



## Department for *Transport*

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Mr Andrew Stone  
Oxfordshire County Council  
Chief Executive's Office  
County Hall  
New Road  
Oxford OX1 1ND

Date: 14 June 2012

Dear Sir

### **HIGHWAYS ACT 1980 ACQUISITION OF LAND ACT 1981**

- (1) THE OXFORDSHIRE COUNTY COUNCIL (A4095 WITNEY: COGGES LINK ROAD CLASSIFIED ROAD) (SIDE ROADS) ORDER 2010 ('the SRO');**
- (2) THE OXFORDSHIRE COUNTY COUNCIL (A4095 WITNEY: COGGES LINK ROAD) COMPULSORY PURCHASE ORDER 2010 ('the CPO'); and**
- (3) APPLICATION FOR EXCHANGE LAND CERTIFICATE - under section 19(1)(a) of the Acquisition of Land Act 1981 and Notice of Intention to issue a Certificate.**

1. I am directed by the Secretary of State for Transport and the Secretary of State for Communities and Local Government ("the Secretaries of State") to refer to the Public Local Inquiries ("the Inquiry") opened at Eynsham Hall, North Leigh, Witney on 20 September 2011 and thereafter on 22, 23 and 27 to 30 September 2011, 4 to 7, 11 and 12 October 2011 and 8 to 11 and 30 November 2011 held at The Methodist Church, High Street, Witney before Mr Stephen Roscoe, BEng, MSc, CEng, MICE, an Inspector appointed by the Secretaries of State to hear objections to and representations about the above named Orders submitted for confirmation and the Exchange Land Certificate applied for by Oxfordshire County Council ("the Council"). This letter conveys the Secretaries of State's decision on the published Orders and the Application after considering the Inspector's report.

2. The SRO and CPO, if confirmed by the Secretary of State would, respectively, authorise the Council to:

- a) improve or stop up lengths of highways; construct new highways; and stop up and/or provide new private means of access; and
- b) acquire compulsorily land and rights over land for the purpose of the construction of a highway from the existing roundabout at the junction of Witan Way and Station Lane, passing on the south-west, south and east of Cogges housing estate to Jubilee Way at its existing traffic signal controlled junction with B4022 Oxford Hill and Cogges Hill Road; the construction and improvement of highways and the provision of new means of access to premises in the said Parish in pursuance of the above SRO; the diversion of watercourses and the carrying out of works on watercourses in connection with the construction and improvement of highways as previously mentioned; the use by the acquiring authority in connection with such construction and improvement of highways and provision of new means of access to premises and the execution of other works mentioned above; the improvement or development of frontages to the above mentioned new and existing highways or of the land adjoining or adjacent thereto; and the mitigation of the adverse effect which the existence or use of the highways proposed to be constructed or improved as mentioned above will have on their surroundings.

3. The Council have asked the Secretary of State for Communities and Local Government to issue a certificate under section 19(1)(a) of the Acquisition of Land Act 1981 for giving of exchange land shown as plots 7A, 7B, 7C, 7D and 13 in the CPO, to permit the compulsory acquisition of plots 5, 5A, 5B, 5C, 6, 6A, 6B, 6C and 10, designated as "open space" in the CPO. This exchange land would be no less in area and being equally advantageous to the persons, if any, entitled to rights of common or other rights, and to the public, and that the land given in exchange has been or will be vested in the persons in whom the land purchased was vested, and subject to the like rights, trusts and incidents as attach to the land purchased.

#### THE INSPECTOR'S REPORT

4. A copy of the Inspector's report is enclosed. In this letter, references to paragraph numbers in the Inspector's report are indicated by the abbreviation 'IR' followed by the paragraph number in the report.

5. In light of his conclusions the Inspector has recommended respectively at IR 8.1 and IR 8.2 that the SRO and CPO be not confirmed and at IR 8.3 that the Exchange Land Certificate be not issued.

#### POST INQUIRY CORRESPONDENCE

6. Following the close of the Inquiry, correspondence has been received from Dr John Garside, Burges Salmon on behalf of the Mawle Trustees and Mr N Wilcock.

## THE DECISION OF THE SECRETARY OF STATE FOR TRANSPORT

7. The Secretary of State has considered carefully all the objections to, and representations about, the SRO and CPO, including alternative proposals put forward, counter objections, representations and expressions of support made, both orally and in writing. She has considered the Inspector's report and accepts his conclusions and recommendations. The Secretary of State has also carefully considered the matters raised in the post-inquiry correspondence alongside the Inspector's report in reaching her decision. However, she is satisfied that there is nothing new raised in this correspondence that has not already been adequately addressed by the Inspector, or which causes her to disagree with the Inspector's conclusions and recommendations.

8. The Secretary of State agrees with the Inspector that the main considerations in relation to the Council's Cogges Link Road (CLR) proposals, which are the subject of the Orders and Application, are: traffic; landscape; noise and vibration; biodiversity; air quality; and flood risk (IR 7.1). In considering these matters the Secretary of State has considered the merits of the Council's proposed CLR scheme, against the appropriate tests as set out by the Inspector in paragraphs IR 7.2 to IR 7.8, and against those of an alternative, the Shores Green Slip Roads (SGSR), which was referred to by objectors, with the alternative having to be better than the proposed scheme to succeed (IR 7.3).

9. The Secretary of State agrees with the Inspector that the SGSR would achieve the aims of the CLR on practical and policy grounds (IR 7.122). Furthermore, on the evidence provided and for the reasons given by the Inspector (IR 7.55, 7.68, 7.78, 7.89 and 7.121), the Secretary of State agrees with the Inspector that in terms of traffic, landscape, noise and vibration, biodiversity and flood risk the SGSR would be a better scheme than the CLR (IR 7.126), and that any advantage the CLR may have over the SGSR in relation to air quality is not sufficient to outweigh the other benefits of the SGSR over the CLR (IR 7.122).

10. The Secretary of State having considered all aspects of the matter takes the view that on all the evidence before her the SGSR alternative has clear advantages over the Council's CLR and should be further investigated by the Council. Consequently, the Secretary of State is not satisfied that a sufficiently compelling case has been made by the Council for its CLR that would allow her to confirm the proposal contained in the SRO and CPO. Accordingly, she has decided to accept the Inspector's recommendation and not to confirm:

- a) The Oxfordshire County Council (A4095 Witney: Cogges Link Road Classified Road) (Side Roads) Order 2010; or
- b) The Oxfordshire County Council (A4095 Witney: Cogges Link Road) Compulsory Purchase Order 2010.

and this letter constitutes her decision to that effect. The sealed Orders and Maps which were enclosed with the Council's applications are returned herewith.

## THE DECISION OF THE SECRETARY OF STATE FOR COMMUNITIES AND LOCAL GOVERNMENT ON THE OPEN SPACE CERTIFICATE

11. The Secretary of State for Communities and Local Government has carefully considered the application to issue a certificate under Section 19(1) (a) of the

Acquisition of Land Act 1981. He agrees with the Inspector that the proposed exchange land would not offer the shared benefits of the existing open space (IR 5.83) and therefore considers the application should be refused. Furthermore, as The Oxfordshire County Council (A4095 Witney: Cogges Link Road Classified Road) (Side Roads) Order 2010 and The Oxfordshire County Council (A4095 Witney: Cogges Link Road) Compulsory Purchase Order 2010 have not been confirmed by the Secretary of State for Transport, he does not consider any useful purpose would be served in issuing a certificate under Section 19(1) (a) of the Acquisition of Land Act 1981.

## COSTS

12. In view of the Secretary of State's decision not to confirm the CPO, the Council's and other interested parties' attention is drawn to the guidance contained in the Department for Communities and Local Government Circular 03/09: *Costs Awards in Appeals and Other Planning Proceedings* that applies in such circumstances. Should The JER Mawle Will Trust, Northfield Life Interest Settlement, EJSR Farms Limited, Mr James Mawle, Mr Stephen Mawle, Mrs Eileen Mawle and Mrs Rachel Murphy not wish to negotiate with the Council direct or are unsuccessful in reaching a settlement of their Inquiry costs with the Council, the Secretary of State for Transport would, on receipt of an application for costs from them, be prepared to consider making an award of costs in respect of their reasonable costs incurred in connection with the Inquiry, with such costs being paid by the Council, in recognition that their objection had been wholly successful.

## AVAILABILITY OF DOCUMENTS

13. A copy of this letter, together with a copy of the Inspector's report has been sent to those objectors, their representatives and the other persons who appeared and made representations at the Inquiry. A copy of this letter, together with a copy of the Inspector's conclusions and recommendations, has been sent to all other supporters of the scheme and outstanding objectors. Copies will be made available on request to any other persons directly concerned and can also be viewed on <http://www.dft.gov.uk/topics/legislation/national-transport-casework/local-authority-orders/>. Please arrange for a copy of the Inspector's report and of this letter to be made available for inspection at the offices of the Council and at all other places used to deposit the Orders for public inspection at the making stage. Any person entitled to a copy of the Inspector's report may apply to the Secretary of State for Transport, at this address within 6-weeks of the date of the public notice, to inspect any document, photograph or plan appended to the Inspector's report. Those documents, photographs or plans, are retained at this office, and will be made available at a local place of inspection. Applicants should indicate the date and time (within normal office hours) when they propose to make the inspection. At least three days' notice should be given, if possible.

Signed by authority of the Secretary of  
State for Communities and Local  
Government



Jean Nowak

Signed by authority of the Secretary of  
State for Transport



Karen Davies