

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

Summary Proof of evidence of

Jessica Mary Bere

(Negotiations and Acquisition)

- 1.1 My name is Jessica Bere and I am a Senior Associate at Gateley Hamer Limited, where I advise promoters of infrastructure projects through the process of promoting and implementing compulsory purchase powers, negotiating compensation claims and arranging access onto land for surveys.
- 1.2 Gateley Hamer was instructed by Oxfordshire County Council (the **Council**) on a Framework agreement on 1st August 2019 for surveying and land referencing in connection with land acquisition and compulsory purchase orders. This includes; specialist compulsory purchase advice, drafting of compulsory purchase orders, associated orders, landowner engagement, acquisition of land required for the schemes and providing valuation advice. I have been involved with the Access to Witney Scheme since our instruction in March 2020.
- 1.3 I am instructed by the Council to pursue negotiations with all parties affected by the Oxfordshire County Council (A40 Access to Witney) Compulsory Purchase Order 2023 (the CPO) [CDs A.1 and A.2] and The Oxfordshire County Council (Highways Infrastructure – A40 Access to Witney) Side Roads Order 2023 (the SRO) [CDs A.3 and A.4] with a view to securing agreements to purchase interests by private treaty, and responding to objections, as appropriate.

Scope of Evidence

- 1.4 This proof of evidence has been prepared regarding land assembly matters relating to:
- 1.4.1 the CPO; and
- 1.4.2 the SRO
- together the **Orders**.
- 1.5 My proof of evidence has been prepared regarding land assembly matters relating to the Orders. My proof of evidence covers the following:
- 1.5.1 Approach to acquisitions including the **CPO Guidance** and how this has been complied with.
- 1.5.2 A summary of remaining objections, my dealings with the objecting parties including the status of negotiations and my response to those issues that fall within the scope of my evidence.

Compliance with Government Guidance

- 1.6 The Council and Gateley Hamer throughout the Scheme has always had in mind the government's Guidance on Compulsory Purchase Process. It has made sure of the following:
- That there is a compelling case in the public interest
 - Attempts to purchase land have been made and that compulsory purchase will only be used as a means of last resort.
 - That it has negotiated with landowners alongside the preparation and making of a compulsory purchase order.
 - They have engaged with landowners to understand more about the land it seeks to acquire and any physical or legal impediments to development that may exist. Alongside identifying what measures can be taken to mitigate the effects of the Scheme on landowners and neighbours, thereby reducing the cost of a scheme.
 - It has kept landowners informed of the progress of the Scheme.
 - It has actively sought and positively participated in discussions with those landowners.
 - It has undertaken to meet the reasonable professional fees and costs incurred by those with whom it has been negotiating.

History of Negotiations

- 1.7 I have been the case manager acting as the main point of contact for all landowners impacted by the Scheme, allowing parties to raise their concerns regarding the Scheme and giving the Council the opportunity to resolve these concerns.
- 1.8 Initial contact was made with landowners in April 2020 to agree access to their land to undertake surveys. This was then followed up with meetings to introduce the Scheme to the impacted parties, inform them of any potential impacts of the Scheme on their properties, alongside any land acquisition requirements and the potential of a compulsory purchase order.
- 1.9 Further meetings were held over the course of developing the Scheme proposals regarding the design and planning of the Scheme, looking at the mitigation of potential impacts and providing Scheme updates. Once the land requirements of the preferred Scheme were known, this was explained and general arrangement drawings, landscaping proposals and land take plans were shown to the landowners.
- 1.10 Offers to purchase land were sent out in December 2022, with multiple further revised offers to parties issued over the course of the next 14 months.
- 1.11 In July 2023, notices informing impacted landowners of the making of the Orders were served.
- 1.12 I continue to engage with landowners to provide project updates, negotiate the offer letters and to discuss landscaping and drainage mitigation. The Council is willing to work with all parties to find a suitable solution for all parties involved to enable the Council to acquire the required land by voluntary acquisition to enable the Scheme to be delivered.

Response to Individual Objections

- 1.13 Five objections have been received from (1) Susan Morrish and Ben Morrish, (2) John and Anne Kearns, (3) Jeremy Walker, Paula Walker and Roger Walker, (4) Eileen Norah Mawle, James Edward Mawle, Stephen Francis Mawle and the Northfield Life Interest Settlement and (5) Southern Gas Networks Plc [CDs D.1 to D.5].
- 1.14 The Council have formally responded to each party on the points that they have raised within their objection and continue to engage with each party. However, to date we have not been able to remove any of their objections.

Susan Caroline Morrish and Benjamin Morrish, Plots ¼a and ¼b, Land at High Cogges Farm. John William Kearns and Anne Kearns, Plots 1/7a, 1/7b, 1/8 and 1/10, Land adjoining The Paddock Jeremy Michael Walker, Paula June Walker and Roger Jeremy Walker, Plots 1/11a and 1/11b, Land at High Cogges [CDs D.4, D.3 and D.2].

- 1.15 These parties are represented by Brown and Co and their objections are framed in identical terms, save for specific details of landholdings. These landowners have been working together and many of the meetings and discussions with them have been held jointly. I have therefore responded to their objections in the same way below to avoid repetition.
- 1.16 The Council and Gateley Hamer have been actively engaging with these parties and their agents to discuss the acquisition of the land and ways in which to overcome their objections to the Scheme. The Council recently met with each party individually to fully understand and initially propose enhanced landscaping works to reduce the visual and noise impacts of the Scheme. The Council is currently preparing formal plans and details of this enhanced planting both within the current CPO boundary and outside on the landowners retained land. Heads of terms for this additional work are being discussed with the landowners.
- 1.17 I am hopeful that once these elements have been agreed that the landowners will remove their objections to the Scheme.

Eileen Norah Mawle, James Edward Mawle, Stephen Francis Mawle and the Northfield Life Interest Settlement, Plots 1/2a, 1/2b, 1/2c, 1/2d, 1/2e, 1/2f and 1/2g, Land north of the A40 at Witney [CD D.5].

- 1.18 On the basis of the negotiations and discussions I have been involved with, it is my opinion that the objectors are generally supportive of the Scheme. We have reached an in principal agreement for the voluntary acquisition of the land require for the Scheme and are in the process of formalising this agreement. Once this agreement has been put in place, the objector has agreed to remove their objection to the compulsory purchase order.

Southern Gas Networks Plc, Plots 1/3b, 1/5 and 1/12, in respect of gas mains, pipes and other apparatus [CD D.1].

- 1.19 SGN have objected on the grounds that the Scheme may adversely affect the integrity of and / or access to SGN apparatus within the locality of the Scheme. The Council are in negotiations with SGN to enter into an Asset Protection Agreement (APA) to assure the asset owner that the method statement for delivery meets the requirement of the protection of their assets. Draft agreements have been issued between the parties. It is anticipated that an APA will be concluded shortly, and this objection withdrawn.

CONCLUSION

- 1.20 Gately Hamer and I, alongside the Council as acquiring authority, have been engaging with impacted landowners for nearly 3 years. Whilst liaising with them I have also had due regard to Government guidance 'Compulsory purchase process and Crichel Down Rules'.
- 1.21 Offers have been made to acquire land by voluntary agreement and the Council are committed to continuing to negotiate to acquire all land needed to facilitate the Scheme and only use any compulsory purchase powers (should they be granted) as a means of last resort.
- 1.22 The Council continue to work with objectors to understand their objections and find solutions to overcome these objections to enable them to be withdrawn.
- 1.23 Whilst we continue to negotiate, I am conscious of timescales for the Scheme and the ability to secure all rights within the timescales required to implement the Scheme. These may be unduly affected if the Orders are not granted.

STATEMENT OF TRUTH AND DECLARATION

- 1.24 My statement of truth is contained in full within section 7 of my proof of evidence. I can confirm that the contents of that section apply equally to my summary proof of evidence.