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Our ref: CW18/46976.7/

Your ref:

7 September 2023

When telephoning please ask for: Craig Whelton

Dear Department for Transport

**The Oxfordshire County Council (Highways Infrastructure – A40 Access to Witney) Compulsory Purchase Order 2023 ("the Order") and The Oxfordshire County Council (Highways Infrastructure – A40 Access to Witney) Side Roads Order 2023 ("the Side Roads Order")
Letter of objection to the Order on behalf of Eileen Norah Mawle, James Edward Mawle, Stephen Francis Mawle and the Northfield Life Interest Settlement ("the Affected Landowners")**

1 BACKGROUND

- 1.1 We act for the Affected Landowners and refer to the statutory notice of the making of the Order dated 10 July 2023 and issued by Oxfordshire County Council ("OCC"). That notice confirmed that any objections to the Order should be submitted to nationalcasework@dft.gov.uk by 8 September 2023. This letter is an objection to the Order and associated Side Roads Order.
- 1.2 We request that our clients are granted statutory objector status.
- 1.3 The Affected Landowners are the owners and occupiers of land identified for compulsory purchase in the Order, specifically Plots 1/2a, 1/2b, 1/2c, 1/2d, 1/2e, 1/2f and 1/2g. These are more particularly described in the Order and statement of reasons.
- 1.4 Paragraph 9.1.8.1 of the statement of reasons makes reference to a "strip of land" which is in the ownership of the Affected Landowners and described as immediately abutting the Gas Governor site to the south of the B4022. This area is not identified by a plot number, nor included in the compulsory purchase order or the Order map. The statement of reasons explains that OCC hope to take temporary occupation of this land with agreement of the Affected Landowners, but failing which would seek to use compulsory purchase powers (presumably to acquire on a freehold basis, although that is not made clear).
- 1.5 For the avoidance of doubt, and without prejudice to any agreement that may be reached, the strip of land in question does not form part of the Order and cannot be acquired compulsorily.
- 1.6 The Affected Landowners also own the land that comprises the East Witney Strategic Development Area (EWSDA) as detailed in OCC's statement of reasons:-

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“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.” (statement of reasons paragraph 3.4.1).

- 1.7 The EWSDA will help deliver new housing (including affordable housing) for which there is a *“significant need and demand”* (statement of reasons paragraph 3.3.1). The EWSDA will also contribute, via developer contributions, funding for the Scheme.

2 THE AFFECTED LANDOWNERS’ POSITION

The Scheme

- 2.1 The Affected Landowners are generally supportive of the Scheme and the Preferred Option design. The Affected Landowners agree that the Scheme will support the delivery of housing in Witney in accordance with the West Oxfordshire Local Plan 2031 – Scheme Objective 1 (statement of reasons paragraph 5.1.1). As noted in the statement of reasons, the Affected Landowners support the proposed improvements to foot and cycle connectivity to the A40.
- 2.2 Planning permission was granted for the Scheme on 15 July 2023. That permission is subject to a number of pre-commencement conditions that must be fulfilled before works can be undertaken. So far as we are aware, those pre-commencement conditions have not yet been fulfilled such that works can be carried out. The Scheme does not benefit from an implementable planning permission.

Grounds of Objection

- 2.3 The Affect Landowners object to the Order on the grounds it is premature and unnecessary.
- 2.4 The CPO Guidance (2019) expects acquiring authorities to demonstrate that *“meaningful attempts at negotiation have been pursued or at least genuinely attempted”* as part of their case to justify the use of compulsory purchase powers.
- 2.5 To date, OCC have failed to take proper and reasonable steps to acquire by agreement the necessary land and rights in land from the Affected Landowners. In the circumstances, the Order cannot be said to be in the public interest.
- 2.6 The Affected Landowners remain very willing to engage with OCC so that the land and interests in land needed for the Scheme can be made available. The Affected Landowners are firmly of the view this can be done through negotiation and agreement, and does not need the use of compulsory purchase powers.
- 2.7 The Statement of Reasons (paragraph 13.5.5) outlines OCC’s engagement with the Affected Landowners. The engagement to date from OCC has been limited. The statement of reasons does not evidence a meaningful attempt to acquire land and rights by agreement.
- 2.8 Indeed, the statement of reasons presents a binary position from OCC. Either the Affected Landowners transfer land via a Section 106 agreement or the land will be acquired compulsorily. That is an unduly restrictive position, and not one that reflects the requirements of the Guidance that OCC must evidence meaningful negotiation to acquire land by agreement.
- 2.9 It is the Affected Landowners’ position that the land and rights can be acquired by agreement, and that the Order should not be confirmed at this time.

Further contact

- 2.10 We ask that any future correspondence in relation to the Order is copied to Craig Whelton at this firm using the details in the letterhead.

Yours faithfully



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