



**Department
for Environment,
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Ms Pennie Yorath
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12 May 2025

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Dear Ms Yorath,

**Water Resources Act 1991
Environment Act 1995
Acquisition of Land Act 1981**

Environment Agency (Oxford Flood Alleviation Scheme) Compulsory Purchase Order 2023

1. I am directed by the Secretary of State for Environment, Food and Rural Affairs ("Secretary of State") to say that consideration has been given to the Report of the Inspector, J Burston, into the above application made by the Environment Agency (EA). The Inspector held a Public Inquiry ("the Inquiry") between 14 November – 13 December 2023, with 2 further virtual sitting days (19 and 26 January 2024; the Inquiry formally closed on 26 January 2024. A copy of the Inspector's Report is attached.
2. The Compulsory Purchase Order (CPO) Scheme for the Oxford Flood Alleviation Scheme (OFAS), if confirmed, would authorise the Environment Agency to acquire compulsorily the land and the new rights over land described in the Schedule to the Order:
 - a. for the purpose of its functions relating to flood defence in respect of the works, the land described in Schedule 1, and which is delineated and shown shaded pink and shaded pink hatched blue on the map prepared in duplicate, sealed with the common seal of the acquiring authority and marked "Map referred to in the Environment Agency (Oxford Flood Alleviation Scheme) Compulsory Purchase Order 2023";
 - b. for the purpose of its functions relating to flood defence in respect of the works, the new rights described in Schedule 1 over land which is delineated and shown shaded blue, shaded pink hatched blue and shaded green on the said map; and
 - c. for the purpose of giving in exchange for the land and the new rights referred to in sub paragraphs (a) and (b) above, the land described in Schedule 2 and delineated and shown shaded green on the said map.

3. As stated in the EA's Statement of Reasons (para 1.2):

"The overall aim of the CPO Scheme is to reduce the flood risk to homes and businesses to the west and south of the city of Oxford, Oxfordshire. The CPO Scheme will provide flood risk reduction to 1085 properties in Oxford on opening which are currently at risk of flooding in an event which has a 1% (1 in 100-year AEP [annual exceedance probability]) chance of occurring in any given year."

4. The CPO Scheme will also provide greater flood protection for key local infrastructure, principally the Botley Road, Abingdon Road and main railway line which runs through Oxford. It is expected to improve the resilience of key utility services in the city including the sewer network and electricity supply and make them less vulnerable to disruption in future floods.

5. We received 29 statutory objections and 22 non-statutory objections in response to the publication of the CPO Scheme during the objection period. When the Inquiry opened, 27 statutory objections and 22 non-statutory objections remained extant. The main grounds of objection, amongst others, were:

- Direct loss of nationally important ecological interests, including irreparable loss and damage to sensitive MG4a grassland at Hinksey Meadow.
- The significant environmental harm to Hinksey Meadow, including loss of wildlife and proliferation of invasive species.
- The significantly greater levels of construction traffic impacts and other construction impacts affecting the people and the environment and causing stress to the locals.
- The inevitable and avoidable changes to the landscape and current recreational use of the western floodplain and restriction of access to vital local routes.
- The expenditure of huge amounts of public money on the wrong scheme. The proposed works need to be the right works. No proper consideration was given to alternatives.
- The use of compulsory purchase powers is premature; the EA has not made a meaningful attempt to acquire the interest by agreement, nor is compulsory purchase being used as a last resort.
- The OFAS will destroy the environment and the land will still flood.

6. The Inspector also heard 8 expressions of support for the CPO Scheme from local businesses and residents. In addition to this we received 2 letters of support in response to the publication of the CPO Scheme.

7. There were no submissions on legal or procedural matters.

8. Since the Inquiry closed and the Inspector submitted her Report, the Secretary of State has received post Inquiry correspondence from 4 people, which the Secretary of State has considered carefully. Below is a summary of each:

- a. A resident of Oxford, who picked up a press release from an objector who took part in the Inquiry to Oxfordshire County Council's Planning Committee to halt the process pending further consideration of cost savings and environmental measures.
- b. An objector, who took part in the Inquiry, wrote to His Majesty's Treasury raising questions about the costs benefit analyses and whether it was fit for purpose.
- c. An objector, who took part in the Inquiry, repeated points about alterations to the proposed scheme that they also raised in evidence before the Inspector at the Inquiry.
- d. An objector, who took part in the Inquiry, raised points about their discussions with Network Rail. However, Network Rail's objection has been withdrawn following its agreement with the EA and DB Cargo. The remaining points were addressed by the grant of planning permission, as enumerated below.

9. All the matters raised by the 4 correspondents were considered extensively and at the forefront of the Inquiry, and the Inspector fully considered them in her Report recommending approval. They have not raised any new issues for consideration and do not appear to add to the matter further.

10. The Section 19 application in respect of Open Space is for the Secretary of State for Housing, Communities and Local Government to consider, and there was a separate Report provided by the Inspector for her consideration.

11. The consideration of the Extinguishment Orders took the form of exchanges of Statements of Case and comments on Statements of Case. The Inspector's decision was that the Extinguishment Orders be allowed and therefore no shortcomings were identified in that regard which may weigh against confirmation of the CPO.

12. Whilst it is not a requirement to have planning permission for a scheme in place prior to confirming a CPO, none of the matters which have been identified in the Inspector's Report suggest that planning permission will not be granted or cut across the compelling case for the CPO scheme. The unavoidable adverse impacts that will arise from the scheme's construction and operation are comfortably outweighed by the overall compliance with development plan policies, the substantial benefits that it will deliver and the strong national imperative to improve resilience to flooding and climate change. As you know, and as has happened the planning application was determined by Oxfordshire County Council, subject to a Section 106 agreement. The Secretary of State notes that the planning application was the subject of extensive discussion with the planning authorities and statutory consultees prior to its decision, which initially was subject to a potential Call-in because of potential green belt issues, but which is now just subject to the Section 106 Agreement.

13. The Inspector recommended that, in terms of the overall scheme, the public benefits would clearly outweigh the adverse impacts identified. She is also satisfied that the scheme could not be delivered by means other than the implementation of the OFAS.

14. The Secretary of State has carefully considered whether the purposes for which the CPO was made sufficiently justify interfering with the human rights of the objectors, the owners, lessees, tenants, occupiers and qualifying persons under Section 12(2A) of the Acquisition of Land Act 1981 ("the 1981 Act"), and he is satisfied that such interference is justified. In particular he has considered the provisions of Article 1 of the First Protocol to the European Convention on Human Rights. In this respect the Secretary of State is satisfied that in confirming this Order a fair balance has been struck between the public interest and interests of the objectors, owners, lessees, tenants, occupiers and qualifying persons.

15. The Secretary of State has given careful consideration to the Inspector's Report and the submissions of the parties. He accepts the Inspector's findings of fact and agrees with the Inspector's conclusions. The Secretary of State has therefore decided to accept the Inspector's recommendation and confirm the Order with modifications set out in the CPO Explanatory note INQ/6, subject to the consent relating to the Section 19 application being granted and the withdrawal of Network Rail's objection.

16. A decision has been made by the Secretary of State for Housing Communities and Local Government in respect of the Section 19 application. A further Decision Letter was issued today agreeing the Inspector's recommendation to grant a Certificate for the exchange land for the reasons the Inspector gives.

17. The Secretary of State received confirmation that there is now an agreement between the EA, Network Rail and DB Cargo regarding their objections which have now been withdrawn.

18. The modifications to the CPO all fall within scope of the EA's discretion to modify, and the relevant Plots are identified in INQ/6. The effect of the modifications would be to correct typographical and factual errors. None of the modifications involve the acquisition of any additional land such as to engage Section 14 of the 1981 Act.

19. I attach electronic copies of the Inspector's Report and a copy of the endorsement page of the confirmed sealed Order and the maps to which it refers. The Order is confirmed subject to the modifications as detailed in the attached schedules (**Annexes A and B**). The original sealed hard copy of the confirmed Order and the maps, with our endorsements, will be returned to you by post.

20. Your attention is drawn to Section 15 of the 1981 Act about publication and service of notices now that the Order has been confirmed. Please inform us of the date on which notice of confirmation of the Order is first published in the press.

21. Copies of this letter, the Inspector's Report and Annexes A and B are being sent to those with remaining objections.

22. This letter does not convey any other consent or approval in respect of the land to which the order relates.

23. Signed by authority of the Secretary of State for Environment, Food and Rural Affairs.

Yours sincerely

A handwritten signature in dark ink, appearing to be 'L. Lutkoski', written over a faint circular stamp or watermark.

Laura Lutkoski
Deputy Director
Flood and Coastal Erosion Risk Management Division

Attachments:

1. Inspector's Report
2. Confirmed Order and Map [hard copies only]
3. Annex A: CPO Explanatory note INQ/6
4. Annex B: Tracked pages only version of the modified Order