

**NB2**

**The Oxfordshire County Council (A40 Access to Witney)  
Compulsory Purchase Order 2023**

**The Oxfordshire County Council (Highways Infrastructure – A40  
Access to Witney) Side Roads Order 2023**

**PLANNING INSPECTORATE REFERENCE:**

**DPI/U3100/23/25**

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**Proof of evidence of  
Nicholas William Blades  
(Strategic Case and Need)**

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## 1 QUALIFICATIONS AND EXPERIENCE

- 1.1 I am Nicholas William Blades. I hold an Honours Degree in Geography (BSc Hons) from University College London and an MSc with distinction in Transport Planning and Management from the University of Westminster. I am a member of the Transport Planning Society.
- 1.2 I have 30 years' experience in transport planning and policy, particularly focused on the preparation of Local Transport Plans, transport policies and strategies and the planning, design and delivery of transport infrastructure projects. My expertise extends to securing the land and highway powers needed to deliver transport projects using compulsory purchase orders and side roads orders.
- 1.3 I have worked for Transport for London, Local Authorities, including Reading Borough Council and Slough Borough and for transport consultancies. I have worked on a wide range of transport infrastructure schemes, leading on option assessments, preparing business cases, funding bids and transport assessments, securing planning and other highways consents and advising on scheme design.

### Involvement with the Scheme

- 1.4 I am currently a Principal Infrastructure Planner at Oxfordshire County Council (the **Council**), providing transport and infrastructure planning advice on the Access to Witney scheme (the **Scheme**). I have worked for Oxfordshire County Council since late 2019, providing transport planning advice on this Scheme and in support of the design and development of a number of major transport schemes.
- 1.5 I have worked with consultants Aecom (who undertook the initial option assessment and feasibility study, developed the preliminary design of the Scheme and prepared the Environmental Statement and Transport Assessment), Pell Frischmann (who undertook strategic traffic modelling) and Stantec (who have provided town planning and other transport planning support). I have also supported the project team in engagement with various statutory consultees, stakeholders and landowners during the option assessment, design and applications for the various powers and consent needed for the Scheme.

### Scope of Evidence

- 1.6 This proof of evidence has been prepared regarding the background, need and justification for the Scheme and compulsory purchase and consideration of human rights and equality duties relating to:
- 1.6.1 The Oxfordshire County Council (A40 Access to Witney) Compulsory Purchase Order 2023 (the **CPO**) [CD A.1 and CD A.2]; and
- 1.6.2 The Oxfordshire County Council (Highways Infrastructure – A40 Access to Witney) Side Roads Order 2023) (the **SRO**) [CD A.3 and A.4]
- together the **Orders**.
- 1.7 I also address the grounds of objection raised by objectors insofar as they relate to my area of expertise.
- 1.8 The Orders were made 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.

- 1.9 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.
- 1.10 The SRO will enable the Council 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.
- 1.11 The Orders were made by the Council on 27 June 2023 and submitted electronically to the Secretary of State for Transport on 21 July 2021 and in hard copy on 1 August 2023. The Orders are now due to be considered by an Inspector at a Public Inquiry scheduled to open on 12 March 2024. This proof of evidence has been prepared in connection with that Inquiry.
- 1.12 I confirm that as a member of the Transport Planning Society (TPS) the evidence that I have prepared in respect of this Inquiry is given in accordance with the Code of Professional Conduct of the TPS and I can confirm that the opinions expressed are my true and professional opinions.
- 1.13 My evidence includes an overview of the location of the Scheme; a description of the land included in the Order (the **Order Land**); consideration of the history, background context and need for the Scheme; a summary of options assessed, stakeholder engagement and public consultation; a description of the Scheme; the benefits of the Scheme; consideration of human rights and equality duties; and my conclusions on the justification for seeking confirmation of the Order. I also address the grounds of objection raised by objectors insofar as they relate to my area of expertise.
- 1.14 My proof of evidence should be read in conjunction with other separate but interrelated proofs of evidence submitted on behalf of the Council, including:
  - 1.14.1 Technical Highways Engineering and traffic modelling, prepared by Philippe Nirmalendran of AECOM [CDs G.16, G.17 and G.18];
  - 1.14.2 Transport and traffic modelling related to dependency between the East Witney Strategic Development Area and the Scheme, prepared by Theodore Genis of Stantec [CDs G.13, G.14 and G.15];
  - 1.14.3 Planning policy, prepared by Baljinder Tiwana of Stantec [CDs G.10, G.11 and G.12];
  - 1.14.4 Environmental effects, prepared by Alison Morrissy of AECOM [CDs G.19, G.20 and G.21];
  - 1.14.5 Delivery and Funding, prepared by Gareth Slocombe of Oxfordshire County Council [CDs G.4, G.5 and G.6]; and
  - 1.14.6 Negotiations and Acquisition, prepared by Jessica Bere of Gately Hamer [CDs G.7, G.8 and G.9].

## 2 LOCATION OF THE SCHEME AND ORDER LAND

### *Introduction*

- 2.1 This section of my proof of evidence provides an overview of the location of the Scheme and identifies some of the main features and constraints in the immediate vicinity.

### *Location of the Scheme and the Order Land*

- 2.2 The Scheme is shown on the General Arrangements drawings [**Appendix 2** to the Statement of Reasons] [CD A.5] and is located at the existing junction of the A40 principal road and the B4022 as shown on the site plan [**Appendix 1** to the Statement of Reasons]. The junction is colloquially known as the 'Shores Green' junction. The Scheme is often referred to as the Access to Witney Scheme or the Shores Green Slip Roads Scheme.
- 2.3 The land to be acquired (**the Order Land**) is shown on the Order Map [CD A.2]. The boundary of the Order Land is shown on the plan which accompanies the Order (**the Order Map**) [**Appendix 3** to the Statement of Case].
- 2.4 At the existing A40/B4022 junction, the A40 passes on an overbridge above the B4022. Connectivity between the B4022 and A40 is currently only provided by an east-facing B4022 entry slip road onto the eastbound A40 carriageway and an east-facing B4022 exit slip road off the westbound A40 carriageway.
- 2.5 The A40 is a dual carriageway in the immediate vicinity of the Scheme. The A40 dual carriageway extends between the A40/B4047 roundabout in the east and Hill Farm, 1.6km east of the Shores Green interchange.
- 2.6 The C16886 South Leigh Road extends south from its junction with the east-facing B4022 exit slip road and provides access to the villages of High Cogges and South Leigh.
- 2.7 The site plan [**Appendix 1** to the Statement of Reasons] [CD A.5] identifies some of the main features and constraints in the immediate vicinity of the Scheme including:
- the residential properties alongside the B4022 Oxford Hill and the B4022 east facing entry-slip road to the A40 located to the north and north-east of the existing A40 overbridge of the B4022;
  - the residential properties in High Cogges located to the south-east of the existing A40 overbridge of the B4022;
  - bus stops located on the existing east-facing B4022 entry and exit slip roads to the A40;
  - the Southern Gas Networks (SGN) Gas Governor located adjacent to the B4022 approximately 100 metres north-east of the A40 overbridge of the B4022;
  - a number of culverts and drainage ditches and the Lymbrook watercourse;
  - a number of public rights of way (footways); and
  - a number of category A trees.
- 2.8 There are two vehicular laybys on the A40, 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.

### *Summary*

- 2.9 The Council's proposed Scheme is shown on the General Arrangement drawings [**Appendix 2** to the Statement of Reasons] [CD A.5] and is located at the existing junction of the A40 principal road, the B4022 and the C16886 South Leigh Road at Shores Green, Witney. The Order Land comprises only land strictly required to facilitate the Scheme.

### 3 THE NEED FOR THE SCHEME

#### *Introduction*

- 3.1 This Section of my evidence is formed of two parts. The first part relates to the history, background context and the need for the Scheme, particularly looking at the issues and challenges the Scheme seeks to address. The second part briefly outlines the work undertaken to assess alternative options and also summarises the engagement with stakeholders and public consultation undertaken during the development of the Scheme design.

#### **Background Context and 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. 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.
- 3.3 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.
- 3.4 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. Witney's 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.
- 3.5 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.

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

- 3.6 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.
- 3.7 The West Oxfordshire Local Plan (**WOLP**) 2031 was adopted in September 2018, [key policies and supporting text are provided at **Appendix 5** of the Statement of Reasons] [CD A.5] sets out the vision for the District in 2031 and provides an overarching framework to guide and deliver that vision over the 20-year period from 2011- 2031.
- 3.8 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.
- 3.9 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.

- 3.10 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.
- 3.11 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.
- 3.12 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.
- 3.13 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, one at the East Witney SDA (450 homes) and another at the North Witney SDA (1,400 homes). These SDAs are illustrated in Figure 3.1.

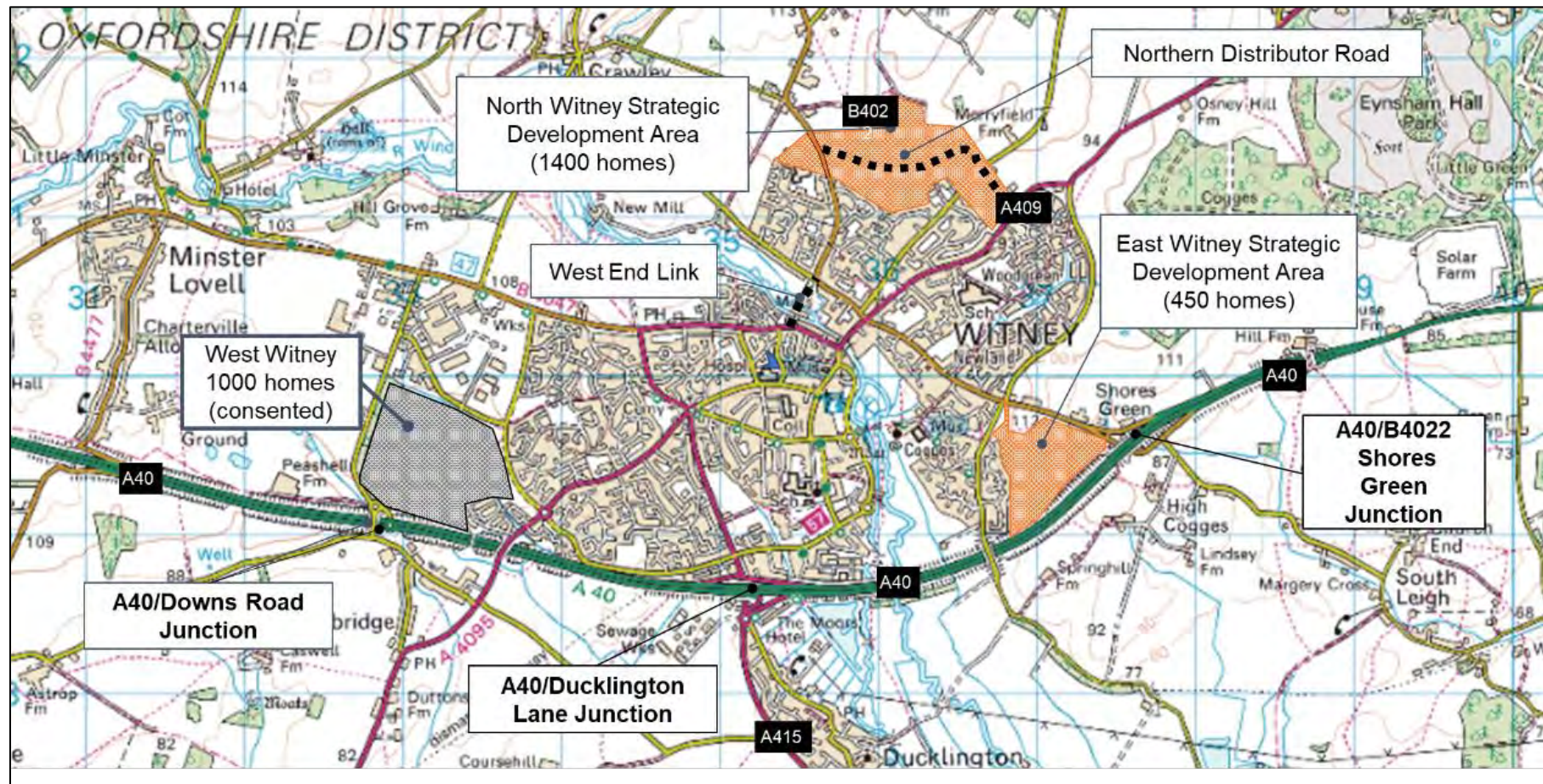


Figure 3.1: Witney Strategic Development Areas and Strategic Highway Infrastructure proposed in the West Oxfordshire Local Plan



### *East Witney SDA*

- 3.14 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.
- 3.15 An outline planning application (20/02654/OUT) has been submitted for 450 homes, associated green infrastructure and open space. This 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. The applicant submitted a notification to West Oxfordshire District Council of their intention to submit a planning appeal on 14/11/2023.
- 3.16 Oxfordshire County Council's Transport Development Control Team's final response to the proposed development 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 included £6.8m<sup>1</sup> towards the A40 Shores Green West Facing Slips (AtW Scheme). 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 this s106 contribution towards the Scheme to help to mitigate the impact of development.

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

- 3.17 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 are illustrated on Figure 3.1 and are listed below:
- **A40/Downs Road junction** – the provision of a new 'all movements' junction onto the A40 at Downs Road to the west of Witney (*which was 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.
- 3.18 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"*.

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<sup>1</sup> Note: this amount is greater the current £6.638m of unsecured s106 funding that is being underwritten by the Council. The funding requested will be reduced to £6.638m in any final s106 agreement with the developer.

## Witney's Transport Network - Constraints and Challenges

### Existing Travel Patterns

- 3.19 Data from the ONS Census (2011)<sup>2</sup> as presented in Table 3.1, 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 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 3.1: ONS Census (2011) Place of Work and Travel Data for Witney**

- 3.20 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. 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. The importance of providing good, safe active travel infrastructure in the local area is evident, with 70% of those cycling and 85% accessing places of work within Witney.

### Witney's Road Network

- 3.21 The main roads serving West Oxfordshire are shown in Figure 3.2. The A-roads serving Witney and surrounding areas are:
- 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.

<sup>2</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.



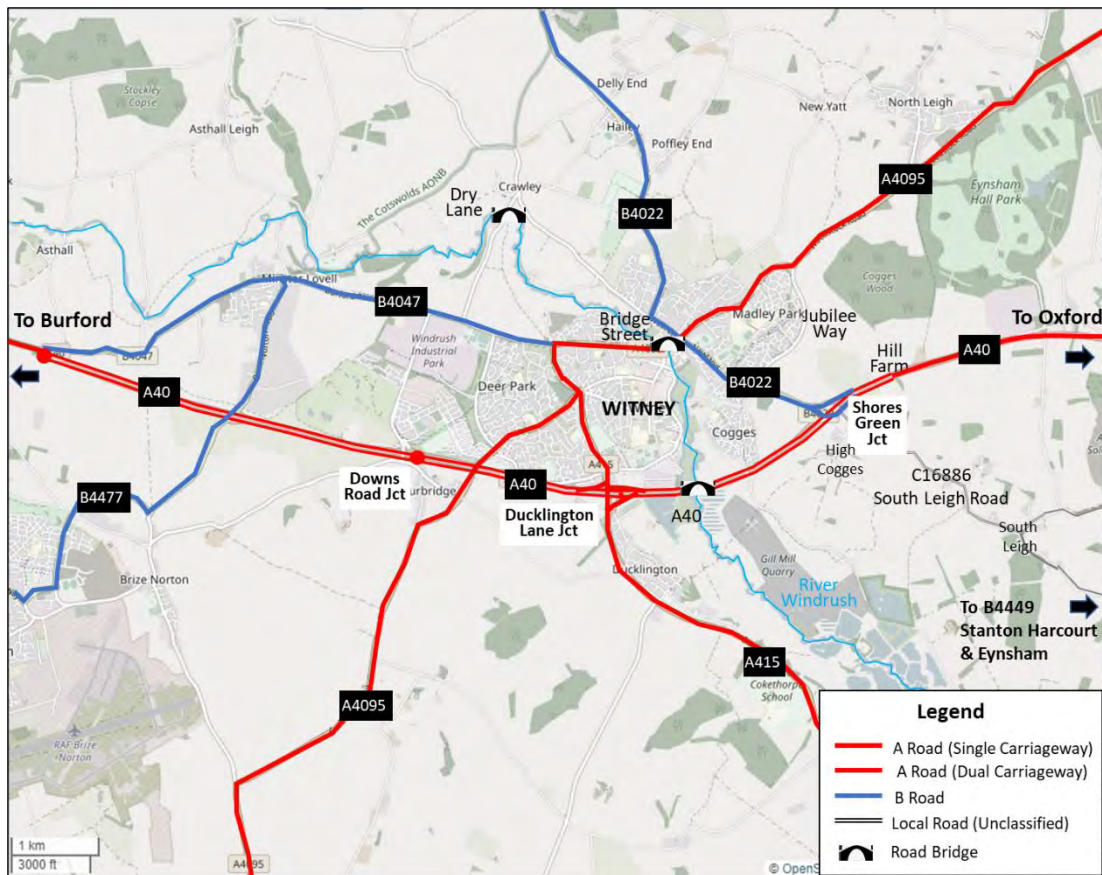


Figure 3.3: Witney – local area road network

- 3.25 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 junction, 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 at Witney*

- 3.26 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.

- 3.27 Junctions on the A40 south of Witney are also highlighted in Figure 3.3 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 Ducklington 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 in its current form as part of the original A40 Witney southern bypass scheme.

- 3.28 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 Ducklington Lane Interchange.
- 3.29 As a result of the existing road network configuration, the limited river crossings, the A40 junction access arrangements and particularly the restricted access provided to and from the A40 at the Shores Green interchange, significant volumes of local and longer distance traffic currently route along Bridge Street and through Witney town centre. This high volume of traffic creates serious congestion and air quality problems at Bridge Street.

*Traffic Flows on the Strategic and Local Road Network*

- 3.30 Figure 3.4 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 – around 26,000 vehicles per day.
- 3.31 Following the COVID-19 pandemic, traffic flow levels nationally and across Oxfordshire have been returning to pre-pandemic levels. Figure 3.4 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.

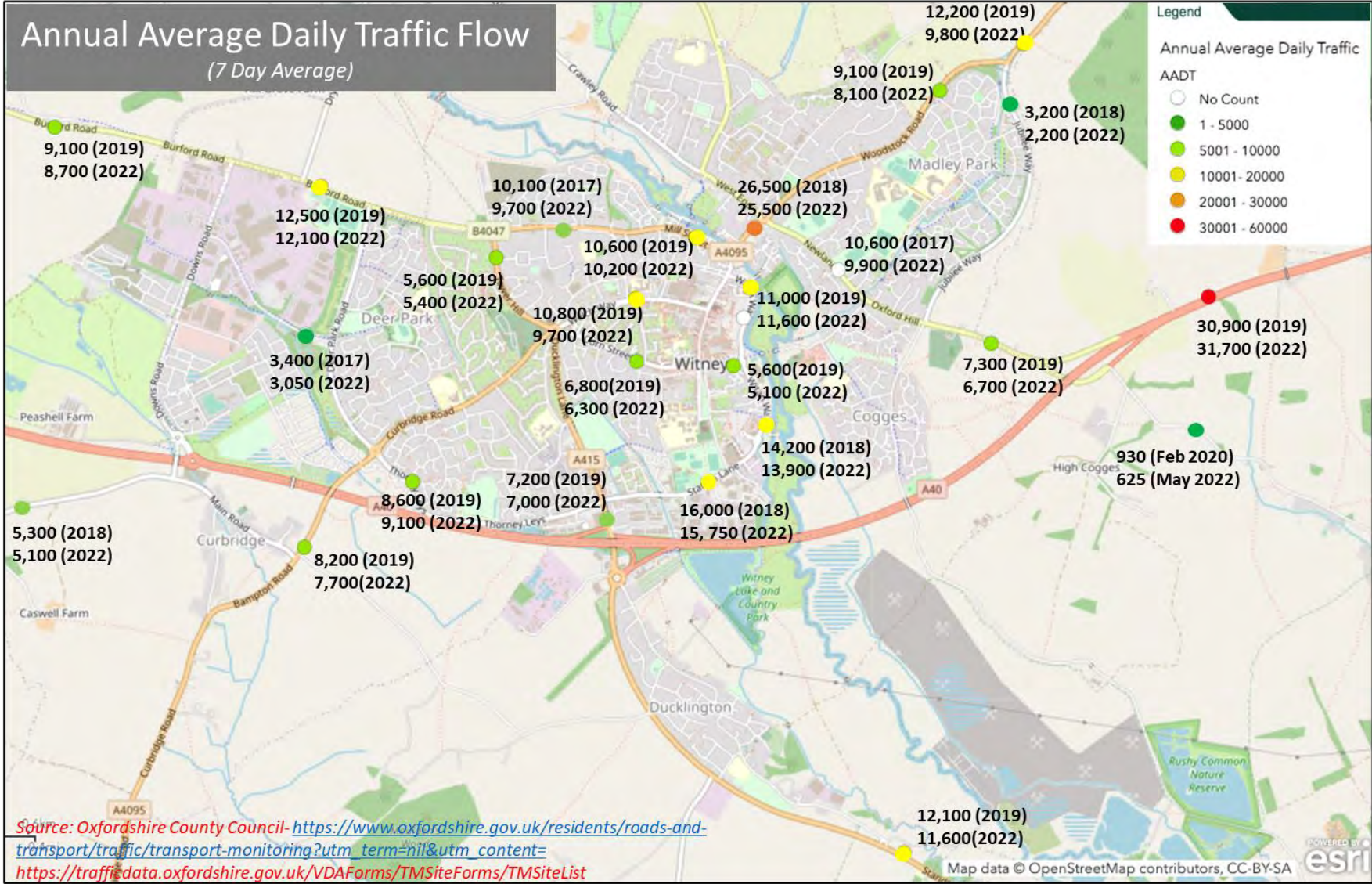
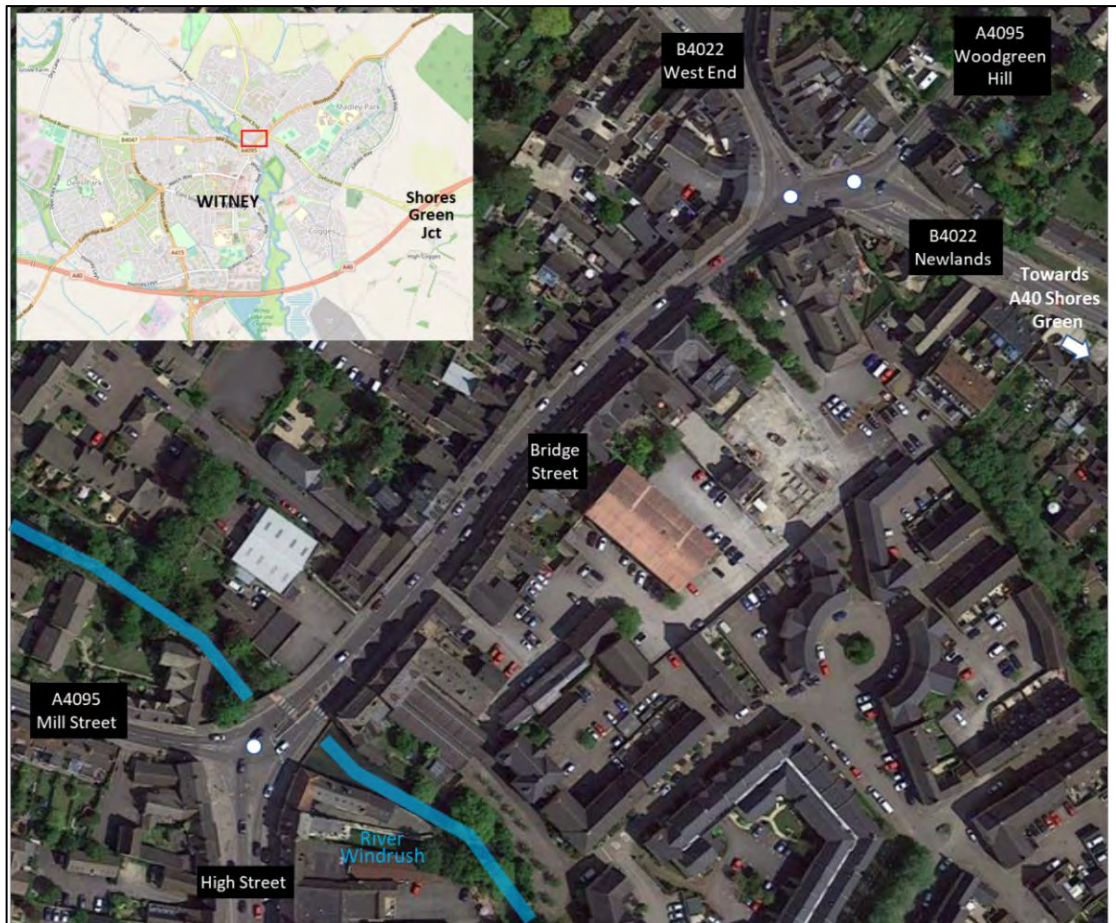


Figure 3.4: Annual Average Daily Traffic (AADT) flows in the Witney Area

### *A4095, Bridge Street - Traffic Bottleneck and Congestion*

- 3.32 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 3.5 below.
- 3.33 The A4095, Bridge Street is a single carriageway road to the north of Witney High Street. As shown in Figure 3.5, 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 3.5: Aerial View of A4095 Bridge Street, Witney Town Centre (Source: Google Maps)*

- 3.34 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).

- 3.35 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 3.6, 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.

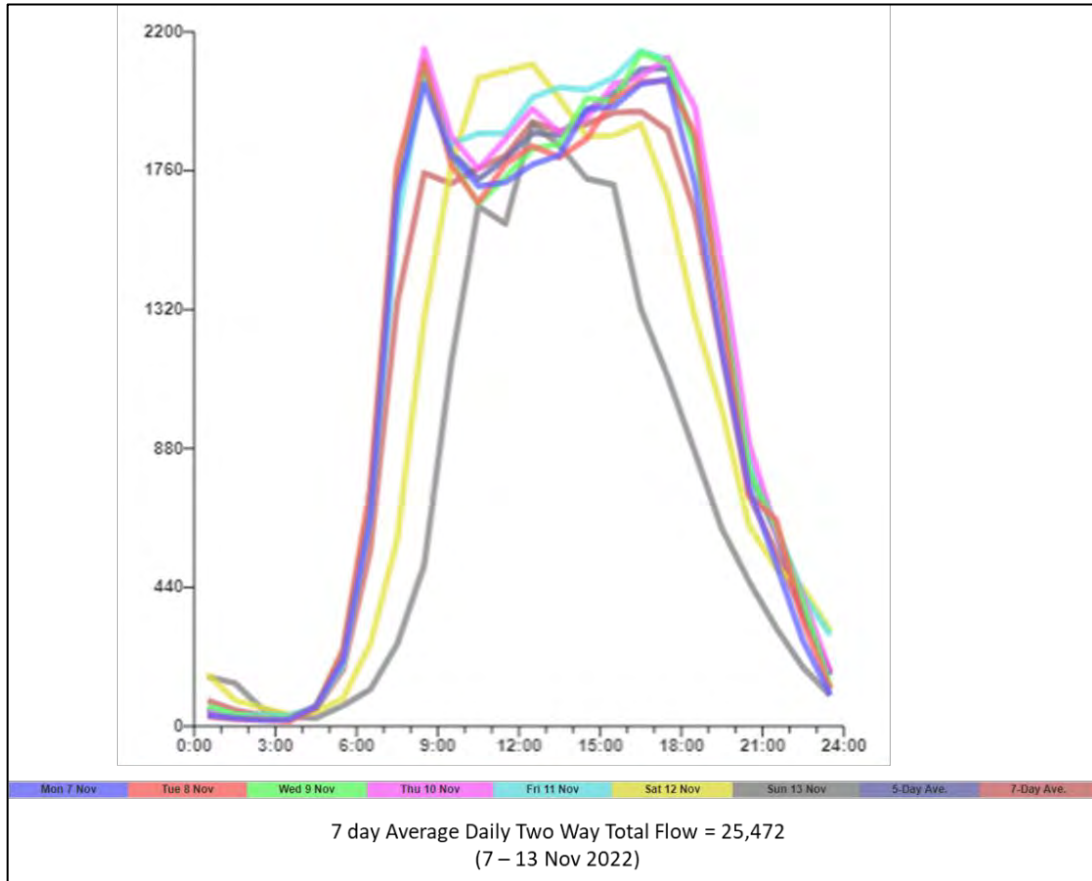


Figure 3.6: Hourly Two-Way Traffic Volumes on Bridge Street (Nov 2022)

- 3.36 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.
- 3.37 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 3.7 and 3.8, which show typical AM and PM peak traffic conditions.



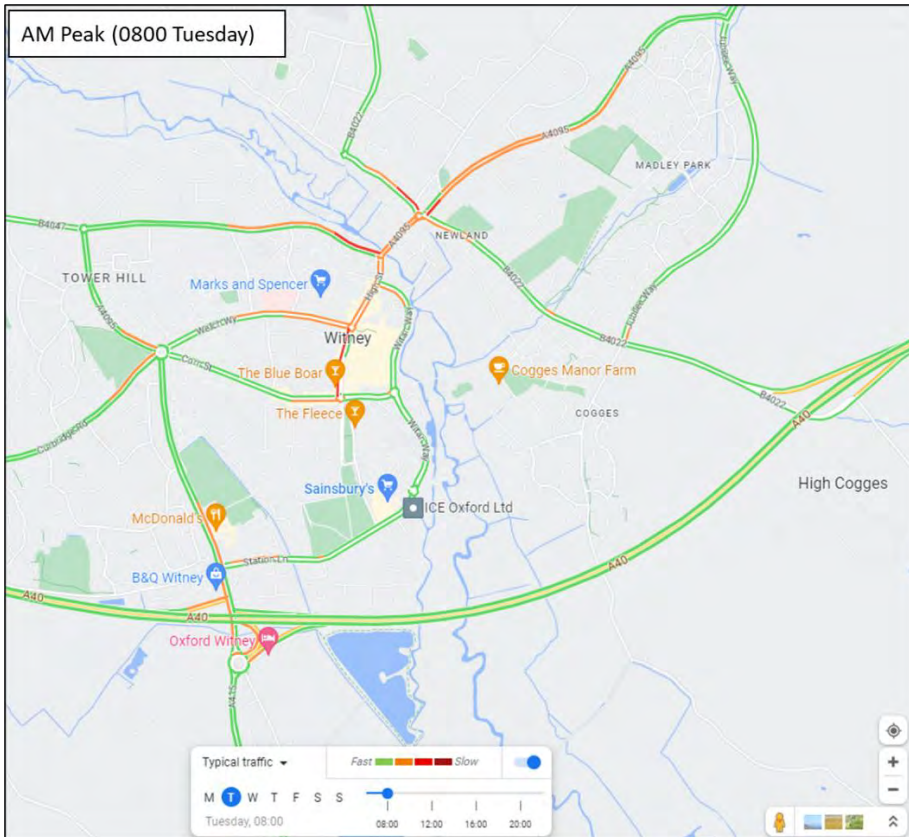


Figure 3.7: Typical traffic conditions in Witney AM Peak (Source: Google Maps)

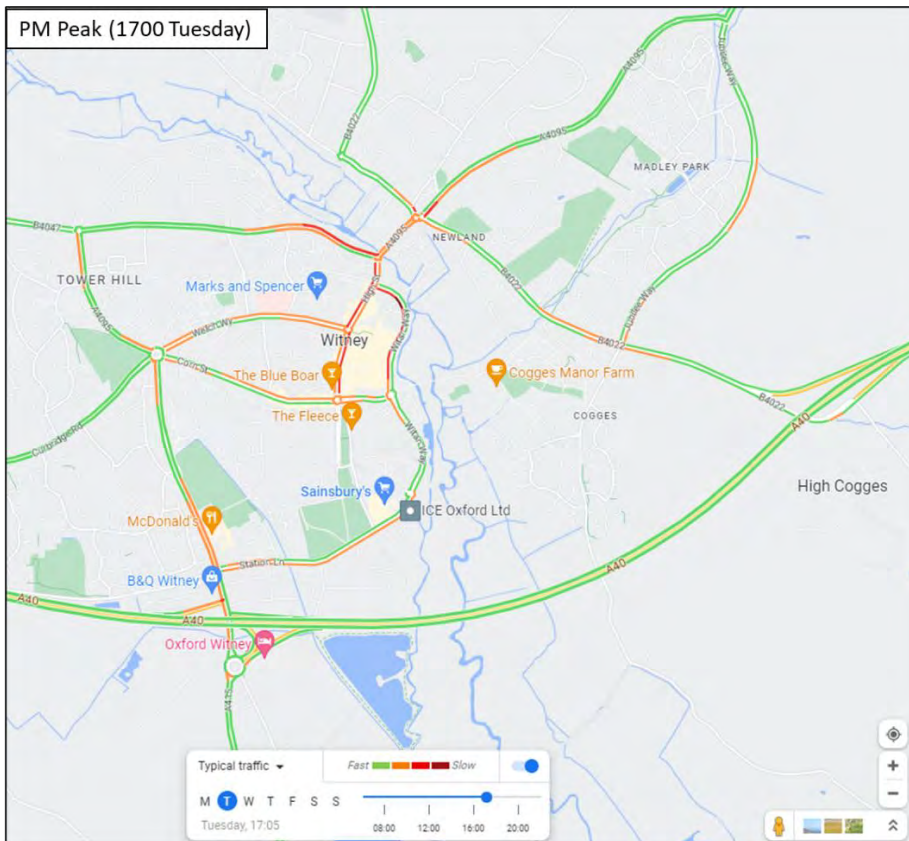


Figure 3.8: Typical traffic conditions in Witney PM Peak (Source: Google Maps)

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

3.38 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.

*Bus Services and the Impact of Traffic Delays on Bus Journey Time Reliability*

3.39 Buses are the only public transport serving Witney. 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 3.9 (as of March 2023).

3.40 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.

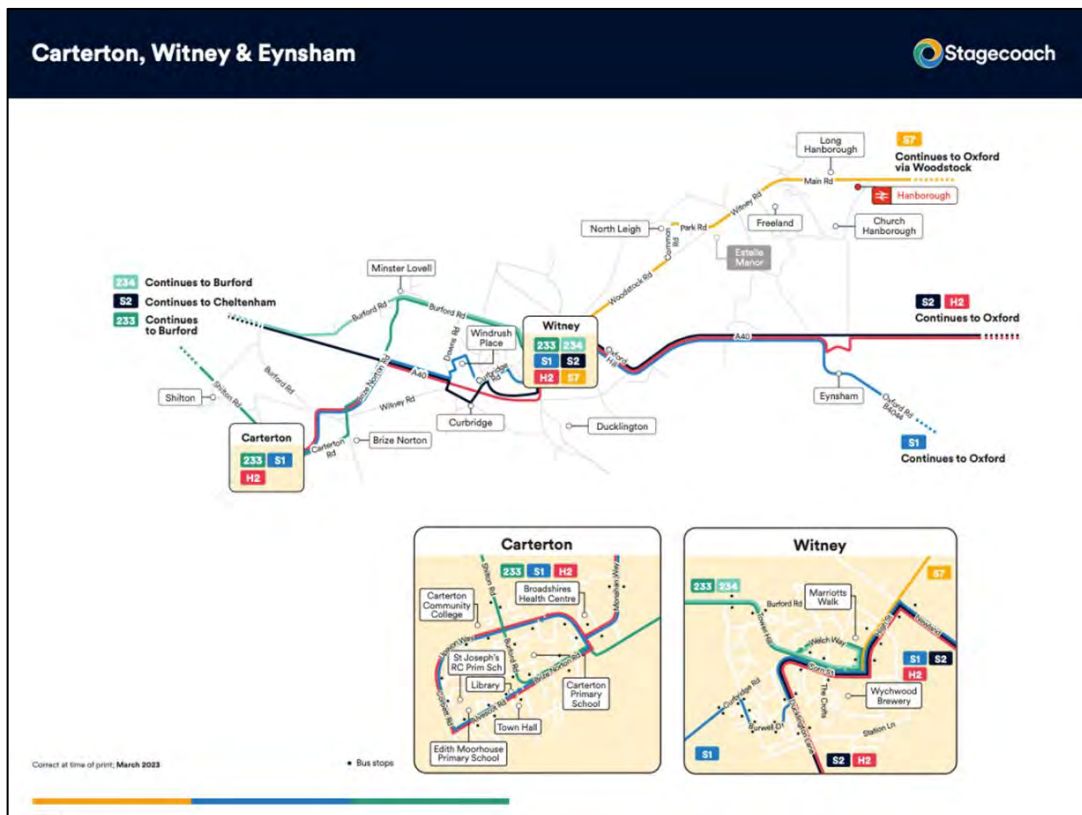


Figure 3.9: Witney Bus Services - Oxford, Witney and Carterton (March 2023)

3.41 At present there are no bus priority measures 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 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*

3.42 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.

3.43 Figure 3.10 shows the existing public rights of way in the East Witney area in the vicinity of the A40/B4022 Shores Green Junction.

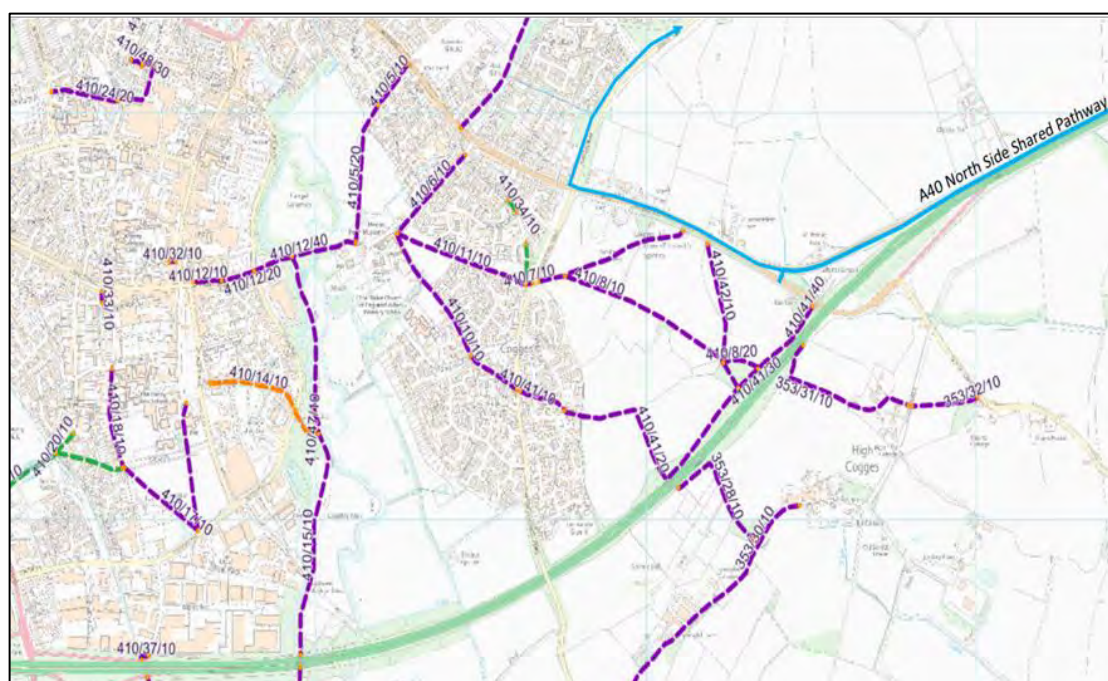


Figure 3.10: Witney East Existing Public Rights of Way

3.44 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.

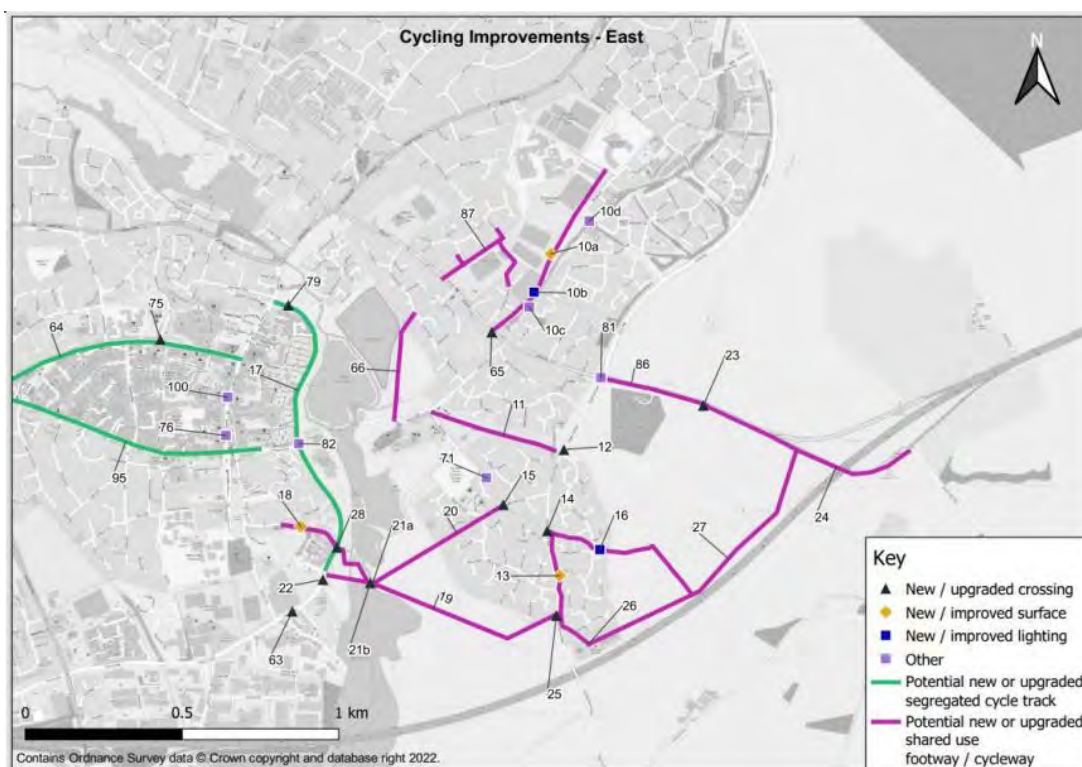
3.45 A lack of segregated cycle lanes through Witney Town Centre, and the high traffic volumes and congested traffic conditions, act as a disincentive to people who might otherwise consider cycling for their local journeys. The Council recognises there is a need to reduce traffic volumes on the road network in the town centre, including on Bridge Street, to help enable delivery of measures to promote sustainable and active travel modes in Witney Town Centre.

3.46 There is a need to improve existing facilities and provide a connected, cohesive network to encourage and support many more cycle trips for shorter journeys to the

town centre. There is also lack of safe, well connected cycling routes between Witney and the nearby surrounding settlements, including Minster Lovell, Curbridge, Ducklington, South Leigh, North Leigh and Hanborough.

3.47 The County Council has recognised the importance of delivering an integrated programme of cycle network improvements in Witney and has prepared, consulted on and adopted the town’s first Local Cycling and Walking Infrastructure Plan (Witney LCWIP, Adopted March 2023) (**LCWIP**) (**Appendix 6** of the Statement of Reasons). Delivery of the networks set out in the LCWIP will enable a shift towards active travel and assist in easing traffic congestion, avoiding a further deterioration of the environment and urban realm in Witney, improving physical activity and achieving major health benefits.

3.48 Figure 3.11 shows the proposed improvements contained in the adopted LCWIP specifically for the east Witney area. Of specific relevance 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 3.11) to connect Witney town centre (see links 19, 26 and 27 in Figure 3.11). 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 3.11: Proposed Cycling Network Improvements in East Witney in Witney Local Cycling and Walking Infrastructure Plan (LCWIP) – adopted, March 2023*

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

3.49 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>).

- 3.50 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 8** of the Statement of Reasons] [CD A.5]. The identified cause of this exceedance in NO<sub>2</sub> concentrations is the level of road traffic.
- 3.51 The inset map in Figure 3.12 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 could rise back and exceed the national limit again in the future as traffic levels increase.

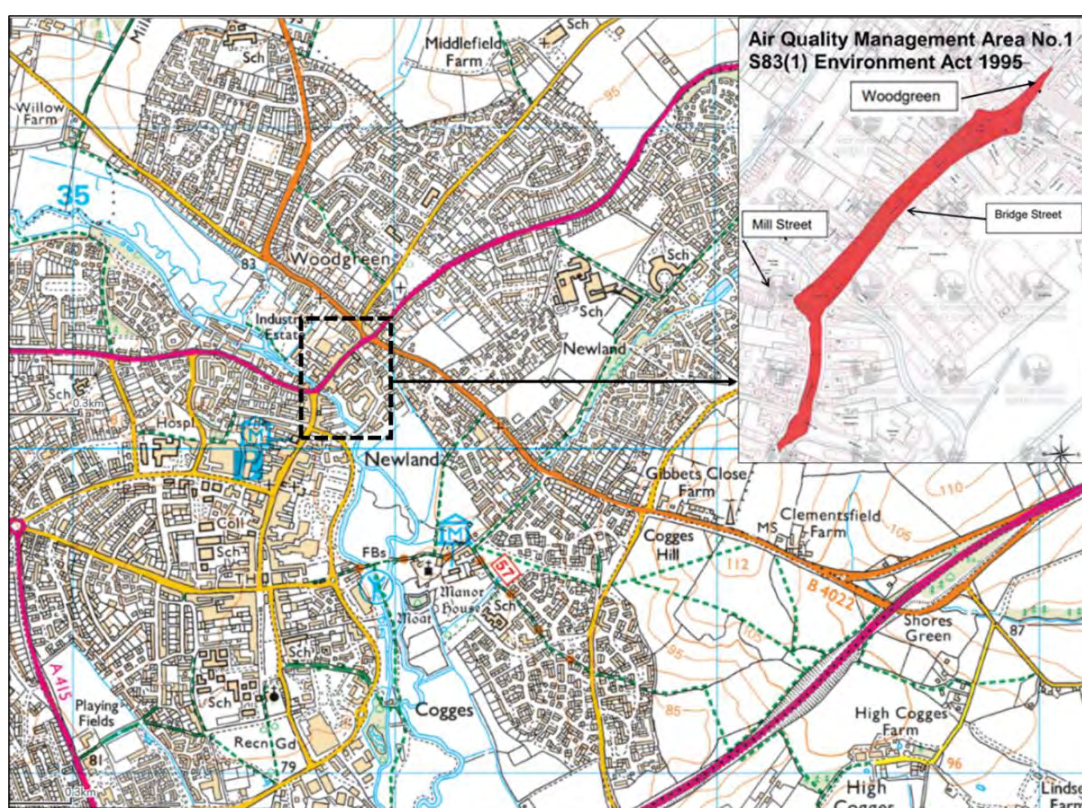


Figure 3.12: Witney Central Showing Bridge Street Air Quality Management Area

- 3.52 For air quality monitoring purposes, WODC uses non-automatic roadside diffusion tubes at six individual monitoring points within the Witney AQMA. Table 3.2 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 [**Appendix 8** of the Statement of Reasons] [CD A.5].

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

- 3.53 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.

## **(2) Alternative Options Considered, Stakeholder Engagement and Public Consultation**

- 3.54 The remainder of this section briefly considers the alternative options considered by the Council to address the local transport, housing and environmental challenges described in the first part of this statement and the work the Council has completed to assess them.
- 3.55 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.

### *Cogges Link Road Scheme*

- 3.56 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.
- 3.57 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.
- 3.58 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.
- 3.59 The Inspector's report to the Secretary of State [Appendix 16 of the Statement of Reasons] [CD A.5] 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.

3.60 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*

3.61 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 18** of the Statement of Reasons] [CD A.5]. The study methodology and findings are summarised in Section 4 of the Statement of Case and are also described by Mr Philippe Nirmalendran in his Highways and Traffic Proof of Evidence [CD G.17].

3.62 The option assessment work and report was completed in July 2021, informed by the results of the May 2021 public consultation, and recommending option 2A-G as the preferred option. 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 20** of the Statement of Reasons] [CD A.5].

*Stakeholder Engagement and Public Consultation*

3.63 The Council has engaged and consulted with the public, stakeholders and landowners extensively throughout the development and design of the Scheme. This is described in detail in Section 7 of the Statement of Case and also in the Access to Witney Statement of Community Involvement [**Appendix 19** of the Statement of Reasons] [CD A.5].

3.64 The public consultation included a a four week online public engagement exercise for the A40 Access to Witney Scheme between 10 May and 7 June 2021. 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. 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.

3.65 The majority of those who provided feedback during the public consultation supported the preferred Scheme. West Oxfordshire District Council and Witney Town Council have provided strong support for the Scheme during the development of the Scheme design, including in their responses to the Scheme planning applications.

### Summary

- 3.66 The existing and future housing, transport and environmental challenges in the Witney area 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 in Witney by helping to mitigate the impact of development traffic on the town's road network;
  - 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;
  - Improve access to the A40 for traffic to and from east and north-east Witney without the need to route through the 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 to 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.
- 3.67 The Council has completed a thorough, detailed and inclusive assessment of potential options based around Department for Transport, Transport Analysis Guidance to ensure the preferred Scheme addresses the challenges the area faces, meets a series of appropriate objectives and wider policy objectives, and takes no more land than is necessary.
- 3.68 Throughout the evolution of the Scheme to date, there has been wide and extensive engagement and consultation with stakeholders, landowners and the public. The Council has been responsive to feedback and information it has gathered during its engagement and public consultation, which has shaped and informed the Scheme design.



## 4 DESCRIPTION OF THE SCHEME

4.1 This Section of my evidence describes the Scheme in detail. The layout of the Scheme is shown in the General Arrangement drawings [**Appendix 2** to the Statement of Reasons] [CD A.5]. The Scheme comprises the following core elements at and around the A40/B4022 Shores Green junction 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,

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;

- (c) 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;

- (d) 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 be 1.5m in width and have an unbound surface;

- (e) The 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
  - (f) The 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 a new 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,
  - (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.
- 4.2 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.
- 4.3 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. 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.

- 4.4 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.

*Summary*

- 4.5 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.

## 5 SCHEME OBJECTIVES AND BENEFITS

- 5.1 This section of my evidence 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.

### Scheme Objectives

- 5.2 The main objectives of the Scheme are:

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

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

**Objective 3** – To improve access to the A40 from east and north-east Witney.

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

- 5.3 There is a significant need and demand for new housing across Oxfordshire. Witney has been identified in the West Oxfordshire Local Plan as a key area for sustainable growth and the delivery of around 4,702 new homes by 2031.
- 5.4 Two SDAs with larger housing allocations, which are considered to represent the most sustainable locations for strategic-scale housing growth within the District, are identified within the Witney sub-area, one being the East Witney SDA (450 homes) and another the North Witney SDA (1,400 homes)
- 5.5 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”* including specifically the *Shores Green Slip Roads scheme*.
- 5.6 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 SDA. The East Witney SDA is located immediately west of the site, and the Scheme is identified as required to help facilitate delivery of the new homes in this SDA.
- 5.7 With reference to the Scheme, WOLP Policy WIT1, Part C advises that development of the East Witney SDA 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.”*
- 5.8 The adopted WOLP policies, and specifically policy WIT1, reflect an established case that the Scheme is needed to help mitigate the traffic impact of new housing development planned in Witney and thereby support delivery of new homes at the East Witney SDA - which will provide 450 new homes. The Scheme will provide road network performance and management benefits, which are described further below, that will help to mitigate the impact of development traffic on the Town Centre road network and environment.

- 5.9 The Council recently commissioned Stantec to carry out strategic and local junction traffic modelling to specifically assess the degree of dependency between development at the EWSDA and the Scheme. Stantec’s modelling and trigger point assessment work report (December 2023) is described by Mr Theo Genis in his proof of evidence [CD G.14] [see also **Appendix 8** to the Statement of Case]. Stantec’s work concludes that there is a degree of dependency between the EWSDA and the Scheme, and that at some point prior to 248 (circa 50%) homes of the EWSDA development coming forward, there is a need to introduce the west-facing off-slip to mitigate the impacts and accommodate the full 450 units of the EWSDA on the local road network.
- 5.10 The work also highlights that delivery of both the off-slip and on-slip would deliver materially 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)*

- 5.11 There has been a long-held ambition by the Council to improve access for existing and proposed new residential areas in east and north-east Witney to and from the A40 so as to reduce the need for traffic to route through Witney Town Centre and improve the town centre environment. This was captured in the Council’s 2015 Local Transport Plan 4 and in particular in Volume 8 Part II which describes the Area Transport Strategy for Witney [**Appendix 10** to the Statement of Case] [CD A.6].
- 5.12 The Area Transport Strategy for Witney sets out a number of policies that are particularly relevant to the Scheme’s objectives and highlight how the outcomes and benefits of the Scheme will be critical to realising this area strategy. These policies are:
- **Policy WIT1:** which states that “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 WIT2:** which states that “we will work with the District Council, Town Council, bus operators, local businesses and residents as well as local interest groups and developers to manage through traffic and improve the environment of Witney’s Central areas”.
  - **Policy WIT3:** which states “we will work with West Oxfordshire District Council to safeguard land for future transport infrastructure, to support Local Plan growth”.
  - **Policy WIT4:** which states “we will work with the District Council, bus operators and developers to make improvements to public transport and encourage its use”.

- **Policy WIT5:** which states “the County Council will improve facilities for pedestrians and cyclists focusing on enhancing links between homes, schools, employment and the town centre”.
- **Policy WIT7:** which states “to mitigate the cumulative impact of development across the Witney area and implement the transport measures identified in the Witney area strategy.”

5.13 As part of these policies, a package of specific transport schemes and measures are proposed in the Witney Area Strategy to support future growth and attract economic investment. These include:

- West-facing slip roads at A40 Shores Green junction and improvements to the B4022 Oxford Hill junction with Jubilee Way and Cogges Hill Road. (WIT1 and WIT3)
- 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)
- Implementing measures to reduce delays to bus services through Witney, particularly along Corn Street, Markey Place, Bridge Street and Newland. (WIT4)
- Developing a network of high quality cycling and walking routes and improving conditions and infrastructure for pedestrians and cycling in Bridge Street and the town centre. (WIT5)

5.14 As described in Section 3 of this proof of evidence, Witney’s congestion and environmental problems in the town centre and the area transport strategy developed for Witney, 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.

5.15 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.

- 5.16 To assess the forecast benefits and impacts of the Scheme in relation to its objectives, traffic modelling has been undertaken using the Council's A40 Corridor Strategic Highway Model (which was cordoned from the county-wide Oxfordshire Strategic Model – OSM). The A40 Corridor Highway Model was developed by transport consultants Pell Frischman using industry standard traffic modelling software called SATURN. It has been developed in accordance with DfT Transport Appraisal Guidance (TAG) calibration and validation guidance criteria using extensive count and journey time data collected during 2018. With good validation shown against TAG criteria, the cordoned 2018 Base Year model is considered a good representation of the traffic and land use conditions as in 2018 and is still considered an appropriate basis upon which to develop 'Forecast Year' modelling scenarios and assess the Scheme's impacts. Further information on the traffic modelling tools is provided in the Scheme's Transport Assessment [**Appendix 7** to the Statement of Reasons] [CD A.5].
- 5.17 The A40 Corridor traffic model has been used to compare the forecast performance of the road network with and without the Scheme in place. This traffic modelling has been based on a predicted future year (2031) traffic demand 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.
- 5.18 The strategic traffic model forecasts that the introduction of the west facing slips onto the A40 is successful in opening up access to east and north-east Witney. Crucially, and as envisaged in the Witney area transport strategy, it also demonstrates that the Scheme is successful in providing an attractive alternative route for cross town traffic (using the A40) that avoids the town centre. Figures 5.1 and 5.2 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.
- 5.19 Figure 5.1 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.
- 5.20 Figure 5.2 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.

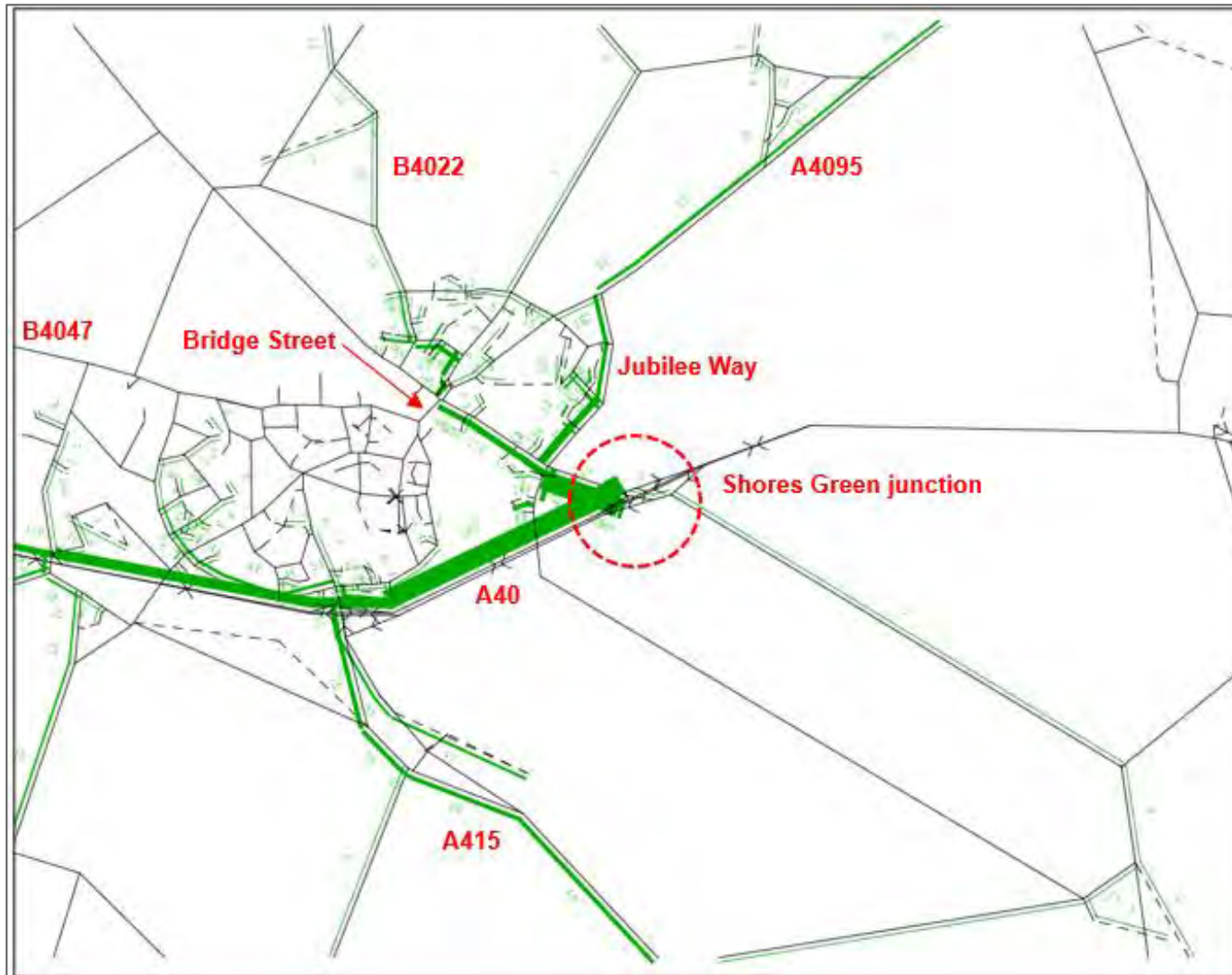


Figure 5.1: Forecast routing of traffic using proposed A40 Eastbound Off-slip (2031 AM Peak)





Figure 5.2: Forecast routing of traffic using proposed A40 Westbound On-slip (2031 PM Peak)

- 5.21 This demonstrates that the Scheme will play an important role in delivering 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;
  - 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.
- 5.22 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.

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

- 5.23 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.
- 5.24 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.
- 5.25 The strategic traffic model provides forecasts of the impact of the 'With Scheme' scenario on future year (2031) traffic flows across Witney and forecasts reduced future traffic volumes in the town centre compared to the 'Without Scheme' scenario. Figure 5.3 is a plot from the strategic traffic model, which shows the predicted differences in modelled traffic flow between the 'With Scheme' and 'Without Scheme' scenarios in the 2031 AM peak. Figure 5.4 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.
- 5.26 Figures 5.3 and 5.4 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.

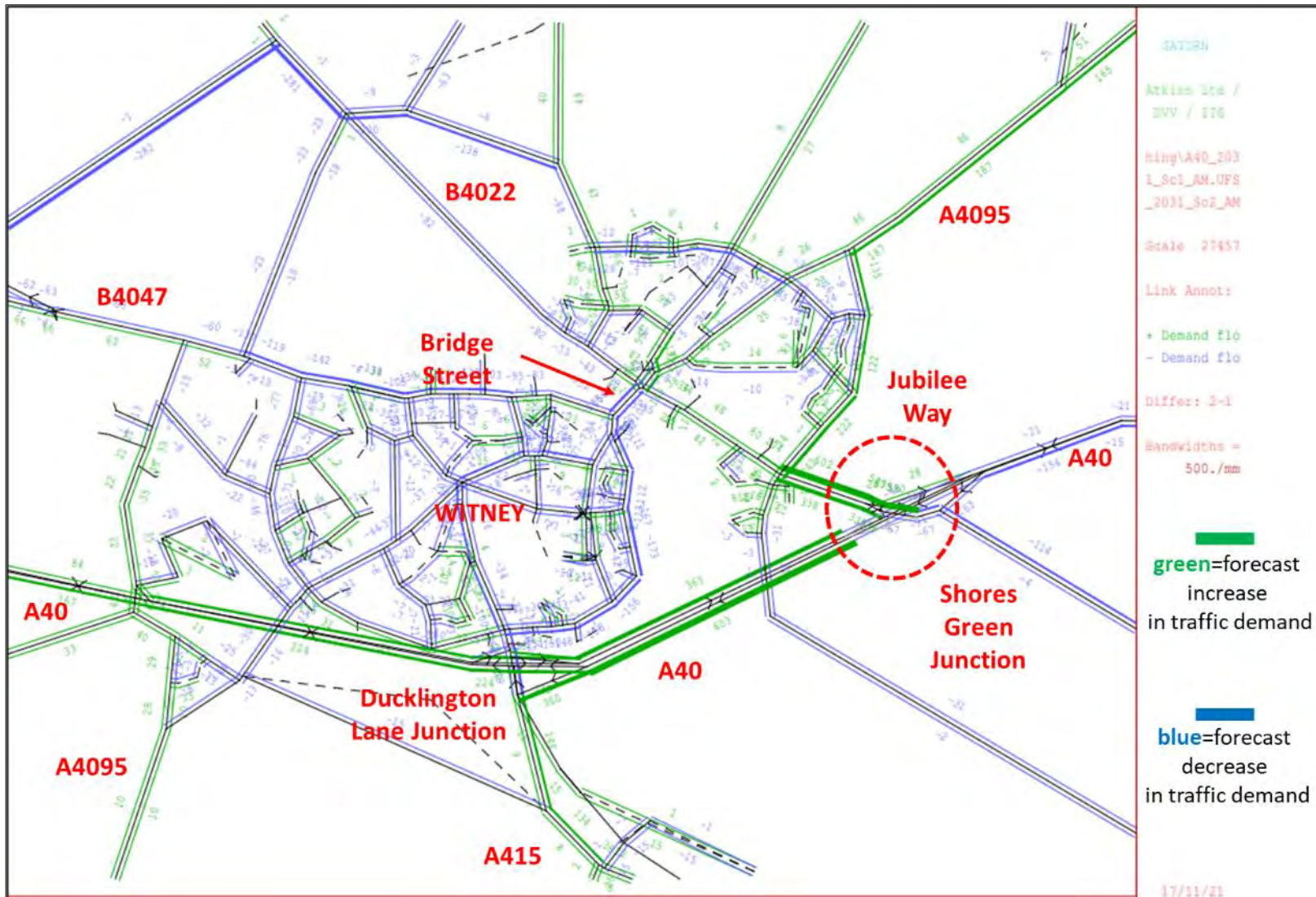


Figure 5.3 Forecast traffic flow changes ('with scheme' vs 'without scheme') in 2031 AM Peak

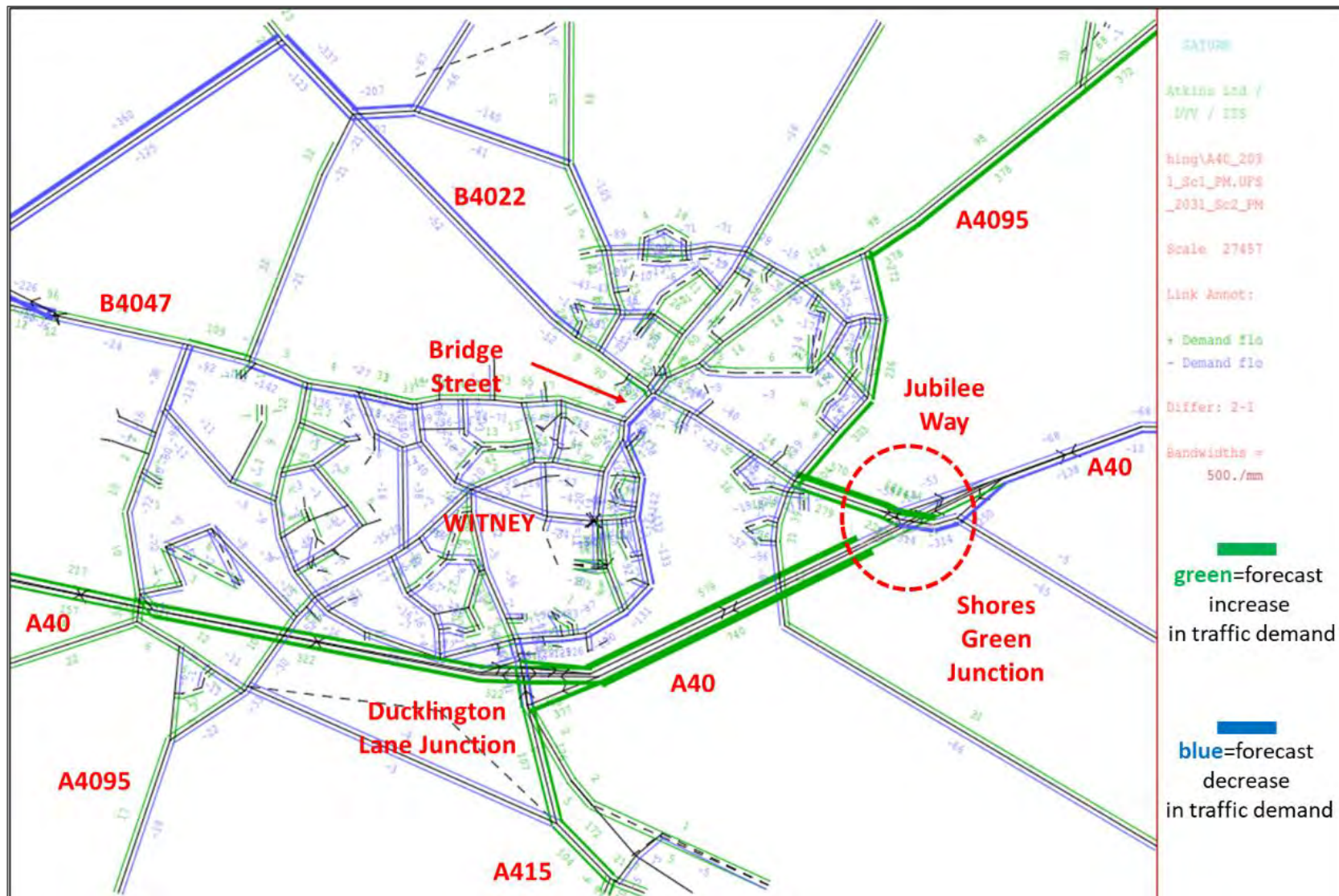


Figure 5.4: Forecast traffic flow changes ('with scheme' vs 'without scheme') in 2031 PM Peak

- 5.27 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 to create a more attractive environment and promote more walking, cycling and bus use.
- 5.28 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 model 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.
- 5.29 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%.
- 5.30 As noted in Section 3, traffic levels on Bridge Street remain high across the whole day. 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 Benefits and Monitoring Impacts

- 5.31 Figures 5.3 and 5.4 also show how the Scheme is forecast to impact on traffic flows across the wider area. Local roads such as 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.
- 5.32 Whilst no increases in traffic flow through South Leigh are predicted in the traffic model, the 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.
- 5.33 The 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 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)

- 5.34 The Scheme is forecast to reduce journey times for vehicular traffic, including buses, across the town. The strategic model has also been used to provide forecasts of average journey times on a number of routes across the town in both a 'With Scheme' scenario and a 'Without Scheme' scenario. The routes assessed are shown in Figure 5.5 and includes routes running through the town centre and along Bridge Street.



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 5.5: Journey Time Routes Modelled in Strategic Traffic Model**

- 5.35 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 5.1. This shows that with the introduction of the Scheme journey times improve on the blue, orange and green routes in Witney in the peak and interpeak periods in response to the reduction in vehicles within the town.
- 5.36 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 10** of the Statement of Reasons] [CD A.5].

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 5.1: 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)*

- 5.37 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.
- 5.38 The strategic traffic model forecasts 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.
- 5.39 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 when the Scheme opens. 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. 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.
- 5.40 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> 2024 DM NO <sub>2</sub> (µg/m <sup>3</sup> )	LTT <sub>E6</sub> 2024 DS NO <sub>2</sub> (µg/m <sup>3</sup> )	LTT <sub>E6</sub> 2024 NO <sub>2</sub> Change (µg/m <sup>3</sup> )
Witney (Bridge St)	W10	52.9	44.9	42.3	-2.6
Witney (Mill St)	W1	37.9	37.2	30.5	-6.8
Witney (High St)	W2	40.8	35.6	33.8	-1.8
Witney (Woodgreen)	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

Area	Receptor ID	2018 Base NO <sub>2</sub> (µg/m <sup>3</sup> )	LTT <sub>E6</sub> 2024 DM NO <sub>2</sub> (µg/m <sup>3</sup> )	LTT <sub>E6</sub> 2024 DS NO <sub>2</sub> (µg/m <sup>3</sup> )	LTT <sub>E6</sub> 2024 NO <sub>2</sub> Change (µg/m <sup>3</sup> )
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 5.2: Selected Results of Annual Mean NO<sub>2</sub> concentrations in key areas (Base year, Do Minimum (DM) and Do Something (DS) 2024 Forecast)**

5.41 Further detail on local air quality and the impact of the Scheme is included in **Appendix 11** of the Statement of Reasons: Extract from Environmental Statement – Volume I Chapter 5: Air Quality [CD A.5].

5.42 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 further helping to reduce vehicular emissions in the local area.

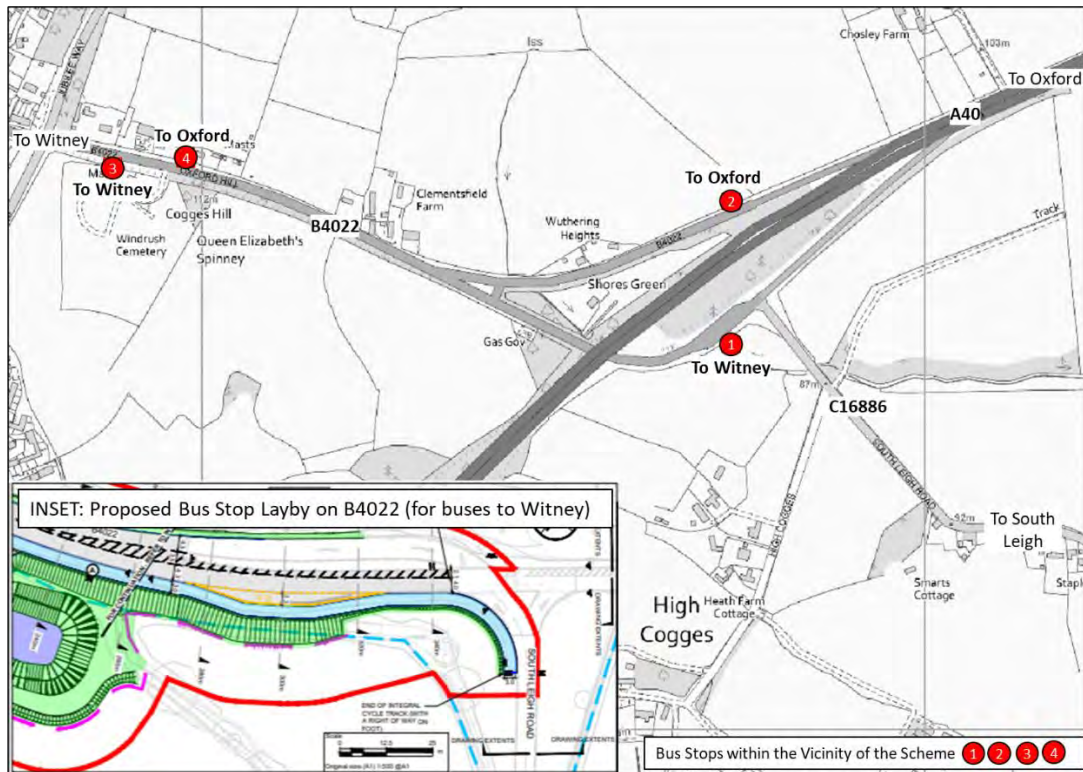
*Improving Public Transport – Accessibility, Connectivity and Reliability (Objectives 2 and 3)*

5.43 The Scheme is forecast to reduce traffic on Bridge Street other roads in the town centre and to generally improve journey times in Witney. This will improve bus journey times, operational resilience and timetable reliability for buses across Witney and help encourage more bus use.

5.44 Figure 5.6 shows the bus stops located within the immediate vicinity of the scheme. The existing bus stop and layby located on the southern side of the B4022 to the west of C16886 South Leigh Road (location 1 on Figure 5.6) 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 location of the existing bus stop on the eastbound B4022 on-slip to the A40 (location 2 on Figure 5.6) will remain unchanged.

5.45 The Scheme will 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 the bus stops.

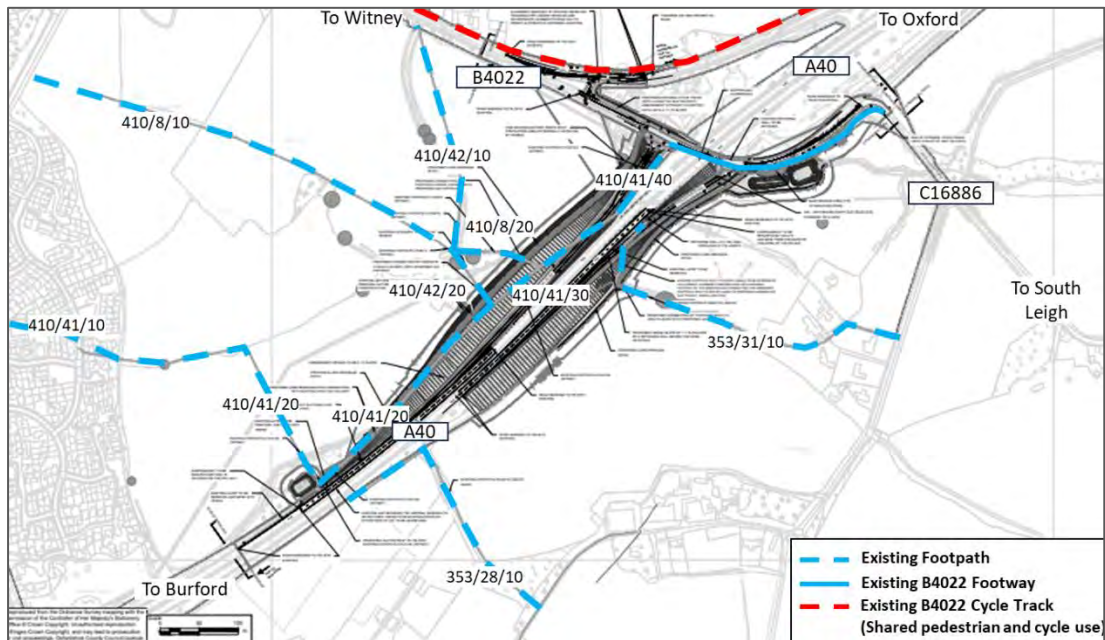




**Figure 5.6: Location of bus stops near the Scheme**

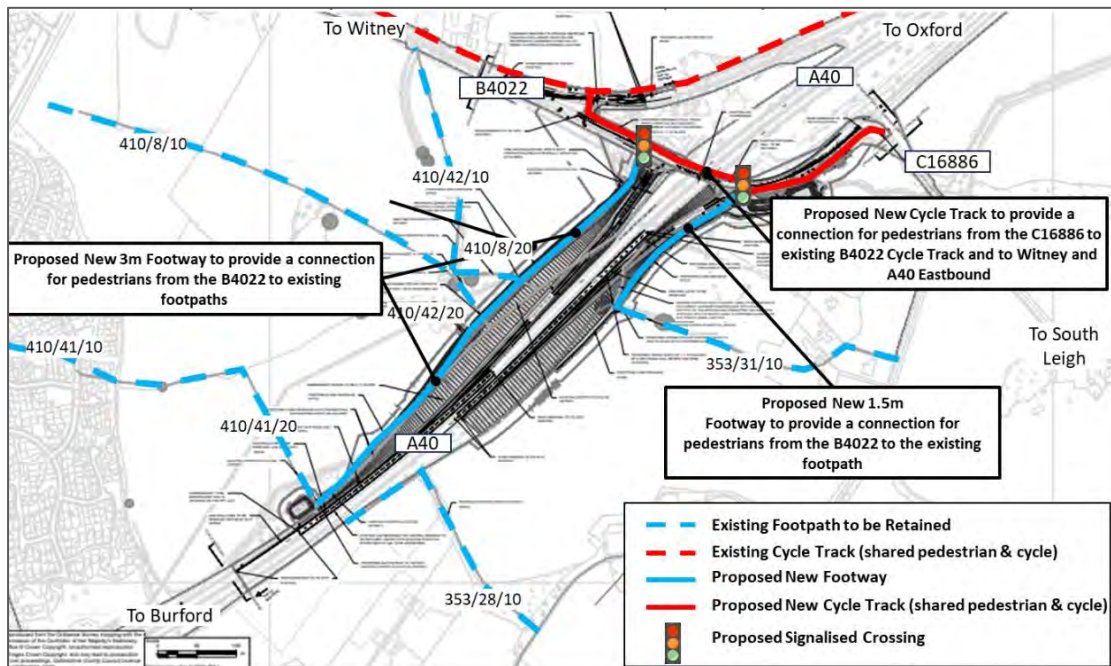
***Improving Active Travel - Connectivity and Safety (Objectives 2 and 3)***

- 5.46 Directly, the Scheme will provide new 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 West Oxfordshire Local Plan. 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.
- 5.47 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 cyclists and pedestrians alongside the B4022 carriageway.
- 5.48 Figure 5.7 illustrates the existing facilities for pedestrians and cyclists in the immediate area around the proposed Scheme. 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.



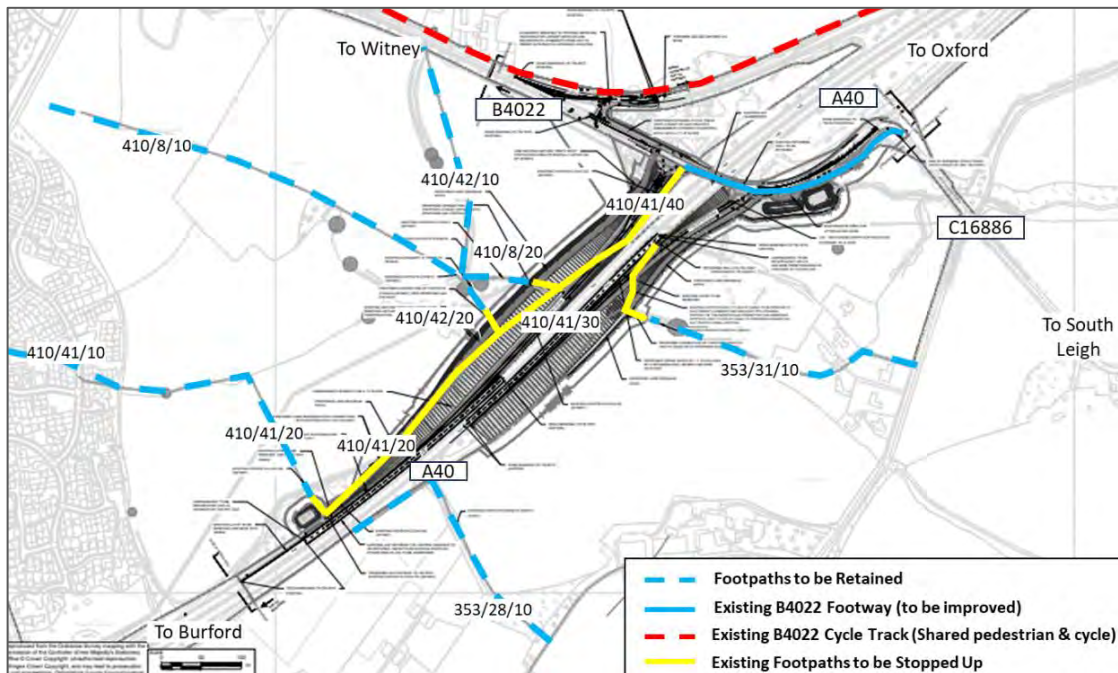
**Figure 5.7: Existing Public Rights of Way, Footways and Cycle Tracks**

- 5.49 Figure 5.8 illustrates the existing facilities to be retained and the proposed new facilities to be introduced for pedestrians and cyclists with the Scheme. 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.
- 5.50 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 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 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.



**Figure 5.8: Retained and new facilities for pedestrians and cyclists**

- 5.51 The second signal-controlled 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.
- 5.52 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. The footpaths to be stopped up by the Sides Road Order are illustrated in Figure 5.9. 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) as illustrated in Figure 5.8.
- 5.53 The new integral Footway on the north-west side of the new A40 eastbound exit slip road 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.
- 5.54 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. Figure 3.11 in Section 3 of this evidence taken from the LCWIP illustrates the proposed future active travel network in East Witney, including the route alongside the proposed new A40 eastbound exit slip road.



**Figure 5.9: Existing Footpaths to be Stopped Up by the Side Roads Order**

- 5.55 More widely, 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.

*Health and Wellbeing Benefits*

- 5.56 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.
- 5.57 The improvements to air quality provided by the Scheme in Witney Town Centre, within the AQMA, will also provide positive health benefits for residents and users of the town centre.

*Summary*

- 5.58 The Scheme achieves its 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.
- 5.59 Evidence has been provided in this section of how the Scheme will deliver outcomes that meet these objectives and further detail is provided within the Access to Witney Transport Assessment [Appendix 7 to the Statement of Reasons] [CD A.5], the Strategic Traffic Modelling Forecasting Report [Appendix 10 to the Statement of Reasons] and the Environmental Statement that supported the Scheme Planning Application, including Chapter 5 on Air Quality [Appendix 11 to the Statement of Reasons].

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

- 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).
- Improving traffic conditions and reducing delays to journey times rendering the highway network more capable of supporting the delivery of new housing in Witney, which is vital to economic growth, as set out in the West Oxfordshire Local Plan 2031. (Objective 1).
- 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 HUMAN RIGHTS AND EQUALITY

6.1 This section of my proof describes how the Council has had due regard to its duties in relation to Human Rights and Equality.

### Human Rights Duty

6.2 The Human Rights Act 1998 incorporated into domestic law the European Convention on Human Rights (the Convention). The Convention includes provisions in the form of Articles, the aim of which is to protect the rights of the individual. 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.

6.3 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.

6.4 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”.

6.5 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.

- 6.6 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.
- 6.7 In promoting the CPO, the Council 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 19 of the Statement of Reasons] [CD A.5], and consultation has taken place with the communities and parties that will be affected by the CPO.
- 6.8 All those affected by the CPO have been notified and have had 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.
- 6.9 The Council 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.
- 6.10 Although there is no obligation on the Council 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.
- 6.11 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 Council.
- 6.12 Both public and private interests are to be taken into account in the exercise of the Council's powers and duties. Similarly, any interference with Article 8 rights must be "necessary in a democratic society", i.e. proportionate.
- 6.13 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. In pursuing this CPO, the Council 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.
- 6.14 Interference with Convention rights is considered by the Council to be justified in order to secure the economic, environmental and public benefits which the Scheme will bring.

#### Public Sector Equality Duty

- 6.15 The Council is subject to the Public Sector Equality Duty contained within Section 149 of the Equality Act 2010. This obliges the Council, when exercising its functions, to have due regard to the need to:

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

- 6.16 The Council 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 18** of the Statement of Reasons] [CD A.5]. 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.
- 6.17 The Council also commissioned a formal Equalities and Climate Impact Assessment (EqCIA) in March 2022 [**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.
- 6.18 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.
- 6.19 The EqCIA recommended that the Council, 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 Council 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*

- 6.20 In pursuing the Orders the Council 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. Interference with human rights is considered by the Council to be justified in order to secure the economic, environmental and public benefits which the Scheme will bring. The Council has also had due regard to its public sector equality duties in assessing scheme options and developing the Scheme design.



## 7 OBJECTIONS TO THE ORDERS

### *Introduction*

- 7.1 The Secretary of State received five objections to the Orders, as referenced in Section 11 of the Council's Statement of Case [CD A.6]. At the time of writing, all five objections (the **Objections**) [CDs D.1 to D.5] remain and further information in relation to engagement and negotiations with these objectors is provided in the proof of evidence presented by Jessica Bere. I have set out in the following section a summary of the grounds of the Objections relevant to my evidence and my response.

*Objections 2, 3 and 4 - 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) [CDs D.2, D.3 and D.4]*

- 7.2 These parties have made objections on several grounds, including the three summarised below which I have provided my responses to:
- (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) no formal notice of the proposed SRO was received by the objectors.

### *(i) Public Need and Benefits*

- 7.3 The public need and benefits of the Scheme are set out in sections 3 and 6 of the Statement of Case published by the Council. In my view the compelling case in the public interest for the Scheme is described in Section 3 and 5 of my evidence and includes the following matters:
- a) 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.
  - b) Reducing traffic volumes and congestion within the town centre to improve air quality within the Bridge Street AQMA, to support economic vitality and to improve public health and wellbeing.
  - c) Supporting the delivery of planned housing growth in Witney, which is vital to economic growth, as set out in the WOLP 2031.
  - d) Providing safer walking and cycling connections and conditions to support policy requirements to increase local travel by walking and cycling.

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

7.4 Paragraphs 11.12 to 11.13 of the Statement of Case [CD A.6] respond to this matter and states that the Council is acting legally, and there is no misuse of statutory powers in promoting the Scheme or the orders. The reasons for this position can be summarised below:

- a) The Council 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. Benefits will include the reduction in traffic volumes/congestion, reduction in delays to journey times, improvements to air quality in the town centre, and rendering the highway network more capable of accommodating the delivery of new housing.
- b) The Scheme is not promoted by the Council with a view to benefit the interest of any individual landowner or developer. Rather, the Council as Highway Authority 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.
- c) There is no intention by the Council 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.
- d) In acquiring land to deliver the Scheme, the Council 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.
- e) All necessary authorities have been secured by the Council to use its statutory compulsory order powers. On 20 July 2021, the Cabinet of the Council 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 Council 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) no formal notice of the proposed SRO was received by the objectors*

7.5 Paragraph 1.25 of the Statement of Case [CD A.6] together with the SRO statutory compliance certificate provided to DfT [CD A.10] confirm that all necessary notification requirements have been followed by the Council. Paragraphs 11.29-11.31 of the SoC respond directly to this element of objection raised and identify that, indeed, the parties raising this as a ground of objection were not required to be served with the SRO. In the case of an SRO, the owner and occupier of land is only required to be statutorily

served with an SRO if it authorises the stopping up of any PMA to premises of which they were a beneficiary. The SRO for the Scheme does not deal with any such PMA provisions.

- 7.6 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 was 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, on public deposit at County Hall, Witney Library and on the Scheme webpage in respect of its publication to the public. The objectors are not affected by any PMA changes, as the SRO does not contain any.

*Objection 5 - Eileen Norah Mawle, James Edward Mawle, Stephen Francis Mawle and the Northfield Life Interest Settlement [CD D.5]*

- 7.7 The objectors are generally supportive of the Scheme but an objection has been made on the grounds that the CPO is premature and unnecessary, with the Council 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.

*CPO is Premature and Unnecessary*

- 7.8 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.
- 7.9 Subsequently, the Council 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.
- 7.10 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.
- 7.11 The Council 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 also land required which is in unknown ownership, which the Council will be unable to secure by agreement and will need the authority of the CPO to acquire.
- 7.12 The CPO is needed to secure the outstanding interests required to enable implementation of the Scheme, necessary to achieve the Council's objectives for the area.

## **8 CONCLUSION AND JUSTIFICATION FOR USE OF COMPULSORY PURCHASE POWERS**

- 8.1 In my view there is a compelling case in the public interest for the delivery of this Scheme and I conclude that the use of compulsory purchase powers is justified. Section 3 of my evidence describes a wide range of transport, environmental and housing delivery challenges that exist in the Witney area which have led to the clear need for transport investment in the area and the delivery of a number of transport schemes including the Access to Witney Scheme at Shores Green.
- 8.2 Both the adopted West Oxfordshire Local Plan and the Council's 2015 Local Transport Plan 4 Area Plan for Witney identified a need for a scheme to improve access to the A40 Principal Road at the A40 / B4022 Shores Green junction to reduce traffic volumes on Bridge Street, help address traffic congestion and air quality problems in the town centre and support future housing growth.
- 8.3 The Scheme has been identified and designed, following an extensive option assessment study, stakeholder engagement and public consultation, to address the challenges the area faces, to best meet a series of appropriate objectives and to take no more land than is necessary. Identification of the preferred scheme option has been progressed in line with DfT's Transport Appraisal Guidance.
- 8.4 Throughout the evolution of the Scheme to date, there has been wide and extensive consultation with stakeholders, landowners and the public. The Council has been responsive to feedback and information it has gathered during its engagement and public consultation, which has shaped and informed the Scheme design currently proposed.
- 8.5 The many benefits of the Scheme are described in Section 5 of my evidence, and also within the Council's Statement of Case [CD A.6] and Statement of Reasons [CD A.5], and include the following matters:
- Improving access to the A40 from east 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.
  - Reducing traffic volumes and congestion within the town centre to improve air quality within the AQMA designated on Bridge Street, to support economic vitality and to improve public health and wellbeing.
  - Improving traffic conditions and reducing delays to journey times rendering the highway network more capable of supporting the delivery of new housing in Witney, which is vital to economic growth, as set out in the West Oxfordshire Local Plan 2031.
  - Providing safer walking and cycling connections and conditions to support policy requirements to increase local travel by walking and cycling.
- 8.6 Overall, the Scheme will provide wide ranging transport, economic, environmental and health benefits to the public that outweigh the limited local adverse environmental effects the Scheme will have on landscape and noise and justify the acquisition of individuals' land interests using compulsory purchase powers.

- 8.7 In pursuing this CPO, the Council 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. Interference with human rights is considered by the Council to be justified in order to secure the economic, environmental and public benefits which the Scheme will bring. The Council has also had due regard to its public sector equality duties in assessing options and developing the Scheme design.
- 8.8 The reasons for objection described in Section 6 of this proof do not justify the refusal of the Scheme. As set out in my evidence I believe there is a compelling case for the Scheme, that the Council is acting legally and there is no misuse of statutory powers in promoting the Scheme or the Orders.

## **9 STATEMENT OF TRUTH AND DECLARATION**

- 9.1 I confirm that, insofar as the facts stated in my proof evidence are within my own knowledge, I have made clear what they are and I believe them to be true and that the opinions I have expressed represent my true and complete professional opinion.
- 9.2 I confirm that my proof of evidence includes all facts that I regard as being relevant to the opinions that I have expressed and that I have drawn attention to any matter which would affect the validity of those opinions.
- 9.3 I confirm that my duty to the Inquiry as an expert witness overrides any duty to those instructing or paying me, and I have understood this duty and complied with it in giving my evidence impartially and objectively, and I will continue to comply with that duty as required.
- 9.4 I confirm that, in preparing this proof of evidence, I have assumed that same duty that would apply to me when giving my expert opinion in a court of law under oath or affirmation. I confirm that this duty overrides any duty to those instructing or paying me, and I have understood this duty and complied with it in giving my evidence impartially and objectively, and I will continue to comply with that duty as required.
- 9.5 I confirm that I have no conflicts of interest of any kind other than those already disclosed in this proof of evidence.



**NICHOLAS WILLIAM BLADES**

**19 February 2024**