

**THE OXFORDSHIRE COUNTY COUNCIL (DIDCOT GARDEN TOWN
HIGHWAYS INFRASTRUCTURE – A4130 IMPROVEMENT (MILTON GATE
TO COLLETT ROUNDABOUT), A4197 DIDCOT TO CULHAM LINK ROAD,
AND A415 CLIFTON HAMPDEN BYPASS) COMPULSORY PURCHASE
ORDER 2022**

**THE OXFORDSHIRE COUNTY COUNCIL (DIDCOT TO CULHAM THAMES
BRIDGE) SCHEME 2022**

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HIGHWAYS INFRASTRUCTURE – A4130 IMPROVEMENT (MILTON GATE
TO COLLETT ROUNDABOUT), A4197 DIDCOT TO CULHAM LINK ROAD,
AND A415 CLIFTON HAMPDEN BYPASS) (SIDE ROADS) ORDER 2022**

PLANNING INSPECTORATE REFERENCE:

APP/U3100/V/23/3326625 and NATTRAN/SE/HAO/286 (DPI/U3100/23/12)

Proof of evidence of

TIMOTHY ROGER JONATHAN MANN

(Compulsory Purchase Justification)

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1. INTRODUCTION AND QUALIFICATIONS

- 1.1 I am Timothy Roger Jonathan Mann and I am the Programme Lead for the South at Oxfordshire County Council, which includes the HIF1 Programme. I have had this role since 1 November 2022 and was previously a Senior Project Manager for the HIF1 scheme (starting in June 2021). I have a master's degree in civil engineering from Bristol University and am a Graduate Member of the Institution of Civil Engineers.
- 1.2 I have 16 years' experience in project and programme management, and a further six years' experience as a civil engineer. I am responsible for the daily management and operation of the 'South' Programme, which includes the HIF1 scheme. As the professional specialist lead, I provide guidance, advice, and support, to ensure a high-quality service that delivers value for money for Oxfordshire County Council's customers in line with legislative requirements and the Council's policies and practices. I manage a team of approximately 6 project management professionals.

Scope of Evidence

- 1.3 This proof of evidence has been prepared regarding the background and need for the Scheme and compulsory purchase justification matters relating to:
- 1.3.1 The Oxfordshire County Council (Didcot Garden Town Highways Infrastructure – A4130 Improvement (Milton to Collett Roundabout), A4197 Didcot to Culham Link Road, and A415 Clifton Hampden Bypass) Compulsory Purchase Order 2022 (the **CPO**);
 - 1.3.2 The Oxfordshire County Council (Didcot to Culham Thames Bridge) Scheme 2022 (the **Bridge Scheme**); and
 - 1.3.3 The Oxfordshire County Council (Didcot Garden Town Highways Infrastructure– A4130 Improvement (Milton to Collett Roundabout), A4197 Didcot to Culham Link Road, and A415 Clifton Hampden Bypass) (Side Roads) Order 2022 (the **SRO**) (the CPO, Bridge Scheme and SRO taken together, referred to as the **Orders**).
- 1.4 The Orders are made to facilitate the delivery of the Access to Didcot Garden Town Highway Improvements (the **Scheme**) which consists of a highway scheme approximately 11km in length, including converting 1.8km of single carriageway to dual carriageway, 6.8km of new single carriageway and approximately 20km of new and/or improved off-carriageway cycling and pedestrian infrastructure. Connections into the existing public rights of way network will also be provided. The Scheme also includes three over bridges.
- 1.5 The Orders were made by Oxfordshire County Council in its role as Acquiring Authority (the Acquiring Authority) on 21 December 2022 and submitted to the Secretary of State for Transport on 26 January 2023. The Orders are now due to be considered by an Inspector at conjoined Public Inquiries scheduled to open on 20 February 2024. This proof of evidence has been prepared in connection with those Inquiries.
- 1.6 The purpose of my evidence is to explain the justification for the compulsory purchase of land and rights, including the compelling case in the public interest; the deliverability and viability of the Scheme, including Scheme funding; the consideration given to human rights and equalities impacts and the justifications for the Orders.
- 1.7 My proof of evidence should be read in conjunction with other separate but interrelated proofs of evidence submitted on behalf of the Council, including:
- 1.7.1 Strategic Needs and Benefits, Highway Issues, Scheme Selection and Alternatives, prepared by Aron Wisdom of Oxfordshire County Council;
 - 1.7.2 Local Transport and Connectivity Plan, prepared by John Disley of Oxfordshire County Council;

- 1.7.3 Technical Traffic and Highways Engineering – A4130 Widening and Didcot Science Bridge, prepared by Andy Blanchard of AECOM;
- 1.7.4 Technical Traffic and Highways Engineering – Culham River Crossing and Clifton Hampden Bypass, prepared by Karl Chan of AECOM;
- 1.7.5 Traffic modelling, prepared by Claudia Currie of AtkinsRéalis;
- 1.7.6 Environmental Impact Assessment, prepared by Alex Maddox of AECOM;
- 1.7.7 Noise and Vibration, prepared by Andrew Pagett of AECOM;
- 1.7.8 Air Quality, prepared by Anna Savage of AECOM;
- 1.7.9 Climate Change, prepared by Chris Landsburgh of AECOM;
- 1.7.10 Landscape and Visual Impact, prepared by Jane Ash of AECOM;
- 1.7.11 Planning, prepared by Bernard Greep of Stantec;
- 1.7.12 Negotiations and Acquisition, prepared by Steven Moon of Gateley Hamer.

2. LOCATION OF THE SCHEME AND ORDER LAND

2.1. This section of my proof of evidence provides an overview of the location of the Scheme.

Location of the Scheme

2.2. The Scheme is shown on the General Arrangement Plans [Appendix 6 to the Council's 'Call in' Statement of Case (SoC) – CD.L.1] and is located on land in the parishes of Milton, Didcot, Harwell, Sutton Courtenay, Appleford-on-Thames, Culham and Clifton Hampden. The Scheme involves the construction of:

- Dualling of the A4130 carriageway (A4130 Widening) from Milton Gate junction eastwards including the construction of three roundabouts;
- Road bridge over the A4130, Great Western Mainline and Milton Road (Didcot Science Bridge) and realignment of the A4130 northeast of the proposed road bridge including the relocation of a lagoon;
- Road between Didcot and Culham (Didcot to Culham River Crossing) including the construction of three roundabouts, a road bridge over the Appleford railway sidings and road bridge over the River Thames;
- Road between the A415 and B4015 (Clifton Hampden bypass) including the provision of a new roundabout and associated junctions; and
- Controlled crossing, footways and cycleways, landscaping, lighting, noise barriers and sustainable drainage systems.

2.3. The proposed route of the Scheme has been informed by a multistage optioneering and consultation exercise to identify the appropriate intervention (addressed in the proof of evidence of Aron Wisdom), engineering (addressed in the proofs of evidence of Andy Blanchard and Karl Chan), traffic modelling (addressed in the proof of evidence of Claudia Currie) and environmental impact assessment work (addressed in the proof of evidence of Alex Maddox).

Order Land

2.4. The land to be acquired (the **Order Land**) is detailed in the proof of evidence of Steve Moon. The boundary of the Order Land and the plots are shown on the plans accompanying the Order (the **Order Map**) [CD.H.2].

2.5. The land and new rights proposed to be compulsorily acquired pursuant to the CPO comprises a total area of 135,731 hectares of land in the County of Oxfordshire. The Scheme will be constructed on land comprised of agricultural land, residential development land, enterprise zone development land, former quarry land, landfill waste site land, industrial/commercial land, including curtilage landscaped frontages, private means of access roads and tracks, commercial development land, and lands of existing public highways, including roads, restricted byways, footpaths, and bridleways.

2.6. The full extent of land to be acquired is described in greater detail in the Statement of Case and identified on the Order Map. The land required for the entirety of the Scheme, including but not limited to the Order Land, is referred to throughout this proof of evidence as “the Site” and is identified in the proof of evidence of Steve Moon.

2.7. Delivery of the Scheme requires the acquisition of the Order Land. The Order Land comprises only land strictly required to facilitate the Scheme.

3. SCHEME DESCRIPTION

3.1. Although one composite Scheme, the Scheme can be divided into four elements, as summarised below, and illustrated in Figure 1:

- A4130 Widening – The proposed improvement to the A4130 includes dualling between Milton Interchange at the A34 and a proposed new Science Bridge. The proposals also include the provision of new and improved pedestrian and cycling infrastructure;
- Didcot Science Bridge – A new road link for the proposed dualling section of the A4130, which will extend over the Great Western railway, through the former Didcot A Power Station site and join the A4130 Perimeter Road north of Purchas/Hawksworth Roundabout, including segregated pedestrian and cycling infrastructure;
- Didcot to Culham River Crossing – A new road between the A4130 Perimeter Road in Didcot, and Culham near the Culham Science Centre including two overbridges (one extending over the River Thames) and segregated pedestrian and cycling infrastructure; and
- Clifton Hampden Bypass – A new road between the A415 Abingdon Road at the Culham Science Centre and the B4015, Oxford Road north of Clifton Hampden village including segregated and shared pedestrian and cycling infrastructure.

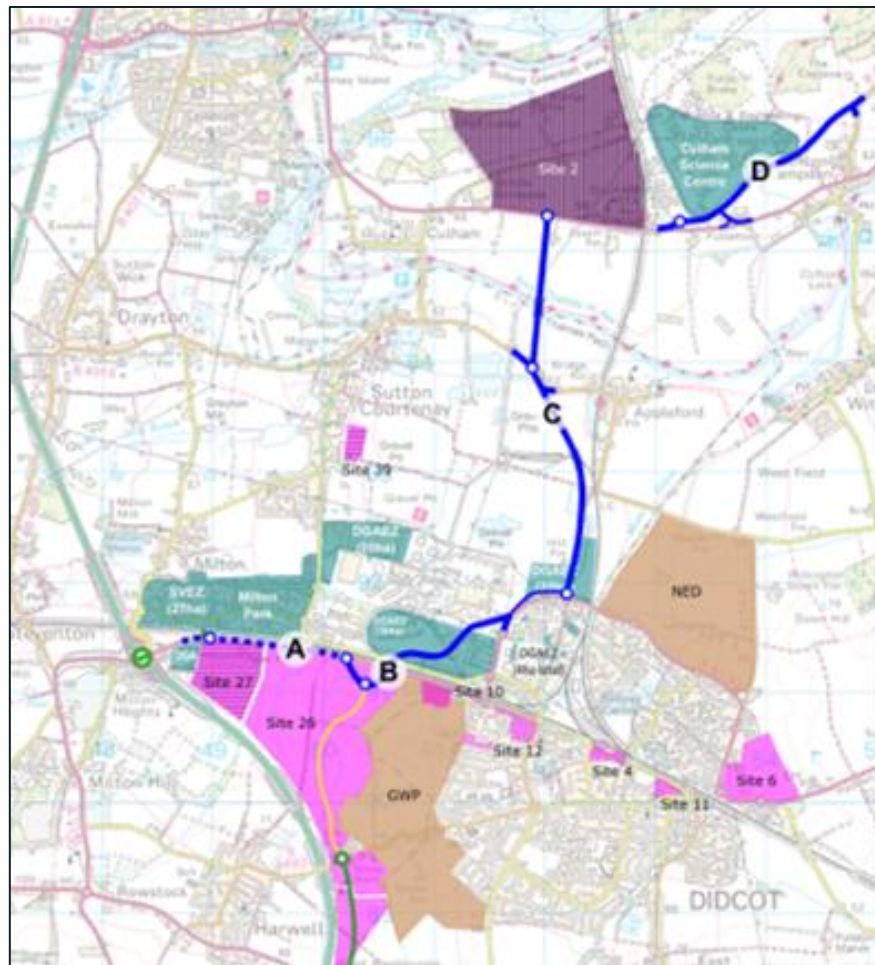


Figure 1: Site plan identifying the four elements (A, B, C and D) of the HIF1 Scheme

- 3.2. Collectively this infrastructure package is the Didcot Garden Town Housing Infrastructure Fund (HIF1) Scheme, referred to herein as 'the Scheme'.
- 3.3. The full details of the Scheme, plus the requirement for the Side Roads Order and the Bridge Scheme, are addressed in more detail in the proofs of evidence of Andy Blanchard and Karl Chan of AECOM.

4. JUSTIFICATION FOR COMPULSORY PURCHASE OF LAND AND RIGHTS

The need for and benefits of the Scheme

- 4.1. The need for and benefits of the Scheme are set out in Aron Wisdom's proof of evidence, and are summarised as follows:

4.1.1. The Scheme will address five key issues:

- The poor existing highway network performance;
- The under-provision of active travel in the area;
- Improvements in public transport;
- The need for adequate network resilience and safety; and
- The delivery of housing and employment growth.

4.1.2. The benefits are as follows:

- unlocking and accelerating significant housing development, including affordable housing, in the Didcot Garden Town area;
- active travel benefits through the provision of new cycleway and footway infrastructure;
- improvements to local bus services;
- potential improvements to future rail services;
- and enabling the delivery of further employment growth in the area.

The need for the land and rights being sought

- 4.2. In his proof of evidence, Aron Wisdom has set out the thorough optioneering and development process which has resulted in the Scheme. This was then taken on by the AECOM team, led by Andy Blanchard and Karl Chan and evidenced in their proofs of evidence, to develop the design to its current form, which is sufficient to allow the land and rights requirements to be clearly defined.
- 4.3. In his proof of evidence, Steve Moon has set out the land referencing work that has been diligently carried out to accurately define the extent and limits of the land and rights required, which were set out in the Statement of Case and the Order Map.
- 4.4. The evidence set out in the proofs of evidence referenced above demonstrates the process by which the land required for the Scheme has been established, and makes it clear that the compulsory purchase of these land and rights are required to deliver the Scheme.

The exercise of the Acquiring Authority's powers to pursue the Scheme

- 4.5. The Scheme has been carefully considered by the decision makers of Oxfordshire County Council, and a chronological account of the decision-making process is set out below. This demonstrates that due process has been undertaken to establish the necessary resolutions to provide authority for the Scheme to be progressed and all necessary orders to be made and / or applied for.
- 4.6. On 23 April 2019, Oxfordshire County Council's Cabinet resolved to approve delegation of the exercising of Compulsory Purchase powers to the Director of Planning and Place, in consultation with the Cabinet Member responsible for Transport, for the purchase of

land required for the delivery of the Scheme in the event that the land cannot be acquired by negotiation.

- 4.7. Cabinet also noted that should the whole or any part of lands required not be acquired by negotiation, the making of a Compulsory Purchase Order under provisions contained in Part XII of the Highways Act 1980 for the acquisition of land would be progressed. This could include providing the necessary attendance, expert witness provision, etc. at a Public Inquiry, if required.
- 4.8. On 15 October 2019, Cabinet resolved, subject to conditions, to authorise the Chief Executive, in consultation with the Leader of the Council and the Cabinet Member for Environment to approve any final detailed amendments to the drafted Heads of Terms and approve the Grant Determination Agreement (**GDA**) with Homes England.
- 4.9. Cabinet also resolved to approve the inclusion of the Scheme into the Capital Programme, with an overall budget of £234m subject to the implementation of the GDA with Homes England.
- 4.10. On 21 July 2020, Cabinet resolved to approve the preferred alignment for the Scheme, noted the optioneering exercises that have informed the preferred alignment, and noted the findings of the consultation exercise.
- 4.11. The optioneering exercise is described in more detail in the proof of evidence of Aron Wisdom.
- 4.12. On 22 June 2021, Cabinet resolved to approve in principle the use of statutory powers for the Scheme, summarised as follows:
 - a) development of the CPO
 - b) preparation and serving of statutory notices
 - c) preparation of the CPO
 - d) preparation of the Bridge Scheme
 - e) preparation of the SRO
- 4.13. On 15 March 2022, Cabinet resolved to authorise the Corporate Director Environment and Place, in consultation with the Director of Law & Governance, Director of Finance, Cabinet Member for Travel and Development Strategy and Cabinet Member for Finance to enter into an amended GDA with Homes England to accommodate changes to timescale and budget.
- 4.14. Cabinet also resolved to agree to the establishment of a Cabinet Advisory Group for the Scheme and authorised the development of a new Didcot area transport strategy and masterplan.
- 4.15. On 21 June 2022, Cabinet resolved to approve the amendments to the GDA and authorised the signing of the GDA by the Director of Transport and Infrastructure in consultation with the Director of Law & Governance, Director of Finance, Cabinet Member for Travel and Development Strategy and Cabinet Member for Finance, and requested a letter of comfort from Homes England and the Department of Levelling Up, Housing and Communities.
- 4.16. On 19 July 2022, the Council resolved to make the CPO, the SRO and the Bridge Scheme to facilitate the construction of the Scheme.
- 4.17. The SRO, SRO Plans, Bridge Scheme, CPO and Order Map were sealed and dated by the Acquiring Authority on 21 December 2022, following on from an Officer's Decision Notice dated 21 December 2022, which recorded some minor amendments to the Orders by virtue of delegated powers. Notices of the making of the CPO were published in two

issues of the Oxfordshire Herald Series on 25 January 2023 and 1 February 2023, and in two issues of the Oxford Times dated 26 January 2023 and 2 February 2023, with a subsequent third week of publication in the Oxfordshire Herald Series dated 8 February 2023 and the Oxford Times dated 9 February 2023. Notice was served on all persons having an interest in the Order Land, together with a copy of the CPO, Order Maps and the accompanying Statement of Reasons.

- 4.18. Joint notice of the making of the SRO and the Bridge Scheme was served on all parties impacted by the SRO and/or the Bridge Scheme together with a copy of the SRO and accompanying plan (or any number of them) and/or the Bridge Scheme, as relevant to each party. Joint notice of the making of the SRO and Bridge Scheme was published in the Oxfordshire Herald Series and the London Gazette on 25 January 2023 and in the Oxford Times on 26 January 2023. Notices of the CPO, SRO and Bridge Scheme were posted on site in respect of plots of land and in respect of the CPO, SRO and the Bridge Scheme generally.
- 4.19. Copies of the CPO, Order Maps, Joint Statement of Reasons, SRO, Bridge Scheme and general arrangement drawings were put on public deposit for inspection at Didcot, Abingdon, Berinsfield libraries and at the Council's offices, and also on the Council's dedicated web page for the Scheme, being: www.oxfordshire.gov.uk/residents/roads-and-transport/roadworks/future-transport-projects/didcot-and-area-improvements.
- 4.20. The Orders were submitted for confirmation by the Secretary of State for Transport on 26 January 2023.
- 4.21. Statutory Compliance Certificates were signed on behalf of the Council for the CPO, SRO and the Bridge Scheme on 30 March 2023 and a replacement CPO Statutory Compliance Certificate was signed and submitted to Department for Transport (DfT) on 27 April 2023 to address an additional party that had become known to the Council following the making of the CPO.
- 4.22. Following the receipt of 34 objections to the Orders (being either particular to the CPO, SRO and/or Bridge Scheme, or to all Orders), the Secretary of State for Transport intends to hold local Public Inquiries, heard jointly, to consider the Orders.
- 4.23. On 17 and 18 July 2023, the planning application for the Scheme (the **Planning Application**) was considered at a meeting of Oxfordshire County Council's Planning & Regulation Committee (the **P&R Committee**) with an officer's recommendation that the Application be approved. However, the P&R Committee sought to resolve to refuse the Planning Application on eight grounds.
- 4.24. The Secretary of State for Levelling Up, Housing and Communities formally called-in the Planning Application for his own determination on 25 July 2023, pursuant to his powers under section 77 of the Town and Country Planning Act 1990 (as amended). As such, there is no formal decision of the Local Planning Authority **LPA**) and the Planning Application now falls to be determined by the Secretary of State for Levelling Up, Housing and Communities, following consideration at a local Public Inquiry.
- 4.25. The Secretary of State for Transport is not minded to confirm orders made under the Highways Act 1980 until such time as planning permission for the works that are the subject of such orders has been granted. As such, the Secretary of State for Levelling Up, Housing and Communities and the Secretary of State for Transport have agreed that the Inquiries into the Orders and the Inquiry into the Planning Application will be conjoined.

Compliance with the CPO guidance

- 4.26. The Acquiring Authority has appointed experts from TLT LLP and Gateley Hamer to assist with the statutory orders process. The Acquiring Authority must, however, of course be satisfied that it has acted in accordance with the Guidance on Compulsory

purchase process and the Crichel Down Rules (July 2019) (the **Guidance**). I consider that there has been compliance with the Guidance, as I explain below.

4.26.1. Stage 1 – Choosing the right compulsory purchase power

Acquiring authorities are required to use the most specific power available for the purposes in mind. As a local authority, Oxfordshire County Council has compulsory purchase powers. Sections 4.5 to 4.25 above set out the process by which the Acquiring Authority established its need to pursue compulsory purchase powers by way of the CPO, by way of the chronology of decision making to get to this point. Given the nature of the Scheme is to deliver highways infrastructure by way of highways construction and improvement, I am advised by the Acquiring Authority's legal advisors that the powers relied upon in the Highways Act 1980 are the most appropriate in the circumstances.

4.26.2. Stage 2 – Justifying a compulsory purchase order

The Acquiring Authority is required to be ready to justify its proposal to compulsorily acquire land. Section 7 of my proof of evidence sets out what I consider to be the compelling case in the public interest.

The Acquiring Authority has a clear idea of how it intends to use the land by way of the delivery of the Scheme. This will deliver the benefits set out in Aron Wisdom's proof of evidence.

The source and availability of funding for the Scheme is set out in section 5 of this proof of evidence, and section 5 also addresses other potential impediments to the implementation of the Scheme.

4.26.3. Stage 3 – Preparing and making a compulsory purchase order

The Acquiring Authority has taken advice from experienced practitioners at TLT LLP and Gateley Hamer and has sought to correctly undertake all the necessary activities to make sure that the Orders are made correctly. Paragraphs 4.5 to 4.25 above set out the chronology of the activities that were undertaken following establishment of the authority to do so from Oxfordshire County Council's Cabinet.

4.26.4. Stage 4 – Consideration of the compulsory purchase order

This proof of evidence forms part of the evidence being prepared for this stage of the process. The Secretary of State for Transport will be asked to consider the recommendation of an Inspector following the conjoined Public Inquiries.

5. FUNDING AND DELIVERABILITY

Scheme Costs

- 5.1. The anticipated cost of the Scheme has been developed over a number of years, with involvement from a range of experts across the construction industry sector.
- 5.2. The total estimated Scheme cost is: £332,538,476.
- 5.3. The breakdown of the cost is set out in Table 1 below:

Activity / title	Cost (£)	Cost incurred as at November 2023 (£)
PRELIMINARY COSTS		
Land acquisition	11,672,050	64,916
Design fees	25,394,113	8,737,092
Site investigation reports/surveys	4,563,236	4,563,236
Other commissions	336,625	212,348
Non design fees including utilities	22,422,962	8,993,490
Contingency	415,299	0
Total preliminary costs	64,804,285	22,571,082
INFRASTRUCTURE COSTS		
Infrastructure/construction works	156,427,810	0
All non design fees	5,146,266	0
QCRA	25,254,539	0
Optimism bias	21,598,421	0
Inflation	59,307,154	0
Total infrastructure costs	267,734,191	0
SCHEME TOTAL	332,538,476	22,571,082

Table 1: Current breakdown of projected Scheme costs

Quantified Risk

- 5.4. The Acquiring Authority has the support of Risk Managers from the experienced project management consultancy AtkinsRéalis PPS Ltd (trading as AtkinsRéalis and formerly Faithful+Gould Ltd).
- 5.5. The risk management approach undertaken for the Scheme aimed to produce a fully quantified risk register in order to undertake a Quantitative Cost Risk Analysis (**QCRA**). A detailed risk register is an important component to a QCRA, as it serves as a central document for all identified risks and provides essential information needed to assess, prioritise and manage these risks effectively. The risk register is split into two assessment categories: 'Current' position and 'post-mitigated' position. 'Current' refers to the initial level of risk associated with a project before any mitigation measures have been implemented, and 'post-mitigated' represents the level of risk that remains after risk mitigation (actions) have been implemented. For each risk, a percentage (%) probability and cost impact is assigned. The cost estimates are split into a 3-point estimate:

Minimum, Most-likely and Maximum. This is an important step as it provides a more nuanced and comprehensive understanding of the potential impacts of the risks against the project's costs, and helps with budgeting and resource allocation for risk mitigation measures.

- 5.6. Once all risks are quantified, a QCRA is undertaken. This is a process which estimates the potential cost impact of the risks identified in the risk register, by using statistical sampling and (risk) modelling techniques. It assesses cost certainty of the risks and gives a 'realistic' estimate of the potential cost outturn. The QCRA was carried out using AtkinsRéalis' bespoke QCRA model.
- 5.7. The QCRA is undertaken for the Scheme for a number of reasons:
 - 5.7.1. Risk assessment: QCRA helps to assess and quantify the potential risks associated with a project. The results are able to identify, analyse and understand risks through the probability and cost impacts.
 - 5.7.2. Risk prioritisation: The QCRA allows for the prioritisation of risks based on their significance. Risks with higher probabilities and a more significant impact, can be identified and addressed as top priorities – these risks can often hinder a project from achieving its objectives, so it is important to identify and address these risks as soon as possible.
 - 5.7.3. Contingency management: A QCRA plays a significant role in contingency management. By quantifying the risks that are already in the risk register, the QCRA will provide a basis for determining the scope and scale of contingencies needed. It provides the quantitative foundation for assessing the level of uncertainty and risk associated with a project, which in turn can inform the allocation of contingencies.

Optimism Bias

- 5.8. An item has been included in the cost plan to account for Optimism Bias (**OB**). This has been calculated using a template based on the HM Treasury Green Book and Supplementary Green Book Guidance and the STAG Technical Database relating to Risk and Uncertainty. The overall OB percentage is a composite of nine items, each subject to mitigation factors. The template includes guidance for its use and contributory factors to be taken into account when carrying out a review of OB. The project team reviewed the OB calculations at key stages in the project. The overall OB percentage for each element of the Scheme was then added to the respective construction costs.

Inflation

- 5.9. The projected level of inflation applied to the costings has increased significantly since the original budget for the Scheme was established in 2019. This is due, in part, to the construction price inflation increases that have been occurring since early 2022. It is also due to the anticipated delay to the construction works of circa 18 months following the call-in of the Planning Application. This has added a significant portion of the additional inflation budget.
- 5.10. Figure 2 shows the increases in the BCIS All-In TPI (Tender Price Index), which estimates the movement of prices for tenders, from Jan 2022 to Dec 2027. The steep line between Jan 2022 and Jan 2023 demonstrates how much inflation has risen during this period.

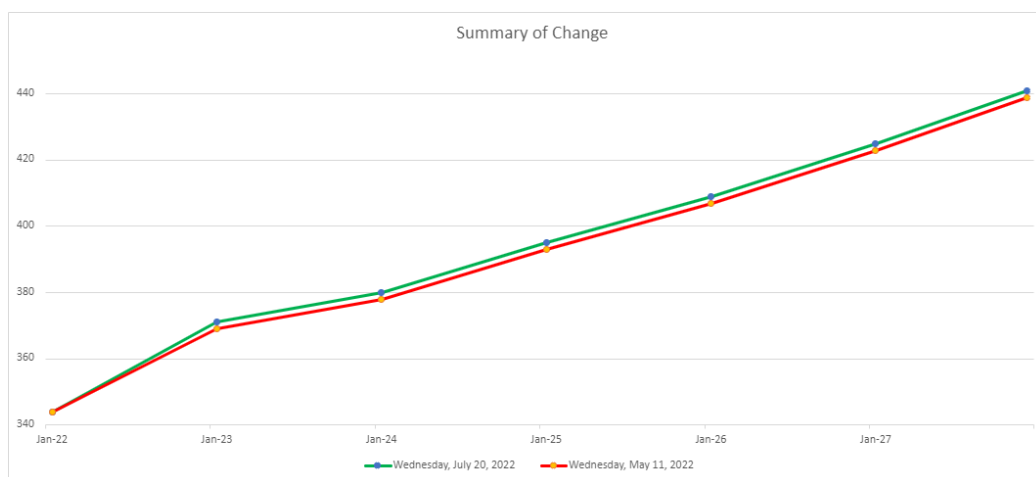


Figure 2: Inflation Change Rate

- 5.11. As is widely reported, this increase is due to national and international factors outside of the control of the Acquiring Authority and unforeseen at the time. The result of these increases is an anticipated inflation budget of £59.31m.

Funding

- 5.12. The Acquiring Authority submitted a business case to Homes England for the Scheme in January 2019. In March 2019, it was announced by Government that the bid had been successful (subject to contract) in securing funding from the Housing Infrastructure Fund (Forward Fund) towards the delivery of the Scheme, the cost of which was estimated at that time in the sum of £234 million.
- 5.13. Subsequent to the funding announcement and a further period of work to develop the Scheme and agreements, Cabinet resolved to approve the recommendation to enter into the GDA, as set out in the report to Cabinet in October 2019 [CD.I.1]. The GDA was subsequently entered into in June 2020 with Homes England to secure funding of £218,016,437, subject to a series of milestone conditions.
- 5.14. Following the report to Cabinet, a further phase of development work was undertaken between November 2019 and April 2020 to identify preferred route options for each of the four elements of the Scheme. These options were then the subject of the public consultation process, prior to the Scheme preferred route alignment being approved by Cabinet in July 2020.
- 5.15. Following further review of the preferred option at the end of the next stage of development (preliminary design), Homes England agreed to extend its funding allocation to cover forecast Scheme costs up to £239,816,437, subject to an amended GDA, as well as making these monies available until March 2026. The confirmation of this agreement was provided by way of a Deed of Variation to the GDA in May 2023. Homes England made use of the consultant Gleeds to undertake a thorough review of the submission for additional funding. It should be noted that the Acquiring Authority's Statement of Case notes that the GDA was entered into in May 2023. The document entered into in May 2023 was, however, the subsequent Deed of Variation to the original GDA, as noted above, with the original GDA being completed in June 2020.
- 5.16. The breakdown of the approved funding package for the Scheme is set out within Table 2 (as previously reported to Cabinet in March 2022 [CD.I.3]).

Source	Value (£'000)
Housing Infrastructure Fund Grant	239,816
Oxfordshire Local Enterprise Partnership	10,000*
Council Capital Borrowing	29,897

S106 Developer Contributions	16,442
Total	296,155

Table 2: Current Funding Summary

**secured against future business rates retention and forward funded by Oxfordshire County Council as part of approved capital programme*

- 5.17. The Scheme is substantially funded by Housing Infrastructure Fund grant to a capped value of £239,816,437 and, following the approval of the recommendations as set out in the reports to Cabinet in March 2022 [CD.I.3] and July 2022 [CD.I.5], a Deed of Variation to the GDA with Homes England was entered into in May 2023.
- 5.18. Other funding has been secured from the Council's capital programme via capital borrowing and Section 106 developer contributions. Some of the Section 106 contributions are secured but as there is no guarantee of recovery of non-secure Section 106 contributions, these non-secure (i.e., not in the Acquiring Authority's bank) contributions are underwritten by the Council. Some of the Section 106 developer contributions will be delivered via direct delivery of sections of the Scheme rather than through financial contributions.
- 5.19. As noted above, the recent programme changes will result in an increase to the overall estimated cost as set out in the 'Current Breakdown' column in Table 3 below.

Activity / title	Original GDA breakdown (£)	Deed of Variation breakdown (£)	Current breakdown (£)
PRELIMINARY COSTS			
Land acquisition	2,387,000	10,446,667	11,672,050
Design fees	20,138,000	22,368,133	25,394,113
Site investigation reports/surveys	Inc in design fees	4,509,049	4,563,236
Other commissions	Inc in design fees	378,783	336,625
Non design fees including utilities	10,790,000	15,150,833	22,422,962
Contingency	Inc in design fees	415,299	415,299
Total preliminary costs	33,315,000	53,268,765	64,804,285
INFRASTRUCTURE COSTS			
Infrastructure/construction works	111,653,000	156,427,810	156,427,810
All non design fees	Inc in non design fees above (OCC staff)	6,825,074	5,146,266
QCRA	56,691,000	29,895,891	25,254,539
Optimism bias	Inc in infrastructure / construction works allowance above	22,356,936	21,598,421
Inflation	32,800,000	27,377,425	59,307,154
Total infrastructure costs	201,144,000	242,883,136	267,734,191
SCHEME TOTAL	234,459,000	296,151,901	332,538,476

Table 3: Breakdown of costs at stages of the Scheme

- 5.20. The Acquiring Authority is currently seeking approval for additional funding for the Scheme from Homes England and will update the Inspector as and when further information becomes available. Homes England and the Department for Levelling Up, Housing and Communities are in the process of considering the change request. Any approvals will need to be signed off by Treasury.

Funding Certainty

- 5.21. The Acquiring Authority is fully committed to delivering the Scheme, as is evidenced by the £30m local contribution it has put towards it, and I am confident that the Scheme can be delivered within the updated project cost estimate.
- 5.22. As has been noted in section 4 of my evidence, the Scheme has been the subject of extensive reporting to Cabinet through its lifecycle, which has covered the risks to the Acquiring Authority in detail in terms of underwriting and forward funding the costs. The Council meets these payments and then makes claims for repayment on a monthly basis to Homes England, under the terms of the GDA.
- 5.23. As has been addressed above with reference to inflation, current market conditions are causing price pressures on the anticipated Scheme costs, and the Council continues to monitor these. The latest costs include insight from the Council's contractor and commercial team, and include an appropriate level of inflation allowance.

Procurement

- 5.24. A designer, AECOM, has been appointed and has been the Scheme designer during the preliminary design stage, up to and including the submission and consideration of the Planning Application.
- 5.25. AECOM contracted Graham Construction Ltd to provide early contractor involvement prior to submitting the Planning Application. Graham Construction Ltd provided extensive buildability, construction stage budgeting and programming advice on the Scheme development and temporary work requirements for the Scheme build, including an assessment of the temporary working space requirement for construction, site accommodation, and materials and plant storage.
- 5.26. In July 2022, the Council agreed, through a detailed procurement options evaluation process, that the Scheme would be split for the purposes of procurement and delivery only, into three separate contracts, namely Didcot Science Bridge (incorporating the A4130 dualling), Culham River Crossing and Clifton Hampden Bypass, in order to effectively deliver the detailed design and construction stages, as well as driving competition and therefore value for money to the Acquiring Authority. However, it remains the case that the Scheme is the entirety of the elements.
- 5.27. A contractor, Graham Construction Ltd was subsequently appointed to deliver the Clifton Hampden Bypass and Culham River Crossing schemes under a 2- Stage contract via Crown Commercial Services National Civil Engineering and Infrastructure Framework Agreement, a public sector procurement arrangement. The 2-stage contract provides for separate detailed design and construction phases.
- 5.28. The procurement strategy for the Didcot Science Bridge contract is currently being finalised.
- 5.29. The procurement process will comply with all UK procurement rules and was approved by the Council, thereby removing any procurement impediment to delivery of the Scheme.

Contractual Arrangements

- 5.30. Options for the delivery of the Scheme have been evaluated under the procurement strategy, which has been reviewed and signed off by the Director of Transportation and Infrastructure at the key stages of the process.

- 5.31. The Acquiring Authority is in contract for the whole of the Scheme with AECOM for the preliminary design stage via the Midlands Highway Alliance (MHA) Professional Services Partnership 3 (PSP3) framework utilising the New Engineering Contract (NEC4) Professional Service Contract (PSC) Option A.
- 5.32. The Acquiring Authority is in contract for Culham River Crossing with Graham Construction Ltd for the detailed design and is anticipated to eventually enter into contract for the construction phase via the Crown Commercial Services Framework utilising the NEC4 PSC Option A for detailed design and NEC4 Engineering and Construction Contract (ECC) Option C for the construction phase.
- 5.33. The Acquiring Authority is also separately in contract for Clifton Hampden Bypass with Graham Construction Ltd for the detailed design and is anticipated to eventually enter into contract for the construction phase via the Crown Commercial Services Framework utilising the NEC4 PSC Option A for detailed design and NEC4 ECC Option C for the construction phase.
- 5.34. The detailed design and construction contracts are still to be entered into for Didcot Science Bridge element of the Scheme.
- 5.35. The target pricing exercise under the various projects' NEC4 PSC Option A exercises will be ongoing through the detailed design stage and will be used to finalise the Full Business Case (**FBC**) and submission of a Cabinet paper for approval of an estimated Scheme cost and authority to submit an FBC to Homes England for final approval for release of funding, allowing the Acquiring Authority I to enter into the various NEC4 ECC contracts.
- 5.36. The Acquiring Authority can only enter into the NEC4 ECC contracts subject to the confirmation of Orders, approval of the FBC by Homes England and release of funding.

Land Requirements

- 5.37. The Order only includes such land and new rights as required to facilitate construction and use of the Scheme.
- 5.38. The land requirements for the Scheme included within the CPO are based upon the areas required both for the permanent works, the essential construction activities associated with them and for mitigation/compensation in relation to any harmful effects.
- 5.39. The design of the permanent works has been developed in accordance with applicable standards (this includes but is not limited to the Department for Transport Design Manual for Roads and Bridges), the specific constraints of the site and civil engineering best practice. This has determined the extent of permanent land acquisition required to accommodate the completed works.
- 5.40. In addition to the land required for the works, land is also required in several locations to enable construction of the works. A number of construction activities will require land for temporary working space in addition to that included in the extent of the permanent works. Where this is required in a specific location and there is no reasonable alternative, this land has been included in the CPO as a precaution pending private agreement with landowners to the temporary use of their land, noting that there is no ability within the legislation governing compulsory purchase to acquire land on a temporary basis. This approach has been taken to ensure that all of the land that is essential for construction of the Scheme is available, and that there are no impediments to construction of the Scheme.
- 5.41. The extent of working space has been determined based on engineering judgement and previous experience of similar projects. This has been verified in key areas by input from a contractor with experience of similar works.
- 5.42. Further information on the details of land negotiations is contained in the proof of evidence of Steve Moon of Gateley Hamer.

Programme

- 5.43. Should the Orders be confirmed by the Secretary of State for Transport, the Acquiring Authority intends to proceed with the delivery of the Scheme in January 2026, with an estimated 24-month construction period and completion during January 2028. These dates are subject to the same approval process with Homes England and the Department for Levelling Up, Housing and Communities as has been set out above for the additional funding request.
- 5.44. The anticipated delivery programme for the Scheme is set out in Figure 3 below.

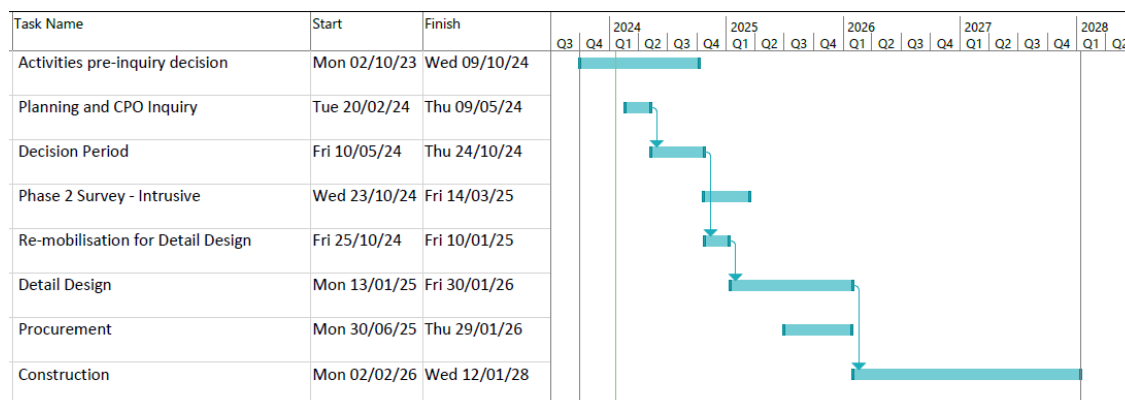


Figure 3: Anticipated delivery programme

- 5.45. The key dates that describe the impact of the call-in on the programme are as follows:
- Jul 23: This was the anticipated planning approval date, following which work on the discharge of planning conditions, detailed design and outstanding surveys could proceed (estimated to take 12 months)
 - May 24: Anticipated end of conjoined Public Inquiries
 - Oct 24: Assumed decision date (assuming a 24-week decision making period) – see paragraph 5.48 below.
 - Jan 25: Restart detailed design (including 3-month design remobilisation period that may be required due to the pause in work throughout much of 2024 to enable resources to be re-engaged, particularly from sub-contractors)

In summary, the grant of planning permission was expected in July 2023 and is now expected in October 2024 (a change of 15 months) and the Inquiries into the Orders were originally going to close in November 2023. Taking these factors into account and providing for a three-month remobilisation period to be factored in as a result of the delays to the Planning Application and the Public Inquiries, a change to the programme of 18 months is now projected.

Critical Path

- 5.46. The critical path of the programme runs through the Public Inquiries. It will not be possible to complete detailed design until the decisions of the respective Secretaries of State are announced. This will enable essential intrusive survey works to be undertaken that are needed in order to establish key data for the detailed design work. It will also allow the discharge of planning conditions to commence.
- 5.47. It is expected that works related to procurement and target cost negotiation will be undertaken in parallel with the development of detailed design, allowing mobilisation and construction to start once the design is complete and target cost agreed. The form of contract selected is a version of design and build that requires the target cost to be negotiated with the contractor prior to entering into the construction contract. It is

anticipated that the cost will be negotiated successfully and the contract will be let with the same contractor that has undertaken the detailed design.

- 5.48. It has been assumed for the purposes of essential forward planning work that decision-making following the Inquiries will take 24 weeks, in line with the guidance determination period targeted by DfT for 100% of inquiries. The discharge of planning conditions will not be able to commence until planning permission has been granted. These activities are required in order to undertake key elements of the detailed design.
- 5.49. Following further discussions with Homes England and its external advisors, it is anticipated that Homes England will extend the availability period for its funding to March 2028, subject to the same approval process noted in paragraph 5.22. This allows for the decision of the Secretaries of State to take a further six months beyond the assumed timescale noted above, and provides further confidence and certainty of funding.

Early design and survey work

- 5.50. A suite of design and survey work is underway in advance of the conclusion of the Public Inquiries. This will have the benefit of significantly de-risking the Scheme, allowing the conclusion of the detailed design work to proceed efficiently. Work to be undertaken includes the details set out in Table 4 below:

Scheme	Activity
All schemes	Re-engagement with utilities
	Updated ecology surveys and licences
	Land access licences
	Topographical surveys
	Low risk detailed design where updated survey work is not likely to impact the outcome
	Land negotiations
Didcot Science Bridge	Appointment of detailed designer
	Survey work for National Grid jointing box
	Engagement with landowners regarding site specific issues
	Ground investigations on Network Rail land
Culham River Crossing	SSE substation preparation works
	FCC borehole relocation licences
	Ongoing dialogue regarding the Hanson wildlife mitigation area
Clifton Hampden Bypass	Survey gap analysis

Table 4: Design and Survey Works Prior to Planning and CPO Inquiry

Consents

Planning permission

- 5.51. The planning position is set out in detail in the evidence of Bernard Greep. Should the Secretary of State for Levelling Up, Housing and Communities grant planning permission, no further planning permission will be required for the Scheme and there will be no planning impediment to delivery of the Scheme.

- 5.52. The majority of the planning conditions will be discharged in the preconstruction phase and on commencement of construction. Some will be discharged following completion.

Traffic Regulation Orders (TROs)

- 5.53. Traffic Regulation Orders will be promoted to introduce new, and amend existing speed limits, to prohibit or restrict parking and waiting of vehicles, and to prohibit or restrict the loading and unloading of vehicles. Further information on the detail of TROs is set out in the highways evidence of Karl Chan and Andy Blanchard. The Traffic Regulation Orders are in the process of being drafted and are not considered to represent an impediment to the delivery of the Scheme. Those Orders cannot be promoted, until it is known that the Scheme is to go ahead and is due to open.

Protected Species Licences

- 5.54. As detailed in the Orders Statement of Case, all necessary protected species licences required for the Scheme will be obtained prior to undertaking any works that might result in offences under relevant legislation.
- 5.55. As per the ecological assessment in the EIA, following the application of best practice construction measures in a Construction Environmental Management Plan (CEMP) to be prepared by the contractor(s) and applying for protected species licences from the relevant regulators, no significant effects on biodiversity are anticipated.

Special Category Land

- 5.56. The Acquiring Authority has concluded that the only Special Category Land is that which is owned by Statutory Undertakers. The Order Land also includes land which has been previously acquired by a statutory undertaker for the purposes of their undertaking.
- 5.57. When a statutory undertaker objects to Orders, it is open to them to also make a representation under Section 16 of the Acquisition of Land Act 1981 in respect of such land to their relevant Minister. If this happens, the Orders cannot be confirmed unless the responsible Secretary of State is/are satisfied that the land in question can either be purchased without serious detriment to the carrying on of the undertaking, or that if purchased, it can be replaced by other land belonging to, or available for acquisition by the undertakers. Network Rail lodged a representation under Section 16 of the Acquisition of Land Act 1981 in respect of its land, further detail on which is set out in the evidence of Steve Moon. The objections from Thames Water and National Grid Electricity Transmission do not classify as Section 16 representations, though I am aware that Thames Water has sought, with the support of Defra, for its objection to be considered as such.
- 5.58. The Acquiring Authority has been working with Network Rail to allow a series of nighttime possessions, where the Acquiring Authority will occupy the area and where Network Rail will shut off the power to the railway line and stop train movements in the localised area to allow work to be undertaken for approximately eight hours each time. The Acquiring Authority will enter into Asset Protection Agreements as necessary with Network Rail to ensure that all the necessary agreements, licences and consents are in place to allow access to the land in order to carry out the works.
- 5.59. The Order Land includes parcels of land which Thames Water and the Environment Agency have rights over. The Council does not believe that the Scheme will interfere with their ability to undertake their statutory duties. Further discussions are ongoing in relation to land owned by Thames Water, and details of this are set out in Steve Moon's proof of evidence. The Acquiring Authority has been proactively and regularly meeting with Statutory Undertakers throughout the Outline Design process and beyond to understand the works that need to be carried out before and during the highway construction.
- 5.60. In accordance with the New Roads and Street Works Act 1991, extensive discussions have taken place with all statutory undertakers to determine if they are affected by the

Scheme. Potential necessary measures and diversions that will be required where their operational apparatus is likely to be impacted have been discussed with the statutory undertakers. With the exception of Thames Water, all the statutory undertakers have received and responded to "C4" (detailed diversion estimate and detailed design including lead times and detailed cost estimates) detailed estimate applications (see Table 5 below). Bearing this in mind, and in consideration of the ongoing negotiations with the relevant statutory undertakers, it is considered that there will be no serious detriment to the carrying on of the undertaking.

Utilities Provider	C4 application submitted	C4 detailed estimate received
Openreach BT	07/05/2021	05/11/2021
SGN	07/05/2021	05/11/2021
SSE Telecommunications Ltd	05/05/2021	04/08/2021
SSEN	05/05/2021	03/08/2021
Vodafone	06/04/2021	30/07/2021
Thames Water (enhanced C3)	12/03/2021	17/08/2021
Gigaclear	24/04/2021	20/08/2021
CloudHQ/InstalCom	24/04/2021	20/08/2021
Virgin Media	12/04/2021	03/06/2021

Table 5: C4 Programme

Special Considerations

- 5.61. The Order Land contains no land which is classified as Public Open Space, Common land, Allotments, or Consecrated Ground (including ecclesiastical or burial ground). The Order Land does not affect any Listed Buildings or Buildings subject to Building Preservation Notices, or Buildings within a Conservation Area, with the closest Conservation Area being the Clifton Hampden Conservation Area, which the Scheme skirts.
- 5.62. No Scheduled Monument, Registered Park, Garden or Historic Battlefield is affected within the Order Land. Although there are no scheduled ancient monuments or listed buildings within the Order Land, the land required for the Culham to Didcot River Crossing is adjacent to a Scheduled Ancient Monument called "Settlement site N of Thames," reference 1006345. Ground Penetrating Radar Surveys (GPRS) have been undertaken within the corridors of land for the Scheme to reveal any possible archaeological features within the Order Land. A written scheme of investigation has been developed and agreed with the County Council Archaeologist. Archaeological trenching was undertaken in March 2021 to July 2021 and was considered within the Environmental Statement, submitted as part of the planning application.
- 5.63. None of the Order Land is owned by the National Trust.
- 5.64. None of the Order Land has a freehold interest of the Crown Estate. However, the Crown (the Home Office, the Secretary of State for Defence, and the Secretary of State for Transport) has the benefit of certain restrictive covenants or rights over land, mainly located around the areas of the Culham Science Centre and the Culham No 1 Site. The Acquiring Authority is of the view that the discharge of such restrictive covenants or removal of rights will not have a detrimental effect on the Crown interests concerned. It aims to seek agreement from those Crown interests that they are content that the SRO and CPO powers of the Highways Act 1980 may be exercised against those interests.

- 5.65. There are no Sites of Special Scientific Interest (SSSI) within the Order Land. The closest SSSI to the Scheme is Culham Brake, which is approximately 2.1km in distance from the northernmost extent of the Culham to Didcot River Crossing.

Deliverability

- 5.66. This section describes the issues that are key factors in the deliverability of the Scheme. I have set out the status of the budget, funding, programme, procurement, contracts and land to clearly demonstrate that the Scheme is deliverable. All of the matters covered are at a stage commensurate with the point we are currently at within the programme.
- 5.67. The call-in of the Planning Application has impacted the programme, and therefore the budget, significantly, as has been described above. However, the Acquiring Authority is working with Homes England to ensure that sufficient additional funding is secured, and that the milestones associated with the delivery of the Scheme are extended adequately.

6. HUMAN RIGHTS IMPLICATIONS AND EQUALITIES IMPACT ASSESSMENT

- 6.1. The CPO has the potential to interfere with the human rights of persons who own property in the Order Land by compulsorily transferring property rights in the Order Land to the Acquiring Authority. Such interference is authorised by law provided:
 - 6.1.1. the statutory procedures for obtaining the CPO are followed and there is a compelling case in the public interest for the CPO; and
 - 6.1.2. any interference with the Convention right is proportionate to the legitimate aim served.
- 6.2. The Scheme has been designed to minimise interference with rights, and the Acquiring Authority believes that the Scheme is in the public interest and that this outweighs any interference with rights caused by the use of compulsory purchase powers to acquire third party land for the Scheme.
- 6.3. In promoting the CPO, the Acquiring Authority has complied with all relevant legislation. The Scheme has been extensively publicised (as detailed within the Statement of Community Involvement (August 2021) [Ref CD.A.5] and consultation has taken place with the communities and parties that will be affected by the CPO.
- 6.4. All those affected by the CPO have been notified, have the right to make representations and/or objections to the Secretary of State, and have the right to be heard at the Public Inquiries.
- 6.5. The Acquiring Authority considers the CPO has the potential to interfere with Article 1 of Protocol 1, which is the right to peaceful enjoyment of one's possessions and Article 8 of the Human Rights Act, which is the right to respect for one's family and private life, one's home and correspondence. However, it is considered that such interference as may occur should the CPO be confirmed, is in accordance with the law and 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. The grant or otherwise of the CPO will be determined by examination of the case before an independent and impartial Inquiry in accordance with the relevant law and in compliance with Article 6.
- 6.6. Although there is no obligation on the Acquiring Authority to establish that there are no less intrusive means available, the Order Land has been kept to the minimum necessary to construct the Scheme and provide the associated mitigation measures.
- 6.7. Those directly affected by the CPO will also be entitled to compensation, which will be payable in accordance with the Compulsory Purchase Compensation Code. This will be assessed on the basis of the market value of the property interest acquired, disturbance and statutory loss payment. The reasonable surveying and legal fees incurred by those affected will also be paid by the Acquiring Authority.
- 6.8. Both public and private interests are to be taken into account in the exercise of the Acquiring Authority's powers and duties. Similarly, any interference with Article 8 rights must be "necessary in a democratic society", i.e., proportionate.
- 6.9. 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.
- 6.10. In pursuing this CPO, the Acquiring Authority has carefully considered the balance to be struck between the effect of acquisition on individual rights and the wider public interest in the Scheme construction.

- 6.11. Interference with Convention rights is considered by the Acquiring Authority to be justified in order to secure the economic regeneration, environmental and public benefits which the Scheme will bring.
- 6.12. It is not considered that the SRO is likely to give rise to any interference with Convention rights, given that the tests in section 14(6) and 125(3) of the 1980 Act need to be satisfied, but to the extent that there is any such interference then it is considered that it would be justified and proportionate, for the same reason set out in respect of the CPO above.

Public Sector Equality Duty

- 6.13. In formulating and promoting the Orders, the Council has had regard to its statutory duties and obligations under the Equality Act 2010 (the 2010 Act) and in particular, to its obligations in section 149 and 150 of the 2010 Act, in taking into account the differential impact the Orders will have on various groups of persons including those with protected characteristics.
- 6.14. The Equality Impact Assessment (EqIA) [CD.H.6 Appendix 17] concluded the Scheme will result in beneficial impacts which can be shared by communities across Oxfordshire, including those from protected characteristic groups. Some of the main benefits include:
- Improved connectivity and accessibility;
 - Improved safety, especially for children, older people, those with mobility restrictions and for vulnerable groups using active travel, such as pedestrians and cyclists;
 - Increased opportunities for active travel;
 - Employment opportunities during the construction of the Scheme, especially for young people, armed forces/ex-military personnel, individuals from BAME backgrounds, disabled people and those affected by the COVID-19 pandemic; and
 - Supporting new employment and housing growth in the area.
- 6.15. The EqIA also identified some adverse impacts for groups with protected characteristics primarily during the construction stage regarding noise, vibration and dust, disruption to Public Rights of Way and increases in annual mean NO2 concentrations. The following actions have been recommended to mitigate against the effects of the adverse impacts as well as to enhance the beneficial effects of the construction and operation of the Scheme:
- Develop a Construction Management Plan and Construction Environmental Plan
 - Inclusive design standards for footpaths and Public Rights of Way or design rest stops
 - Undertake Road Safety Audits at appropriate design stages
 - Establish a local procurement policy
 - Produce a school engagement plan
 - Inclusive cycling opportunities
 - Engagement with bus passengers
 - Ongoing and inclusive engagement
 - Develop community and business travel plans.
- 6.16. The Acquiring Authority will continue to have regard to its Public Sector Equality Duty throughout the process of the Orders, detailed design and construction of the Scheme. Future engagement events will be planned post confirmation of the Orders and these events will advise on the specific impacts on the public and how the Public Sector Equality Duty will be considered at each stage.

7. OBJECTIONS TO THE ORDER

- 7.1. The Secretary of State received 34 objections to the Order, as referenced in Section 16 of the Acquiring Authority's Statutory Orders Statement of Case [CD.M.10]. At the time of writing, 32 objections (the Objections) remain. Steve Moon's evidence includes a tracker setting out all of the objections, and the current status in respect of each.
- 7.2. Having considered the Objections, it is my view that many of the salient points of each objection have been addressed more appropriately through the evidence of the Acquiring Authority's other witnesses. As such, I believe that there are only a small number of elements of the Objections that are pertinent to the evidence that I give.
- 7.3. I have set out in the following paragraphs a summary of the grounds of the Objections relevant to my evidence, looking at these thematically. I have set out the nature of the Objection in bold italics, with my response below it.

Financial grounds, including concerns about the Scheme not being fully costed, a lack of assurance that the Scheme can be completed on budget, inflation, and concerns about the certainty of funding for the Scheme.

- 7.4. Objections that raise these issues include those from Mr and Mrs Aries [CDJ.2], Mandy Rigault [CDJ.3], Nuneham Courtenay Parish Council [CDJ.4], Mays Properties Ltd [CDJ.6], John Peters [CDJ.7], Sutton Courtenay Parish Council [CDJ.9], Appleford Parish Council [CDJ.11] and the Neighbouring Parish Council Joint Committee [CDJ.25].
- 7.4.1. These matters have been addressed in the Funding and Delivery section of my proof of evidence above. I have demonstrated that a complete budget for the Scheme has been established that includes a fully costed design and sufficient allowance for other costs associated with its delivery. Furthermore, adequate allowance has been made for contingencies in the form of quantified risk, optimism bias, and inflation budgets to give assurance that the Scheme can be completed on budget. I have further demonstrated that substantial progress has been made with Homes England to establish an increased level of funding for the Scheme based on the budget, and full approval of the additional funding is expected imminently.

There is no guarantee of capacity to deliver the Scheme

- 7.5. Objections that raise these issues include those from Mandy Rigault [CDJ.3], Nuneham Courtenay Parish Council [CDJ.4] and John Peters [CDJ.7].
- 7.5.1. A team of Officers, Consultants and Contractors has been set up to deliver the Scheme. The budget that has been established makes allowance for the procurement of expertise to ensure that capacity is in place as and when required, and the Acquiring Authority has the procurement and recruitment expertise to deliver those requirements. The procurement strategy for the Scheme has been approved, and design and build contractors are in place for two of the elements of the Scheme to date.

There is no compelling case in the public interest

- 7.6. Objections that raise these issues include those from Network Rail [CDJ.1], Appleford Parish Council [CDJ.11], Anthony Mockler and Gwendoline Marsh as Trustees of the Milton Manor Estate [CDJ.14], Anthony Mockler in his personal capacity [CDJ.15], WE Gale Trust [CDJ.24] and the Neighbouring Parish Council Joint Committee [CDJ.25].

- 7.6.1. In the Compelling Case section of my proof of evidence below I have set out the compelling case in the public interest.

The Scheme infringes human rights

- 7.7. Objections that raise these issues include those from Anthony Mockler and Gwendoline Marsh as Trustees of the Milton Manor Estate [CDJ.14], Anthony Mockler in his personal capacity [CDJ.15] and WE Gale Trust [CDJ.24].
- 7.7.1. Section 6 of my proof of evidence above responds to matters of human rights and the Acquiring Authority's Public Sector Equality Duty.

8. COMPELLING CASE IN THE PUBLIC INTEREST AND JUSTIFICATION FOR USE OF COMPULSORY PURCHASE POWERS

- 8.1. Paragraph 2 of the Guidance advises that a compulsory purchase order should only be made where there is a compelling case in the public interest. This section describes why there is a compelling case in the public interest for the Scheme.
- 8.2. The need for the Scheme is set out and explained in Aron Wisdom's evidence. It is clear that the identified needs noted below need to be addressed.
- The poor existing highway network performance;
 - The under-provision of active travel in the area;
 - Improvements in public transport;
 - The need for adequate network resilience and safety; and
 - The delivery of housing and employment growth.
- 8.3. The benefits of the Scheme have also been set out and explained in Aron Wisdom's evidence. There is no doubt that the benefits set out are substantial, and include:
- unlocking and accelerating significant housing development, including affordable housing, in the Didcot Garden Town area;
 - active travel benefits through the provision of new cycleway and footway infrastructure;
 - improvements to local bus services;
 - potential improvements to future rail services;
 - and enabling the delivery of further employment growth in the area.
- 8.4. The lack of more appropriate alternatives for meeting the objectives of the Scheme are set out and explained in Aron Wisdom's evidence, as is the process by which the Scheme presented at these Public Inquiries was established. A thorough optioneering process was undertaken, commensurate with the impact of the Scheme.
- 8.5. The evidence from the technical experts from AECOM demonstrates that the various elements of the Scheme have been developed into a well thought through and thorough technical design, which clearly establishes the specific land requirements needed for both the Scheme's operation and construction.
- 8.6. The planning policy support for the Scheme is set out and explained in Bernard Greep's evidence. The Scheme was prepared and presented to the LPA's Planning and Regulation Committee with a recommendation to approve from Planning Officers.
- 8.7. My evidence sets out that the Scheme established by the process described above is deliverable. The funding is likely to be available within a reasonable timescale, and the programme is reasonable. Risks are being managed, the delivery team is being established, and there are therefore no known impediments that are likely to block delivery of the Scheme if the Planning Application and the Orders are granted/confirmed through this Public Inquiries process.

SRO AND BRIDGE SCHEME

- 8.8. As has been set out in Karl Chan and Andy Blanchard's proofs of evidence, the SRO and Bridge Scheme are necessary and justified. Furthermore, Section 14 of the Orders

Statement of Case provides justification for the SRO and Bridge Scheme and sets out how they meet the statutory requirements.

- 8.9. Modifications to the Orders have been necessary after continuing discussions with affected landowners. Karl Chan and Andy Blanchard's proofs of evidence set out the proposed table of modifications and the justification for each.

9. SUMMARY AND CONCLUSIONS

Location of the Scheme and Order Land

- 9.1. The Scheme is located on land in the parishes of Milton, Didcot, Harwell, Sutton Courtenay, Appleford-on-Thames, Culham and Clifton Hampden.
- 9.2. The land and new rights proposed to be compulsorily acquired pursuant to the CPO comprises a total area of 135,731 hectares of land in the County of Oxfordshire. The Scheme will be constructed on land comprised of agricultural land, residential development land, enterprise zone development land, former quarry land, landfill waste site land, industrial/commercial land, including curtilage landscaped frontages, private means of access roads and tracks, commercial development land, and lands of existing public highways, including roads, restricted byways, footpaths, and bridleways.

Scheme Description

- 9.3. Although one composite Scheme, the Scheme can be divided into four elements, as summarised below:
- A4130 Widening – The proposed improvement to the A4130 includes dualling between Milton Interchange at the A34 and a proposed new Science Bridge. The proposals also include the provision of new and improved pedestrian and cycling infrastructure;
 - Didcot Science Bridge – A new road link for the proposed dualling section of the A4130, which will extend over the Great Western railway, through the former Didcot A Power Station site and join the A4130 Perimeter Road north of Purchas/Hawksworth Roundabout, including segregated pedestrian and cycling infrastructure;
 - Didcot to Culham River Crossing – A new road between the A4130 Perimeter Road in Didcot, and Culham near the Culham Science Centre including two overbridges (one extending over the River Thames) and segregated pedestrian and cycling infrastructure; and
 - Clifton Hampden Bypass – A new road between the A415 Abingdon Road at the Culham Science Centre and the B4015, Oxford Road north of Clifton Hampden village including segregated and shared pedestrian and cycling infrastructure.

Justification for Compulsory Purchase of Land and Rights

- 9.4. The Scheme will address five key issues:
- The poor existing highway network performance;
 - The under-provision of active travel in the area;
 - Improvements in public transport;
 - The need for adequate network resilience and safety; and
 - The delivery of housing and employment growth.
- 9.5. The benefits are as follows:
- unlocking and accelerating significant housing development, including affordable housing, in the Didcot Garden Town area;
 - active travel benefits through the provision of new cycleway and footway infrastructure;

- improvements to local bus services;
- potential improvements to future rail services;
- and enabling the delivery of further employment growth in the area.

9.6. The Scheme developed to deliver these benefits has been carefully considered by Oxfordshire County Council's decision makers, and a chronological account of the decision-making process has been set out in this evidence. This demonstrates that due process has been undertaken to establish the necessary resolutions to provide authority for the Scheme to be progressed and all necessary orders to be made and / or applied for.

Funding and Deliverability

9.7. In Section 5 I have described the issues that are key factors in the deliverability of the Scheme. I have set out the status of the budget, funding, programme, procurement, contracts and land to clearly demonstrate that the Scheme is deliverable. All of the matters covered are at a stage commensurate with the point we are currently at within the programme.

9.8. The call-in has impacted the programme and therefore the budget significantly, as has been described. However, the Acquiring Authority is working with Homes England to ensure that sufficient additional funding is secured, and that the milestones associated with the delivery of the Scheme are extended adequately.

Human Rights Implications and Equalities Impact Assessment

9.9. The Scheme has been designed to minimise interference with rights, and the Acquiring Authority believes that the Scheme is in the public interest and that this outweighs any interference with rights caused by the use of compulsory purchase powers to acquire third party land for the Scheme.

Objections to the Order

9.10. I have addressed the objections relevant to this proof of evidence, which particularly relate to financial grounds, capacity to deliver the Scheme, lack of a compelling case in the public interest and infringements on human rights.

Compelling Case in the Public Interest and Justification for use of Compulsory Purchase Powers

9.11. I have described, based on the evidence set out above and the work undertaken by qualified professionals in the preparation of the Scheme to date, that there is a compelling case in the public interest and the use of compulsory purchase powers is justified.

9.12. In conclusion, it is my opinion based on the evidence set out above and the work undertaken by qualified professionals in the preparation of the Scheme to date that the use of compulsory purchase powers is justified.

10. STATEMENT OF TRUTH AND DECLARATION

- 10.1. 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.
- 10.2. 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 attention has been drawn to any matter which would affect the validity of those opinions.
- 10.3. 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.
- 10.4. 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 pay 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.
- 10.5. I confirm that I have no conflicts of interest of any kind other than those already disclosed in this proof of evidence.

TIMOTHY ROGER JONATHAN MANN

30 January 2024