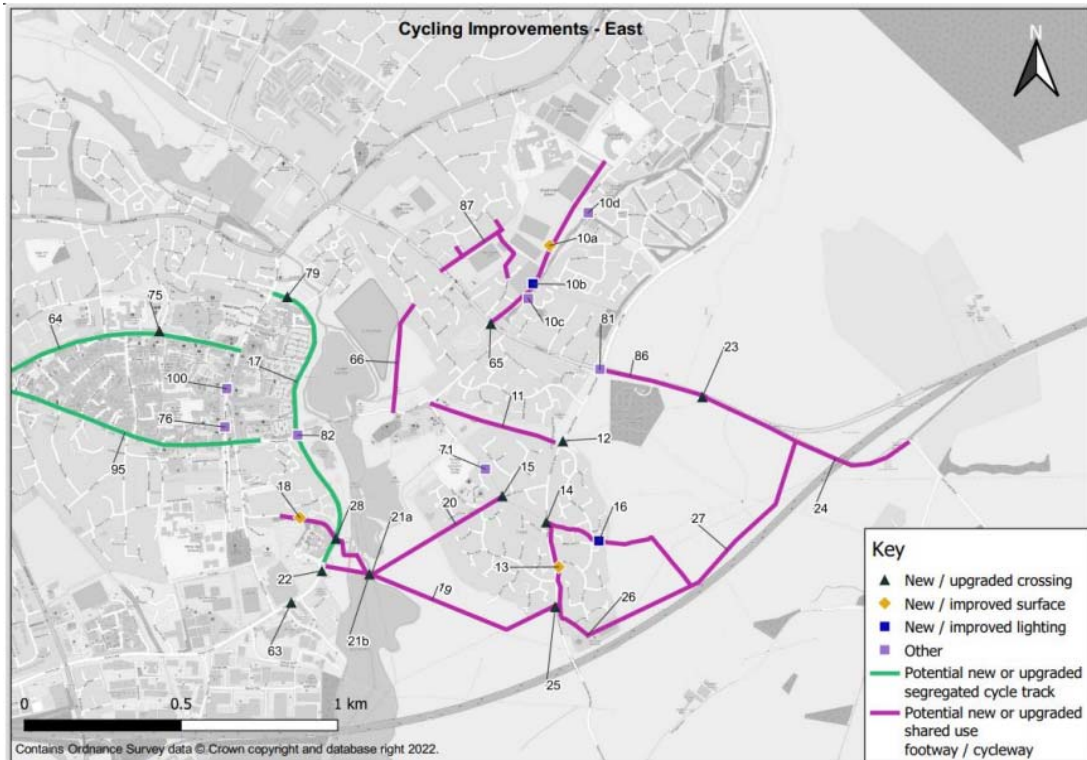
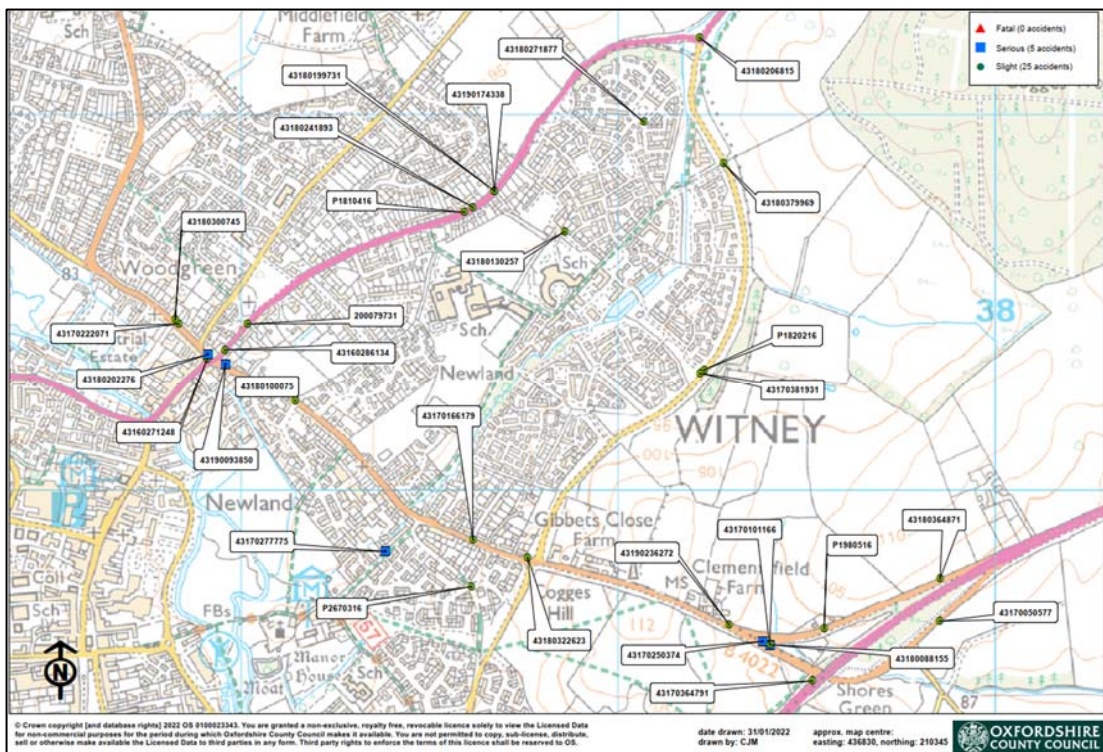


Figure 3.18: Proposed Cycling Network Improvements in East Witney in Witney Local Cycling and Walking Infrastructure Plan (LCWIP) – adopted, March 2023)

### Road Safety

3.70 Personal injury collision (PIC) data for East Witney for the 5-year period from January 2016 to October 2021 is shown in Figure 3.19 below.





*Figure 3.19: Personal Injury Collisions in East Witney – January 2016 to October 2021*

- 3.71 During this period, there were a total of 29 collisions recorded within the area shown, of which five resulted in serious injury and 24 in slight injury severity. Table 3.4 provides a breakdown by severity and highlights how many collisions involved Vulnerable Road Users (VRUs) for 2016 to 2021. There were no fatalities recorded. One incident has been removed from this analysis due to ‘impairment by alcohol’ being identified as a contributory factor.

Severity	Total Collisions		Collisions involving Vulnerable Road Users		
	Total	Percentage	Pedestrians	Cyclists	M/C
Fatal	0	0%	0	0	0
Serious	5	17%	0	3	2
Slight	24	83%	1	8	0
<b>Total</b>	<b>29</b>	<b>100%</b>	<b>1</b>	<b>11</b>	<b>2</b>

*Table 3.4: Total Number of Collisions, Severity and Number Involving Vulnerable Road Users*

- 3.72 Collisions occurring near the site of the Scheme were infrequent, with four collisions occurring near the proposed new signalised junctions on the B4022. A more detailed analysis of the cause of collisions is described in the Scheme Transport Assessment which included as **Appendix 1** to this Statement [Appendix 7 of the Statement of Reasons].

*Impact of High Traffic Volumes on Air Quality in Witney Town Centre*

- 3.73 Section 82(2) of the Environment Act 1995 requires local authorities to review current and potential future air quality in their area. Reviews need to include “an assessment to be made of whether air quality standards and objectives are being met”. WODC has identified exceedances for nitrogen dioxide (NO<sub>2</sub>) in and around Bridge Street in Witney compared with the national air quality objectives (the national limit for NO<sub>2</sub> to protect health is an annual mean concentration of 40 µgm<sup>-3</sup>).
- 3.74 The District Council has therefore declared an Air Quality Management Area (AQMA) at Bridge Street, Woodgreen and Mill Street – one of just two in the district as a whole. Further information on the AQMA is provided in WODC Air Quality Annual Report attached as **Appendix 1** [Appendix 8 of the Statement of Reasons]. The identified cause of this exceedance in NO<sub>2</sub> concentrations is the level of road traffic.
- 3.75 The inset map in Figure 3.20 below highlights the extent of the AQMA at Bridge Street, Woodgreen and Mill Street. Despite measured levels of NO<sub>2</sub> being less than the national limit in 2020 and 2021 (reflecting lower traffic levels during the Covid-19 pandemic) as reported in the Council’s 2022 report, WODC expects that levels will rise back and exceed the national limit again in the future as traffic levels increase.

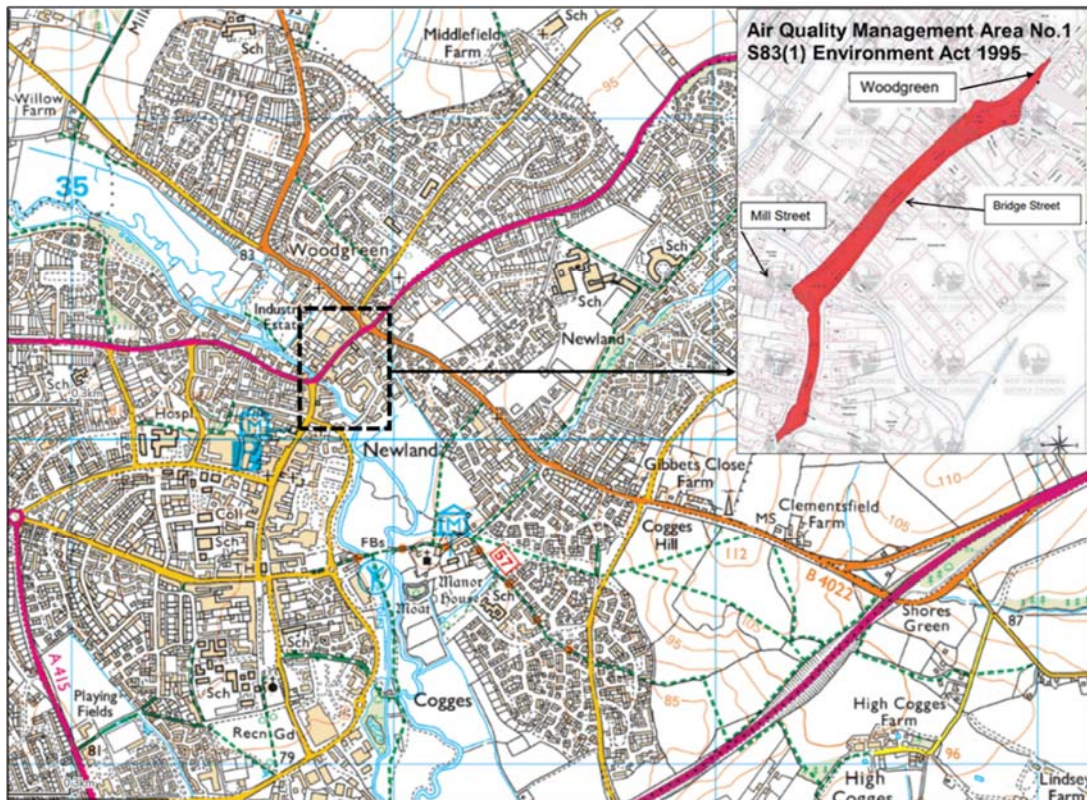


Figure 3.20: Witney Central Showing Bridge Street Air Quality Management Area

3.76 For air quality monitoring purposes, WODC uses non-automatic roadside diffusion tubes at six individual monitoring points within the Witney AQMA. Table 3.5 provides a table of monitoring results from the roadside diffusion tube sites, presenting the annual mean concentration of NO<sub>2</sub> from 2017 to 2021. Exceedances of the NO<sub>2</sub> annual mean objective of 40µg/m<sup>3</sup> are shown in bold. This is data extracted from Table A.2 in Appendix A to the 2022 WODC Air Quality Annual Report, attached as **Appendix 1** [Appendix 8 of the Statement of Reasons].

Diffusion Tube ID	2017	2018	2019	2020	2021
NAS1 – 25 Bridge St, Witney	<b>49.9</b>	<b>48.2</b>	<b>44.8</b>	36.8	37.6
NAS2 - 10 Bridge St, Witney	<b>40.6</b>	<b>40.5</b>	37.1	27.5	31.8
NAS3 - 20 Bridge St, Witney	<b>43.9</b>	<b>41.8</b>	<b>41.9</b>	32.2	35.1
NAS4 – 9 Mill St, Witney	34.4	31.9	33.9	26.2	26.9
NAS5 – 4A West End, Witney	33.9	35.5	33.1	25.9	28.4
NAS6 – Woodgreen Hill, Witney	33.9	34.4	35.5	26.6	29.9
NAS7 - Newland, Witney	35.8	34.5	34.3	27.0	28.0

**Table 3.5:** Bridge Street AQMA Annual mean NO<sub>2</sub> monitoring results (µgm-3)

3.77 Air quality in Witney Town Centre is particularly dependent on the level of traffic moving through it. Any transport intervention or infrastructure that helps to manage and reduce traffic - and the associated adverse air quality impacts in the declared Witney AQMA at Bridge Street - is to be welcomed. This is particularly the case given the predicted increases in vehicular traffic that have

been forecast as a result of the allocated WOLP developments in north and east Witney, and across the wider West Oxfordshire area.

### Summary

3.78 The existing and future housing, transport and environmental challenges in the Witney area means which have led to the need for transport investment and this Scheme are summarised below. The Scheme is needed to:

- Support delivery of new housing (including affordable homes) in Witney by helping to mitigate the impact of development traffic on the towns road network. This will help in meeting a significant need for new housing across Oxfordshire;
- Improve access to the A40 for traffic to and from east and north-east Witney without the need to route through the town centre;
- Provide alternative routes for traffic to cross the river, and route around the edge of the town, to reduce the need for local and longer distance traffic to route through Witney town centre;
- Reduce traffic volumes on Bridge Street to improve air quality in the Witney Air Quality Management Area;
- Reduce traffic delays and improve journey times for vehicular traffic, including buses, in Witney;
- Improve road network resilience and allow the Council better manage the road network;
- Reduce traffic volumes on Bridge Street to help enable delivery of measures to promote sustainable and active travel in Witney Town Centre;
- Improve access to public transport and provide faster bus journey times and more reliable buses;
- Provide safer active travel connections and facilities; and
- Deliver public health benefits through improved air quality in Witney Town centre and better active travel facilities.

## 4 ALTERNATIVE OPTIONS ASSESSMENT

### Introduction

- 4.1 This Chapter sets out the alternative options considered by the Council to address the local transport, housing and environmental challenges described in Section 3 and the work the Council has completed to assess them.
- 4.2 However, in setting out the Scheme alternatives it is important firstly to recognise the history of an alternative proposal that was intended to address the same challenges for Witney, which was originally considered and taken forward through the planning application and compulsory purchase order and side roads order procedures, but ultimately did not progress as the Secretary of State for Transport declined to confirm the Orders. This is considered significant as it has contributed to the decision to develop options for the Scheme and subsequently led to the Scheme being developed and progressed.

### Previous Road Network Upgrade Proposal: Cogges Link Road Scheme

- 4.3 Oxfordshire County Council previously developed proposals for the Cogges Link Road (CLR) scheme, which would have connected Witan Way, to the south of the town centre, to the Oxford Hill / Jubilee Way junction on the eastern outskirts of the town. The CLR scheme would have run to the south-east of the Cogges residential area and formed a second river crossing over the River Windrush.
- 4.4 The CLR scheme was designed to improve traffic flow, reduce town centre congestion and enhance road network connections by providing a second river crossing and linking to new developments. The CLR scheme obtained planning permission and the Council subsequently made and submitted a compulsory purchase order and side roads order to the Secretary of State for Transport for confirmation, to enable delivery of the scheme in 2010.
- 4.5 Conjoined Public Inquiries to consider the statutory orders made by the Council for the CLR scheme were held in 2011. The Inspector recommended to the Secretary of State for Transport that the orders were not confirmed and the Secretary of State for Transport agreed with the Inspector's recommendation.
- 4.6 The Inspector's report to the Secretary of State attached at **Appendix 1** [Appendix 16 of the Statement of Reasons] clearly supported the need for the re-routing of traffic from Bridge Street and the central Witney area. However, at the Public Inquiry, the Inspector considered evidence from the Council and others on the relative merits of the CLR and a Shores Green Slip Road Scheme (SGSR), which provided west facing on and off slips from the B4022 to the A40.
- 4.7 Based on the evidence presented to the Public Inquiries at that time, the Inspector concluded that:
- there remains a clear need for the re-routing of traffic from the Bridge Street area;
  - the SGSR was a reasonable alternative to the CLR;
  - on traffic grounds and overall, the SGSR would be a better scheme than the CLR; and

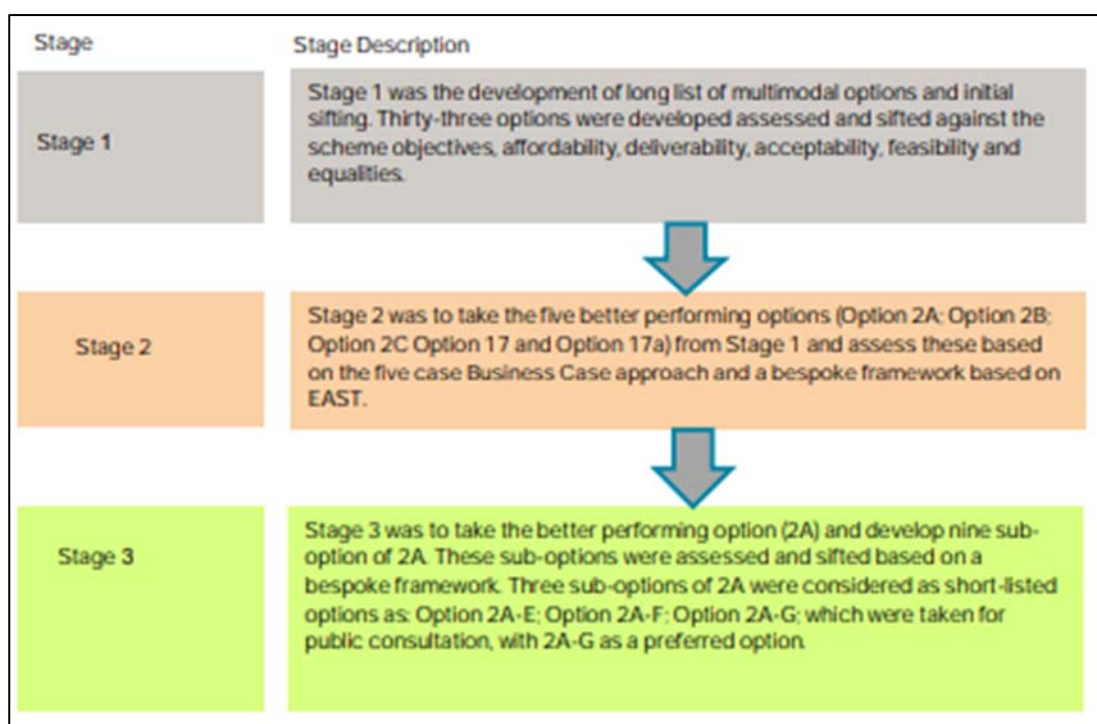
- The SGSR would achieve the aims of the CLR on practical and policy grounds.

### Option Assessment Work Leading to the Selection of the Proposed Scheme

4.8 Following the Cogges Link Road decision in 2012, optioneering to identify and assess potential solutions to meet the challenges in the Witney area was revisited in 2019 and 2020. An option assessment study was commissioned by the Council and the study report is presented in the Access to Witney TAG Options Assessment Report at **Appendix 1** [Appendix 18 of the Statement of Reasons].

#### *Study Methodology and Objectives*

4.9 The option assessment study used a methodology and assessment framework for the proposed development that was developed in line with the Department for Transport (DfT) Transport Appraisal Process and Early Assessment and Sifting Tool (EAST) Guidance (in July 2021). A 3 stage process was used as set out in Figure 4.1.



*Figure 4.1: Summary of Option Assessment Process*

4.10 The study report describes the three main objectives of the Witney Area Transport Strategy, as set out in the Council's Local Transport Plan 4 (LTP4):

**Objective 1:** Establish a transport network that supports future growth and attracts economic investment by improving access to the strategic transport networks and managing through traffic.

**Objective 2:** Mitigate the local environmental impact of increased travel by addressing congestion and poor air quality through improving opportunities for people to travel on foot, by cycle,

and/or public transport, including Door to Door integrated travel (e.g. walking or cycling with bus/rail).

**Objective 3:** Support town centre vitality, by providing a local transport network that enables easy access to services by sustainable means.

4.11 Following a review of the challenges faced in Witney and, in light of the need for intervention to address them (both for Witney and the planned developments by reference to the goals and objectives set out in the LTP4, WOLP, and Witney Area Transport Strategy), a set of localised objectives specific to the option assessment study were created:

1. Reduce future traffic flows in the Bridge Street area (supports Objective 1).
2. Improve accessibility to / from key destinations, and the resilience of the transport network to maintain journey time reliability (supports Objectives 1 & 3).
3. Reduce the level of air pollution within the AQMA (supports Objective 2).
4. Provide a safe, secure and attractive environment for pedestrians and cyclists in Witney including easier access to and within the town centre (Supports Objectives 1, 2 and 3 via increasing sustainable travel choice).
5. Enable modal shift by improving sustainable transport solutions (Supports Objectives 1, 2 and 3 via increasing sustainable travel choice).
6. Improve access to the A40 and the wider strategic road network, such as the A34 and M40, without having to travel through the town centre (Supports Objectives 1, 2 & 3).
7. Support the vitality, viability, performance and attractiveness of the town centre (Supports Objectives 1 & 2).
8. Allow the town to develop in accordance with the current Local Plan, and in particular deliver housing developments in north and east Witney and in the strategic development areas (Supports Objective 1).
9. Make best use of existing infrastructure assets (Supports Objectives 1, 2 & 3, potentially avoiding major new infrastructure development).

#### Stage 1 - Long List of Options and Initial Sifting

4.12 The area challenges and study objectives were used to help generate a long list of options focused on the Witney study area, which covered all modes – highway, public transport and active mode interventions. A total of 33 options comprising: upgraded junctions; new road links; public transport improvements; active travel interventions; and parking management, was identified based on:

- The assessment of current and forecast travel patterns, development, and growth, and challenges;
  - Previous and current proposals from the relevant local authorities and stakeholders;
  - Workshops with Oxfordshire County Council and West Oxfordshire District Council officers; and
  - Professional judgement based on experience elsewhere and within Oxfordshire to provide a comprehensive list of options.
- 4.13 These options were assessed in an initial OAR Stage 1 scoring and sifting process, against the following criteria:
- **Objectives:** comparing the long list against the nine Access to Witney study objectives.
  - **Affordability:** concentrating on the likely financial affordability of an option (its funding arrangements).
  - **Deliverability:** concentrating on the dependency of the option and interface risk in relation to other projects, timescale of delivery during design phase, contractual complexity and risks.
  - **Acceptability:** considering stakeholder acceptability of an option including public acceptability, local authorities, delivery partners, statutory bodies, landowners and utility companies.
  - **Feasibility:** considering practical feasibility of an option in terms of engineering and complexity.
- 4.14 The scoring of the long-list of options is presented in Appendix C of the Access to Witney TAG Options Assessment Report attached as **Appendix 1** [Appendix 18 of the Statement of Reasons]. Through this process, five highway options were shortlisted, which all focused on the existing A40/B4022 Shores Green junction:
- **Option 2A:** West facing slip roads to provide access to/from the A40 at Shores Green - Conventional Arrangement.
  - **Option 2B:** West facing slip roads to provide access to/from the A40 at Shores Green - Alternative Arrangement 1 (D-Link off slip /roundabout for On-Slip).
  - **Option 2C:** West facing slip roads to provide access to/from A40 at Shores Green – Alternative Arrangement 2 (D-Links on and off-slips).
  - **Option 17:** At-grade roundabout at Shores Green – option A1.
  - **Option 17A:** At-grade roundabout at Shores Green – option A2.
- 4.15 Engagement with planning officers at West Oxfordshire Council was undertaken during this stage of the assessment to:
- provide information on local planning policy aspirations;
  - ensure that the study captured a good understanding of existing issues and challenges in Witney;
  - input into the study objectives and assessment framework; and

- help develop a comprehensive long-list of options to inform their sifting.

### Stage 2 – Assessment of the Shortlist

- 4.16 This stage involved a more detailed assessment of the 5 short-listed options than at Stage 1, broadening the scope to consider key aspects of the strategic, economic, management, financial and commercial cases of each option. This was broadly based on EAST, but adapted to suit the local context, key success criteria and key locally specific issues at Shores Green.
- 4.17 The assessment framework used and the scoring of the 5 short-listed options, are summarised in Table 4.1 and are presented in more detail in Section 6 and Appendix D of the Option Assessment Report provided at **Appendix 1** [Appendix 18 of the Statement of Reasons]. Environmental Statement Volume I Chapter 3: Alternatives and Design Evolution also provides further details of the alternatives considered [**Appendix 1** [Appendix 18 of the Statement of Reasons]].
- 4.18 Overall, the assessment at this stage concluded that the implementation of grade separated west facing slip roads would provide the preferred option. Of these grade-separated options, Option 2A performed the best in the scoring framework against the strategic, economic, managerial and financial cases. Option 2A also performed better than Options 2B and 2C, as the latter options would require significant land take and/or departures from highway design standards compared to Option 2A.
- 4.19 Option 2A demonstrated various strong benefits in the assessment (including supporting strategic traffic modelling work), including in reducing traffic at Bridge Street, improving journey times and reliability, and associated forecast positive impacts regarding improved air quality in the Witney Air Quality Management Area (AQMA).
- 4.20 Regarding Options 17 and 17A, these would require the removal of the current grade separated B4022 east facing access roads onto the A40 and the introduction of an at grade roundabout. Whilst this may have an advantage in terms of reduced land take (for Option 17), the strategic traffic modelling of this option indicated that the junction would perform worse than the slip roads, creating significant delays and queues for traffic on the B4022 side road and for traffic on the A40. This was forecast to be likely to discourage use of this junction and increase the use of routes through Witney town centre, undermining the strategic case, the study objectives and the economic case for the Scheme.
- 4.21 Option 17 would introduce more conflict points between vehicles (with safety implications), there would still be a number of departures from standard and require some land take. It was also forecast to result in more disruption during construction than Option 2A, due to its online nature and longer expected construction period (due to likely required construction methods). As a result, these options scored worse than Option 2A and were discounted.



Options	Total score	RANK	STRATEGIC					ECONOMIC													MANAGERIAL	FINANCIAL	COMMERCIAL
			Fit with <u>study objectives</u>	Scale of Impact	Fit with wider objectives	Key uncertainties	Degree of consensus over outcomes	Economic Growth Impact	Carbon Emissions	Social & Distributional	Equalities	Safety	Local Access	Air Quality	Noise	Trees, Biodiversity	Wellbeing	Health & Active Modes	Expected <b>VfM</b>	( <u>implementation</u> time, public acceptability, feasibility, deliverability, compliance with <b>stris</b> , risks)	( <u>affordability</u> , cost, cost risk)	( <u>flexibility</u> , land take requirement)	
2A	105	1	4	4	5	2	3	5	2	4	4	3	3	4	2	1	4	4	4	24	17	6	
2B	95	2	4	4	5	2	3	4	1	4	4	1	3	4	2	2	3	4	4	21	16	4	
2C	91	3	4	4	5	2	3	4	1	4	4	1	3	4	2	3	3	4	4	17	16	3	
17	76	4	3	3	2	3	3	1	1	2	1	2	1	2	3	1	1	3	3	19	16	7	
17A	71	5	3	3	2	2	3	1	1	2	2	2	1	2	3	1	1	3	3	17	15	5	

Table 4.1: Summary of Stage 2 Assessment Framework and Option Scoring

Stage 3: Preferred Option Identification and Refinement

- 4.22 Stage 3 of the option assessment process focused on a refinement of the West Facing Slip Roads scheme Option 2A, including further modelling, design, road safety audit, preliminary ecological assessment and public consultation.
- 4.23 Nine sub-options representing slightly different configurations of Option 2A were identified (2A-A to 2A-I). Each sub-option had different combinations of slip-road alignments and junction types (roundabouts, traffic signals) at the top of the proposed new slip roads. These are shown and considered in further detail of Section 7 of the Option Assessment Report [**Appendix 1** [Appendix 18 of the Statement of Reasons]].
- 4.24 These were identified in order to optimise the design of Option 2A and minimise its local impacts as much as possible. Of these nine sub-options, six were immediately discounted due to road safety concerns, land take requirements (2A-A, 2A-B, 2A-C, 2 A-D) and also due to inadequate modelled capacity results (2A-H and 2A-I).
- 4.25 Three sub-options (2A-E, 2A-F and 2A-G) were carried forward for further assessment and public consultation. Each option is described in the following paragraphs.
- 4.26 Option 2A-E - included west facing slip roads at Shores Green with an un-signalised dumbbell roundabout arrangement at the top of the slips (see Figure 4.2). The roundabout junction between the west facing off-slip and the B4022 was proposed to be located between an existing Gas Governor and the A40 overbridge, in order to prevent the requirement to realign the existing B4022 link onto the A40 eastbound. This option was considered for further assessment due to the likelihood of less land take and overall cost compared to the other sub-options. Junction traffic modelling was undertaken, which showed that it performed within capacity.

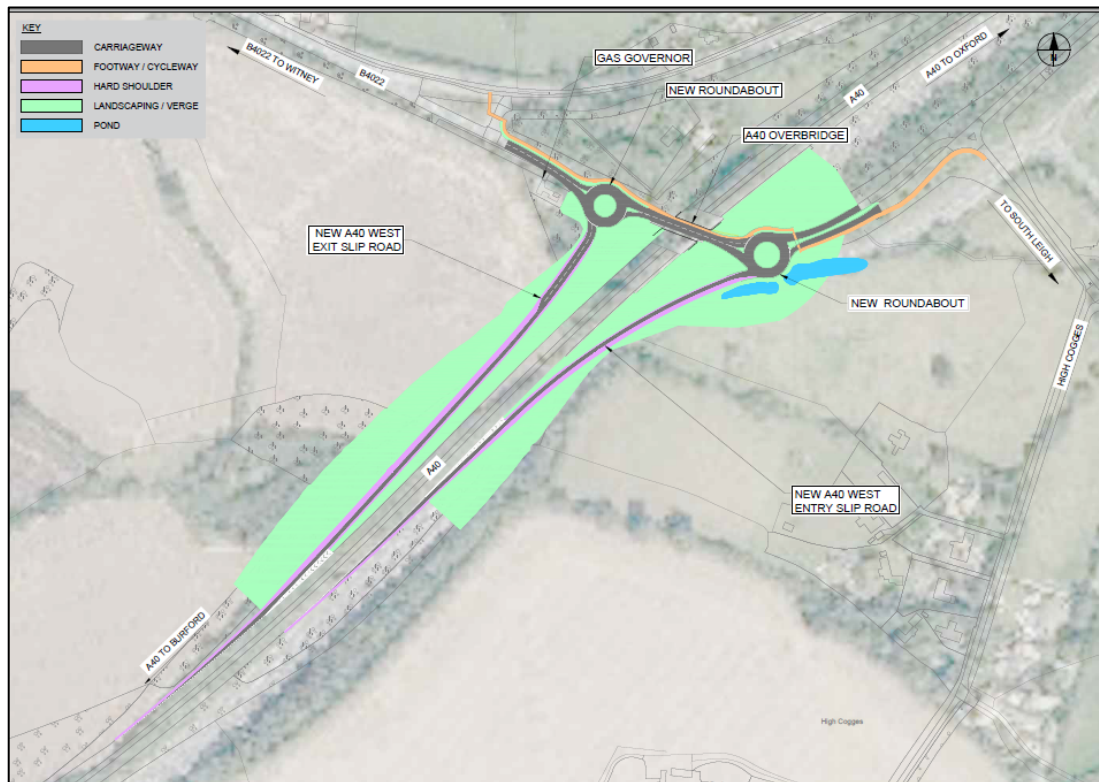


Figure 4.2: Indicative plan showing Option 2A-E

- 4.27 Option 2A-F - included west facing slip roads at Shores Green with unsignalled dumbbell roundabout arrangement at the top of the slips - see Figure 4.3 The roundabout junction between the west facing off-slip and the B4022 was proposed to be located to the north-west of the existing Gas Governor. This would require the B4022 to be realigned. This option was considered for further assessment, as junction traffic modelling suggested that it performed within capacity and it did not require residential landtake (although it did require arable land take).

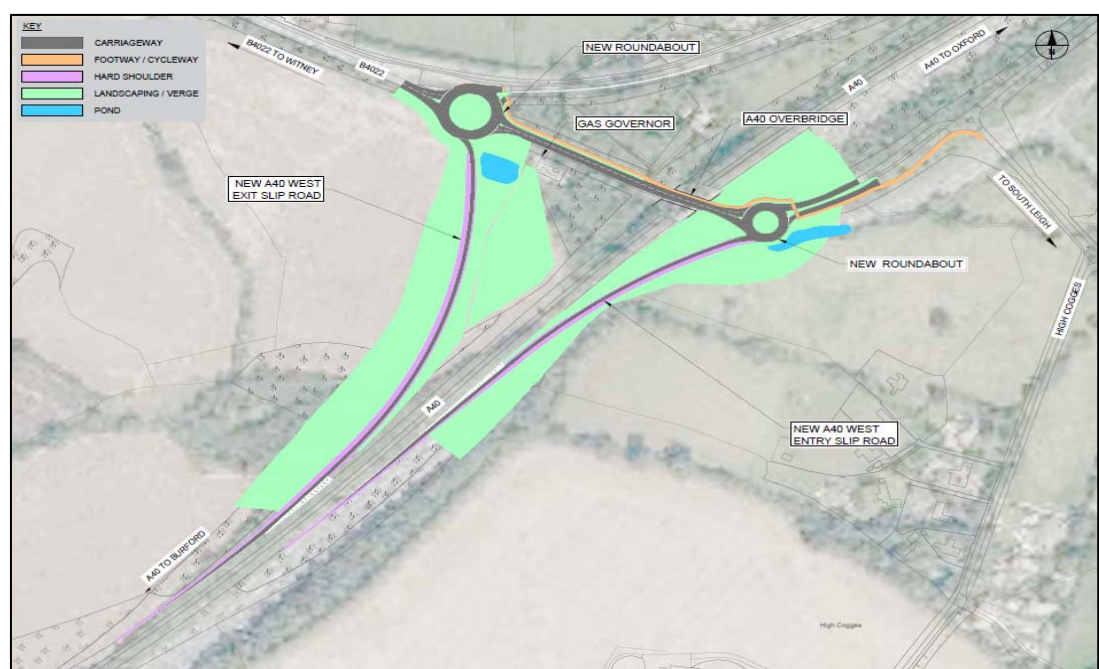


Figure 4.3: Indicative plan showing Option 2A-F

- 4.28 **Option 2A-G** - included west facing slip roads at Shores Green with a signalised T-junction arrangement at the top of each of the proposed new slip roads - see Figure 4.4. The junctions would include controlled cyclist/pedestrian crossings. The west facing off-slip layout and the junction was proposed to be located between the Gas Governor and the A40 overbridge. This option was considered for further assessment due to the likelihood of reduced landtake and cost compared to the other sub-options. Junction traffic modelling was undertaken, which showed that it performed within capacity.

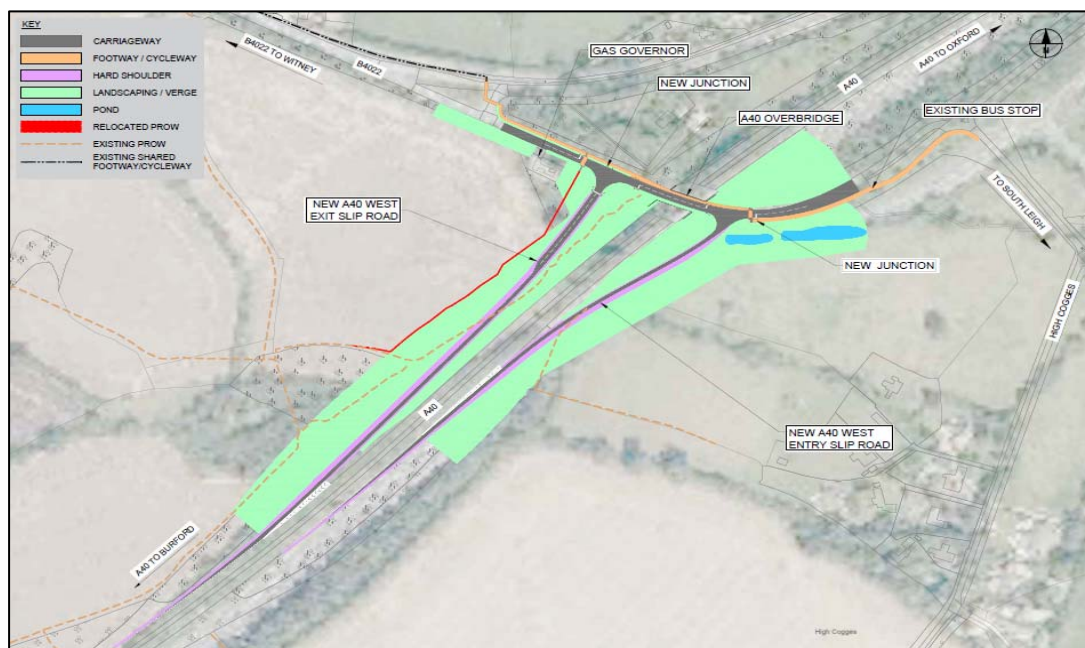


Figure 4.4: Indicative plan showing Option 2A-G

- 4.29 At this stage, the impacts of the three sub-options (2A-G, 2A-E and 2A-F) were assessed against a more refined assessment framework considering impact on local access, provision for non-motorised users, biodiversity and ecological impact, land take and traffic performance. The outcome of this assessment is summarised in **Table 4.2** below and presented in more detail in Chapter 3 of the Environmental Statement at **Appendix 1** [Appendix 17 of the Statement of Reasons]. On the basis of the technical assessment undertaken, Option 2A-G was identified as the preferred option.

<i>Option / Impact</i>	<i>Option 2A-E</i>	<i>Option 2A-F</i>	<i>Option 2A-G</i>
<b>Access</b>	Improved access to the A40 for the residents of north and east Witney and support for proposed local plan strategic sites in north and east Witney.	Improved access to the A40 for the residents of north and east Witney and support for proposed local plan strategic sites in north and east Witney.	Improved access to the A40 for the residents of north and east Witney and support for proposed local plan strategic sites in north and east Witney.
<b>NMU (Non-Motorised Users)_</b>	An improved NMU route is provided connecting the existing shared footway north of the B4022 to the existing footway/bus stop east of the A40 overbridge.	An improved NMU route is provided connecting the existing shared footway north of the B4022 to the existing footway/bus stop east of the A40 overbridge.	An improved NMU route is provided connecting the existing shared footway north of the B4022 to the existing footway/bus stop east of the A40 overbridge.
<b>Biodiversity</b>	<p>Risk of some mature trees being impacted by the eastbound diverge embankment. The embankment is a typical 1 in 3 gradient. The extent of the impact can be managed using reinforced embankments to limit the overall footprint.</p> <p>Hedgerows and open ditches impacted to the north and south of the A40 corridor. A network of open ditches is present in the land take; there may be peak flood levels to consider.</p> <p>The eastbound diverge passes through densely vegetated area immediately adjacent to the B4022.</p> <p>Utilities diversions or relocations expected at both roundabouts.</p>	<p>Some mature trees may be impacted by the eastbound diverge embankment. The embankment is a typical 1 in 3 gradient. The extent of the impact can be managed using reinforced embankments to limit the overall footprint.</p> <p>Hedgerows and open ditches impacted to the north and south of the A40 corridor. A network of open ditches is present in the land take; there may be peak flood levels to consider.</p> <p>Some utility diversions expected at both roundabout locations.</p>	<p>Risk of some mature trees being impacted by the eastbound diverge embankment. The embankment is a typical 1 in 3 gradient. The extent of the impact can be managed using reinforced embankments to limit the overall footprint.</p> <p>Hedgerows and open ditches impacted to the north and south of the A40 corridor. A network of open ditches is present in the land take; there may be peak flood levels to consider.</p> <p>The eastbound diverge passes through densely vegetated area immediately adjacent to the B4022.</p> <p>Utilities diversions or relocations expected at both roundabouts.</p>
<b>Footprint</b>	The compact layout minimises the scheme footprint and visual impact.	A large section of arable land is separated by the eastbound diverge. Any existing habitat may become isolated. Due to embankments and visibility requirements, the overall footprint is significant which will have a negative visual impact.	Due to the signal arrangement, the junction footprint can be reduced compared to Option 2A-E which has a similar layout, therefore reducing the visual impact.
<b>Reaction to traffic flows</b>	Roundabout junction layout cannot react efficiently to the change in traffic	Roundabout junction layout cannot react efficiently to the change in traffic	Signal junction layout can react efficiently to the change in traffic providing better network control.

Table 4.2: Refined Assessment Table for Options 2AE, 2A-F and 2A-G

4.31 All of the three sub-options (2A-G, 2A-E and 2A-F) were also presented at public consultation on the proposed scheme, which took place in May 2021. Overall, delivery of a west-facing slip road at the A40/B4022 Shores Green Junction (option 2A option) was supported by the respondents, who generally agreed it would help reduce congestion and improve air quality. The consultation asked:

- (1) If respondents agree that west-facing slip roads at the A40/B4022 Shores Green Junction will help reduce congestion and improve air quality in central Witney?

*To this: – 59% supported the statement that west-facing slip roads at the A40/B4022 scheme will help to reduce congestion and improve air quality in central Witney, whilst an additional 13% partially supported this scheme*

- (2) If respondents agree that new footways and cycle paths (as part of 2A) can help more people choose walking and cycling for local journeys in the area?

*To this: – 38% agreed that new footways and cycle path will help more people to choose walking and cycling for local journeys in the area, whilst an additional 36% partially agreed*

- (3) For an overall view of the respondents on the proposal to install west-facing slip roads at the A40/B4022 Shores Green Junction.

*To this: – 69% supported west-facing slip roads at the A40/B4022 Shores Green Junction scheme, whilst 18% had concerns about the scheme*

- 4.32 Further detail on the public consultation responses is provided in Section 7 and the Statement of Community Involvement at **Appendix 1** [Appendix 19 of the Statement of Reasons], which accompanied the planning application. The OAR report was completed in July 2021, informed by the results of the May 2021 public engagement, and recommending option 2A-G as the preferred option.
- 4.33 In July 2021, Cabinet was presented with the findings of the option assessment work and recommendations. Cabinet resolved the approval of the preferred Access to Witney Scheme - Option 2A-G. The Report to Cabinet and the Notice of the Cabinet decision is provided at **Appendix 1** [Appendix 20 of the Statement of Reasons].

### Summary

- 4.34 The Council has completed a thorough, detailed and inclusive assessment of potential options based around Department for Transport, Transport Analysis Guidance. Identification of the preferred scheme option has been progressed in line with DfT's WebTag guidance as per the process shown in Figure 4.5.

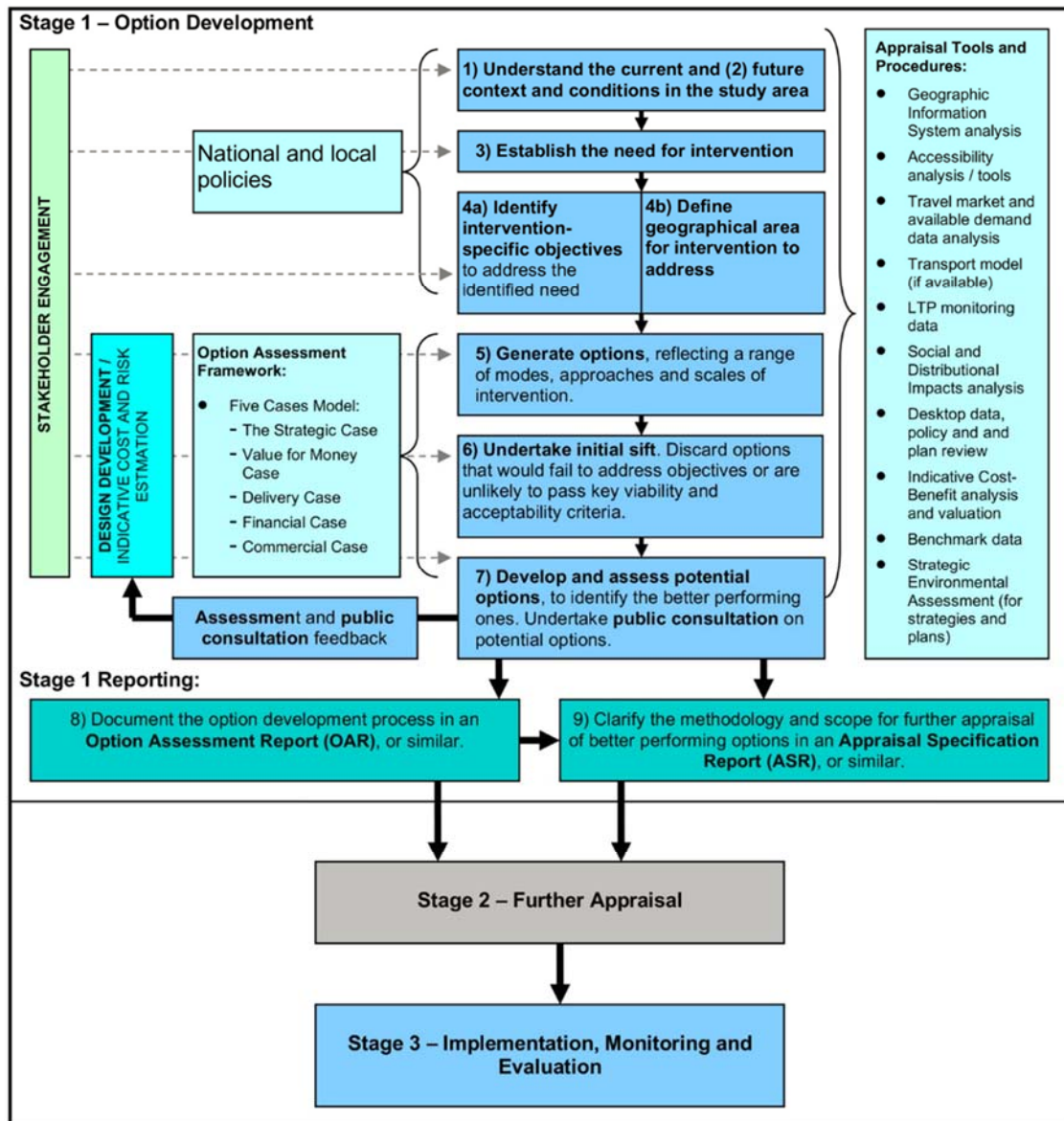


Figure 4.5: DfT's WebTag Option Development and Assessment Framework

- 4.34.1 The option assessment process was undertaken in 3 stages. In stage 1, a long-list of potential options were assessed against the study objectives and range of strategic, economic, managerial, financial and commercial criteria to inform the selection of 5 short-listed options.
- 4.34.2 Stage 2 involved a more detailed assessment of the 5 short-listed options, broadening the scope to consider key aspects of the strategic, economic, management, financial and commercial cases of each option. This was broadly based on EAST, but adapted to suit the local context, key success criteria and key locally specific issues at Shores Green. Overall, the assessment at this stage concluded that the implementation of grade separated west facing slip roads would provide the preferred option and demonstrated strong benefits, including reducing traffic at Bridge Street, improving journey times and reliability, and associated positive impacts regarding improved air quality in the Witney Air Quality Management Area (AQMA).

- 4.34.3 Stage 3 of the option assessment process focused on a refinement of the West Facing Slip Roads scheme Option 2A. Nine sub-options representing slightly different configurations of Option 2A were identified and assessed, considering impact on road safety, local access, provision for non-motorised users, biodiversity and ecological impact, land take and traffic performance. This resulted in 3 options being presented in a public consultation exercise.
- 4.34.4 Following the public consultation exercise, stage 3 of the option assessment was finalised and the OAR report was completed in July 2021, informed by the results of the May 2021 public engagement, and recommending option 2A-G as the preferred option. The preferred option was approved at Oxfordshire County Council's Cabinet in July 2021.



## 5 SCHEME DESCRIPTION

### Scheme Design

5.1 The Scheme has been designed to be the most appropriate solution to meet the need and objectives, as detailed in Sections 3 and 6. A rigorous assessment of alternatives has been undertaken which identified, consulted, refined, and evaluated a range of options, as detailed further in Section 4.

### The Scheme - Access to Witney, Shores Green Junction

5.2 The layout of the Scheme is shown in the General Arrangement drawings (**Appendix 1** [Appendix 2 of the Statement of Reasons]). The Scheme comprises the following core elements at and around the A40/B4022 Shores Green junction, which are further described below:

1. The improvement of the A40 Principal Road from a point on the south west side of the A40 overbridge crossing of the B4022, at South Leigh, south westwards for a distance of approximately 775 metres, and incorporating:
  - (a) The construction of a new eastbound exit slip road, from a point on the existing A40 approximately 520 metres south-west of the A40 overbridge crossing of the B4022, north eastwards to its junction with the B4022;
  - (b) The construction of a new westbound entry slip road, from its junction with the B4022, south westwards to its junction with the A40, at a point approximately 280 metres south-west of the A40 overbridge crossing of the B4022,
  - (c) These two new slip roads will form a grade separated junction, providing a new eastbound exit to and a westbound entry from the B4022, to and from Witney, to complement the existing eastbound access and exit from the A40 on the north-east side of the existing junction;
  - (d) The provision of an integral footway of the A40 on the north-west side of the new eastbound exit slip road. This new footway will replace Footpaths 410/41/40, 41/41/30 and a length of 410/41/20 (Witney), which presently run on the north-west side of the A40 boundary and which are to be stopped up where they fall within the improved/widened A40. The new integral footway will be provided to retain connections from the B4022 to remaining lengths of Footpaths 410/41/20, 410/42/20 and 410/8/20 (Witney). The new integral footway will be 3m in width to allow it to be converted to a shared use cycle track in the future in line with aspirations set out in the Witney Local Cycling and Walking Improvement Plan (LCWIP) adopted in March 2023. The new integral footway will reconnect with Footpath 410/41/20 (Witney), at the new A40 boundary just to the north-east of the new attenuation pond.

Lengths of a further two footpaths, Footpath 410/8/20 (Witney) and Footpath 410/42/20 (Witney) which extend north westwards off this south westwards running route, will also be stopped up, up to the point at which they will junction the new Footway;

- (e) The provision of an integral footway of the A40 on the south-east side of the new westbound entry slip road. This new footway will replace a length of Footpath 353/31/10 (South Leigh), which presently runs on the south-east side of the A40 boundary and which is to be stopped up where it falls within the improved/widened A40. The new integral footway will be provided to retain a connection from the B4022 south westwards to the remaining length of Footpath 353/31/10 (South Leigh) at a point where it takes its generally eastwards turn heading towards the High Cogges road. The new integral footway will have an unbound surface;
  - (f) Removal of two existing lay-bys which are located to the south-west of the A40 overbridge of the B4022 at the Shores Green Junction; and
  - (g) Provision of a new eastbound carriageway integral highway drainage attenuation pond and maintenance access lay-by, just south-west of where Footpath 410/41/20 (Witney) extends north westwards off the A40;
2. Improvement of the B4022, from a point in the west at its junction with the private access to The Barn House at Clementsfield Farm, eastwards to its junction with the C16886 South Leigh Road, and of the C16886 at its junction with the B4022. Such improvements incorporating:
- (a) The upgrading of the B4022 southern footway, and C16886 South Leigh Road western footway at its junction with the B4022, from that junction westwards, to a point on the east side of the proposed A40 westbound entry slip road off the B4022, to a cyclist and pedestrian shared use integral cycle track with a right of way on foot;
  - (b) The provision on the northern side of the B4022 and around the eastern side of the two-way spur of the B4022 of a new cyclist and pedestrian shared use integral cycle track with a right of way on foot;
  - (c) A new pedestrian and cyclist crossing point of the B4022, at the westerly termination point of the southern cycle track on the B4022 mentioned in (a) above, and the easterly termination point of the northern cycle track on the B4022 mentioned in (b) above;

- (d) A new pedestrian and cyclist crossing point of the B4022, just west of where the new A40 eastbound exit slip road will junction with the B4022, providing a crossing point from and to the new integral cycle track on the northern side of the B4022, mentioned in (b) above, to and from the new integral Footway that will be situated within the improved A40 on the north west side of the new A40 eastbound exit slip road;
  - (e) Provision of two highway drainage attenuation ponds and a maintenance access lay-by on the southern side of the B4022, to the west of its junction with the C16886 South Leigh Road,
  - (f) Improvements to the existing bus layby and bus stop on what is to become the southern integral cycle track with a right of way on foot of the B4022 near the junction with the C18886 South Leigh Road; and
  - (g) Resurfacing works, new road markings and signage at the newly formed junction.
- 5.3 The existing A40 overbridge at Shores Green will be retained. There will be no change to the existing layout of the B4022 east-facing entry road onto the A40 westbound. The proposed layout will keep the existing B4022 east-facing entry and exit roads onto the A40 as single traffic lanes.
- 5.4 Traffic exiting and entering the new west facing slip roads close to the overbridge will be controlled by two new signalised 'T' junctions, approximately 100m apart. The proposed layout will keep the existing east-facing slips as single lane entry and exit to/from the B4022. This will also be the case for the new A40 westbound entry slip road. Two lanes will be provided on the approach to the signalised T-junction with the B4022 at the end of the new A40 eastbound exit slip road. Guidance in the Design Manual for Roads and Bridges (DMRB) has been used to determine the suitable type of merge and diverge layouts required on the new slip roads.
- 5.5 The proposed west-facing slip roads will be subject to a 70 mph (national) speed limit, consistent with the speed limit of the A40 itself at the Shores Green junction. The B4022, within the Scheme extents, will be subject to a 40mph speed limit.

#### Site Plan – Existing Constraints

- 5.6 The site plan included at **Appendix 1** [Appendix 1 of the Statement of Reasons] identifies some of the main constraints and features in the immediate Scheme area including:
- Residential properties at High Cogges and adjacent to the B4022
  - Existing category 'A' trees

- SGN Gas Governor
- Culverts, drainage ditches and Lymbrook watercourse
- Overhead High Voltage Cables
- Thames Water Utilities
- Public Rights of Way

5.7 Currently, there are two A40 laybys, one on the A40 westbound carriageway and one on the A40 eastbound carriageway, which are located to the south-west of the A40 overbridge of the B4022 at Shores Green. These will be removed as part of the Scheme. This is necessary due to the proposed A40 entry and exit slip roads impacting the existing laybys, as the merge conflicts with the layby location.

5.8 A layby assessment study has concluded that there will be no adverse impact from removing the two laybys. The A40 Access to Witney Lay-by Review Report appears at **Appendix 1** [Appendix 9 of the Statement of Reasons]. As key stakeholders, Thames Valley Police (TVP) and the Road Haulage Association have been consulted on this and no concerns were raised. No direct replacement of these laybys is therefore proposed.

5.9 Constructing the Scheme will result in removal of a number of 16 individual trees, 13 tree groups, part of 11 tree groups and one hedgerow group. To mitigate removal of the identified trees and hedgerows, an outline landscape scheme has been submitted alongside the Scheme's planning application, which accompanies the Environmental Statement (ES).

### Summary

5.10 The Scheme Description, supported by the General Arrangement drawings of the Scheme provided at **Appendix 1** [Appendix 2 of the Statement of Reasons], describe in detail the proposed technical scope of works that make up the Scheme.

## 6 SCHEME OBJECTIVES AND BENEFITS

### Introduction

- 6.1 This section sets out the objectives of the Scheme and describes how the Scheme meets these objectives, demonstrating that the Scheme will deliver significant transport, environmental and housing benefits. In turn, this necessitates the need for the CPO and the associated SRO.
- 6.2 This section also describes the wider benefits of the Scheme in promoting active travel, improving health and increasing biodiversity as well as the limited local adverse environmental effects on landscape and noise.

### Scheme Objectives

- 6.3 The main objectives of the Scheme are:

**Objective 1** - Support the delivery of planned housing growth in Witney as set out the West Oxfordshire Local Plan 2031;

**Objective 2** - Reduce congestion and improve air quality in Witney Town Centre, including in the Bridge Street Air Quality Management Area; and

**Objective 3** - Improve access to the A40 from east and north-east Witney.

### Supporting Delivery of New Housing in Witney (Objectives 1 and 3)

- 6.4 There is a significant need and demand for new housing, including affordable homes, across Oxfordshire. The WOLP (paragraph 5.1) emphasises that the provision of new housing is a critically important issue for West Oxfordshire. New housing is vital to economic growth and as an attractive and well-located place, people want to live in West Oxfordshire.
- 6.5 In accordance with the overall WOLP strategy (Policy OS2), a significant proportion of new housing will be provided at the District's three main towns of Witney, Carterton and Chipping Norton. Policy H1 of the WOLP identifies a provision for at least 15,950 new homes in West Oxfordshire. Witney has been identified in the WOLP as a key area for sustainable growth and delivery of around 4,702 new homes by 2031.
- 6.6 The WOLP identifies a number of Strategic Development Areas (SDAs) with larger housing allocations, which are considered to represent the most sustainable locations for strategic-scale housing growth within the District. Two of these SDAs are identified within the Witney sub-area, being East Witney SDA (450 homes) and another at North Witney SDA (1,400 homes)
- 6.7 WOLP (Paragraph 7.35) identifies a number of strategic highway schemes which are “*necessary to support the quantum and distribution of planned housing and employment growth at Witney*”. Included within the identified list of strategic highway schemes required is:

**“Shores Green Slip Roads:** *the provision of west facing slip roads at the Shores Green junction onto the A40 to the east of Witney. Delivery will be facilitated by the proposed East Witney Strategic*

*Development Area (SDA) – see Policy WIT1 and will be accompanied by proposed improvements to Bridge Street”.*

- 6.8 WOLP Policy WIT1 ('East Witney Strategic Development Area') sets out the framework for land to the east of Witney to accommodate a community, including 450 homes at East Witney Strategic Development Area ('EWSDA'). The EWSDA is located immediately west of the site, and the Scheme is identified as required to facilitate delivery of the new homes in this SDA.
- 6.9 With reference to the Scheme, Policy WIT1, Part C advises that development of the EWSDA is “to be phased in accordance with the timing of provision of supporting infrastructure and facilities including the essential improvements to the Shore’s Green junction onto the A40 and related highway measures.”
- 6.10 The Infrastructure Delivery Plan (IDP), produced as evidence in support of the Main Modifications to the WOLP, identified the Scheme (referred to as the Shores Green Slip Roads (SGSR)) as being critical and a pre-requisite of development at East Witney [**Appendix 1**] [Appendix 12 of the Statement of Reasons].
- 6.11 The adopted WOLP policies, and specifically policy WIT1, reflect an established case that the Scheme is needed to mitigate the traffic impact of new housing development planned in Witney and thereby support delivery of new homes at the East Witney Strategic Development Area (EWSDA) - which will provide 450 new homes. The Scheme will provide wider road network benefits, which are described further in Sections 6.4 to 6.6 below, that will help to mitigate the impact of development traffic on the Town Centre road network and environment.

#### *EWSDA Development Dependency Traffic Modelling*

- 6.12 Oxfordshire County Council recently commissioned Stantec to carry out strategic and local junction traffic modelling, using the most up to date strategic transport model – the A40 Corridor Highway SATURN Model. Their modelling and trigger point assessment work report (December 2023) is provided at **Appendix 8** concludes that there is a dependency between the EWSDA and the Scheme, and that prior to 248 (circa 50%) homes of the EWSDA development coming forward, there is a need to introduce the west-facing off-slip. The exact number of units that can be accommodated prior to the west-facing off-slip being required is not defined in the report. The assessment concludes that only the west-facing off-slip is required to mitigate the impacts and accommodate the full 450 units of the EWSDA on the local road network.
- 6.13 The work also highlights that delivery of both the off-slip and on-slip would deliver greater benefits and better achieve the wider objectives of the Scheme compared to an off-slip only solution. It would provide substantially greater congestion reduction benefits for trips crossing the town centre (via the A4095 Bridge Street), further reduce demand along A4095 Bridge Street and deliver greater wider road network benefits.

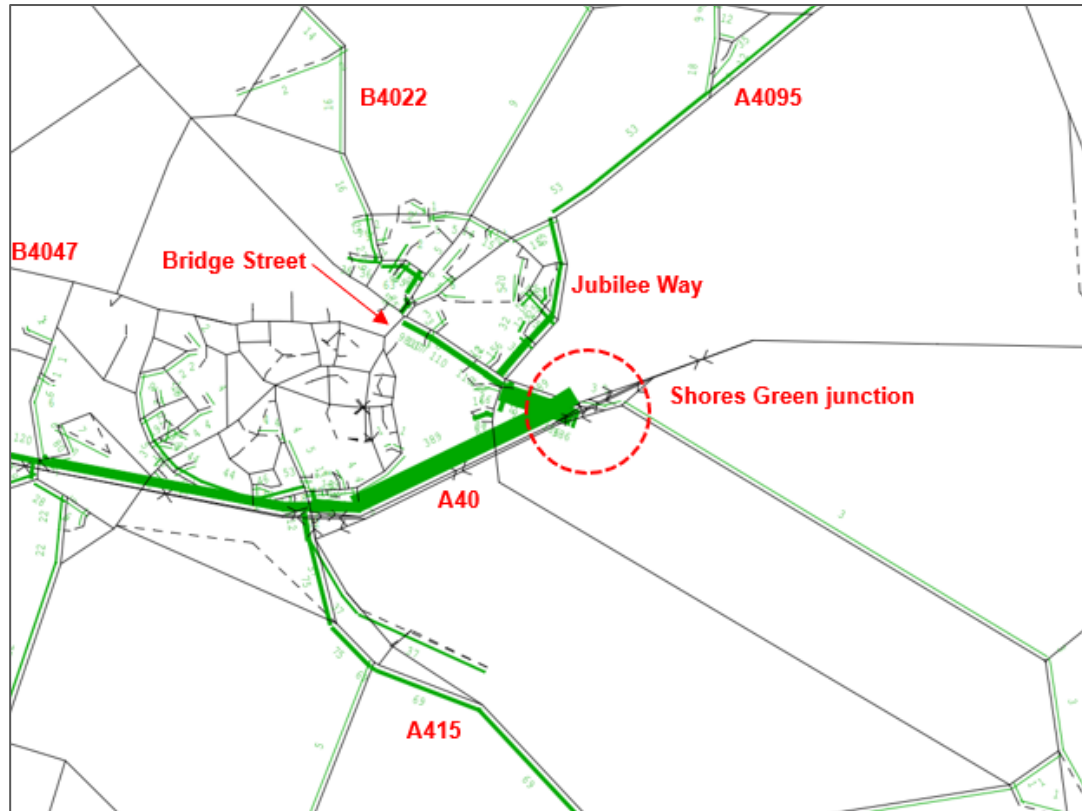
#### *Improving Access to East and North-East Areas of Witney and Reducing the Need for Traffic to Route Through Witney Town Centre (Objectives 2 and 3)*

- 6.14 Witney’s congestion problems partly arise due to there only being one main vehicular crossing point across the River Windrush in Witney town centre. This

is at Bridge Street, which acts as a bottleneck to traffic travelling east – west across the town. For residents in the north and east areas of Witney wishing to travel to Witney town centre, the employment areas to the west of town, and the westbound A40, routing via Bridge Street is currently their only feasible option. Similarly, drivers making longer distance journeys using the A4095 and wishing to head west on the A40 or south on the A4095 or A415 must route through Witney Town Centre via Bridge Street.

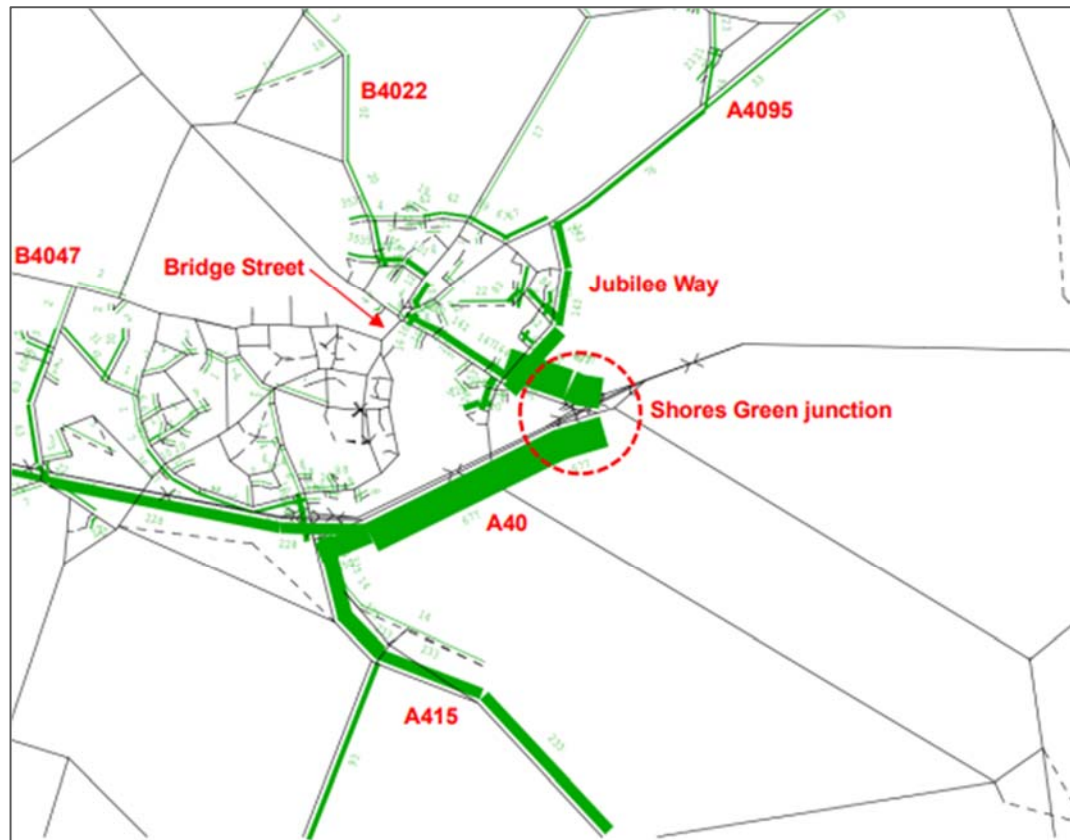
- 6.15 By providing west-facing slip roads onto the A40 at Shores Green, the Scheme will reduce the need for local traffic from east and north-east Witney to route along Bridge Street by providing an alternative means of access to the west of Witney via the B4022 and A40. It will also allow longer distance traffic using the A4095 and travelling further west on the A40 or south on the A415 and A4095 to access the A40 at the A40/B4022 Shores Green junction, rather than at the A40/ Ducklington Lane junction (via the town centre). This will allow the Council to re-designate the A4095 via Jubilee Way, B4022 Oxford Hill, A40, Ducklington Lane and Thorney Leys so through traffic travels around the edge of the town rather than through it.
- 6.16 To assess the forecast benefits and impacts of the Scheme in relation to its objectives, strategic traffic modelling has been undertaken to compare the performance of the road network with and without the Scheme in place. This has been based on a predicted future year (2031) traffic scenario, which includes base traffic growth and all planned development included in the WOLP up to 2031. This also helps understand the impact of the Scheme in mitigating the impacts of Local Plan development traffic on Witney's road network.
- 6.17 Some of the main findings from the strategic traffic modelling findings are provided below. A fuller analysis of the predicted impacts of the Scheme on traffic routing and flows across the Witney area is presented in Section 8 of the Transport Assessment provided at **Appendix 1** [Appendix 7 of the Statement of Reasons] and in the Strategic Traffic Model Forecasting Report provided at **Appendix 1** [Appendix 10 of the Statement of Reasons].
- 6.18 The strategic traffic modelling forecasts that the introduction of the west facing slips onto the A40 is successful in opening up access to east and north-east Witney, and crucially provides an attractive alternative route for cross town traffic (using the A40) that avoids the town centre. Figures 6.1 and 6.2 are strategic model plots showing the predicted origins and destinations of traffic using the new eastbound off-slip road and westbound on-slip road, which form part of the Scheme.
- 6.19 Figure 6.1 shows the vehicle trips forecast to use the new east-bound off slip at Shores Green in the 2031 AM peak hour (a 'select link analysis') – taking account of the origins and destinations of those trips and the routes that they are most likely to take according to the traffic model. The amount of traffic is shown by the width of the green lines. It illustrates that traffic predicted to use the A40 eastbound off-slip at Shores Green originates from the A40 west, west Witney, the A415 south and A4095 south, and will mainly be heading for east and north Witney and the A4095 north. A very similar pattern of routing is seen in the PM peak. Importantly, this will include trips that would otherwise be expected to route through Witney town centre and Bridge Street.

- 6.20 Figure 6.2 illustrates that the traffic forecast to use the new A40 westbound on-slip will mainly originate in east and north-east Witney and from the A4095, and will mainly be headed towards the A40 west, west Witney and the A415 south. A very similar pattern of routing is seen in the PM peak. Again, this illustrates that the Scheme is forecast to divert trips away from Witney town centre and provide better access and connectivity to and from north and east areas of Witney.



**Figure 6.1: Forecast routing of traffic using proposed A40 Eastbound Off-slip (2031 AM Peak)**





**Figure 6.2: Forecast routing of traffic using proposed A40 Westbound On-slip (2031 PM Peak)**

6.21 The Scheme is therefore playing an important role in the Witney Area Transport Strategy, and by opening up an alternative route for traffic around the edge of the town and via the A40, it will enable the Council to also:

- Re-designate the A4095 via Jubilee Way, Oxford Hill, A40, Ducklington Lane and Thorney Leys so through-traffic travels around the edge of the town rather than through it - see Figure 6.3;
- Implement schemes to deter through-traffic from using Bridge Street and the Woodstock Road, and to encourage through-traffic to use the re-designated A4095; and
- Implement schemes and measures to improve the streetscape and environment in Witney town centre and to encourage greater use of sustainable and active travel modes.

6.22 Removing through-traffic from the town centre and providing an alternative route for traffic to access the A40 will also improve the operational resilience of the road network. It will provide the Council with more options for managing the network when incidents and congestion occur and when streetworks take place.

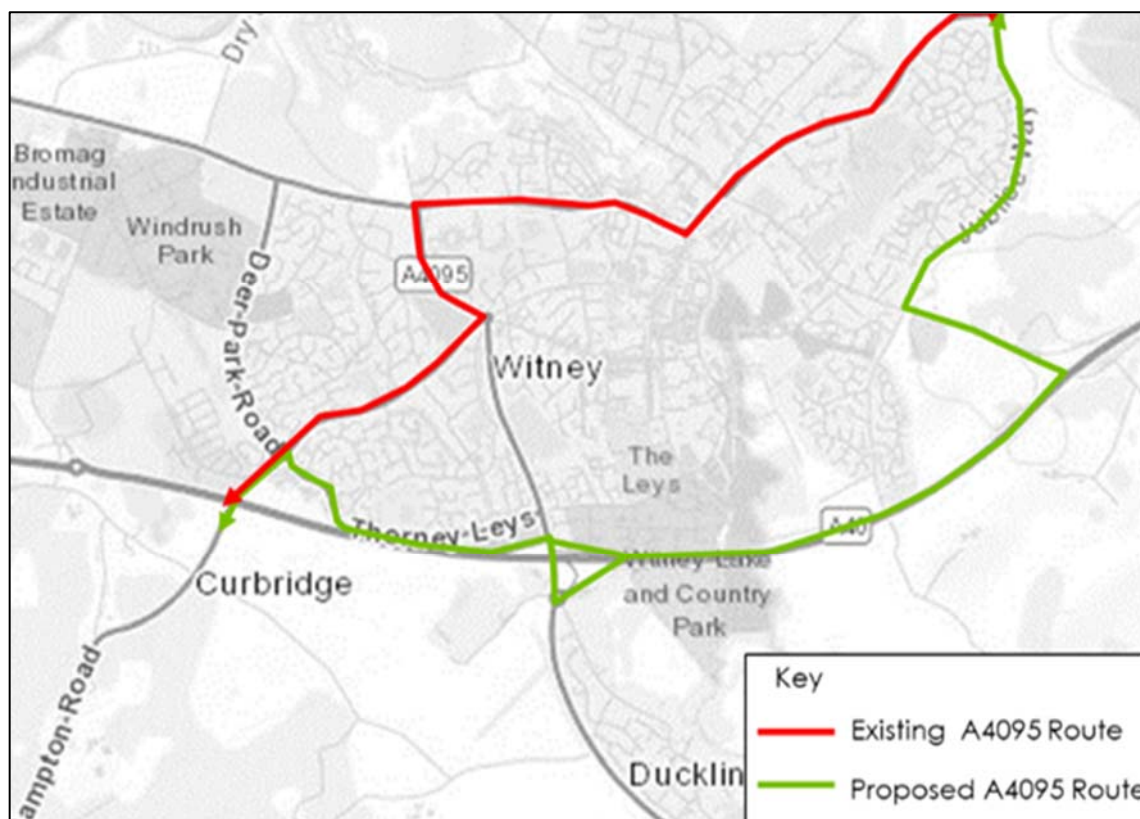


Figure 6.3: Proposed re-designation and re-routing of A4095

### Reducing Traffic on Bridge Street and in Witney Town Centre (Objective 2)

- 6.23 As described in Section 3, restrictions in Witney’s road network – the limited places to cross the River Windrush and the lack of west-facing slip roads at the A40 Shores Green Interchange – lead to a great deal of traffic routing through Witney Town Centre using Bridge Street.
- 6.24 The traffic levels and associated congestion have an adverse impact on the quality of the streetscape and environment at Bridge Street and in Witney Town Centre. High traffic levels and congestion has led to it being declared an Air Quality Management Area for exceedances of the annual mean Air Quality Strategy objective for nitrogen dioxide (NO<sub>2</sub>). Air pollution is associated with a number of adverse health impacts.
- 6.25 The strategic traffic model provides forecasts of the impact of the Scheme on future year (2031) traffic flows across Witney. These ‘With Scheme’ and ‘Without Scheme’ forecasts includes base traffic growth and all planned development included in the WOLP up to 2031. The model shows that the Scheme reduces the need for traffic to route through the town along Bridge Street and as a result the ‘With Scheme’ scenario forecasts reduced future traffic volumes in the town centre compared to the ‘Without Scheme’ scenario.
- 6.26 Figure 6.4 and 6.5 are plots from the strategic traffic model, which show the predicted differences in modelled traffic flow between the ‘With Scheme’ and ‘Without Scheme’ scenarios in the 2031 AM peak. Figure 6.5 provides the equivalent plot for the 2031 PM peak. The width of the green lines indicates the size of predicted net increases in two-way traffic flow with the Scheme. The

width of the blue lines shows predicted net decreases in traffic flow with the Scheme.

- 6.27 Figures 6.4 and 6.5 shows how the Scheme is forecast to reduce town centre traffic, particularly on Bridge Street, which will reduce traffic delays, ease congestion and reduce harmful traffic emissions.

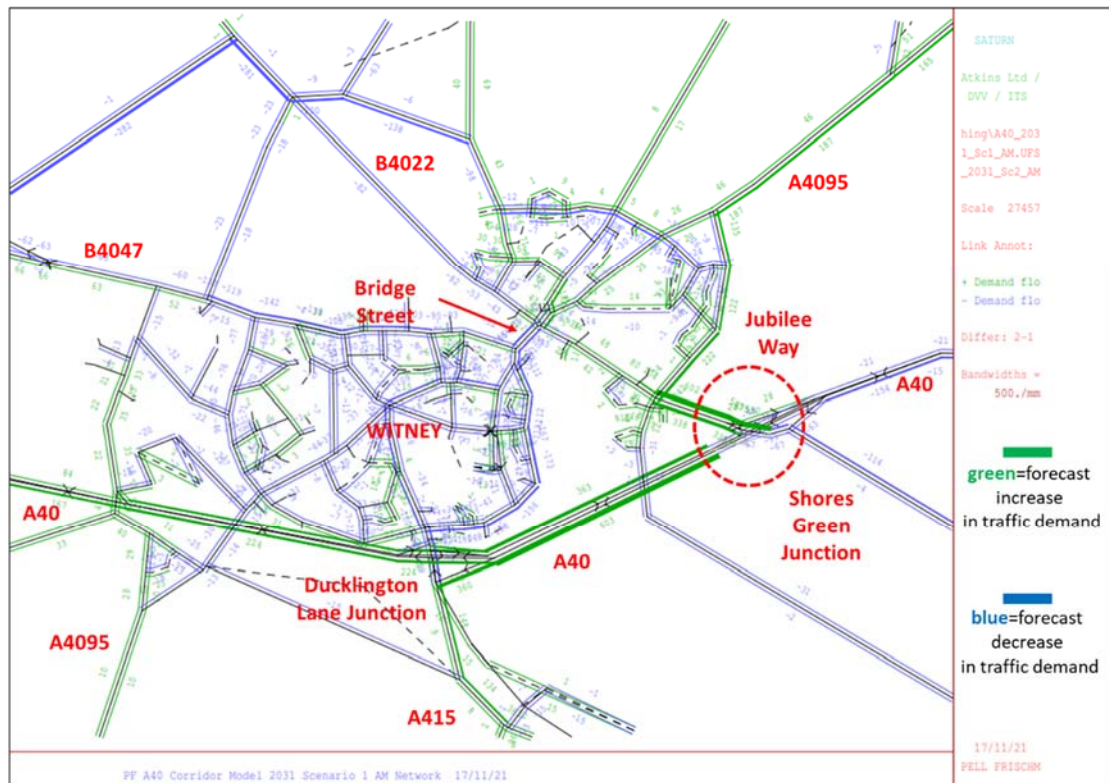
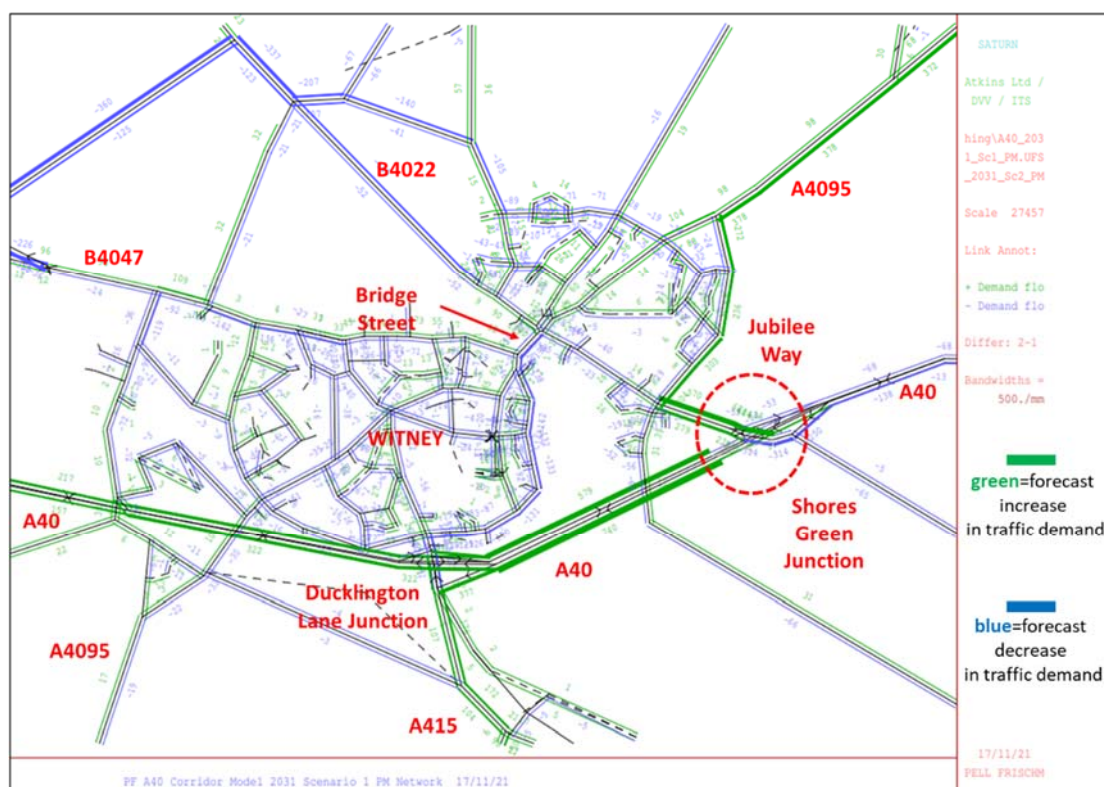


Figure 6.4 Forecast traffic flow changes ('with scheme' vs 'without scheme') in 2031 AM Peak



**Figure 6.5: Forecast traffic flow changes ('with scheme' vs 'without scheme') in 2031 PM Peak**

- 6.28 Providing an alternative cross town route and reducing traffic in the town centre will also support the County Council's ambitions to develop and deliver schemes in Witney town centre that reallocate road space and promote more walking, cycling and bus use.
- 6.29 In the AM peak, the model forecasts reductions in traffic flows in the town centre on Bridge Street, High Street, Witan Way, Welch Way and on the A40 to the east of Shores Green; and forecasts traffic increases on the A40 west of Shores Green, the B4022 Oxford Hill, Jubilee Way and the A4095 to the north-east of Witney. The strategic modelling forecasts that in 2031 the Scheme will reduce two-way traffic demand on Bridge Street by around 7% to 12% in the AM peak hour (0800 to 0900) compared to the 'Without Scheme' scenario.
- 6.30 Predicted traffic patterns for the PM peak are very similar to those for the AM peak, with forecast reductions in traffic in the Town Centre on Bridge Street and Witan Way and forecast increases on the A40 west of Shores Green, B4022 Oxford Hill and the A4095 north-east of Witney. The Scheme is forecast in 2031 to reduce two-way traffic demand on Bridge Street by around 12% to 13% in the PM peak hour (1700 to 1800) compared to the 'Without Scheme' scenario. Forecast reductions in 2031 in the Inter-Peak hours are around 15% to 17%.
- 6.31 As noted in Section 3, traffic levels on Bridge Street remain high between the peak periods. The traffic model forecasts that the traffic reduction benefits provided by the Scheme will extend into the inter peak period and can be expected throughout the day. Over a weekday (24 hour) two-way traffic demand in 2031 on Bridge Street is forecast to reduce by around 12% to 16%

compared to a 'Without Scheme' scenario. This equates to a forecast daily reduction in traffic of around 3,000 to 4,000 vehicles in 2031.

#### Wider Network Impacts

- 6.32 Figures 6.4 and 6.5 also show how the Scheme is forecast to impact on traffic flows across the wider area. Local roads such as South Leigh Road (to the south east of Witney), Dry Lane (to the north of Witney) and the route between Minster Lovell and Crawley are predicted to see decreases in traffic flow in the AM and PM peak hours compared to a 'Without Scheme' scenario.
- 6.33 Whilst no increases in traffic flow through South Leigh are predicted in the traffic model, the County Council recognises and understands the concerns raised by South Leigh and High Cogges Parish Council that the new slip roads introduced by Scheme may result in additional traffic 'rat-running' along the C16886 South Leigh Road, Chapel Road and Station Road in the future, particularly when there is heavy congestion on the A40.
- 6.34 The County Council is committed to monitoring the impacts of the Scheme on the wider road network (including on the C16886) both during construction and once the Scheme is operational. The County Council also consider that it would be beneficial to deliver a complementary scheme of traffic calming measures in South Leigh to slow traffic and discourage rat running through the village. These measures would build upon the 20mph speed limit that the Council has recently introduced in the village.

#### Improving Journey Times and Reducing Traffic Delays and Congestion (Objective 2)

- 6.35 The Scheme is forecast to reduce journey times for vehicular traffic, including buses, across the town. The strategic modelling forecasts also gives an indication of the likely impact of the Scheme on average travel times on routes across the town compared to a 'Without Scheme' scenario. The routes assessed are shown in Figure 6.6.



Route	Colour	To/From	Distance (Km)
1	Yellow	A40/A361 Burford – A40/Salt Cross Access	17.3
2	Blue	B4047 Burford Rd west of Deer Park Rd – A4095 north of Jubilee Wy	4.7
3	Orange	Range Rd west of Deer Park Rd – Car Park Access on Witan Wy	4.1
4	Green	A40 east facing slips at Ducklington Ln – B4022 near Downhill Ln	4.6 NB, 4.4 SB
5	Red	A40 east facing slips at Shores Green – Witney Road west of New Mill Ln	3.0 EB, 3.2 WB

**Figure 6.6: Journey Time Routes Modelled in Strategic Traffic Model**

- 6.36 A comparison of the forecast journey times on these routes in the AM, Interpeak and PM peak hours in 2031 in both the ‘With Scheme’ and the ‘Without Scheme’ scenarios is given in Table 6.1. This shows that the introduction of the Scheme generally improves journey times through Witney and throughout the day in response to the reduction in vehicles within the town.
- 6.37 The westbound red route in the PM peak sees increases in travel times, with increased traffic on the B4022 accessing Witney from the A40 Shores Green junction. This leads to more delay westbound into the B4022 Oxford Hill/Jubilee junction. Further detail on the journey time analysis can be found in Section 6 of the Strategic Traffic Model Forecasting Report provided at **Appendix 1** [Appendix 10 of the Statement of Reasons].

Route		AM Peak Hour (2031)				Inter-Peak Hour (2031)				PM Peak Hour (2031)			
		Without Scheme (secs)	With Scheme (secs)	Change (secs)	%	Without Scheme (secs)	With Scheme (secs)	Change (secs)	%	Without Scheme (secs)	With Scheme (secs)	Change (secs)	%
Yellow	EB	726	724	-2	0	691	691	0	0	702	701	-1	0
Yellow	WB	690	687	-3	0	684	685	1	0	743	725	-18	-2
Blue	EB	607	533	-74	-12	520	484	-36	-7	795	689	-106	-13
Blue	WB	798	662	-136	-17	540	504	-36	-7	587	534	-53	-9
Orange	EB	462	461	-1	0	465	458	-7	-2	456	452	-4	-1
Orange	WB	454	448	-6	-1	469	463	-6	-1	492	483	-9	-2
Green	NB	754	672	-82	-11	702	670	-32	-5	985	871	-114	-12
Green	SB	895	761	-134	-15	679	642	-37	-5	734	661	-73	-10
Red	EB	598	479	-119	-20	354	357	3	1	368	370	2	1
Red	WB	626	592	-34	-5	365	453	88	24	458	637	179	39

**Table 6.1: Forecast Impact on Vehicular Journey Times in Witney (2031 AM Peak, Interpeak and PM Peak)**

*Improving Air Quality in the Witney Town Centre Air Quality Management Area (Objective 2)*

- 6.38 The District Council has declared an Air Quality Management Area (AQMA) in Witney Town Centre at Bridge Street, including parts of High Street, Mill Street, Newland and Woodgreen. The identified cause of this exceedance in NO<sub>2</sub> is the volume of slow-moving road traffic, exacerbated by a street canyon effect. The strategic traffic modelling forecast described in the section above entitled ‘Reducing Traffic on Bridge Street and in Witney Town Centre (Objective 2)’, highlights that the Scheme will result in reductions in traffic flows within the town centre, including in the AQMA area covering Bridge Street which will help to improve local air quality.
- 6.39 The local air quality modelling and assessment completed as part of the Environmental Statement (submitted as part of the planning application for the Scheme), predicts that within the Witney AQMA annual mean NO<sub>2</sub> concentrations will be reduced. The number of receptors within the AQMA predicted to exceed the annual mean objective decreases from 23 in the 2024 ‘Without Scheme’ scenario to 12 in the 2024 ‘With Scheme’ Scenario.
- 6.40 Outside of the AQMA, there are no predicted exceedances of the annual mean NO<sub>2</sub> objective at any of the selected receptors in the ‘With Scheme’ Scenario.
- 6.41 A summary of the local air quality modelling results at selected public exposure receptors in key areas is provided Table 6.2: AQ Summary Table (March 2022) below. The overall conclusion of the local air quality assessment of the Scheme is that there will be beneficial air quality impacts within the Witney AQMA and no significant effects at other public exposure receptors.

Area	Receptor ID	2018 Base NO <sub>2</sub> (µg/m <sup>3</sup> )	LTT <sub>E6</sub> DM (µg/m <sup>3</sup> )	2024 LTT <sub>E6</sub> NO <sub>2</sub> (µg/m <sup>3</sup> )	2024 LTT <sub>E6</sub> DS (µg/m <sup>3</sup> )	2024 LTT <sub>E6</sub> NO <sub>2</sub> (µg/m <sup>3</sup> )	2024 LTT <sub>E6</sub> NO <sub>2</sub> Change (µg/m <sup>3</sup> )
Witney (Bridge Street)	W10	<b>52.9</b>	<b>44.9</b>	<b>42.3</b>			-2.6
Witney (Mill Street)	W1	37.9	37.2	30.5			-6.8
Witney (High Street)	W2	<b>40.8</b>	35.6	33.8			-1.8
Witney (Woodgreen Hill)	W15	37.9	33.0	32.7			-0.4
Oxford Hill	R26	17.9	20.5	26.8			+6.3
Eynsham	R1	21.0	24.1	20.8			-3.3
Long Harborough	R6	19.3	18.8	20.2			+1.4
Burwell Fields	R52	20.8	19.1	19.6			+0.5
Ducklington	R18	15.8	13.8	13.9			+0.1

Note: Numbers in bold exceed the annual mean AQS objective of 40µg/m<sup>3</sup>

**Table 6.2: Selected Results of Annual Mean NO<sub>2</sub> concentrations in key areas (Base year, Do Minimum (DM) and Do Something (DS) 2024 Forecast)**

- 6.42 Further detail on local air quality and the impact of the scheme is included **Appendix 1** [Appendix 11 of the Statement of Reasons]: Extract from Environmental Statement - Volume I Chapter 5: Air Quality
- 6.43 In addition to the direct local air quality benefits arising in the town centre as a result of the Scheme, the improved walking and cycling infrastructure delivered as part of the Scheme will also help encourage less car use and further help reduce vehicular emissions in the local area.
- 6.44 The Council is also committed to working in partnership with Stagecoach to ensure that all buses operating from Witney to the Eynsham Park & Ride site will be very low emission (Euro VI specification). All buses on the current S1 and S2 bus services, making up the majority of Witney's operations, are already Euro VI compliant.

Improving Public Transport – Accessibility, Connectivity and Reliability (Objectives 2 and 3)

- 6.45 As described in the sections above entitled '*Network Impacts – Reducing Traffic on Bridge Street and in Witney Town Centre*' and '*Improving Journey Times and Reducing Traffic Delays and Congestion*', the Scheme is forecast to reduce traffic on Bridge Street and generally improve journey times in Witney. This will improve bus journey times, operational resilience and timetable reliability for buses across Witney. The reductions in traffic in the town centre would also result in there being scope for the provision of enhanced bus infrastructure, which would help promote bus services.
- 6.46 The existing bus stop and layby located on the southern side of the B4022 to the west of C16886 South Leigh Road will remain in the same position but will be improved, with new bus stop kerbing (with an upstand of 140mm) to allow easier access to board the bus. The Scheme will also provide a new shared path on the B4022 and a signalised crossing of the B4022, just west of where the new A40 eastbound exit slip road will junction with the B4022, providing safer and higher quality connectivity for people using this bus stop.



- 6.47 The location of bus stops on the existing eastbound B4022 on-slip to the A40 will remain unchanged.

*Improving Active Travel - Connectivity and Safety (Objectives 2 and 3)*

- 6.48 As described in the sections above entitled '*Network Impacts – Reducing Traffic on Bridge Street and in Witney Town Centre*' and '*Improving Journey Times and Reducing Traffic Delays and Congestion*', the Scheme is forecast to reduce traffic on Bridge Street and in Witney town centre. This will improve conditions for pedestrians and cyclists in the town centre, reducing conflict with vehicular traffic and provide greater scope for the Council to reallocate road space for segregated cycle lanes and other facilities in the town centre, which will promote more active travel.
- 6.49 Directly, the Scheme will provide facilities that will improve provision for active travel between South Leigh, High Cogges and Witney, safeguard future strategic connections for cycling and walking between Witney centre and the A40 corridor, as well as enabling future linkages with development within the EWSDA in accordance with objective CO11 of the WOLP. This will support planning and transport policy objectives for a modal shift away from car use towards more walking and cycling, reducing overall emissions and supporting the climate agenda.
- 6.50 The Scheme will deliver facilities that will enable the safe movement of pedestrians and cyclists in the local area. The Scheme will deliver at-grade signal-controlled pedestrian crossings at the junctions between the new slip roads and the B4022, and a new shared use path for cyclist and pedestrians alongside the B4022 carriageway.
- 6.51 At present, there is no shared pedestrian and cyclist use integral cycle track within the B4022 from its junction with the C16886 South Leigh Road generally westwards to its junction with the B4022 proceeding to A40 eastbound. That length of the B4022 is presently served by a narrow southern footway and adjacent grassed verge on the south side of its carriageway, with the footway being wider at its eastern end only and the junction of the South Leigh Road where the bus stop/layby is located on the B4022. As a result, existing provision for pedestrians wanting to walk east-west alongside the B4022 to and from Witney is poor. At present cyclists have no facilities and must use the main carriageway.
- 6.52 The Scheme will provide a new shared pedestrian and cyclist use integral cycle track, on the north side of the B4022 carriageway, from a point just east and opposite of where the new A40 westbound entry slip road from the B4022 will be provided at the new junction and, which will extend generally westwards and around the eastern side of the B4022 spur connection located to the south of the property 'The Paddock'. From the end point of this length of cycle track, pedestrians and cyclists will cross the B4022, to join the existing shared pedestrian and cyclist use integral cycle track on its northern side to continue their journey either westwards towards Witney or eastwards onto the A40 eastbound integral cycle track.
- 6.53 From the junction of the B4022 with the C16886 South Leigh Road, westwards to the eastern side of the new A40 westbound entry slip road off the B4022, the southern footway of the B4022 will be converted to a shared pedestrian and

cyclist use integral cycle track. At the westerly end point of this length of cycle track, one of two new signal controlled pedestrian crossings on the B4022 will be installed, which will provide a safe crossing facility taking pedestrian and cyclist users across the B4022 to join its new integral cycle track on the north side of its carriageway and to either continue their journey on that track to Witney town centre and across the town, or to join the A40 eastbound cycle track. Pedestrians will also be able to connect to a new length of integral footway of the improved B4022 and length of new Footway of the improved A40, running south westwards off the B4022 cycle track and down the eastern side of the new A40 westbound entry slip road, to join up with Footpath 353/1/10 (South Leigh), offering an off road pedestrian route between the B4022 and the High Cogges Road at High Cogges.

- 6.54 The second pedestrian and cyclist crossing point of the B4022, just west of where the new A40 eastbound exit slip road will junction with the B4022, will provide a crossing point from and to the new integral Cycle Track on the northern side of the B4022, to and from the new integral Footway that will be situated on the north west side of the new A40 eastbound exit slip road.
- 6.55 The construction of the A40 eastbound exit slip road within the A40 improvement will require the stopping up of the whole of Footpaths 410/41/40, 41/41/30 and a length of 410/41/20 (Witney) which presently run on the north west side of the A40 boundary. These Footpaths will be replaced by a new integral Footway situated on the north-west side of the new A40 eastbound exit slip road. The new Footway will be provided to retain connections from the B4022 to Footpaths 410/41/20, 410/42/20 and 410/8/20 (Witney).
- 6.56 The new integral Footway will be 3 metres wide to allow all or parts of it to be converted to a shared use cycle track in the future. The facility has been designed to provide flexibility to enable later delivery of the Council's aspirations to provide a shared use cycle route through this area as set out in the Witney Local Cycling and Walking Implementation Plan (LCWIP) adopted in March 2023, and which also forms part of the developers' proposals for the adjacent East Witney Strategic Development Area (SDA) to the north-west. The new integral Footway will reconnect with Footpath 41/41/20 (Witney), at the new A40 boundary just to the north-east of the new attenuation pond.
- 6.57 The need to safeguard this route for improved active travel and cycle connections for local and wider strategic links is a clear priority in the adopted Witney LCWIP provided at **Appendix 1** [Appendix 6 of the Statement of Reasons]. The consultation draft plan was available for stakeholder consultation from Sept 2022 and was adopted in March 2023. Figure 3.17 above illustrates the importance of the future active travel network connections in Witney and the A40 corridor wider area, and provides an indication of possible new and upgraded route links that will form the basis of Witney's first LWCIP. At this stage, the route alignments are indicative.

### Health and Wellbeing Benefits

- 6.58 The Scheme will enable individual and collective health and wellbeing benefits by providing safer walking and cycle facilities and improved connectivity between South Leigh / High Cogges and Witney town centre (via Cogges), and to the proposed segregated cyclist and pedestrian use cycle track along the

A40 towards Oxford. This will promote more walking and cycling, delivering health and wellbeing benefits.

- 6.59 The improvements to air quality provided by the Scheme in Witney Town Centre, within the AQMA, will provide positive health benefits for residents and users of the town centre.

### Increasing Biodiversity

- 6.60 Ecological surveys have been undertaken to understand the types of habitats and species present within the Site and the surrounding area. Where existing vegetation (e.g. trees, shrubs or grassland) is to be removed to facilitate construction of the Scheme, this would be replaced with new planting as shown on the outline landscaping design. This has been designed to maximise habitat provided within the Scheme boundary to benefit the species known to be present.
- 6.61 Habitat creation proposed off-site as part of the Scheme, together with the on-site habitat creation, would result in an overall biodiversity net gain. A Biodiversity Net Gain Assessment has been approved as part of the planning application, which demonstrates the Scheme's ability to achieve 10% net gain against the baseline. A revised Biodiversity Net Gain Assessment rev.03 has been submitted for approval as part of the current Section 73 application, which also demonstrates the Scheme's ability to achieve 10% net gain against the baseline [**Appendix 9**].
- 6.62 The Biodiversity Net Gain Assessment considered the value of habitats found on the Site prior to construction against the predicted value once the development is complete. The assessment is informed by habitat surveys, which identify the habitat types present and their condition. The assessment has shown that the Scheme will provide a net gain, exceeding 10%.

### Climate Impact

- 6.63 An Equality Climate Impact Assessment (EqCIA), has been undertaken in accordance with the spreadsheet tool approved by the Acquiring Authority [**Appendix 1**] [Appendix 13 of the Statement of Reasons]. The assessment outcome gave the Scheme an overall positive score, built predominately around the following strengths:
- Transport & Connectivity - the Scheme will support improved active travel facilities and facilitate more walking, cycling and increased use of public transport, and
  - Nature - the Scheme will achieve 10% biodiversity net gain, provide sustainable drainage systems and improve access to nature through improved walking and cycling facilities.
- 6.64 As part of the Environmental Statement submitted in support of the planning application (Environmental Statement Volume I Chapter 7 Climate Change is provided at **Appendix 1** [Appendix 14 of the Statement of Reasons]), a climate change impact 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.

- 6.65 This assessment identified that based on the maximum parameters and build out of the Scheme, the total Green House Gas (GHG) emissions related to construction activity are calculated to be in the order of 2,208 tonnes CO<sub>2</sub>e, of which 43% are associated with embodied carbon in construction materials. The Carbon Management Plan, which is required to comply with planning condition 14, will set out further details as to how whole life carbon emissions will be reduced.
- 6.66 Average annual GHG emissions with the operation of the Scheme are estimated to be 739 tonnes CO<sub>2</sub>e lower than without the Scheme in the opening year, and 524 tonnes CO<sub>2</sub>e lower at the design year. The calculated reduction in GHG emissions is due to a reduction in traffic congestion and journey times in the area, resulting from the improvements at the junction.
- 6.67 Overall, the assessment concluded that the Scheme would not have significant adverse effects on the climate either during construction or once operational.

#### Environmental Assessment, Residual Effects and Mitigation Measures

- 6.68 The Scheme design has been informed by a detailed Environmental Impact Assessment, as set out within the Environmental Statement submitted in support of the approved planning application (discussed further in Section 8 below). This includes consideration of air quality, noise and vibration, traffic and transport, climate change, flood risk, cultural heritage, biodiversity, landscape and visual, the water environment, population and human health, and material assets and waste. A biodiversity net gain assessment was also prepared as part of the approved planning application.
- 6.69 The assessments identified that the Scheme would result in some positive environmental effects, including the delivery of biodiversity net gain, reducing air pollution within the Witney AQMA, and population and human health benefits arising from improved active travel facilities delivered as part of the Scheme.
- 6.70 Given the scale of the Scheme, it will inevitably have both some beneficial and some adverse environmental effects, particularly in the immediate local area around the Scheme. The assessments reported likely significant adverse environmental effects during the construction and operational phases of the proposed development in relation to Geology and Soils, Landscape and Visual, and Noise, which are outlined below and described in more detail in the Environmental Statement.

#### Geology and Soils

- 6.71 Moderate adverse impacts are expected, as proposed development would result in a permanent and temporary loss of agricultural land with an Agricultural Land Classification of Grade 3b.

#### Landscape and Visual

- 6.72 Moderate adverse landscape impacts are forecast at the Site level during construction, as there will be excavation of fields, vegetation clearance, removal of a number of trees and sections of hedgerow, plus the introduction of new areas of plantation woodland and construction activity. These changes will also result in moderate adverse visual effects for recreational receptors using Public

Right of Way (PRoW) footpath 410/42/10 at Cogges Hill and PRoW footpath 353/31/10 behind The Paddocks, High Cogges during construction.

- 6.73 At year 1 after opening, a single significant visual effect would remain on recreational receptors using PRoW footpath 353/31/10 behind The Paddocks, High Cogges. The additional two slip roads and improvements to the B4022 junction would be visible for users.
- 6.74 The primary mitigation measures that form part of the Scheme design are: new hedgerow and tree planting adjacent to the new slip roads; retention of vegetation along the elevated embankment to the east of the B4022 underpass; enhancement of woodland along the lines of the existing pruned hybrid poplar trees along the south side of the A40, to increase screening from High Cogges; new woodland screening alongside hedgerow trees, to provide screening to the view from residential properties including The Paddocks, Meadow View and Ladymead Cottage; new areas of species rich grassland around attenuation ponds; and the use of the lowest possible output LED luminaires on road lighting columns (dimmed to 75% output between the hours of 00:00 and 06:00 to mitigate light intrusion).
- 6.75 Some additional planting was developed through discussion with South Leigh and High Cogges Parish Council in early summer 2023. This additional tree planting alongside the on-slip and around the balancing pond is reflected within the amended landscaping design drawings included in an application made by the Acquiring Authority in pursuant to Section 73 of the Town and Country Planning Act 1990 (R3.0142/23) on 15 September 2023. Further information on this application is included in Section 8.
- 6.76 By 15 years post-opening, the proposed native planting along the boundary will have matured and is likely to be better integrated into the wider landscape than the existing *leylandii* hedge. Additional hedgerow trees to the south of the new westbound on-slip and around the balancing pond should result in improved levels of screening to the underpass. As a result, 15 years after opening the visual impact for residential properties in the High Cogges area will be negligible.

### Operational Noise

- 6.77 As a result of forecast increases in traffic on the B4022 between the A40 and Jubilee Way, significant adverse residual noise effects are expected for Windrush Cemetery and seven properties adjacent to the B4022 between the A40 and Jubilee Way. The residual significant operational traffic noise effects arise as a result of increases in traffic noise of around 1.0-1.5 decibels (dB) at locations subject to high levels of road traffic noise. Although some of these properties meet the threshold for noise insulation under the Noise Insulation Regulations 1975 (as amended 1988), namely 68 dB LA10, 18h, none are expected to qualify for noise insulation due to the traffic on the proposed development itself not making an effective contribution to their overall noise level, which is one of the conditions set out in the Regulations.
- 6.78 A range of mitigation measures in relation to these properties have been considered (low noise surfacing, noise barriers, lowering the speed limit) and also discussed with the West Oxfordshire District Council Environmental Health

Officer (EHO). However, it has been agreed that no practical mitigation is possible due to low road traffic speeds, the need to maintain access to properties (which would create a gap in a barrier) and the potential for additional visual impacts, and vegetation loss.

### Construction Noise

6.79 There is also potential for significant adverse noise impacts from the construction works, particularly at properties situated close to the Scheme. These properties (and their approximate distance from the Scheme boundary) include The Paddock, situated between the A40 mainline and the existing B4022 on-slip and properties immediately north of the existing B4022 on-slip, properties on High Cogges to the south of the Proposed Development (150m) and properties on the existing B4022 into Witney (200m). Construction noise would be reduced as much as possible through measures to be proposed in a Noise and Vibration Management Plan, which it is proposed would form part of the overall Construction Environmental Management Plan (CEMP). These plans are required to be prepared as part of planning condition 3.

### Environmental Statement Mitigation Measures

6.80 A comprehensive package of mitigation measures is proposed in the Environmental Statement to minimise adverse effects as far as reasonably possible. Where possible, mitigation has been incorporated into the Scheme as part of the iterative design process (i.e., embedded mitigation). Where major or moderate adverse effects are predicted after this mitigation has been taken into account, additional mitigation measures are identified to avoid, further mitigate or remedy those effects. The full list of all mitigation measures can be found in Environmental Statement Volume II, Appendix 17-A: Schedule of Environmental Commitments, which is attached as **Appendix 1** [Appendix 15 of the Statement of Reasons].

### Summary

6.81 The Scheme achieves the Scheme objectives of supporting the delivery of new housing in Witney, reducing congestion and improving air quality in Witney Town Centre, and improving access to the A40 from east and north-east Witney.

6.82 Evidence has been provided in this section of the expected performance of the Scheme against these objectives and further detail is provided within the Access to Witney Transport Assessment in **Appendix 1** [Appendix 7 of the Statement of Reasons], the Strategic Traffic Modelling Forecasting Report in **Appendix 1** [Appendix 10 of the Statement of Reasons] and the Environmental Statement that supported the Scheme Planning Application, including Chapter 5 on Air Quality in **Appendix 1** [Appendix 11 of the Statement of Reasons].

6.83 The compelling case in the public interest for the Scheme arises from the following benefits being delivered:

- Supporting the delivery of planned new homes (including affordable housing) in Witney which is vital to economic growth as set out the West Oxfordshire Local Plan 2031 (Objective 1).

- Improving access to the A40 from north and north-east Witney and reducing the need for local and longer distance traffic to travel through the town centre by providing an alternative route around the edge of the town via the B4022 and A40. This will reduce traffic in the town centre, improve road network resilience and allow the Council to better manage Witney's road network. It will help the Council to implement schemes to manage and deter through traffic in the Town Centre and also to deliver measures to promote use of sustainable and active travel and improve the environment, road safety and the streetscape in Witney's historic core (Objective 3).
- Reducing traffic volumes and traffic delays within the town centre, which will help to improve air quality within the town centre (including the Bridge Street AQMA), support economic growth and improve public health and wellbeing (Objective 2).
- Providing safer walking and cycling facilities through the area, improving connections between South Leigh, High Cogges and Witney as well as enabling linkages with development within the EWSDA. This will promote more walking and cycling in the area, reducing car use, improving public health and wellbeing, and reducing emissions of harmful pollutants and greenhouse gases (Objective 2).
- Providing faster and more reliable journey times for road users, including bus passengers in Witney. This will help promote more public transport use in the area, reducing car use, improving public health and wellbeing and reducing emissions of harmful pollutants and greenhouse gases (Objective 2).
- Providing bus passengers with a more accessible bus stop with enhanced and safer pedestrian access routes. This will promote more public transport use (Objective 2).

6.84 Overall, the overwhelming social, economic and health benefits of the Scheme in terms of supporting vital housing delivery, improving accessibility and movement in the area, as well as reducing environmental air pollution in Witney Town Centre, substantially outweigh the limited local adverse environmental effects on landscape and noise.

## 7 PUBLIC CONSULTATION AND STAKEHOLDER ENGAGEMENT

### Introduction

- 7.1 The Acquiring Authority has consulted with the public and stakeholders extensively throughout the development of the Scheme. The main areas of stakeholder engagement and public consultation that have taken place prior to the submission of the original planning application for the Scheme are set out in this Section. Further information can be found in the Access to Witney Statement of Community Involvement at **Appendix 1** [Appendix 19 of the Statement of Reasons].
- 7.2 The main phases of engagement and consultation discussed in this Section are summarised as follows:
- Option Assessment
  - Landowner Engagement
  - Environmental Impact Assessment ('EIA') Scoping and Technical Consultation
  - County Planning Authority ('CPA') Pre-application Engagement
  - Targeted Stakeholder Engagement
  - Online Public Engagement

### Option Assessment

- 7.3 During the option assessment study, regular engagement with planning officers at West Oxfordshire District Council was undertaken to:
- provide information on local planning policy aspirations;
  - ensure that the study captured a good understanding of existing issues and challenges in Witney;
  - input into the study objectives and assessment framework; and
  - help develop a comprehensive long-list of options to inform their sifting.

### Landowner Engagement

- 7.4 Landowner engagement has been ongoing since early 2020, seeking land acquisitions by negotiation. To ensure a comprehensive understanding of land ownership and occupation, the Council's appointed land referencing agents, Gateley Hamer, wrote to landowners between March and July 2021 with a questionnaire about their landholding and land interests.
- 7.5 Discussions have been held with landowners regarding access to land, and engagement in relation to land access is ongoing with these landowners. Most landowners are professionally represented and are aware of the land acquisition proposed, and negotiations will continue in order to seek private acquisition of the rights and interests in land required for delivery of the Scheme. For further information see Section 10 '*Negotiations with Affected Landowners*'.



### EIA Scoping and Technical Consultation (May – June 2021)

7.6 An EIA Scoping Report was submitted by the Acquiring Authority to the CPA in May 2021. In order to agree the scope and content of the relevant desk-based assessments, consultation was undertaken between the various Scheme promoter technical teams and statutory consultees. The following individuals/organisations were consulted by the CPA, and their feedback was included as part of an EIA Scoping Opinion, which was issued by the CPA on 1 July 2021:

- West Oxfordshire District Council – Environmental Protection
- Oxfordshire County Council (OCC) Public Health
- OCC Transport Development Control
- OCC Biodiversity
- OCC Archaeology
- OCC Archaeological Services
- OCC Landscape
- OCC Rights of Way
- OCC Lead Local Flood Authority (LLFA)
- Natural England
- Environment Agency
- Historic England
- South Leigh Parish Council
- Witney Town Council
- Councillor Enright (Witney North & East)

7.7 Following the receipt of the EIA Scoping Opinion, proactive engagement with statutory bodies, such as OCC Transport Development Control and the LLFA, has continued to take place in order to inform the scheme design and technical assessment work that has provided evidence to support the planning application for the Scheme.

### County Planning Authority Pre-Application Engagement (July – December 2021)

7.8 In advance of the submission of the application for planning consent, the Acquiring Authority obtained formal pre-application advice from the CPA between July 2021 and December 2021. This includes two virtual pre-application meetings, which were held in July 2021 and December 2021.

7.9 Advice received included comments in relation to policy compliance, the proposed scheme design, and the required scope of planning application documentation.

### Online Public Consultation and Ongoing Engagement (May – June 2021)

7.10 The Acquiring Authority undertook a four week online public engagement exercise for the A40 Access to Witney Scheme between 10 May and 7 June 2021 (inclusive), which ran in parallel with the engagement in relation to the A40 HIF2 scheme. The purpose of this exercise was to encourage active involvement by the community and a wide range of stakeholders, and to ensure that local feedback was obtained in relation to the preferred scheme proposals.

7.11 The virtual public exhibition presented information on the proposed preferred Scheme, some background regarding the need for the Scheme, and its predicted benefits. At the exhibition, all three of the shortlisted sub-options of the preferred scheme were presented for comment and feedback was sought from the public and stakeholders.

7.12 The virtual exhibition presented information on the background to the Scheme, its benefits, the preferred scheme, shortlisted options, discounted options, environmental considerations, and also provided the opportunity for participants to complete a feedback form online via the OCC consultation portal. A dedicated email address was also set up to provide the opportunity for comments and questions to be submitted to the project team. The virtual public exhibition can be accessed via the dedicated A40 Access to Witney website:

<https://community.engage.stantec.com/accesstowitney>

7.13 The Council also held two live online webinar events hosted via Microsoft Teams to give participants the opportunity to ask questions to members of the team directly. This aimed to recreate as far as possible a traditional ‘in-person’ public exhibition, while complying with the Government’s Covid-19 guidelines.

7.14 A dedicated ‘A40 Improvements’ webpage was also established, which provided an overview of the six A40 Improvement schemes including a dedicated ‘A40 Access to Witney’ webpage:

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

7.15 The following measures were put in place by the Acquiring Authority to ensure that participants without access to the internet, or those who experienced issues with accessing materials online, had the opportunity to view and comment on the proposals:

- Paper copies of exhibition boards delivered to four local libraries for public display (Eynsham, Burford, Carterton and Witney).
- The press release received coverage in the print edition of ‘Oxford Mail’.
- The advertisement included a telephone number to request printed copies of the online exhibition boards and feedback form.
- A Word version of the online feedback form was emailed out to stakeholders on request for completion offline.
- A PDF copy of the online exhibition boards was emailed out to stakeholders on request to print the information at home.

### Public Exhibition Feedback Obtained

7.16 The online feedback form offered respondents the opportunity to offer views in relation to the preferred option scheme design. 39 feedback form responses

were received via the consultation exercise. There were a further 15 queries and responses submitted via email.

- 7.17 Overall, there was majority support for the preferred scheme design from respondents (54% selected ‘Strong Support’ or ‘Support’). 10% of respondents were ‘Neutral’, whilst 33% of the respondents expressed ‘Concern’ for the proposals. The remainder selected ‘Don’t Know’. The most popular positive comments were those stating that improvements are overdue (mentioned in 9/30 comments) and stating support for the principle of reducing traffic in the town centre (mentioned in 5/30 comments).
- 7.18 For those who did not support the proposals, the most common concerns were that the proposals will be too expensive (mentioned in 2/30 comments); traffic lights at junctions will increase levels of traffic (mentioned in 2/30 comments); and the proposals may lead to increased car use by making road travel more efficient (mentioned in 2/30 comments).
- 7.19 The Council also received responses from key stakeholders, which are summarised below:
- **West Oxfordshire District Council** – The Council strongly supports the principle of the proposal and the timely progress being made by the County Council in taking the project forward. Having reviewed the preferred scheme, the District Council is strongly supportive.
  - **South Leigh and High Cogges Parish Council (SLHCPC)** – Concerned that the Scheme as proposed will: cause traffic to ‘rat run’ through the village, lead to increased light, noise and emissions pollution for residents; lead to an increased risk of flooding; and loss of biodiversity. SLHCPC also highlighted that parishioners have raised concerns about pedestrian and cycle access through the proposed Shores Green interchange towards Oxford Hill.
  - **Witney Town Council** – supportive of the proposal.
  - **The Mawle Trustees and the Trustees of the Northfield Life Interest Settlement** – The Trustees own the land that comprises the East Witney Strategic Development Area. This includes the area of land required to deliver the A40 Shores Green ‘off-slip’ proposed development. The Trustees welcome the County Council’s ‘Preferred Option’, which includes a simple T-Junction ‘off-slip’. Also welcomed are the proposed improvements to foot and cycle connectivity to the A40 itself.
  - **Walker Family** – Landowners of some of the land required to construct the proposed on-slip to the A40. Object to Preferred Option 2A - the scoring system used to appraise the alternatives “are flawed”. Preference for Option 17 (at-grade roundabout at Shores Green), which is “simpler, greener and cheaper”.

Targeted Stakeholder Engagement (October – November 2021)

7.20 In October 2021, selected stakeholders were invited to attend an online Stakeholder Briefing session with the project team. As detailed in the Statement of Community Involvement at **Appendix 1** [Appendix 19 of the Statement of Reasons], four key stakeholders responded to the Council's request to participate in an online Stakeholder Briefing session:

- **Windrush Bike Project** – welcomed walking and cycling connection proposed to proposed EWSDA.
- **Thames Valley Police** – no objection to loss of existing laybys.
- **Road Haulage Association** - no objection to loss of existing laybys.
- **Stagecoach** – satisfied the Scheme would not result in significant delays to bus journey times.

### Design Refinements

7.21 Following the public engagement exercise held in May – June 2021, further discussion with key stakeholders and specialist input from other disciplines was obtained. The preferred option was further refined and an updated design was produced. The design refinements comprise:

- Modifications made to the horizontal design for visibility requirements, lane widths and shared use provision.
- The horizontal and vertical alignments of the B4022 were modified to provide a more compliant layout. The existing non-compliant layout of the B4022 has been modified to re-align the main carriageway to provide improved radii and to also maximise the potential sight stopping distance achievable.
- The existing B4022 junction with the existing A40 on-slip road was modified following swept path analysis, which indicated several locations where larger vehicles would overrun the verge or footway. With the proposed shared use pedestrian cycle path using this junction, the alignment was modified to permit larger vehicles to use the junction without over-running the revised layout.
- There is a level difference between the existing A40 and the proposed diverge layout, where the off-slip road rises and increases to around 2m in height. Due to the width between the two carriageways at this point, it has been necessary to provide a small retaining structure to permit this design layout. Without the retaining structure, a larger land acquisition footprint would be required along a significant length of the diverge layout.
- The Lead Local Flood Authority (LLFA) advised that there is an existing flooding risk to the west of the proposed scheme layout, and they would object to the Scheme should it exacerbate this issue. The proposed off slip road vertical alignment would result in that part of the off-slip road falling towards the A40 westwards and the remaining descending towards the B4022 junction. The area falling towards to A40 westwards will require mitigation to ensure the surface flow is controlled and does not exacerbate the

existing situation. As such, a small attenuation pond has been designed to control this flow, located alongside the existing eastbound layby around 230m from the start of the nosing of the proposed off-slip road. The layby is proposed to be converted into a smaller maintenance only layby.

Stakeholder Engagement during original Planning Application Determination Period (April 2022 - June 2023)

- 7.22 On 1 April 2022, a planning application for the Scheme was submitted by Oxfordshire County Council (the Applicant) and validated by Local Planning Authority (Oxfordshire County Council as the determining authority) (See Section 8). During the determination period, the Acquiring Authority engaged with the CPA and planning application consultees in relation to comments and queries raised regarding the Scheme.
- 7.23 There was also ongoing engagement with technical officers at West Oxfordshire Council and Oxfordshire County Council, Councillors at Oxfordshire County Council, and representatives of South Leigh and High Cogges Parish Council regarding the status of the Scheme and issues related to its design and impacts.

Stakeholder Engagement in respect of the Section 73 Planning Application (July 2023 onwards)

- 7.24 In preparation for the submission of a Section 73 Planning Application (as described further in paragraph 1.32 and Section 8), the Applicant discussed the proposed Scheme amendments with technical representatives from the Council's Public Rights of Way and Transport Development Control teams. Neither has raised any objections to the proposed Scheme amendments. South Leigh and High Cogges Parish Council and the landowners were also informed of the Section 73 Planning Application, ahead of its submission to the CPA on 15 September 2023.
- 7.25 As a direct result of stakeholder feedback, additional tree planting was proposed as part of the revised drawings submitted for approval as part of the Section 73 Planning Application, relative to the amount approved by the original planning permission.
- 7.26 Upon submission of the Section 73 Planning Application, the CPA has engaged with statutory consultees. The Applicant has continued to engage with the CPA during the determination of the Section 73 Planning Application.

Summary

- 7.27 Throughout the evolution of the Scheme, the Acquiring Authority has consulted widely and extensively, and has been responsive to the information gathered during the consultation process, which has shaped and informed the Scheme design.
- 7.28 The design of the Scheme has undergone an iterative process of review, whereby analysis of technical modelling, assessments and responses to public consultation on different design options were interpreted and refinements

incrementally made to the Scheme design, in order to reach the optimum design solution.

## 8 PLANNING POLICY AND CURRENT PLANNING STATUS

### Introduction

8.1 In making the Orders, 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 and includes a summary of Scheme compliance when considered against the relevant planning policy and other material considerations. A full planning assessment of the Scheme is contained within the Planning Statement which accompanied the original planning application [**Appendix 1** [Appendix 21 of the Statement of Reasons]]

### Planning Policy Context

8.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004, together with Section 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.

8.3 The Scheme is located within Oxfordshire County and passes through the administrative boundary of West Oxfordshire District Council. However, a planning application was submitted to Oxfordshire County Council as the determining County Planning Authority (CPA) for Highways schemes promoted by Highway Authorities under the Town and Country Planning Act 1990 (as amended) and the Town and Country Planning (Development Management Procedure) (England) Order 2015. The application is a Regulation 3 application, as defined by the Town and Country Planning General Regulations 1992.

8.4 Section 6 of the Planning Statement [**Appendix 1** [Appendix 21 of the Statement of Reasons]] - Relevant Planning Policy (including Appendix A Policy Schedule) - sets out the policies relevant to the Scheme. The Development Plan for the Scheme comprises the following documents:

- West Oxfordshire Local Plan 2031 (2018) ('WOLP')
- South Leigh Neighbourhood Plan (SLNP) (2019)
- Oxfordshire Minerals and Waste Local Plan Part 1 – Core Strategy (adopted 2017)

8.5 Other material considerations include:

- National Planning Policy Framework ('NPPF') (2021)
- National Planning Practice Guidance ('NPPG')
- Connecting Oxfordshire: Local Transport Plan 2015-2031 ('LTP4') (published 2015, updated 2016) including the Witney Area Strategy
- Oxfordshire Local Transport and Connectivity Plan (2022) ('LTCP')
- Equality Impact Assessment ('EqIA')
- National Infrastructure Strategy ('NIS') (2020)
- Oxfordshire 2020 Climate Action Framework ('CAF') (2020)
- Oxfordshire Infrastructure Strategy ('OxIS') (2017)

- Oxfordshire’s Strategic Vision for Long-Term Sustainable Development (2021)
- Oxfordshire Street Design Guide (2021)
- West Oxfordshire Design Guide SPD (2016)
- Witney Area Transport Strategy (2016)

### Key Planning Policies and Material Considerations of Relevance to the Scheme

- 8.6 Under the heading titled ‘Promoting Sustainable Transport’, NPPF paragraph 105 advises that “Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health.”
- 8.7 The Scheme seeks to encourage greater levels of active travel by providing enhanced facilities and connectivity for pedestrians and cyclists, both along the A40 off-slip and B4022. The Scheme has also been designed to reduce traffic volumes, congestion and emissions, and improve air quality in Witney Town Centre.
- 8.8 The WOLP identifies congestion on the A40 as a major constraint to inward investment, and recognises that improvements to the A40 are key to enable the delivery of housing and employment growth aspirations envisioned in the area.
- 8.9 The Scheme forms part of the Council’s wider investment programme for the A40 between Witney and Duke’s Cut, which aims to improve travel times and journey reliability along the A40 corridor, support housing development, stimulate economic growth, improve safety, and reduce environmental impacts such as air pollution.
- 8.10 WOLP Policy H1 identifies the need for the provision of at least 15,950 new homes to be delivered during the 2021-2031 plan period, in order to meet West Oxfordshire’s identified housing needs as well as accommodating a proportion of the unmet housing needs arising in Oxford City. In accordance with the overall strategy set out in WOLP Policy OS2, WOLP Policy H1 identifies an anticipated delivery of 4,702 homes in the Witney sub-area.
- 8.11 WOLP Paragraph 7.35 identifies a number of strategic highway schemes which are “identified as *being necessary to support the quantum and distribution of planned housing and employment growth at Witney*”. Included within the identified schemes is:
- Shores Green Slip Roads:*** *the provision of west facing slip roads at the Shore’s Green junction onto the A40 to the east of Witney. Delivery will be facilitated by the proposed East Witney Strategic Development Area (SDA) – see Policy WIT1 and will be accompanied by proposed improvements to Bridge Street.*
- 8.12 WOLP Policy WIT1 (‘East Witney Strategic Development Area’) sets out the framework for land to the east of Witney to accommodate a community, including 450 homes at East Witney Strategic Development Area (‘EWSDA’). The EWSDA is located immediately west of the site and the Scheme will help unlock this strategic development area, facilitating the delivery of new homes



in the area. With reference to the Scheme, Policy WIT1, Part C advises that development of the EWSDA is:

*“To be phased in accordance with the timing of provision of supporting infrastructure and facilities including the essential improvements to the Shores Green junction onto the A40 and related highway measures.”*

8.13 The Scheme supports the policy aim for development to be phased in accordance with the ‘essential *improvements*’ required to the Shores Green junction and related highway measures.

8.14 In respect of strategic context and need, WOLP Policy WIT6 sets out the Witney Sub-Area Strategy, and the proposals to support the development of the area, including:

*“Continuing to work with Oxfordshire County Council and landowners/developers to deliver improvements to key highway infrastructure to reduce traffic and pollution in the historic core and to improve the general flow of traffic and access to primary transport routes, with priority on delivering the A40/Downs Road junction (all traffic movements), Shores Green junction (west facing slip roads), the West End Link and Northern Distributor Road and other supporting highway improvement measures.”*

8.15 The Scheme is also supported by WOLP Policy T2, which states that West Oxfordshire District Council will continue to work in partnership with the County Council to secure improvements between Witney and Oxford. The ‘Shores Green Slip Roads, Witney’ scheme is specifically identified as a strategic highway infrastructure scheme proposed to be safeguarded and delivered as part of the committed and allocated urban extensions identified within the WOLP.

8.16 The West Oxfordshire Infrastructure Delivery Plan (‘IDP’) was updated in November 2016 and forms part of the evidence base underpinning the WOLP. Whilst the IDP is supporting evidence base work which does not form part of the adopted development plan itself, the document identifies the infrastructure that will be needed to support the future growth proposed with the development plan. The IDP specifically identifies the Scheme as ‘critical’ infrastructure, which is a pre-requisite of the EWSDA – see **Appendix 1** [Appendix 12 of the Statement of Reasons].

8.17 The Scheme was supported in Oxfordshire’s 2016 Local Transport Plan 4, which identifies the A40 road corridor west of Oxford as a heavily constrained route requiring a series of highways improvements along the A40 corridor to improve access between towns in West Oxfordshire and Oxford. LTP4, Volume 8 Part II provided the 2016 Witney Area Transport Strategy [**Appendix 10**] (which remains the current area transport strategy), which includes 4 policies:

- **Policy WIT1** “to establish a transport network that supports future growth and attracts economic investment at Witney we will work closely with the District Council, developers and local partners to

improve access to the strategic transport networks and manage through traffic”.

- **Policy WIT3** “we will work with West Oxfordshire District Council to safeguard land for future transport infrastructure, to support Local Plan growth”.
- **Policy WIT5** “the County Council will improve facilities for pedestrians and cyclists focusing on enhancing links between homes, schools, employment and the town centre”.
- **Policy WIT7** “to mitigate the cumulative impact of development across the Witney area and implement the transport measures identified in the Witney area strategy.”

8.18 As part of these policies, several Witney-based transport options were included in the Witney Area Strategy, in order to support future growth and attract economic investment.

- West-facing slip roads at A40 Shores Green junction and improvements to the B4022 Oxford Hill junction with Jubilee Way and Cogges Hill Road to be delivered by housing development at East Witney. (WIT1)
- Re-designating the A4095 via Jubilee Way, Oxford Hill, A40, Ducklington Lane and Thorney Leys so through-traffic travels around the edge of the town rather than through it. (WIT2)
- Implementing schemes to deter through-traffic from using Bridge Street and the Woodstock Road and encourage through-traffic to use the re-designated A4095. (WIT2)
- Improving the environment in the town centre by reducing congestion and enhancing the Air Quality Management and Conservation Areas. (WIT2)
- Discouraging undesirable routing of traffic by improving directional signs. (WIT2)
- Protecting the line of the Shores Green Slip Roads and promoting its safeguarding in the Local Plan. (WIT3)

8.19 In July 2022, the County Council adopted a new Local Transport and Connectivity Plan (‘LTCP’) for the County which is provided at **Appendix 1** [Appendix 22 of the Statement of Reasons] for the County. LTCP sets out the target for a net-zero transport network by 2040 and outlines the policies which will help to achieve this, focusing on reducing the need to travel, reducing journeys by car and the promotion of walking, cycling, public and shared transport. Of particular relevance to the Scheme are:

- **Policy 2** – Ensure all new developments have safe and attractive walking and cycling connections to the site, include a connected attractive network for when people are walking and cycling within

the development and that the internal routes connect easily and conveniently to community facilities and the local cycle and walking network.

- **Policy 18c** - Seek to make the bus a natural first choice through development of infrastructure and network management measures which give priority over the private car and improve journey speeds
- **Policy 30** - Work to deliver a transport network that achieves and where possible exceeds government and local biodiversity net gain targets.
- **Policy 31** - Balance the needs of all network users, whilst promoting and prioritising walking, cycling and public transport at every opportunity.
- **Policy 36** – Only consider road capacity schemes after all other options have been explored
- **Policy 49** - Develop and deliver measures to encourage use of the most appropriate routes for HGVs

8.20 LTCP recognises there are cases where road schemes may be required and will deliver improvements. This includes where access is needed to new developments or where the existing road is unsafe. It notes that the Council will require careful modelling for major road schemes to ensure that the likely effects on the wider network are fully understood.

8.21 The LTCP will also be supported by area and corridor travel plans which will outline how the LTCP vision and outcomes are delivered in locations across the county. The plans are being produced as a ‘part 2’ of the LTCP. The plans are being developed in a phased approach during 2023 and 2024. Appendix 1 of LTCP contains a review of the LTP4 area strategies, including those for Witney. It In respect of Policy WIT1, the 2022 update notes:

*“A40 Shores Green West Facing Slips - Growth Deal Scheme Years 2 to 5. During 2021 the preferred option was identified and consulted upon.”*

8.22 South Leigh Neighbourhood Plan (SLNP) Policy SLT1 states that any proposals which would result in a significant increase in the volume of traffic on roads in the neighbourhood plan area will be assessed in terms of their potential impact upon the environment and amenities of the Parish. Where necessary, the Parish Council will work with West Oxfordshire District Council and Oxfordshire County Council to identify any appropriate traffic management measures that will serve to mitigate the negative impacts of additional traffic generation.

8.23 The County Council is committed to monitoring the impacts of the Scheme on the wider road network, both during construction and the operational stage, and will work with South Leigh and High Cogges Parish Council and communities to discuss and develop potential mitigation measures in case of any rat-running that might occur through the village in the future.

- 8.24 SLNP Policy SLE1 states that proposals for development should respect and safeguard the intrinsic character and beauty of the landscape features within the South Leigh and High Cogges area, including its tranquility and perception of remoteness.
- 8.25 By providing a new access route across Witney that avoids Bridge Street, the Scheme will deliver wider benefits to users of the road network across Witney and, in particular, in Witney Town Centre. This will enable the Council to improve the streetscape and provide improved facilities for walking and buses in Witney Town Centre, which will increase their attractiveness and promote greater use of these sustainable modes.
- 8.26 The Scheme is considered as a priority initiative, which will reduce traffic flows and associated adverse impacts in the Bridge Street area and reduce air pollution in the Witney Air Quality Management Area.
- 8.27 The Scheme seeks to encourage greater levels of active travel for both existing and future residents and employees along the route, by providing enhanced facilities and connectivity for pedestrians and cyclists.
- 8.28 The Scheme design has been informed by a detailed Environmental Assessment as set out within the Environmental Statement submitted in support of the planning application (discussed further below). This includes consideration of air quality, noise and vibration, climate change, flood risk, heritage, biodiversity and landscape among other key topic areas.
- 8.29 The Scheme will result in some significant positive environmental effects. These include the delivery of biodiversity net gain and reducing environmental air pollution in Witney Town Centre.
- 8.30 The Scheme will inevitably have some significant adverse environmental effects, given the scale of development that is proposed. However, comprehensive packages of mitigation are proposed, as described in the Environmental Statement [**Appendix 1** [Appendix 15 of the Statement of Reasons]], in order to minimise adverse effects as far as reasonably possible. The residual effects are not considered to be unacceptable.

### Current Planning Status

- 8.31 On 1 April 2022, a planning application for the Scheme was submitted by Oxfordshire County Council (the Applicant) and validated by the County Planning Authority (Oxfordshire County Council as the determining authority) for the following development, under application reference R3.00039/22 (the original planning application). This planning application sought permission for the following:

*“The construction of two new west-facing slip roads at the Shores Green junction of the A40; an off-slip to allow eastbound vehicles to exit the A40 on to the B4022 towards Witney and an on-slip to allow westbound vehicles to enter the A40 from the B4022 at this junction. Two existing lay-bys to the west of the A40 overbridge will be removed to accommodate the construction of the slip roads”*

- 8.32 The planning application was supported by an Environmental Statement in accordance with the Town and Country Planning (Environmental Impact

Assessment) Regulations 2017. The scope of the EIA was agreed with the County Council, as the CPA, through the submission of a Scoping Report in May 2021 and subsequent issue of a Scoping Opinion by the CPA in June 2021. The following technical matters were also assessed within the Environmental Statement:

- Air Quality
- Biodiversity
- Climate Change
- Cultural Heritage
- Geology and Soils
- Landscape and Visual
- Material Assets and Waste
- Noise and Vibration
- Population and Human Health
- Road Drainage and the Water Environment
- Traffic and Transport

8.33 A suite of further documents was also submitted with the original planning application including:

- Planning Statement
- Design and Access Statement
- Statement of Community Involvement
- Transport Assessment
- Sustainability Assessment

8.34 On 25 August 2022, the CPA submitted an information request under Regulation 25 of the Environmental Impact Assessment (EIA) Regulations 2017 to the planning application for the Scheme. The CPA requested further information in relation to:

- Biodiversity
- Landscape (including arboriculture)
- Climate

8.35 On 31 October 2022, a formal response to the Regulation 25 request was provided to the CPA. The response also included amendments to the Scheme design, which evolved as a result of further technical work undertaken. On 1 December 2022, the supplementary information and Scheme revisions were published for formal consultation, which ended on 3 January 2023.

8.36 A range of responses were been received, none of which raised any technical concerns in respect of the Scheme. Notably, the CPA instructed Atkins to undertake an independent review of the acceptability of the Scheme in relation to arboriculture, climate change, and agriculture and soils. The review recommended no objection to the planning application subject to planning conditions securing appropriate mitigation.

8.37 Positive dialogue was been held between the Applicant and the CPA throughout the application determination period.

8.38 The planning application was due to be determined at Planning and Regulation Committee on 17 April 2023, however, the item was deferred owing to concerns

received from South Leigh and High Cogges Parish Council in relation to the Scheme design and its local impacts. The Applicant held a series of positive meetings and discussions with South Leigh and High Cogges Parish Council to discuss their concerns and to provide further clarification in relation to the proposed Scheme design and forecast local impacts related to noise, visual impact, lighting and traffic.

- 8.39 The planning application was then presented at Planning and Regulation Committee on 5 June 2023. Members unanimously resolved to grant planning permission for the Scheme, subject to a number of conditions and the provision of a Unilateral Undertaking to secure a commitment by Oxfordshire County Council to deliver a complementary scheme of traffic calming measures in South Leigh.
- 8.40 Planning permission for ‘The construction of two new west-facing slip roads at the Shores Green junction of the A40; an off-slip to allow eastbound vehicles to exit the A40 on to the B4022 towards Witney and an on-slip to allow westbound vehicles to enter the A40 from the B4022 at this junction. Two existing lay-bys to the west of the A40 overbridge will be removed to accommodate the construction of the slip roads’, was granted on 15 July 2023 under County Council Ref. R3.0039/22. A copy of the planning decision notice, including the list of planning conditions, is attached as **Appendix 11**.

### Section 73 Application

- 8.41 On 15 September 2023 a planning application was made by the Acquiring Authority pursuant to Section 73 of the Town and Country Planning Act 1990 to ‘continue the development permitted by R3.0039/22 (construction of two new west-facing slip roads at the Shores Green junction of the A40; an off-slip to allow eastbound vehicles to exit the A40 on to the B4022 towards Witney and an on-slip to allow westbound vehicles to enter the A40 from the B4022 at this junction. Two existing lay-bys to the west of the A40 overbridge will be removed to accommodate the construction of the slip roads) without complying with conditions 1 and 18 in order to replace a proposed shared-use path with a footway, merge two balancing ponds into one, re-align a drainage ditch, extend the highway boundary and make amendments to the landscaping scheme to include additional planting (the **Section 73 Application**). The planning application form, covering letter and landscaping strategy drawings are attached at **Appendix 12**.
- 8.42 The Section 73 Application was deemed valid on 15 September and assigned CPA reference R3.0142/23. The CPA commenced a 30 day statutory consultation period on 10 October 2023 until 9 November 2023. A Regulation 3 EIA advert was displayed on 19 October 2023.
- 8.43 The Section 73 Application seeks to amend a number of the approved scheme proposals which is summarised as follows:
- Change to the type and extent of the path/facility for non-motorised users running parallel to the proposed A40 eastbound off-slip to the B4022;
  - Additional landscaping to the east of the proposed on-slip to the A40 westbound;

- A highway boundary extension to the east of the proposed on-slip;
  - Realignment of the drainage ditch by the proposed off-slip; and
  - Two balancing ponds adjacent to the on-slip have been merged to form one balancing pond chamber.
- 8.44 The primary issue which has necessitated the submission of the Section 73 Application to seek formal planning permission for a ‘minor material amendment’ to the approved scheme drawings – via an amendment to planning condition number 1 attached to planning permission R3.0142/23 – is the need for changes to the non-motorised path located on the north-west side of the off-slip.
- 8.45 The Section 73 Application proposes that the path to be used by cyclists and pedestrians as granted under the original planning permission will be re-purposed and extended to become a footway for pedestrians only which adjoins to the existing footpath 410/41/20 (Witney). The length of the proposed facility is proposed also be extended approximately 200m in length compared to the original planning permission, along the full length of the off-slip up to the proposed attenuation pond and to the proposed highway boundary where it will connect with the remainder of footpath 410/41/20.
- 8.46 The change was proposed as the approved arrangement drawing would lead to cyclists not being able to continue their journey once they reach the existing footpath 410/41/20, 410/42/20 and 410/8/20 which are only suitable for, and designated for use by, pedestrians. Therefore, although the shared use facility provided a route suitable for cyclists, there is no onward connection beyond the tie-in point to the existing cycle facilities in the Cogges area of Witney to the west. This change in the designation of the facility from a shared-use path to a footway will ensure that when the scheme opens, it will integrate logically with the existing surrounding footpaths to which it will initially connect.
- 8.47 The changes have been designed to provide flexibility and future-proof the Scheme to enable later delivery of the Council’s aspirations to provide a shared walking and cycling route through this area as set out in the Witney Local Cycling and Walking Implementation Plan (LCWIP) adopted in March 2023, which also forms part of the developers’ proposals for the adjacent EWSDA.
- 8.48 In terms of amendments to the proposed scheme landscaping, as a result of stakeholder feedback, additional tree planting is now proposed relative to the amount currently approved. As shown within the revised landscape drawings, the additional planting to the south-east of the proposed westbound on-slip, is proposed to improve screening of the scheme from properties in High Cogges to the south-east.
- 8.49 To reflect the updated Biodiversity Net Gain Report submitted with the Section 73 Application and to enable flexibility to reduce off-site biodiversity requirements in lieu of additional on-site provision, the Section 73 application also proposes that planning condition number 18 of planning permission R3.0142/23 is amended. Condition 18 currently reads:

*‘No development shall commence unless and until, in combination with onsite measures as set out in the approved Revised Biodiversity*

*Net Gain Report in order to deliver a minimum of 10% net gain in biodiversity units above the baseline:*

*a) A detailed management and monitoring plan covering a minimum of 30 years for delivery of 26.67 offsite biodiversity units at Foxburrow Wood as set out in the Revised Biodiversity Net Gain Report is submitted to and approved in writing by the County Planning Authority; and*

*b) A certificate confirming the agreement of an Offsetting Provider approved by the County Planning Authority to deliver a Biodiversity Offsetting Scheme for the provision of 6.86 units of mixed plantation woodland has been submitted to and approved in writing by the County Planning Authority. The written approval of the County Planning Authority shall not be issued before the certificate has been issued by the Offsetting Provider. The details of the biodiversity enhancements shall meet the trading rule requirements as set out in the approved Revised Biodiversity Net Gain Report and shall be documented by the Offsetting Provider and issued to the County Planning Authority for their records.*

*The approved plan shall thereafter be implemented in full.'*

8.50 Following discussions with the CPA and OCC's Biodiversity Officer, the latest proposed re-wording of condition 18, which is sought for approval as follows:

*'No development shall commence unless and until, in combination with onsite measures as set out in the approved Revised Biodiversity Net Gain Report in order to deliver a minimum of 10% net gain in biodiversity units above the baseline:*

*a) A detailed management and monitoring plan covering a minimum of 30 years for delivery of a total of 26.67 offsite biodiversity units split between the application site and Foxburrow Wood to ensure delivery of a minimum of 10% net gain in biodiversity units is submitted to and approved in writing by the County Planning Authority; and*

*b) 6.86 units of mixed plantation woodland should be provided. If this quantum of mixed plantation woodland cannot be provided on-site, a certificate confirming the agreement of an Offsetting Provider approved by the County Planning Authority to deliver a Biodiversity Offsetting Scheme for the provision of mixed plantation woodland in order to ensure the development meets trading rules has been submitted to and approved in writing by the County Planning Authority. The written approval of the County Planning Authority shall not be issued before the certificate has been issued by the Offsetting Provider. The details of the biodiversity enhancements shall meet the trading rule requirements as set out in the approved Revised Biodiversity Net Gain Report and shall be documented by the Offsetting Provider and issued to the County Planning Authority for their records.*

*The approved plan shall thereafter be implemented in full.'*



8.51 The Section 73 Planning Application is currently being considered for determination by the CPA. The statutory determination period expires on 5 January 2023. The Applicant continues to engage positively with the CPA during the determination of the current Planning Application.

Summary

8.52 On the overall balance, the overwhelming social, economic and health benefits of the Scheme in supporting housing delivery, improving accessibility and movement in the area, as well as reducing environmental air pollution substantially outweigh the limited adverse effects on landscape and noise.

8.53 Whilst the Section 73 Application has yet to be determined the Acquiring Authority does not consider that there is any planning impediment to the Scheme.

## 9 THE ORDER LAND

### Order Land and Acquisition

- 9.1 In preparing the CPO, the Acquiring Authority has, through its appointed land agent, Gateley Hamer, undertaken diligent enquiry in order to identify all persons with an interest in the land that is required for the Scheme.
- 9.2 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 a land ownership schedule and a land ownership map.
- 9.3 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 and postcode searches.
- 9.4 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 March 2022, with newly identified parties issued in February 2023. The Acquiring Authority received a response rate of 23% to these requisitions. Whilst the Acquiring Authority and Gateley Hamer recognise this low response rate, multiple attempts to chase for responses were undertaken.
- 9.5 The only land within unknown ownership is within the highway boundary of the A40 Principal Road over the south westernmost length, which is included in the CPO, together with a length and part width of the B4022 running eastwards from the access to 'The Barn House' at Clementsfield Farm to the western part of the frontage of the residential property 'Shores Green'. Unknown owner site notices were erected on or near to these lands.
- 9.6 The information collected throughout the process 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.
- 9.7 The Order Land has a total area of 10.71ha. This comprises of:
- 8.98ha for which the title of land is required, this includes 6.23ha of land of existing public highways for the A40, B4022, and C16886 South Leigh Road at its junction with the B4022; which is required for permanent highways improvement works for mitigation of adverse effects of the proposed improved highways works upon their surroundings and for improvement and development of frontages to the improved highways (landscaping and drainage outside the new highways boundaries); and

- 1.73ha for which the title of land comprising of agricultural land is required for use in connection with the construction of the Scheme works (working space and a works compound) and could be available to return to landowners under the Crichel Down rules if compulsory purchase occurred and the land was surplus to the requirements of the Scheme post-construction. The Acquiring Authority would hope it might otherwise achieve licensed use of these lands, by voluntary agreement with landowners, rather than exercise compulsory purchase powers.

9.8 The Order Land is composed of agricultural land, woodland and existing public highways land, including roads (the A40 Principal Road, the B4022 and the C16886 South Leigh Road at its junction with the B4022) and public Footpaths. The plots over which title is required are set out below:

9.8.1 **Eileen Norah Mawle, James Edward Mawle and Stephen Francis Mawle – Plots 1/2a, 1/2b, 1/2c, 1/2d, 1/2e, 1/2f and 1/2g**

These plots comprise of 26,566 sqm of woodland and grassland, agricultural fields, and the whole of public Footpaths 410/41/30 and 410/41/40 (Witney) and lengths of Footpaths 410/41/20, 410/42/20 and 410/8/20 (Witney), as lie on the north-west side of the A40 Principal Road.

One of these plots, Plot 1/2f, which is intended for use as operational working space for the Scheme including a works compound, leaves a strip of land in the Mawles' ownership, immediately abutting the south-west boundary of the Gas Governor site lying to the south of the B4022.

The Council hopes that the temporary occupation of Plot 1/2f might be agreed by its owners or, as has been intimated by the Mawles, might be acquired voluntarily for such purpose, for its licensed use by the Council, rather than the Council exercising compulsory purchase powers.

By whatever means the Council might come into possession of Plot 1/2f in the future, the Mawles have been advised by the Council that it will either acquire the Mawles strip of land abutting the Gas Governor site under voluntary acquisition agreement, as it is not required for the Scheme implementation but could be utilised as a working space buffer, or if the Mawles wish to retain that strip of land, the Council would grant them a right of access to it over part of the CPO land to be acquired from them and once such land has come into the Council's possession.

The Council has also advised the Mawles that such right of access would be afforded over part of plot 1/2f once acquired to the remainder of the Mawles field off the current gated access southwards off the B4022, should they wish to retain that rather than make use of their additional existing access off the B4022 into their field to the west abutting the Windrush Cemetery.

The Mawles' retained land will in any of these circumstances which might arise, have a private means of access to it off the B4022.

**9.8.2 National Highways Limited – Plots 1/3b, 1/3c and 1/3d**

These plots comprise of 13,092 sqm of land carrying the public highway of the B4022, comprising carriageway, southern footway and grassed and tree planted verges, including bus shelter, as extends generally east south-eastwards, then north eastwards, from the junction of the private access to The Barn House at Clementsfield Farm to the junction of the C16886 South Leigh Road, at Shores Green.

**9.8.3 Susan Caroline Morrish – Plots 1/4a and 1/4b**

These plots comprise of 5,389 sqm of agricultural land of High Cogges Farm, lying immediately to the south-east of the A40 Principal Road and a length of public Footpath 353/31/10 (South Leigh).

**9.8.4 Oxfordshire County Council – Plots 1/3a, 1/6a and 1/6b**

These plots comprise of 35,292 sqm of land carrying the public highway of the A40 Principal Road and integral woodland and shrubland verges and cutting embankments (Plot 1/3a), and areas of land of the B4022 comprising integral hedgerow and grassland verge and of parts of pedestrian/cyclist use cycle tracks, running eastwards from the access to The Barn House at Clementsfield Farm to mid-frontage of the residential property 'Shores Green'.

Plot 1/3a, 34,547 sqm of the land carrying a part width and length of the A40 Principal Road, remains registered to National Highways Limited, as successor in title to the Secretary of State for Transport, with HM Land Registry.

This land is of the Detrunked A40, which was subject of Detrunking under 'The A40 Trunk Road (Wolvercote Roundabout Oxford to the Oxfordshire/ Gloucestershire County Boundary) (Detrunking) Order 2003, which came into force on 1 June 2003.

Under Section 265(7) and 265(3)(a) of the Highways Act 1980, such land as was vested in the former highway authority, namely the Secretary of State for Transport, for their functions in relation to the highway, the then A40 Trunk Road, transferred to Oxfordshire County Council with the Detrunked highway as of the operative date of 1 June 2003 of the Detrunking Order.

The Acquiring Authority will be seeking to have this land registered to it, following dialogue with National Highways Limited.

**9.8.5 John William Kearns and Anne Kearns – Plots 1/7a, 1/7b, 1/8 and 1/10**

These plots comprise of 3,076 sqm of registered agricultural land (Plots 1/7a and 1/7b) lying to the south east of the A40 Principal Road

and to the west and north west of a cluster of residential properties situated on the High Cogges Road, High Cogges and 113 sqm of two strip plots of land (Plots 1/8 and 1/10) which lie immediately to the north west of the former land and abutting the south east boundary of the A40 Principal Road and which are claimed ownership by the Kearns.

9.8.6 **Jeremy Michael Walker, Paula June Walker and Roger Jeremy Michael Walker – Plot 1/11a and 1/11b**

These plots comprise of 9,686 sqm of agricultural land and lengths of drainage ditches, lying to the south-east of the A40 Principal Road, to the south and south-west of the B4022 and to the north and north-west of a cluster of residential properties situated on the High Cogges Road, High Cogges.

9.8.7 **Unknown/Unregistered – Plots 1/1, 1/5, 1/9 and 1/12**

- **1/1**, 10,660 sqm of a part width and length of the A40 Principal Road, lying to the south-west of the B4022 and to the north-west of Springhill Farm, High Cogges. This land was brought into use by the Secretary of State for Transport for the Witney Bypass, constructed in the mid-1970s. If purchase of the land was completed at that time by the Secretary of State for Transport, then the land would now rest in the ownership of Oxfordshire County Council, as passed to it with the Detrunked A40. However, as the land remains unregistered, it is included in the CPO to authorise its acquisition as may be necessary.
  - **1/5**, 2,963 sqm of part widths of the B4022 and the B4022 Oxford Hill, as extends generally eastwards from the private access to The Barn House at Clementsfield Farm to the western part of the frontage of the residential property 'Shores Green'.
  - **1/9**, 116 sqm of a eastern part width of the A40 Principal Road, comprising carriageway and grassed and tree planted verge, lying to the south-west of the B4022 and to the north-west of a cluster of residential properties on the High Cogges road, High Cogges.
- and
- **1/12**, 201 sqm of a south-western part width of the C16886 South Leigh Road, at its junction with the B4022.

Summary

- 9.9 The CPO and all of the land contained within it is necessary to deliver the Scheme as outlined by paragraph 2 of the CPO Guidance which advises that a Compulsory Purchase Order should only be made where there is a compelling case in the public interest. The Acquiring Authority is fully satisfied that the

requirements in paragraph 10.2 are met and that they has been demonstrated within this Statement of Case.

- 9.10 The Acquiring Authority has taken and is continuing to take reasonable steps to acquire all of the land included in the CPO by private agreement. Further, these efforts to acquire the land by negotiation will continue in parallel, both up to the making and any confirmation of the Order and also post-confirmation, prior to its implementation.

## 10 COMPULSORY PURCHASE JUSTIFICATION

### Appropriateness of Powers

10.1 The Acquiring Authority is satisfied that the Scheme is within the scope of the compulsory purchase powers as set out in Sections 239, 240, 246, and 260 of the 1980 Act, being a highway infrastructure scheme.

### The Public Interest Test

10.2 Paragraph 2 of the CPO Guidance advises that a Compulsory Purchase Order should only be made where there is a compelling case in the public interest. The Acquiring Authority is fully satisfied that this requirement is met and that this has been demonstrated within this Statement of Reasons. The compelling case in the public interest for the Scheme includes the following matters, as discussed under Section 3 on the need for the Scheme and Section 6 on the Scheme's objectives and benefits:

- Supporting the delivery of planned housing growth in Witney, which is vital to economic growth, as set out in the WOLP 2031.
- Improving access to the A40 from east and north-east Witney and reducing the need for traffic to travel through the town centre by providing an alternative route around the edge of the town via the B4022 and A40.
- Reducing traffic volumes and delays within the town centre to improve air quality within the Bridge Street AQMA, to support economic vitality and to improve public health and wellbeing.
- Providing safer walking and cycling connections and conditions to support policy requirements to increase local travel by walking and cycling.
- The Scheme has been designed, following an extensive option assessment study, stakeholder engagement and public consultation, to best meet a series of appropriate Scheme objectives and which takes no more land than is necessary as described in Section 4.
- There is a need to secure the land and rights in a timely manner, which cannot be guaranteed by merely pursuing private treaty agreement.

10.3 The Scheme will provide many benefits to the public, which are described in Section 3 and summarised in the following paragraphs.

10.4 As set out in the West adopted Oxfordshire Local Plan (WOLP) 2031 the Scheme is one of a number of strategic highway improvement schemes identified as needed to facilitate the delivery of planned housing growth in Witney. The Scheme will reduce traffic flows and delays across the town centre helping to mitigate the impact of traffic from Local Plan development planned in Witney, and in particular of the East Witney Strategic Development Area (EWSDA) - which will provide 450 new homes.

10.5 The Scheme is an important part of the Witney Area Transport Strategy. The Scheme will improve access to the A40 from north and north-east Witney and

provide an alternative route across the town reducing the need for both local and strategic traffic to route through Witney's historic town centre.

- 10.6 The Scheme will reduce traffic volumes and delays in the town centre helping to improve air quality in the Bridge Street AQMA and improve public health and wellbeing. It will also create more opportunities to promote and deliver active travel measures, traffic reduction and calming features and streetscape enhancements in Witney Town Centre.
- 10.7 The Scheme will provide faster and more reliable journey times for bus passengers in Witney. Bus passengers will also benefit from a more accessible bus stop with enhanced and safer pedestrian access routes.
- 10.8 The Scheme will provide safer walking and cycling facilities through the area providing improved connections between South Leigh, High Cogges and Witney as well as enabling linkages with development within the EWSDA in accordance with objective CO11 of the WOLP. This will promote more walking and cycling in the area, improving public health and wellbeing, reducing emissions of harmful pollutants and greenhouse gases.

#### Need for the Order Land

- 10.9 The Acquiring Authority, as Highway Authority, is already the owner of the freehold interest in a small number of plots, and its interests in those plots are included in the CPO under the provisions of section 260 of the 1980 Act.
- 10.10 The Acquiring Authority's approach is only to acquire land compulsorily where it is strictly needed to assure successful delivery of the Scheme in accordance with best engineering and environmental practices.
- 10.11 The Acquiring Authority has given careful consideration to the reasons as to why all of the Order Land is necessary and has described this further in **Section 9** of this Statement. All freehold owners, lessees and occupiers affected by the CPO have been invited to enter into discussions with a view to agreeing appropriate terms for acquisition of the land required. The Acquiring Authority has a very 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

- 10.12 The Acquiring Authority is seeking to acquire the Order Land, wherever possible, by means of agreement rather than by compulsory purchase and has sought to discuss/negotiate with owners and occupiers to achieve this end. It has fully considered the Guidance, which relates to the justification for a Compulsory Purchase Order, to determine whether there is a compelling case in the public interest to compulsorily acquire and use land for the purposes of the Scheme. It is considered that a compelling case exists here.
- 10.13 All known 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. Detailed negotiations are taking place with a number of known landowners and occupiers. However, the Acquiring Authority has concluded that acquisition by agreement is unlikely to occur in all cases or, in any event, within sufficient time to ensure that the



programme for the construction of the Scheme is met. There is land required which is in unknown ownership, which the Acquiring Authority will be unable to secure by agreement and will need the authority of the CPO to acquire.

- 10.14 Discussions will continue with known owners of relevant interests in an endeavour to secure them by agreement, wherever possible, with a view to limiting the number of interests which need to be acquired compulsorily. The approach adopted by the Acquiring Authority is in accordance with the policy advice and recognised good practice.
- 10.15 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.
- 10.16 The CPO will be made to secure the outstanding interests required to enable implementation of the Scheme, necessary to achieve the Acquiring Authority's objectives for the area.

#### Negotiations with Affected Landowners

- 10.17 The Acquiring Authority, together with its representatives at Gateley Hamer, has been engaging with landowners since September 2020. This has included negotiations for access to land to undertake environmental and ecological 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.
- 10.18 Gateley Hamer has been in contact with all impacted parties in 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 to facilitate the delivery of the Scheme.
- 10.19 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.

#### Susan Morrish, John and Anne Kearns, and Jeremy, Paul and Roger Walker

- 10.20 In relation to Susan Morrish, John and Anne Kearns, and Jeremy, Paul and Roger Walker, the Council has undertaken the following actions:
- (i) Initial meetings with the respective landowners took place in March 2021, which outlined the Scheme proposals and options appraisals, whereby feedback on these options and their impacts upon their land and property was taken on board;
  - (ii) Gateley Hamer were in regular correspondence with the landowners to agree access to their land for environmental surveys required to inform the planning application;
  - (iii) Further meetings were held over the course of the design and planning of the Scheme, looking at the mitigation of impacts and providing Scheme updates. Once the land requirements

of the preferred Scheme were known, this was then shown and discussed with the landowners;

- (iv) Following this, Gateley Hamer sent out an offer to purchase letter to each of the landowners in December 2022 detailing the amount of land the Acquiring Authority wished to purchase;
- (v) In March 2023, an onsite meeting took place with each landowner to negotiate the offer letters and discuss landscaping and draingage mitigation.
- (vi) In August 2023, an onsite meeting was held with each landowner to provide project updates, negotiate the offer letters and to discuss landscaping, noise, visual and drainage mitigation. Public rights of way diversions in the area were also discussed.
- (vii) Gateley Hamer is in regular correspondence with the landowners to agree access to their land for environmental, archeological and geotechnical surveys required to inform the detailed design;
- (viii) Gateley Hamer sent out a revised offer to purchase letter to each of the landowners in October 2023 detailing the amount of land the Acquiring Authority wished to purchase;
- (ix) In November 2023, a meeting was held with each landowner to provide project updates, negotiate the offer letters and to discuss landscaping and drainage mitigation.

10.21 Gateley Hamer will continue to progress negotiations with the landowners until an agreement can be reached on which Heads of Terms can be circulated. Whilst detailed design is being considered, the Acquiring Authority will endeavour to discuss and engage with the landowners to understand and agree mitigation and landscaping requirements.

*Eileen, James and Stephen Mawle*

10.22 In relation to Eileen, James and Stephen Mawle, an initial meeting took place in March 2021, which outlined the Scheme proposals and options appraisals whereby feedback on these options and their impacts upon their land and property was taken on board. Gateley Hamer were in regular correspondence with the landowner to agree access to their land for environmental surveys required to inform the planning application. Initially both parties were of the understanding that this land would be transferred within a Section 106 agreement completed in respect any planning permission granted for their residential development; however both parties have agreed to acquire land outside of the Section 106 agreement and, the County Council needs to continue to progress the CPO with the inclusion of this land, with the clear intention that the parties will continue to seek to resolve this without recourse to the use of statutory powers.

10.23 Gateley Hamer were in regular correspondence with the landowners to agree access to their land for environmental surveys required to inform the planning application.

10.24 Recents meetings, correspondence and engagement with the landowner are summarised below:

- In January 2023, an online meeting took place with the landowner to provide project updates and answer any queries the landowner may have.
- In May 2023, an online meeting took place with the landowner to discuss surveys and access requirements.
- In June 2023, Gateley Hamer sent out a documentation to acquire the land required for the Scheme.
- Since July 2023, Gateley Hamer has been in correspondence with the landowner's legal representative on the negotiation of acquiring land and queries on drainage and landscaping.
- In August 2023, an online meeting was held with the landowner to discuss the queries on drainage.
- In October 2023, an agreement in principle for purchase of the landowner's land was agreed, however, formal documentation of the agreement is awaited.

### Summary and Conclusion

10.25 As set out within this section, the Acquiring Authority considers it has demonstrated that there is a compelling case in the public interest whereby the public benefit will outweigh any private loss. Interference with rights under the European Convention on Human Rights (as further set out in Section 13) is considered to be justified, in order to secure the benefits that the Scheme will bring.

10.26 It is, therefore, considered that the use of compulsory purchase powers is both necessary and proportionate, and that there is a compelling case in the public interest for the making and confirmation of the CPO. It is considered that the CPO 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.

10.27 The parties directly affected by the CPO 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.

10.28 All of the Order Land is required in order to deliver the Scheme, and there is no certainty that the necessary land and interests in known ownership can be assembled by agreement within a reasonable period or, where such interests have already been acquired, there is no certainty as to the existence of third party rights that could threaten delivery of the Scheme. Furthermore, a certain amount of the Order Land is in unknown ownership and for which the CPO will be necessary to secure its acquisition. As such, the CPO is necessary to deliver the Scheme, although efforts to acquire all known interests by negotiation will continue in parallel, both up to the confirmation of the CPO, should the Secretary of State for Transport confirm it, and also post confirmation, prior to its implementation.

## 11 OBJECTIONS

- 11.1 The statutory objection period in relation to the Orders closed on 8 September 2023. In total, 5 statutory objections were submitted to the Secretary of State (the **Objections**) [**Appendix 13**], of which one is an objection from a statutory undertaker.
- 11.2 The objections were assigned numbers by the Secretary of State, as are reflected in the sub-numbering below (e.g., 11.31.1 relates to objection No.1, 11.3.2 relates to objection No.2).
- 11.3 The objectors are as follows (the **Objectors**):
- 11.3.1 Southern Gas Networks Plc – 24 August 2023 - document 15 objection to SRO (objection 1); –
  - 11.3.2 Jeremy Michael Walker, Paula June Walker and Roger Jeremy Michael Walker – 5 September 2023 - document 16 – objection to CPO and SRO (objection 2);
  - 11.3.3 John William Kearns and Anne Kearns– 5 September 2023 - document 17 – objection to CPO and SRO (objection 3);
  - 11.3.4 Susan Caroline Morrish – 5 September 2023 - document 18 – objection to CPO and SRO (objection 4);
  - 11.3.5 Eileen Norah Mawle, James Edward Mawle, Stephen Francis Mawle and the Northfield Life Interest Settlement – 7 September 2023 - document 19 – objection to CPO and SRO (objection 5);
- 11.4 Of the Objections received:
- 11.4.1 One is from a statutory undertaker and is considered to be a holding objection capable of removal during the ongoing discussions with those undertakers, which have been in motion for a considerable period of time;
  - 11.4.2 Three are from statutory objectors represented by the same land agent and the objections made on the same grounds, which are overarching grounds rather than matters directly related to the properties.
  - 11.4.3 One is from an individual statutory objector and the objection is made on overarching grounds rather than matters directly related to the objector's property.

## The Objections and the Acquiring Authority's Response

11.5 The following text sets out each of the Objections as received from the Objectors, along with the Acquiring Authority's response on each of those grounds of objection raised.

### Southern Gas Networks Plc (objection 1)

11.6 This is a holding/protection of assets objection. Southern Gas Networks Plc has apparatus inside, and within the vicinity of, the Scheme boundary.

#### *Acquiring Authority's response*

11.7 The Acquiring Authority has actively engaged with Southern Gas Network Plc and since its original interaction, has been able to identify the potential impact on the Southern Gas Network Plc apparatus. This has been achieved by carrying out trial hole excavations to determine the location and depths of the apparatus in order to confirm if the minimum requirement of cover between the Southern Gas Network apparatus and the proposed scheme carriageway is maintained. Following the trial holes, it has been confirmed with Southern Gas Network Plc that their apparatus is of sufficient depth and provides the minimum requirement of cover they require.

11.8 Further discussions will take place during detail design to ratify the proposed levels of the scheme and the interface with the Southern Gas Network apparatus. An Asset Protection Agreement (APA) will be in place with Southern Gas Network to assure the asset owner that the method statement for delivery meets the requirements for protection of the asset. The terms of the APA are currently being drafted by Southern Gas Network for review by the Acquiring Authority.

### Jeremy Michael Walker, Paula June Walker and Roger Jeremy Michael Walker (objection 2), John William Kearns and Anne Kearns (objection 3), Susan Caroline Morrish (objection 4)

11.9 These parties are represented by Brown and Co and their objections are framed in identical terms, save for specific details of landholdings.

11.10 These objections have been made on several grounds, as detailed below:

- (i) a general objection in relation to the public need for and public benefit of the Scheme which, the objection states, is not proven.
- (ii) the Scheme has been promoted by the Council for the benefit of private landowners and / or developers and this is ultra vires and a misuse of statutory powers by the Council.
- (iii) concerns about the noise, dust and visual intrusion as a result of the construction and subsequent use of the Scheme.

- (iv) concerns that no mitigation landscaping works, noise attenuation works or mitigation drainage works have been agreed by the Council.
- (v) the additional ground that there are substantial compensation issues.
- (vi) no formal notice of the proposed SRO was received by the objectors.

### *Acquiring Authority's response*

#### (i) Public Need and Benefits

11.11 Matters relating to the public need and benefits of the Scheme are dealt with in detail in Sections 3 and 6 of this Statement of Case.

#### (ii) Ultra Vires and Misuse of Statutory Powers

11.12 The Acquiring Authority is the Local Highways Authority (the "LHA") for the area in which the Order Land is situated. By virtue of Sections 239, 240, 246 and 260 of the Highways Act 1980 (as amended) and Part II and III of Schedule 2, and Schedule 3, to the Acquisition of Land Act 1981, the Council has the power to acquire compulsorily any land in its area for highway purposes.

11.13 The proposition set out in the objection is rejected and is entirely misconceived. The Acquiring Authority is acting legally, and there is no misuse of statutory powers in promoting the Scheme or the orders. The Council's position can be summarised in the following terms:

- (i) The Acquiring Authority is utilising statutory powers and public grant funding to deliver a A40 Highway Improvement Scheme including the provision of two new west facing slip roads at the B4022 junction, which will have wide ranging transport, environmental and economic benefits to the public across the Witney area. In particular, the Council is seeking to improve access to east and north-east Witney and to provide an alternative route for local and longer distance traffic to cross Witney. Benefits will include reduction in traffic volumes/congestion, reduction in delays to journey times, and improvements to air quality in the town centre, and rendering the highway network more capable of accommodating the delivery of new housing.
- (ii) The scheme is not promoted by the Council with a view to benefitting the interest of any individual landowner or developer. In particular, the Council is seeking to deliver a A40 Highway Improvement Scheme at the B4022 junction, which will provide greater transport accessibility to and from the Witney area, improve congestion/traffic conditions within Witney and the wider highway network, and also support the delivery of new housing. The Scheme will provide additional public highways infrastructure by way of improvement to the A40 Principal Road, which is an adopted public highway, and

which if built will become available to all users on an open, fair and transparent basis.

- (iii) There is no intention by the Acquiring Authority to relieve any landowner or developer from any section 106 or section 278 obligations that would typically be imposed in connection with any nearby development.
- (iv) In acquiring land to deliver the Scheme, the Acquiring Authority will have due regard to achieving best value and will comply with the legislation, guidance and case law that forms the Compulsory Purchase Compensation Code.
- (v) All necessary authorities have been secured by the Acquiring Authority to use its statutory compulsory order powers. On 20 July 2021, the Cabinet of the Acquiring Authority resolved the principle of the development and preparation of the Orders to facilitate the Scheme. On 23 May 2023, Cabinet resolved to make the Orders reserving to officers delegated powers to refine the Orders and their respective associated ancillary documents prior to their making, to facilitate the construction of the Scheme. The Acquiring Authority by way of an Officer's Decision Notice dated 27 June 2023 approved the final form of the SRO, SRO plan, the CPO, the Order Map and the Joint Statement of Reasons.

### (iii) Dust, Noise, and Visual Intrusion during Construction and Operation

#### Dust

11.14 No significant effects as a result of dust from the Scheme's construction are anticipated on residential properties in the High Cogges area. To ensure that dust is adequately managed and does not cause health or amenity impacts on residents, a Dust Management Plan (DMP) will be submitted to the County Planning Authority (CPA) for approval prior to construction commencing and any appointed contractor to the Scheme would be required to comply with such methods.

#### Noise

11.15 The noise effects of the Scheme have been assessed by the Council and it is acknowledged that residential properties at High Cogges (within 150m of the works) may be affected by construction noise at certain times [**Appendix 14** - noise section (6.8) of the ES Non-Technical Summary]. However, the exact significance of any adverse noise impact resulting from the construction works will be highly dependent upon the methods, timing and duration of the works required. Where the Council is able to, it will adopt methods and timings for construction that reduce these impacts.

11.16 To prevent unacceptable amenity impacts on local residents during the construction period the Scheme's construction activities would be subject to measures and procedures as defined within a Construction Environmental Management Plan (CEMP). These would include a range of Best Practicable Means associated with mitigating potential environmental impacts for both



construction dust, vibrations and noise. The CEMP will be submitted to the CPA for approval prior to construction commencing and any appointed contractor to the Scheme would be required to comply with such approved methods.

- 11.17 With regard to operational noise impacts, the Council's noise modelling forecasts minimal changes (a negligible -0.9dB to 0 dB decrease in the short term and at worst a +0.1dB to +2.9dB increase in the long term) to the sound exposure for High Cogges residents as a result of Scheme.

#### Visual Intrusion

- 11.18 The landscape and visual effects of the Scheme have been assessed by the Council and it is acknowledged that landscape impacts will occur in the immediate construction site area during the construction period, since the development will entail excavation of fields, vegetation clearance, as well as construction activity [**Appendix 14** - Landscape and Visual Impact section (6.6) of the ES Non-Technical Summary]. These changes will result in visual effects for some residential properties at High Cogges during the construction period and until new planting becomes established.

- 11.19 Immediately after the construction of the Scheme, the Council recognises that for some residential properties in the High Cogges area there will likely be some visual effects. To mitigate the Scheme's visual impacts the landscape design includes the following measures:

- new hedgerow and tree planting adjacent to the new slip roads;
- enhancement of woodland along the south side of the A40 to increase screening;
- new woodland screening alongside hedgerow trees, to provide screening to the view from residential properties; and
- the use of the low output LED luminaires on road lighting columns.

- 11.20 Some additional tree planting alongside the on-slip and around the balancing pond adjacent to the B4022 is reflected within the amended landscaping design drawings included in an application made by the Acquiring Authority in pursuant to Section 73 of the Town and Country Planning Act 1990 (R3.0142/23) on 15 September 2023.

- 11.21 A detailed hard and soft landscaping design, including ongoing maintenance plans, will be submitted to the County Planning authority (CPA) for their agreement and approval.

#### (iv) Lack of Agreement on Operational Noise Attenuation, Mitigation Landscaping and Mitigation Drainage Works

##### Operational Noise Attenuation

- 11.22 The Council's noise modelling not show significant increases in operational noise to properties in the High Cogges area. The Council has investigated various options for noise attenuation (quiet noise surface on the new-slip roads and sound barriers) but these would not be beneficial to the landowners and

residents in High Cogges due to the noise from the existing A40 carriageways, and the distances between the landowners' properties and the Scheme.

#### Mitigation Landscaping

- 11.23 The latest proposed landscaping plans have been shared with the landowners, which include the additional tree planting suggested alongside the on-slip and around the balancing pond adjacent to the B4022, which form part of the most recent Section 73 planning application made by the Council. The Council considers that the latest landscaping plans are sufficient to mitigate the Scheme's landscape and visual impacts. The landscaping within the highway boundary will be maintained by the contractor, for an initial period (under terms with the contractor) to ensure planting becomes established, and thereafter by the Council.
- 11.24 The Council is in discussion with the landowners regarding some potential further landscaping works located immediately adjacent to the proposed on-slip (and within the land identified as required temporarily for its construction). The Council has prepared some indicative plans of some options which have been shared with the landowners to establish if they wish the Council to undertake such works as accommodation works on such temporary land and which might be returned to them after initial acquisition in such a restored manner.

#### Flood Risk and Drainage Mitigation

- 11.25 The Council has shared information on the drainage strategy and designs with the landowners and has met with the landowners on a number occasions to listen and work through their concerns with regards to flood risk and drainage. The Council is awaiting further feedback on their specific flooding concerns.
- 11.26 The Scheme has a drainage strategy and design that has been assessed, reviewed and agreed with the Local Lead Flood Authority (LLFA). The strategy does not propose any highway surface water runoff onto the surrounding land. A Flood Risk Assessment (FRA) has been completed, which demonstrates that the Scheme design is safe from flooding and will not increase the risk of flooding elsewhere.
- 11.27 A detailed drainage design will be submitted to the County Planning authority (CPA) for agreement and sign off by the Local Lead Flood Authority (LLFA) prior to the Scheme's construction.

#### (v) Compensation Issues

- 11.28 The Scheme is fully funded in accordance with the Compulsory Purchase Guidance, which provides for land acquisition costs. The Council has made offers to purchase land in advance of any compulsory acquisition powers being granted. In the event of voluntary agreement for land acquisition and compensation not being reached and the Council being granted compulsory purchase powers, any dispute on compensation would be for the Upper Tribunal (Lands Chamber) to determine.

#### (vi) No Formal Notice of Proposed Side Roads Orders

- 11.29 The objectors are not directly affected by the Side Roads Orders and, as such, there was no statutory requirement for them to be served with the notice of

making of the Side Roads Order. However, press notices, site notices and notices on the Council's website were available and the Side Roads Order itself is also available on the Council's website.

- 11.30 In the case of a side roads order, the owner and occupier of land is only required to be statutorily served with a sides road order if it authorises the stopping up of any Private Means of Access (PMA) to premises of which they were a beneficiary. The Side Roads Orders for the Scheme does not deal with any such PMA provisions.
- 11.31 The Side Roads Order deals only with the stopping up of Footpaths and lengths of Footpaths (highways), which are to be replaced by like features within the extents of the Scheme, and the Side Roads Order is served in accordance with the statutory requirements on the District, Town, and Parish Councils, with the Side Roads Order Notice being published in the local newspaper and the London Gazette and Notices being put up on site, in respect of its publication to the public. The objectors are not affected by any PMA changes, as the SRO does not contain any.

*Eileen Norah Mawle, James Edward Mawle, Stephen Francis Mawle and the Northfield Life Interest Settlement (objection 5)*

- 11.32 The objectors are generally supportive of the Scheme.
- 11.33 The objection states that the Scheme planning permission is subject to a number of pre-commencement conditions that must be fulfilled before the works can be undertaken, that those pre-commencement conditions have not yet been fulfilled such that works can be carried out and, therefore, the Scheme does not benefit from an implementable planning permission.
- 11.34 The objection is made on the grounds that the CPO is premature and unnecessary, with the Acquiring Authority failing to take proper and reasonable steps to acquire by agreement the necessary land and rights in land and, in the circumstances, the CPO cannot be said to be in the public interest.

*Acquiring Authority's response*

- 11.35 Planning permission for the Scheme was granted on 15 July 2023 subject to a number of planning conditions. These are considered typical planning conditions for an infrastructure scheme of this nature. The planning conditions are attached in **Appendix 11**.
- 11.36 The Acquiring Authority has a programme of work and resources in place to prepare the material required to discharge these conditions. This will take place over the next 6 to 12 months alongside the detailed design of the Scheme (and ahead of the currently programmed commencement of works in late 2024). The Acquiring Authority does not anticipate any difficult getting these conditions discharged.
- 11.37 Overall, as set out in Section 8 the Scheme is fully funded, and benefits from an extant planning permission. Whilst the Authority considers that a revision to the planning permission is appropriate, and has submitted a Section 73 Application to that effect, it does not consider there is any reason why such revised permission will not be granted. There is no other matter which might

prove an obstacle to delivery of the Scheme, aside from land assembly (which will be addressed by the CPO if confirmed). Accordingly the Acquiring Authority does not consider there is any planning impediment to the Scheme being delivered.

- 11.38 The Council has been working over a long period of time, to design and secure the consents and land required to enable delivery of the Scheme. The Scheme will provide new strategic highway infrastructure that was identified as necessary in both the Council's 2015 Local Transport Plan 4 (LTP4) Area Transport Plan for Witney and the WOLP (2031). Its delivery is needed to support the town's future growth and to help address traffic and air quality problems in the town centre.
- 11.39 Subsequently, the Acquiring Authority has been working over a 5-year period to complete the option assessment, feasibility design work and public consultation to confirm the preferred Scheme, it has developed the preliminary design and undertaken the associated environmental impact and transport assessments to secure planning consent for the Scheme, and it has put a funding strategy in place to enable Scheme delivery.
- 11.40 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, or at all.
- 11.41 The Acquiring Authority has therefore concluded that acquisition by agreement is unlikely to occur in all cases or, in any event, within sufficient time to ensure that the programme for the construction of the Scheme is met. There is land required which is in unknown ownership, which the Acquiring Authority will be unable to secure by agreement and will need the authority of the CPO to acquire.
- 11.42 The CPO authority is needed to secure the outstanding interests required to enable implementation of the Scheme, necessary to achieve the Acquiring Authority's objectives for the area.
- 11.43 The Acquiring Authority has been in continuous correspondence with the landowner and their legal representation from March 2021 to date and this is demonstrated by section 10.24.
- 11.44 In October 2023, an agreement in principle for purchase of the landowner's land was agreed, however formal documentation of the agreement is ongoing, in order for the objection to be withdrawn.

## 12 DELIVERABILITY AND VIABILITY

### Scheme Cost and Funding

- 12.1 Paragraph 14 of the Guidance sets out considerations that will inform the Secretary of State’s deliberations when determining whether or not to confirm a Compulsory Purchase Order. In this context the Guidance indicates that information should be provided regarding the sources and timing of funding available for delivery of the Scheme.
- 12.2 The total estimated final cost (EFC) of the Scheme is £25.025m inclusive of anticipated land acquisition costs. The risk associated with Scheme delivery is captured within the EFC total. The project risks are identified and reviewed regularly along with a quantitative risk analysis being undertaken, which provides total estimated cost of the risk. The risk of inflation is captured as a risk item within the overall risk allocation. Inflation is calculated using the Building Cost Information Services (BCIS) inflation index. The BCIS index is updated on a monthly basis and the figures in the budget reviewed on a monthly basis to understand any additional risk or opportunities. The current total risk allocation for the project is £4.678m.
- 12.3 The Scheme will be funded via a mixture of Housing and Growth Deal Funding and Section 106 planning obligation funding as shown in Table 12.1.

**Table 12.1 – Funding Summary**

Source	
Housing and Growth Deal	£17.000m
Section 106 Developer Contributions	£8.025m
<b>Total</b>	<b>£25.025m</b>

- 12.4 The Housing & Growth Deal (HGD) is a committed funding agreement between Government (Homes England) and the local authorities in the Oxfordshire area – further details regarding the Housing and Growth Deal are provided below and at **Appendix 1** [Appendix 4 of the Statement of Reasons]. The Scheme has been allocated funding of **£17.0m** as part of the HGD capital programme to support the delivery of new homes proposed in the Witney area in the WOLP, including at the East Witney SDA and North Witney SDA.
- 12.5 The remaining **£8.025m** funding is intended to be provided by Section 106 (S106) developer contributions. S106 contributions are either secured or unsecured. Unsecured S106 contributions are currently still in negotiation. The unsecured S106 contributions were underwritten by the Acquiring Authority by Cabinet on 23 May 2023, up to a total of £6.638M, which will be forward funded by the Acquiring Authority as necessary.
- 12.6 A financial contribution of **£1.387m** has already been secured and paid to Oxfordshire County Council towards the Scheme by way of a S106 planning obligation from a development of 270 homes on land at Burford Road, Witney (14/1215/P/OP).
- 12.7 The East Witney SDA has been requested to contribute the funding of **£6.8m** toward the Scheme as part of the negotiations between the Oxfordshire County Council, WODC and the developer. This amount is greater the current £6.638m

- of unsecured s106 funding that is being underwritten by the Acquiring Authority. The funding requested will be reduced to £6.638m in any final s106 agreement.
- 12.8 As the availability of these S106 monies is not yet secured and will be conditional on the commencement of the development to which the S106 agreement(s) relate, the Acquiring Authority resolved to underwrite and forward fund **£6.638m** of unsecured S106 funding in Cabinet on 23 May 2023.
- 12.9 Forward funding is a mechanism whereby the Acquiring Authority would be liable for money spent on the Scheme for a period of time, with recovery measures in place for this money to be recouped from S106 contributions at a later date or secured from alternative public funding grants, though there may not be certainty as to this recovery.
- 12.10 A Property Cost Estimate (PCE) was commissioned from Gateley Hamer Limited to determine the cost of land acquisition. This estimate has informed the Acquiring Authority in its assessment of deliverability of the Scheme. This sum is included in the EFC of **£25.025m** identified above.
- 12.11 The Acquiring Authority, in accordance with its legal obligations, has examined the potential for receiving statutory blight claims from affected property owners and occupiers whose land is to be acquired under the Scheme CPO. The Council has considered the impact of the Scheme upon the remaining land holdings of such land interests and has concluded that none are impacted to the extent that their remaining holdings are rendered untenable/unviable, which might give rise to any successful statutory blight claim.

#### Housing and Growth Deal Funding

- 12.12 The HGD (approved by the then Secretary of State for Housing, Communities and Local Government in March 2018) is a committed funding agreement between Government (Homes England) and the local authorities in the Oxfordshire area (Cherwell District Council; Oxford City Council; Oxfordshire County Council; South Oxfordshire District Council; Vale of White Horse District Council; West Oxfordshire District Council) and the Local Enterprise Partnership (OxLEP). The deal provided up to £215m funding in total including £150m for infrastructure to support the delivery of 100,000 new homes across the County by 2031.
- 12.13 In accordance with the Delivery Plan, attached at **Appendix 1** [Appendix 4 of the Statement of Reasons], a £150m Infrastructure Fund and Infrastructure Delivery Programme has been established. The Infrastructure Fund is being used to fund infrastructure schemes that unlock and accelerate housing and growth across Oxfordshire in line with the priorities determined by the Oxfordshire Growth Board (now Future Oxfordshire Partnership) and subject to consideration of relevant policies in Local Plans, the Joint Statutory Spatial Plan and any necessary consents, including planning permission.
- 12.14 The Scheme has been allocated £17.0m funding from the HGD infrastructure delivery programme to support the delivery of new homes proposed in the Witney area in the WOLP.
- 12.15 The original HGD funding was allocated to the Oxfordshire local authorities and OxLEP spanning a five-year period from 2018/19 up to 31 March 2023. The

grant provider, Homes England, agreed a further two-year extension to the HGD programme for monies to be used until March 2025.

#### Timescales for Implementation

- 12.16 Whilst the Section 73 Planning Application has yet to be determined, the Acquiring Authority does not consider that there is any planning impediment to the Scheme.
- 12.17 The Acquiring Authority will continue to negotiate as far as reasonably possible with all parties with an interest in the Order Land, but would hope to be in a position that remaining land and property rights have been acquired (or the terms of the acquisitions agreed and progressing through detailed legal agreements) via negotiation prior to the end of November 2023.
- 12.18 In the event that the Orders are confirmed by the Secretary of State following the local Public Inquiry, this would result in possession of the land being taken by approximately late 2024/early 2025, allowing the construction works to commence thereafter, with a forecasted 12 month programme to completion.
- 12.19 In the event the withdrawal of objections can be secured and the Secretary of State confirms that a local Public Inquiry is no longer required, the Acquiring Authority would seek to commence works at the earliest possible time following confirmation of the Orders, noting the statutory periods for implementation and acknowledging the need to procure the construction contract.

#### Summary

- 12.20 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.
- 12.21 If the Orders are 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 Scheme is 12 months from commencement of development.

## 13 HUMAN RIGHTS AND PUBLIC SECTOR EQUALITY DUTY

### Human Rights Duty

- 13.1 The Human Rights Act 1998 is 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.
- 13.2 The following articles of the Convention are relevant to the determination as to whether the CPO should be confirmed:
- (i) **Article 1** of the First Protocol protects the right of everyone to peaceful enjoyment of possessions. No one can be deprived of their possessions except in the public interest and subject to the relevant national and international laws. Any interference with possessions must be proportionate and, in determining whether a particular measure is proportionate, a fair balance must be struck between the public benefit sought and the interference with the rights in question;
  - (ii) **Article 6** entitles those affected by the powers sought in the CPO to a fair and public hearing by an independent and impartial tribunal;
  - (iii) **Article 8** protects the right of the individual to respect for their private and family life, their home and their 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.
- 13.3 The CPO has the potential to infringe the human rights of persons who own property in the Order Land. Such infringement is authorised by law provided that the statutory procedures for obtaining the CPO are followed, that there is a compelling case in the public interest for the CPO and that intervention with the Convention right is proportionate to the legitimate aim served.
- 13.4 The European Court of Human Rights has recognised in the context of Article 1 of the First Protocol that “regard must be had to the fair balance that has to be struck between the competing interests of the individual and the community as a whole”.
- 13.5 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 CPO 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 Compensation Code



- to those with a legitimate claim arising from the exercise of compulsory purchase powers.
- 13.6 Article 6 of the Convention provides that everyone shall be entitled to a fair and public hearing in the determination of their 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.
- 13.7 In promoting the CPO, 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 (March 2022) [**Appendix 1** [Appendix 19 of the Statement of Reasons], and consultation has taken place with the communities and parties that will be affected by the CPO.
- 13.8 All those affected by the CPO 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.
- 13.9 The Acquiring Authority considers that such interferences with Article 8, as may occur should the CPO 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.
- 13.10 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.
- 13.11 Those directly affected by the CPO 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.
- 13.12 Both public and private interests are to be taken into account in the exercise of the Acquiring Authority's powers and duties. Similarly, any interference with Article 8 rights must be "necessary in a democratic society", i.e. proportionate.
- 13.13 The public interest can only be safeguarded by the acquisition of this land and such acquisition would not place a disproportionate burden on the affected landowners.
- 13.14 In pursuing this CPO, 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.

13.15 Interference with Convention rights is considered by the Acquiring Authority to be justified in order to secure the economic regeneration, environmental and public benefits which the Scheme will bring.

### Public Sector Equality Duty

13.16 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:

- Eliminate discrimination, harassment, victimisation, and any other conduct that is prohibited by or under this Act;
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

13.17 The Acquiring Authority has had due regard to those objectives throughout the option assessment and decision-making process. An Equalities Impact Assessment formed part of the option assessment study and can be found in Appendix E of the Option Assessment Report [**Appendix 1** [Appendix 18 of the Statement of Reasons]]. The long list of options put forward as a part of the optioneering process were subject to an initial high-level screening assessment to determine the potential impacts that each option may have on the Protected Characteristic Groups (PCGs) as defined in the Equality Act. The further assessment of short-listed options also considered equality impacts as one of the criteria within the assessment of economic impacts within the overall 5 cases option assessment framework.

13.18 The Acquiring Authority also commissioned a formal Equalities and Climate Impact Assessment (EqCIA) in March 2022 [**Appendix 1** [Appendix 13 of the Statement of Reasons]], 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 EqCIA also undertook an assessment of the impact of the Scheme on the Council's aims to be carbon neutral by 2030, and to enable the county's transition to a zero-carbon future – see Section 5.11.

13.19 Conclusions from the EqCIA indicate that due regard has been had 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.

13.20 The EqCIA 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. The EqCIA 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.

### Summary and Conclusion

- 13.21 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.
- 13.22 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 CPO. Given the qualified nature of the rights affected and the public interest in delivering the Scheme, the CPO does not constitute an 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.
- 13.23 The parties directly affected by the CPO 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.

## 14 SIDE ROADS ORDER

### SRO Overview

- 14.1 The Council has made the Side Roads Order (**SRO**) under Section 14 of the Highways Act 1980, in relation to the Classified Road works of the A40 Principal Road. The full title of the SRO published under the Highways Act 1980 is The Oxfordshire County Council (Highways Infrastructure - A40 Access to Witney) (Side Roads) Order 2023.
- 14.2 Those Classified Road works comprise the improvement, by widening and other works, of the A40 from a point on the south west side of the A40 overbridge crossing of the B4022, at South Leigh, south westwards for a distance of approximately 775 metres, and incorporating the construction of a new eastbound exit slip road, from a point on the existing A40 approximately 520 metres south west of the A40 overbridge crossing of the B4022, north eastwards to its junction with the B4022 and a new westbound entry slip road, from its junction with the B4022, south westwards to its junction with the A40, at a point approximately 280 metres south west of the A40 overbridge crossing of the B4022.
- 14.3 The Classified Road works will also incorporate:
- (a) an integral Footway for pedestrians, running along the top of the north west cutting slope of its eastbound exit slip road, connecting to Footpath 410/41/20 (Witney) at a point at the new A40 boundary just to the north east of the new attenuation pond (on the opposite side of the A40 to Footpath 353/28/10 (South Leigh)). The integral Footway provision will allow for pedestrian connections with the existing Footpaths network on the north west side of the A40 and with the B4022. The new Footway will be 3m in width to allow it to be converted to a shared use Cycle Track in the future in line with Council aspirations set out in the Witney Local Cycling and Walking Improvement Plan (LCWIP) – adopted in March 2023.
  - (b) an integral Footway for pedestrians, running along the top of the south east cutting slope of its westbound entry slip road, connecting to the integral Cycle Track with a right of way on foot on the southern side of the B4022 and Footpath 353/31/10 (South Leigh) to the south west.
- 14.4 The SRO, if confirmed, will authorise the Council, in relation to the aforementioned A40 Classified Road works, to stop up existing highways affected by the Scheme and to improve other highways as a consequence of the Classified Road works.
- 14.5 The SRO Plan shows the extent to which it is necessary to carry out works to existing highways and stopping up of existing highways in relation to the A40 Classified Road works.

### The Need for Side Roads Alterations

- 14.6 The proposed alterations to existing highways that would be affected by the Scheme are detailed in the Schedule to the SRO and shown diagrammatically on the Side Roads Order Plan.
- 14.7 The SRO and the necessary changes to the highways affected by the SRO are an integral part of the Scheme, the details of which are set out below.

### Highways to be Stopped Up

14.8 On the north-west side of the A40:

- Footpaths 410/41/30 and 410/41/40 (Witney) will be stopped up in their entirety, as well as lengths of Footpaths 410/41/20, 410/42/20, and 410/8/20 (Witney), all where they fall within the extent of the extended highway boundary of the A40 Classified Road works, on the north-west side of the existing A40.

Alternative Route. The integral Footway of the improved A40 described in paragraph 10.1.3 (a) above, will provide the alternative route for these stopped up Footpaths. The length of the Footway is slightly shorter than the cumulative lengths of Footpaths to be stopped up and runs on a relatively similar south-west to north-east orientation between Footpath 410/41/20 (Witney) and the B4022, but set back at the top of the cutting slope of the proposed A40 eastbound exit slip road. The Council considers this integral Footway of the A40 will provide a reasonably convenient alternative route for pedestrian users of the stopped up Footpaths.

14.9 On the south-east side of the A40:

- A length of Footpath 353/31/10 (South Leigh) will be stopped up, where it falls within the extent of the extended highway boundary of the A40 Classified Road works, on the south-east side of the existing A40.

Alternative Route. The integral Footway of the improved A40 described in paragraph 10.1.3 (b) above, will provide the alternative route for this stopped up length of Footpath. The length of the Footway is of a similar length of the combined route of the length of Footpath on the north-west side of the A40 from the B4022 which pedestrians would use to then cross the A40 to join this Footpath at its A40 connection, together with its stopped up length. The Council considers this integral Footway of the A40 will provide a reasonably convenient alternative route for pedestrian users of the stopped up Footpath.

### Highways to be Improved

- 14.10 Lengths of Footpaths 410/42/20 and 410/8/20 (Witney) will be improved to provide a tie in, and an appropriate means of crossing of a drainage ditch, to connect with the A40 integral Footway, on its north west side, taking pedestrians to continue their journey on that Footway to connect with the B4022 to the north east, and Footpath 410/41/20 (Witney) to the south west.
- 14.11 The B4022 will be improved to provide a length of integral Cycle Track, for cyclist and pedestrian use, on its southern side, between the C16886 South Leigh Road and the east side of the new westbound entry slip road, where there will be a new crossing point provided onto the north side of the B4022. A new integral Footway of the improved A40 running on the east side of the new westbound entry slip road and leading south westwards off the improved B4022 and its integral Cycle Track, will provide a pedestrian connection between the B4022 and Footpath 353/31/10 (South Leigh) on the east side of the new westbound entry slip road.
- 14.12 A new integral Cycle Track will continue on the northern side of the B4022 from the crossing point westwards and around the eastern side of the B4022 two way spur road and local access merge lane, where a further crossing point will be provided onto the existing integral Cycle Track on its northern side, taking cyclists and pedestrians on their journey on that Cycle Track connection either eastwards towards the segregated Cycle Track of the A40 eastbound or westwards along the B4022 to the Cogges Hill Road/Jubilee Way junction and localities including Cogges, Newland, and Witney.
- 14.13 A further crossing point will be provided on the B4022, just west of where the new A40 eastbound exit slip road will junction with the B4022, providing a connection between the Cycle Track on the northern side of the B4022 and the new integral Footway that will be situated on the north west side of the new A40 eastbound exit slip road and taking users to Footpath connections on the north west side of the A40 Principal Road.
- 14.14 The B4022 two-way spur will be improved on its eastern side, to make for better movement of larger vehicles exiting from the service lane, which runs on the southern side of the B4022 opposite the residential property 'Shores Green' and which accommodates access vehicles from frontage residential properties and agricultural holdings lying along the road and which have use of the lane to travel along the B4022, as well as access to join the A40 eastbound to travel to Oxford.
- 14.15 Resurfacing of the B4022 and new road markings would be undertaken throughout across the new junction and up to its new slip roads and other local highway connection of the C16886 South Leigh Road.

### Summary

- 14.16 The SRO is made in relation to the A40 Classified Road which is to be improved under the Scheme.

14.17 The Council is satisfied that where highways, Footpaths, are to be stopped up, their stopping up is necessary as a consequence of the Scheme, that other reasonably convenient routes for those highways will be provided within the improved A40 Classified Road works before the relevant highway is stopped up, allowing the Secretary of State for Transport to satisfy himself on that matter under Section 14(6) of the Highways Act 1980.

## 15 RELATED ORDERS, CONSENTS AND SPECIAL CATEGORY LAND

### Planning Permission and Section 73 Application

- 15.1 As described in Section 8 of this Statement, planning permission for ‘*The construction of two new west-facing slip roads at the Shores Green junction of the A40; an off-slip to allow eastbound vehicles to exit the A40 on to the B4022 towards Witney and an on-slip to allow westbound vehicles to enter the A40 from the B4022 at this junction. Two existing lay-bys to the west of the A40 overbridge will be removed to accommodate the construction of the slip roads*’, was granted on 15 July 2023 under County Council Ref. R3.0039/22 and District Council Ref. No. 22/01051/CC3REG
- 15.2 The Section 73 Application is currently being consulted upon.

### Traffic Regulation Orders

- 15.3 Traffic Regulation Orders (TROs) 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. The Traffic Regulation Orders are in the process of being drafted and are not considered an impediment to the delivery of the Scheme.
- 15.4 The County Council considers (see paragraphs 6.3.2-6.2.4) that it would be beneficial to deliver complementary traffic calming works in South Leigh to slow traffic and discourage rat running through the village. These works would build upon the 20mph speed limit that was introduced in the village in early 2023.
- 15.5 The County Council has been working closely with South Leigh and High Cogges Parish Council to develop designs for traffic calming works along South Leigh Road, Chapel Road and Station Road and is committed to their delivery. The works will be made up of the following measures: some additional 20mph repeater signs and road markings; (2) a speed indicator device and four posts; (3) five village ‘gateway’ type features (4); four build-out priority/chichane features; and (5) a single narrow priority/chichane feature with a pedestrian crossing.
- 15.6 Traffic Regulation Orders may be required for some of these traffic calming works – items (4) and (5) above. The County Council is committed to making a TRO for these works, which will follow the due process of TROs, including public consultation. The TROs are not considered an impediment to the delivery of the Scheme.

### Land Drainage Consent

- 15.7 A Land Drainage Consent application pursuant to the Land Drainage Act 1991 will be submitted post planning application determination. The Acquiring Authority considers that there is no reason that the necessary consent would not be granted.



### Ecology Licences

15.8 Ecology licence applications have not been submitted as part of the EIA. It is anticipated that licence applications will be required during detailed design prior to construction stage start. The Acquiring Authority considers that there is no reason that the necessary licences would not be granted.

### Special Category and Statutory Undertaker's Land

15.9 The Order Land contains no land which is classified as Public Open Space, Common land, Allotments, or Consecrated Ground (including ecclesiastical or burial ground). None of the Order Land is owned by the National Trust.

15.10 The Order Land includes no land which has been acquired by statutory undertakers for the purposes of their undertaking.

15.11 Statutory undertakers do however have equipment located in the highways subject of the Scheme works. The Acquiring Authority is currently in discussions with several Statutory undertakers in relation to identified diversions. These include:

- BT Openreach – following engagement regarding the proposed scheme design it has been agreed that no diversion is required;
- Scottish & Southern Energy (SSE) – following engagement regarding the proposed scheme design it has been identified that there is a requirement to divert 11KW and 32KW cables; and
- Southern Gas Networks (SGN) –following engagement between the scheme design team and the asset owner, the requirement to divert the gas main has been mitigated. To date (02/11/2023), the OCC and Southern Gas Network (SGN) are in negotiations for the agreement of an Asset Protection Agreement (APA) which will ratify the proposed scheme design and protection of the SGN asset. Following the agreement of the APA, SGN have advised that they will withdraw their objection (11.6).

15.12 In accordance with the New Roads and Street Works Act 1991, discussions have taken place with all statutory undertakers to determine if they are affected by the Scheme and, if so, to confirm the necessary measures that will be required where their operational apparatus situated within the highways will be impacted. Bearing this in mind, and in consideration of the ongoing negotiations with the relevant statutory undertakers, it is considered that satisfactory agreement will be reached with any affected statutory undertaker regarding any necessary diversions of utility apparatus.

## **16 MODIFICATIONS**

16.1 The Acquiring Authority currently proposed no modifications to the Orders.

## 17 THE PUBLIC INQUIRY AND INSPECTION OF DOCUMENTS

- 17.1 Following the receipt of objections to the Orders, the Secretary of State for Transport indicated that he intends to convene a local Public Inquiry, and this is currently scheduled to open on 12 March 2024 and to sit for up to 4 days. The venue and arrangements for Inquiry will be publicised in due course.
- 17.2 The Acquiring Authority intends to refer to or put into evidence the following documents, plans and maps:

Document number	Document name
<b>CPO Documents</b>	
1	Compulsory Purchase Order (sealed) dated 27 June 2023
2	Compulsory Purchase Order Plan (sealed) dated 27 June 2023
<b>Side Roads Order Documents</b>	
3	Side Roads Order (sealed) dated 27 June 2023
4	Side Roads Order Plan (sealed) dated 27 June 2023
<b>Statement of Reasons</b>	
5	Statement of Reasons (SoR) and appendices (NB: where SoR appendices are referred to within this Statement, a reference is also given to the relevant appendix number for the SoR)
<b>Statutory Notices and Compliance Certificates</b>	
7	Press and Site Notice for the making of the CPO
8	Press and Site Notice for the making of the SRO
9	Notice to Land Interests for the making of the CPO
10	Signed CPO General Certificate dated 28 September 2023 Signed SRO General Certificate dated 28 September 2023 Signed Protected Assets Certificate dated 14 July 2023
<b>Scheme Drawings</b>	
11	General Arrangement Drawings (NB: electronic reproduction of plan not to scale – hard copy documents previously provided to the Secretary of State and put on public deposit)
<b>Council Approvals</b>	
12	Cabinet Approval of Preferred Scheme (Papers & Cabinet Resolution)
13	Cabinet Decision Notice to Make Orders
14	Officer Decision Notice
<b>Objections</b>	
15	Southern Gas Networks Objection
16	Jeremy Michael Walker, Paula June Walker and Roger Jeremy Michael Walker
17	John William Kearns and Anne Kearns
18	Susan Caroline Morrish
19	Eileen Norah Mawle, James Edward Mawle, Stephen Francis Mawle and the Northfield Life Interest Settlement
<b>Planning Documents</b>	
20	Planning Permission Certificate

21	S73 Planning Application – Application Form, Covering Letter and Revised Landscaping Drawings
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17.3 In addition to the Orders and the general arrangements drawings, the documents listed above are available for viewing on the Acquiring Authority's Scheme web page <https://www.oxfordshire.gov.uk/a40programme/a40-access-witney>.

17.4 These documents are available for public inspection during normal opening hours at the following locations:

- Oxfordshire County Council, County Hall, Oxford OX1 1DJ (Monday – Thursday 8:30 a.m. – 5:00 p.m.; and Friday 8:30 a.m. – 4:30 p.m.); and
- Witney Library, Welch Way, Witney OX28 6JH (Monday – 9:00 a.m. – 7:00 p.m.; Tuesday 9:00 a.m. – 1:00 p.m.; Wednesday – Friday 9:00 a.m. - 7:00 p.m.; Saturday 9:00 a.m. – 4:30 p.m.; Sunday – Closed). (Note: The library opening hours maybe subject to change – the latest opening hours can be found at: <https://www.oxfordshire.gov.uk/residents/leisure-and-culture/libraries/find-library/witney-library> )

## 18 CONTACTS

- 18.1 Owners and occupiers of properties affected by the CPO who wish to progress discussions for the acquisition of their interest should contact Jessica Bere, Associate, Gateley Hamer Limited on 020 7653 1714 or via email at [Jessica.Bere@gateleyhamer.com](mailto:Jessica.Bere@gateleyhamer.com) or Reena Shah, Survey, Gateley Hamer Limited on 020 7653 1614 or via email at [Reena.Shah@gateleyhamer.com](mailto:Reena.Shah@gateleyhamer.com).
- 18.2 Alternatively, interested parties affected by the CPO and/or the SRO who wish to discuss matters with the Acquiring Authority should contact the Gareth Slocombe, Access to Witney Senior Project Manager, by one of the following means:
- 18.2.1 by e-mail at [AccesstoWitney@oxfordshire.gov.uk](mailto:AccesstoWitney@oxfordshire.gov.uk); or
- 18.2.2 by post to Oxfordshire County Council, County Hall, Oxford OX1 1DJ, marked for the attention of the Gareth Slocombe, Access to Witney Project Team.