**The Purpose of this User-Guide**

* 1. This User Guide provides an overview of the Environment Agency’s application under section 19 of the Acquisition of Land Act 1981 concerning the proposed acquisition and exchange of open space land as part of the Oxford Flood Alleviation Scheme.
  2. This guide accompanies and aids the interpretation of the plans which visualise the proposed exchange and explains the ‘alternatives’ referred to in the Notice of Intention.

**Overview of the Section 19 Application**

* 1. The Environment Agency has submitted The Oxford Flood Alleviation Scheme Compulsory Purchase Order 2023 (“**CPO**”) to the Secretary of State for Environment, Food and Rural Affairs for confirmation.
  2. The proposed CPO includes land which forms part of an “open space”. Open space land is defined in the Acquisition of Land Act 1981 (the “**Act**”) as land laid out as a public garden, or used for the purposes of public recreation, or a disused burial ground. The relevant areas of open space land are spread across seven localities, referred to as: Seacourt Nature Park, Oatlands Recreation Ground, Kendall Copse, Kennington Pools, Grandpont Nature Park & Dean’s Ham Meadow, Hinksey Park, and Botley Park.
  3. In these localities, the CPO would authorise (if it is granted):
     1. the purchase of open space land (the “**order land**”), and
     2. the grant of new rights for temporary use or permanent access over open space land (the “**rights land**”).
  4. To avoid the depletion of open space land, the Environment Agency proposes to provide other land to replace the order land and the rights land (the “**exchange land**”).
  5. The CPO will be subject to special Parliamentary procedure unless the Secretary of State for Levelling Up Housing & Communities gives a certificate under section 19 and paragraph 6 of Schedule 3 to the Act. The principle of this certification is to ensure that the open space land available after the CPO is at least “equally advantageous” to the public and rights holders compared to the open space land available before the CPO.
  6. In more detail, the Environment Agency has asked the Secretary of State to certify that -
     1. under section 19(1)(a), he is satisfied that there has been or will be given in exchange for the order land other land which is not less in area and is equally advantageous to persons, if any, entitled to rights of common or other rights, and to the public, and that the exchange land has been or will be vested in the persons in whom the order land was vested, and subject to the like rights, trusts and incidents as attach to the order land; and
     2. under paragraph 6(1)(a) of Schedule 3, the rights land, when burdened with the new rights, will be no less advantageous to those persons in whom it is vested and other persons, if any, entitled to rights of common or other rights, and to the public, than it was before.

**Plans showing the Order Land, Rights Land and Exchange Land**

* 1. The plans provided with this guide visualise the location of the order land, rights land and exchange land across the seven localities:
     1. The order land is coloured pink and is labelled with the plot numbers described in the First Schedule to the Notice of Intention.
     2. The rights land is coloured blue and is labelled with the plot numbers described in the Second Schedule to the Notice of Intention.
     3. The exchange land is coloured green and is labelled with the plot numbers described in the Third Schedule to the Notice of Intention.
  2. Where relevant, a separate plan has been prepared for each alternative combination of land plots being considered. Please refer to paragraph 5 below for further information.

**The Proposed Exchange Land**

* 1. Various option areas were assessed against the statutory tests and guidance for providing exchange land and the land proposed has been selected as being most suitable.
  2. Where the CPO will authorise the permanent acquisition of open space land (i.e. the order land), an area of land of the same size and of equivalent advantage has been included in the exchange land (i.e. an exchange ratio of 1:1).
  3. Where the CPO will authorise the temporary use of open space land (i.e. part of the rights land), an area of land of a size which is proportionate to the temporary loss of use has been included provided in the exchange land (i.e. an exchange ratio of less than 1:1).
  4. Where the CPO will authorise the grant of permanent access rights over open space land (i.e. part of the rights land), an area of land of a size which is proportionate to the expected use of those rights has been included in the exchange land (i.e. an exchange ratio of less than 1:1).

**Alternative Plot Combinations**

* 1. In respect of Seacourt Nature Park, Kendall Copse and Kennington Pools, several alternative combinations of order land, rights land and exchange land are being considered.
  2. These alternatives are being considered because of recent changes to the boundaries of local highways[[1]](#footnote-1) by Oxfordshire County Council (as the highway authority). These changes impact both the extent of open space land affected by the CPO, and the extent of land available for provision as exchange land (note that highways land cannot be used as exchange land).
  3. It is possible that the recent changes to highways boundaries will be challenged. If challenges are successfully made, the highways boundaries could revert to their former alignment. The Schedules to the Notice of Intention and the plans set out the combinations of order land, rights land and exchange land which would be taken forward in the event that further revisions to the highways boundaries are made.

**Representations and Objections**

* 1. As set out in the Notice of Intention, any representations or objections in relation to this proposal should be addressed in writing to The Planning Casework Unit at the Department for Levelling Up, Housing & Communities –
     1. **By email to:** [PCU@levellingup.gov.uk](mailto:PCU@levellingup.gov.uk)
     2. **By post to:** The Planning Casework Unit, Department for Levelling Up, Housing & Communities, 23 Stephenson Street, Birmingham B2 4BH
  2. Any representations or objections must be made by 23:59 on 12 December 2023 quoting reference **PCU/S19/U3100/3321729.**

1. The relevant changes concern the alignment of Botley Road, Kennington Road, and the road junction of Old Abingdon Road and Kennington Road. [↑](#footnote-ref-1)