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Our ref: CW18/GS03/31295.3/WHELT

Your ref:

9 December 2010

When telephoning please ask for: Craig Whelton

Dear Sirs

A4095 Witney (Cogges Link Road) Compulsory Purchase Order 2010 and associated Orders and Notices
JE Mawle Will Trust
Northfield Life Interest Settlement
EJSR Farms Limited
Mr James Mawle, Mr Stephen Mawle, Mrs Eileen Mawle and Mrs Rachel Murphy

- 1 The objections are made to notices served pursuant to the following notices/orders/procedures and each of them:-
 - (a) The Oxfordshire County Council (A4095 Witney: Cogges Link Road) Compulsory Purchase Order 2010
 - (b) Works to the River Windrush and the Hardwick Brook in connection with the A4095 Witney: Cogges Link Road Scheme under section 110 of the Highways Act 1980
 - (c) A4095 Witney: Cogges Link Road Classified Road (Side Roads) Order 2010
- 1.2 No Notice of Intention to issue a Certificate Under Section 19 of the Acquisition of Land Act 1981 has been published. However, it is understood that an application has been made, or is to be made, to the Secretary of State for a certificate under section 19 of the Acquisition of Land Act 1981. This objection should be considered to apply to that procedure.
- 2 These are objections made jointly and severally by the following:
 - (a) James Mawle, Hisland, Aston, Oswestry, Shropshire, SY11 4JF
 - (b) Stephen Mawle, River Cottage, Roecliffe, North Yorkshire, YO51 9LY
 - (c) Mrs Eileen Mawle, Church Farm, South Leigh, Witney, Oxon, OX29 6UR
 - (d) Mrs Rachel Murphy, Church Farm, South Leigh, Witney, Oxon, OX29 6UR

In their capacity as (a) Trustees of the (i) James Mawle 2000 settlement, (ii) Stephen Mawle 2000 settlement, (iii) Rachel Mawle 1999 settlement (collectively commonly referred to as the "JE Mawle

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Will Trust"), and (b) Trustees of the Northfield Life Interest Settlement and/ or in their own right as owners and occupiers of land identified in the Orders detailed at paragraph 1 above.

- 2.2 This objection is also made by EJSR Farms Limited (company number 04217592), having its registered office at 25 St Thomas Street, Winchester, Hampshire, as the holder of a farming business tenancy on land forming part of Manor Farm.
- 3 These objections are made on the Grounds set out in Annex A to this letter.

Yours faithfully



BURGES SALMON LLP

enc.

ANNEX A

GROUPS OF OBJECTION

1 INTRODUCTION

- 1.1 The Cogges Link Road [CLR], which is the scheme that underlies the Orders, is an ill judged transport measure conceived in the 1980s that is out of step with current sustainable transport policy at all levels. It was conceived on a 'predict and provide' basis with the primary purpose of allowing easier access by car to the town centre from new urban extensions on the north and east edges of Witney. The same proposal, with little adaption, is now proposed to meet quite different primary and secondary objectives and it conflicts with the central thrust of modern transport policy, that is in terms of demand management and encouraging the use of more sustainable modes of transport other than the car. Whilst it may have a long pedigree in terms of local political support it is an outmoded, unsustainable, environmentally damaging proposal that is thoroughly wasteful of finite resources, both natural and economic. It is out of step with its times and with all strands of relevant policy at a national, strategic and local level. It is a scheme that should not be supported in the public interest.
- 1.2 To the extent that there is the need to achieve the current declared primary and secondary objectives of the scheme, there is a preferable alternative proposal, namely Shores Green Sliproads [SGSR] which would adequately meet these objectives. The SGSR would require the construction of west facing slip roads on the A40 at Shores Green to the east of Witney together with complementary measures. Whilst that scheme has been assessed by Oxfordshire County Council [OCC] as an alternative to the CLR that examination was flawed and does not provide an objective basis for comparing the two schemes.
- 1.3 We set out below in tabular form at table M1 a comparison between the main features of these schemes:-

Feature	CLR	SGSR	Notes
Land			
Total land area required for delivery of scheme	255,900 m ² (25.59 ha)	81,984 m ² (8.2 ha)	Figure for CLR taken from planning application submitted by OCC. Figure for SGSR include 1.6ha of existing A40 bed and 1.6ha of 10m construction buffer
Total land area for which compulsory purchase may be required	196,285 m ²	7,300 m ²	
Area of existing special category land (Public Open Space) lost to scheme	32,447 m ²	0	(plots 5, 5A, 5B, 5C, 6, 6A, 6B, 6C and 10 as identified in CPO

			Order)
Area of land within existing flood plain required for scheme	99,109 m ²	0	(plots 1-3, 4, 4A, 4B, 5, 5A, 5B, 5C, 6, 6A, 6B, 6C, 7, 7A, 7B, 7C, 7D, 7F as identified in CPO Order)
Economic Considerations			
Total Cost of scheme to opening	£18,880,000	£4,080,000	Taken from October 2010 OCC cabinet budget report.
Future years carriageway maintenance cost (capitalised over 60 year life span of road)	£1,035,000	£282,000	These sums additional to total scheme cost above. Structural maintenance and culvert clearing/maintenance not included
Construction requirements			
Number of bridges	2	0	
Number of culverts	2	0	
Number of underbridges	1	0	
Length of new carriageway (m)	1,800	490	CLR figures taken from planning application and CLR EIA
Area of new surfacing (carriageway and footway)	33,080 m ²	10,750 m ²	
Traffic Impacts			
Pcu's movements across AQMA cordon 2026 with complimentary measures	9,000	8,750	From Traffic Model Forecasting Report Figure 3.9
SGSR as percentage of CLR flows	N/A	97%	
Pcu's movements across Conservation Area cordon (2026) with complimentary measures	13,000	9,250	From Traffic Model Forecasting Report Figure 3.10
SGSR as percentage of CLR flows	N/A	71%	
NOx emissions Kg/year	10,238	5,759	
NOx emissions as percentage of Do Minimum	166%	93%	
Annual green house gas emissions t/year	3,168	3,103	
Annual green house gas emissions t/year as percentage of Do Minimum	93%	91%	
Noise			
Number of additional properties affected by noise	510	20	CLR Figures taken from CLR EIA

1.4 In this context it is not surprising that the Inspector conducting the Inquiry into the West Oxfordshire Local Plan 2011 concluded that:-

"I have not sought to review the mass of evidence in detail in this report [CLR EIA] but it is sufficient to convince me of the considerable environmental impact which would arise from the CLR as it cuts across the valley of the River Windrush. I am convinced that

such factors as the severance of the Country Park; the introduction of additional noise reducing the recreational value of the park and the overall increase in CO2 emissions due to the new road have been given insufficient weight in the TAG analysis. Moreover, the way in which the existing plan strategy is given weight introduces a bias in favour of that strategy." (paragraph 9.47 of the Inspector's Report)

"My conclusion is that SG represents a *better* [original emphasis] alternative to CLR because it would have a lesser environmental impact. It could also deliver significant traffic benefits if not the equivalent to CLR" (paragraph 9.45 of the Inspector's Report)

"In my opinion, the CLR option should not be pursued while there is a possibility that the less environmentally damaging option of the Shores Green improvements, possibly in eventual combination with the West End Link, might be a feasible option." (paragraph 9.48 of the Inspector's Report).

"I recognise that my recommendations to the District Council in respect of the inclusion of road schemes in the local plan will not bind the Highway Authority but I would hope that due regard would be had to them. It also seems likely, subject to the timescale involved, that my conclusions may be a material consideration at any Compulsory Purchase Order Inquiry which may be required." (paragraph 9.31 of the Inspectors Report).

2 CAN THE ORDERS DELIVER THE SCHEME?

2.1 The objectors have two reservations on the ability of the Orders to deliver the scheme:

- (a) The CLR, as proposed for in the Orders, has a new feature, namely the junction of the CLR at its eastern end with Oxford Hill has been amended from a signal controlled junction to a roundabout. Furthermore the proposed junction of Cogges Hill Road with the CLR has now been downgraded from signal controlled to a priority junction. Aside from the safety and cost implications of these changes, it has not been demonstrated that they could be constructed within the confines of the Acquired Land.
- (b) The flood compensation measures proposed within the floodplain of the River Windrush for the CLR, as proposed for in the Orders, is substantially reduced in area from that which was proposed for the purpose at the time of the application for planning permission for the scheme, and it has not been demonstrated that the Order land can accommodate the necessary measures. The areas, volume and location of flood compensation measures required within the valley of the River Windrush have not been either quantified or identified so the assessment of this matter, which is a fundamental issue relating to the deliverability of the road, is incomplete.

3 TRAFFIC ASSESSMENT ISSUES

3.1 The SGSR equals or outperforms the CLR in traffic benefit terms when measured against the principal objectives of the CLR set out in the Environmental Impact Assessment for the CLR [CLR EIA].

3.2 The Traffic Model Forecast Report [TMFR] demonstrates that when both schemes are compared on a like basis with the benefit of small 'soft' traffic management measures, the SGSR out performs the CLR against the objectives.

- 3.3 The model contains no constraints on the increase in trips to the town centre zones which is not a sustainable approach nor is it consistent with the Air Quality objectives of the scheme.
- 3.4 In terms of air quality in the Bridge Street AQMA both schemes deliver very substantial reductions in the generation of NOx. However it should be noted that overall when compared to the Do Min CLR produces a 66% increase in NOx emissions over the study area whilst SGSR produces a 7% decrease.
- 3.5 The CLR has a substantially greater impact upon the Conservation Area of the town compared with SGSR.
- 3.6 The TMFR only favours the CLR by its use of so-called 'benefit flows'. These are defined as trips using the new infrastructure and trips using the new infrastructure to access the town centre. This is a perverse or distorting mechanism that can ascribe multiple positive or negative numbers to car movements into the centre, the same vehicle becoming another element of the 'benefit' each time it crosses into the new infrastructure even if on a single journey into the centre, but a 'disbenefit' if and when it uses any of the existing infrastructure. Also such a system runs counter to the principles of sustainable transport planning since car journeys into the town centre are all classified as benefits if they use the new infrastructure and also the weighting of non-car trips is illogical.

4 ENVIRONMENTAL ISSUES

- 4.1 The CLR would have a permanent and substantial adverse impact upon the landscape, ecology and cultural value of the valley of the River Windrush. The valley provides an important green corridor through Witney and forms a major part of the landscape setting of the town. It is also an important recreational, ecological and amenity resource for the residents of Witney. Policy WIT3 of the West Oxfordshire Local Plan 2011 requires that this area is protected and enhanced. The violation of the Valley by the construction and continuing use of the CLR would be a major and adverse environmental impact of the CLR which is wholly unnecessary given the benefits of the SGSR in traffic terms. The impacts in terms of landscape harm, severance and noise cannot be mitigated in any way. The SGSR would have no impact upon this resource and would give rise to limited and localised environmental impact in any event.
- 4.2 The table M.1 above identifies the advantage of SGSR over the CLR in terms of the use of resources and the burden imposed upon the environment in terms of its construction in terms of land take, structures imposed upon greenfield sites, utilisation of non-renewable resources in its construction in terms of materials.
- 4.3 The CLR has major adverse implications for the important area of public open space close to the urban area in terms of both (a) the areas of land taken by the scheme and (b) the consequent adverse effect on the amenity of the remaining public open space in terms of its severance by the CLR and the adverse effect of it upon users of the area in terms of visual amenity and traffic noise. Whilst (a) may be overcome in terms of the provision of compensation land, the matters in (b) constitute substantial harmful impacts which will be experienced by all users of the Windrush valley.
- 4.4 As to flooding see above. Further there has been no demonstration of compliance with the sequential test required by PPS25. No such issues arise with the SGSR.
- 4.5 The CLR has adverse impacts upon the residential amenity of those persons in the Cogges estate in terms of noise, severance and loss of amenity land.

5 ECOLOGICAL ISSUES

- 5.1 The ecology of the river valley would be permanently degraded by the scheme. Habitats of dormice, badgers, bats, otters, water voles, newts and reptiles would be unnecessarily disturbed and or destroyed.
- 5.2 The ecological impacts arise from the following:
- (a) The loss of green space to the road including over 3 ha of special category Public Open Space land.
 - (b) The insertion of a barrier to animal movement and fragmentation of the remaining habitat.
 - (c) Diverting the course of the River Windrush disturbing the riverine habitat.
 - (d) Risk of silt and other contamination of the river in the course of construction.
 - (e) Destroying some 140m of existing hedgerow.
- 5.3 These impacts are contrary to Policy WIT3 that, inter alia, seeks to protect the ecological value of the valley.

6 ECONOMIC ISSUES

- 6.1 There is no adequate breakdown of the cost assessment of the revised CLR in the public domain and the material as to costs in the Reasons is inadequate.
- 6.2 At the time of the application for planning permission was made the cost of the CLR was stated to be £13.94M (2002) prices. This is to be contrasted with the costing of the SGSR used in the TAG report of £7.85M (2002 prices) or that of the SGSR which has been costed by the Objectors at full DRMB design standard at £4.08M (2010 prices). This demonstrates that the CLR is a profligate waste of resources. The current total projected cost of the CLR as at October 2010 is now stated by OCC to be £18.88M.
- 6.3 The CLR scheme is preferred because of the extent of developer contributions that are available to support it and the lack of similar contributions for the SGSR. This comparison is inaccurate because (a) there are available developer contributions in the sum of c.£3.5m(excluding the s106 contributions from north east Witney) to improve the infrastructure of the area that have been allocated by OCC to CLR and that could be used to support the SGSR and (b) the Objectors have made known to OCC their intention to make available for this purpose a portion of their contribution [75.6% of £c.£8.7m] to existing s.106 obligations in respect of securing infrastructure improvements to support permitted development at North East Witney which would be utilised in the provision of the CLR. The contributions will be returned to them in the event that the CLR does not proceed on or before 2 January 2013.
- 6.4 The CLR scheme utilises land in the ownership of the objectors that would otherwise be in a sustainable location for the provision of housing. This adds significantly to the cost of the proposal in terms of land acquisition cost and gives rise to a cost to the community of the loss of land that would be in a sustainable location to provide housing to meet local needs.