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Date: 30 June 2025

Dear Ms Reynolds

**THE OXFORDSHIRE COUNTY COUNCIL (DIDCOT TO CULHAM THAMES BRIDGE) SCHEME 2022 (“the Bridge Scheme”)**

**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) (SIDE ROADS) ORDER 2022 (“the SRO”)**

**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 CPO”)**

**SECRETARY OF STATE’S DECISION – BRIDGE SCHEME TO BE CONFIRMED AND THE SRO AND CPO TO BE CONFIRMED WITH MODIFICATIONS**

1. I refer to your application, submitted on behalf of Oxfordshire County Council (“the Council”), for confirmation of the above-named Scheme and Orders. The Secretary of State for Transport (“the Secretary of State”) has decided to confirm the Bridge Scheme, as made, and the SRO and CPO with modifications and this letter constitutes her decision to that effect.
2. The confirmed Bridge Scheme, SRO and CPO will, respectively, authorise the Council to:
  - i. construct over the navigable waters of the River Thames, the bridge specified in the Schedule to the Scheme as part of the highway which they are proposing to construct between the A4130 at Didcot in the south and the A415 at Culham in the north, in the Parishes of Sutton Courtenay and Culham, in the Districts of South Oxfordshire and Vale of White Horse, in the County of Oxfordshire;
  - ii. improve highways (including raising, lowering or otherwise altering); stop up highways; construct new highways; stop up private means of access to premises; and provide new means of access to premises, all on or in the vicinity of the routes of the Classified Roads which are: - the A4130 Principal Road which the Council

propose to improve; the highway which the Council propose to construct as the proposed A4130 Principal Road; the highway which the Council propose to construct as the A4197 Principal Road; the A415 Abingdon Road Principal Road which the Council propose to improve; and the highway which the Council propose to construct, as the A415 Clifton Hampden Bypass, (known collectively as the HIF1 scheme); and

- iii. purchase compulsorily the land for the purposes of the classified road works described above; the construction of highways, the improvement of highways, and the provision of new means of access to premises in pursuance of the SRO; the carrying out of works on watercourses, including the diversion of non-navigable watercourses, in connection with the construction and improvement of highways and the provision of new means of access to premises as aforesaid; use by the acquiring authority in connection with the construction and improvement of highways and the provision of new means of access to premises as aforesaid; the improvement or development of frontages to the above-mentioned new and existing highways or of the land adjoining or adjacent thereto; and mitigating the adverse effect which the existence or use of the highways to be constructed or improved will have on the surroundings thereof.

### MODIFICATIONS

3. The Secretary of State will make the modifications to the Orders as proposed by the Council at the Inquiries (IR 5.27 and IR 5.28), with the addition of the removal of Plot 17/11i as recommended by the Inspector (IR 8.1).

4. The Secretary of State will also make the further modifications as proposed by the Council subsequent to the Inquiries, which follow negotiations with the interested parties, and minor technical amendments. Apart from the removal of Plot 17/11i all modifications have been agreed to by the Council and are listed in the attached Annex A, B and C.

### CONSIDERATIONS FOR DECISION

5. As statutory objections remained outstanding to the Orders it was decided that concurrent Public Local Inquiries should be held for the purposes of hearing those objections. An independent Inspector, Lesley Coffey BA (Hons) BTP MRTPI, was appointed by the Secretary of State. To avoid the repetition of evidence the Inquiries into the Bridge Scheme, SRO and CPO were conjoined with the Inquiry into the planning application (the called-in application). A Pre-Inquiry meeting was held on 9 December 2023 and the Inquiries opened on 20 February 2024 and sat for 21 days until 9 May 2024. The Inspector held an accompanied site visit on 4 and 5 March 2024 and a further visit to view Mr Mockler's land. The Inspector carried out unaccompanied site visits during the course of the Inquiries and following the close of the Inquiries. The Planning Inquiry was closed on 9 May 2024. The Orders Inquiries were closed in writing on 21 May 2024.

6. The Inspector reports that at the time the Inquiries opened there were 31 objections to the Orders. During the course of the Inquiries 16 of these were withdrawn, leaving 15 objectors, of which 10 were statutory objectors. Appleford Parish Council and the

Neighbouring Parish Councils Joint Committee (NPCJC) withdrew their objection to the Orders by email dated 21 February 2024. They subsequently decided to re-instate their objection but advised that they would not be participating in the Inquiries or submit any further evidence to them. There were no objections to the Bridge Scheme.

7. The HIF1 scheme would affect land and apparatus in the control of Openreach BT, SGN, SSE Telecommunications Ltd, SSEN, Vodafone Gigaclear, Cloud HQ / InstalCom and Virgin Media. Mitigation and/or diversions have been agreed with these statutory undertakers, and they did not object to the Orders. NGET withdrew its objection prior to the start of the Inquiries. Objections from Network Rail, Thames Water Utilities Ltd (TWUL) and RWE remained outstanding at the close of the Inquiries.

8. The Inspector considered all representations and objections about the Scheme and Orders during the Inquiries and has since submitted a report to the Secretary of State, a copy of which is enclosed with this letter. The Secretary of State has given careful consideration to the Inspector's report and also to a number of relevant issues, as set out in *The Highways Act 1980* and *Compulsory purchase process: guidance*, in reaching her decision on the Orders. References in this letter to the Inspector's report are indicated by the abbreviation "IR" followed by the paragraph number in the report.

9. The Secretary of State needs to be satisfied:

In relation to the Bridge Scheme, namely that:

- i. under section 107(1) of the Highways Act 1980 that the reasonable requirements of navigation over the waters affected by the Scheme have been taken into account; and that
- ii. under section 107(2) of the Highways Act 1980 that the Scheme includes such plans and specifications as are necessary to indicate the position and dimensions of the proposed bridge including its spans, headways, and waterways.

In relation to the SRO, namely that:

- i. where a highway is to be stopped up another reasonably convenient route is available or will be provided before the highway is stopped up; and
- ii. where a private means of access to premises is to be stopped up either no access to the premises is reasonably required or another reasonably convenient means of access to the premises is available or will be provided.

In relation to the CPO, namely that:

- i. whether there is a compelling case in the public interest to justify conferring on the acquiring authority powers to compulsorily acquire and use land for the purposes of the scheme, including whether reasonable efforts have been made by the acquiring authority to negotiate the purchase of land by agreement;

- ii. whether the purposes for which the compulsory purchase powers are sought are sufficient to justify interfering with the human rights of those with an interest in the land affected (having regard to the Human Rights Act 1998);
- iii. the acquiring authority should have a clear idea of how it intends to use the land that it wishes to acquire;
- iv. sufficient resources should be available to complete the compulsory acquisition within the statutory period following confirmation of the Order, and to implement the scheme; and
- v. there should be a reasonable prospect of the scheme going ahead and it should be unlikely to be blocked by any impediment to implementation.

10. The called-in planning application was subject of a separate report which was submitted to the Secretary of State for Housing, Communities and Local Government on 21 October 2024, with the Secretary of State for Housing, Communities and Local Government issuing her decision to grant planning permission, subject to conditions, on 11 December 2024.

#### POST INQUIRIES CORRESPONDENCE

11. Following the close of the Inquiries correspondence was received:

- (i) A Closing Statement from Greg O’Broin on behalf of the NPCJC dated 16 May 2024 which was received after the Inspector had advised the parties at the Inquiries that she was accepting no further submissions with regard to the Scheme and Orders aside for the withdrawal of two objections. The Closing Statement was to re-affirm NPCJC’s objection to the Orders.

The concerns raised in the Closing Statement were that: this expensive scheme was not in the public interest; the loss to the environment was not in the public interest; the effect of the HIF1 scheme on local communities was not in the public interest and that the scheme’s delivery and funding risks were contrary to the public interest; reference was made with regard to the Council’s Funding Update Note 26 April 2024, and the Housing Infrastructure Fund, Supporting Document (July 2017).

- (ii) TLT on behalf of the Council responded to the above Closing Statement in an email dated 14 June 2024 that the Secretary of State will be aware that NPCJC is not a landowner subject to compulsory purchase under the CPO and therefore will not be a statutory objector to that order. TLT referred to extensive evidence being presented and tested before the Inquiries in relation to the need for the scheme. That it was made clear that it was not the intention of the scheme to fully address congestion on a ‘predict and provide’ approach, but to follow a ‘decide and provide’ approach that appeared to be supported by the NPCJC. Landscape and climate evidence was heard and tested in the Inquiries. NPCJC failed to provide during the course of the Inquiries of any viable alternative scheme. The Council gave evidence at the Inquiries regarding

funding and particularly, on the increases in estimated capital costs of the project since the original capital estimates were prepared

- (iii) Mr O'Broin on behalf of NPCJC responded to TLT by email, with attachments, on 12 July 2024, that whilst they wish to respond to the points raised by TLT they wished to avoid engaging in arguments that seek to rerun the Inquiry that was now closed. They stated that whilst NPCJC is not a landowner, it represents the parish councils of Appleford, Sutton Courtenay, Culham, Burcot & Clifton Hampden and Nuneham Courtenay and has a legitimate interest in the CPO and Orders application; That NPCJC was not advising the Secretary of State as suggested, it was pointing out that the Council must demonstrate a compelling case that it contends the Council has failed to do. That the response with regard to the evidence prejudices the outcome of the Inquiries. That the response regarding evidence on emissions, air quality and noise as being tested at the Inquiries ignores the powerful testimony of Dr Angela Jones. Alternatives were presented at the Inquiries by Alan James and others and the circumstances of the call-in do not negate the fact that experienced Councillors rejected the application which was further evidence that there is not a compelling case to approve the application and the Orders. Also submitted was new information referring to "a public reports pack" published by the Council for a Cabinet Meeting on 16 July 2024 and concerns were raised regarding the funding and delivery of the scheme.

The correspondence also referred to the Supreme Court case of Finch v Surrey County Council dated 20 June 2024 and public participation, noting the lack of a Health Impact Assessment by the Council and that NPCJC, and each of the constituent parish councils, had consistently complained about poor consultation, some of which occurred during the pandemic.

- (iv) TLT responded in a letter dated 2 August 2024 that, with regard to the new information of the Council's Cabinet Meeting held on 16 July 2024, at that meeting the Council's Cabinet approved amendments to the Grant Determination Agreement with Homes England, the body through which significant funding for the HIF1 project had been secured. Amendments to the Grant Determination Agreement were made to reflect the increased level of funding that Homes England had confirmed that it would provide to the HIF1 project. The issue of budget and funding had been rigorously assessed by the Council. The Council's evidence at the Inquiries is consistent with the additional funding that the Council requested from Homes England (albeit Homes England volunteered an additional 'funder contingency' in addition to the Council's request) and shows the HIF1 project to be fully funded.

The reasons for not submitting a standalone Health Impact Assessment document, and details of the consultation carried out were covered in extensive detail in the Council's evidence and closing submissions to the Inquiries. The HIF1 project has seen very significant public participation, both during public engagement in the process of Council decision-making and through the conjoined Public Inquiries.

- (v) In a letter dated 27 November 2024 Dentons UK and Middle East LLP, on behalf of Network Rail, withdrew their objections to the CPO and subsequently in an email dated 3 December 2024 confirmed that their objections to the SRO and section 16 representation were also withdrawn.
- (vi) The Council also provided two further Schedules of Modifications, to those proposed at the Inquiries, that they proposed to be made to the Side Roads Order and Compulsory Purchase Order.

12. The Secretary of State has taken matters raised in post inquiries correspondence into account, but they do not alter her decision to accept the Inspector's conclusions and recommendations.

## CONCLUSIONS

13. The Secretary of State has considered carefully all the objections to, and representations about the Scheme and Orders.

14. The Secretary of State agrees with the Inspector at IR 7.164 regarding the unopposed Bridge Scheme that the new Thames bridge will not impede the reasonable requirements of navigation. The Secretary of State is also satisfied that the Bridge Scheme includes such plans and specifications as are necessary to indicate the position and dimensions of the proposed bridge including its spans, headways, and waterways.

15. The Secretary of State agrees with the Inspector's conclusion at IR 7.94 and is satisfied that where a private means of access or highway is to be stopped up as a result of the scheme the SRO would ensure that a reasonably convenient alternative route would be provided.

16. The Secretary of State notes the Inspector's conclusions at IR 7.109 with regard to the engagement with statutory undertakers and that, with the exception of RWE and TWUL, their requirements had been accommodated in the design of the scheme and delivery. The Secretary of State further notes the Inspector's conclusion that, whilst neither RWE nor TWUL submitted a valid s16 objection, there was a potential for the scheme to impact on the ability of both bodies to fulfil their duties.

17. The Secretary of State further notes the Inspector's conclusions with regard to their seeming to be mechanisms in train to address the concerns of RWE and TWUL and that these had emerged very late in the Inquiries process and had not been resolved at the time the Inquiries closed. The Secretary of State also notes that the Inspector therefore concluded that the Council fell short of the expectation within the Guidance by not engaging with the affected parties sufficiently to the extent that it could understand the impact of the CPO on those parties and propose mitigation prior to the Order being made (IR 7.151).

18. With regard to RWE, the Secretary of State notes that RWE is in principle supportive of the scheme and is willing to dispose of its interests voluntarily to the Council in return for adequate protective provisions. Furthermore, that agreed Heads of Terms are in place that provide a pathway to voluntary acquisition. However, that agreement had not been completed by the close of the Inquiry (IR 7.50). To safeguard RWE's position, the Inspector

in her report to the Secretary of State for Housing, Communities and Local Government, has recommended a condition be attached to the planning permission that would protect the interests of RWE. In her decision of 11 December 2024, the Secretary of State for Housing, Communities and Local Government agreed with the Inspector's recommendations and granted planning permission for the HIF1 scheme subject to the condition as recommended by the Inspector. The Secretary of State agrees with the Inspector that, with this condition in the granted planning permission, the position of RWE is protected (IR 7.155).

19. With regard to TWUL the Secretary of State notes the Inspector's conclusion at IR 7.35 that the expansion of the Culham Sewerage Treatment Works (CTW) is the preferred option to serve the increased population within its catchment area. The Secretary of State also notes the Inspector's conclusion at IR 7.36 that at the time of the Inquiry that ongoing negotiations suggested that a solution acceptable to both parties was achievable. An alternative proposal whereby the Council would not implement its compulsory purchase powers over the Order land in the event of agreement was set out in the Statement of Common Ground. The option agreement and land swap arrangement would be conditional upon planning consent for the change of use of the Replacement Land and the expansion of the CTW (to the satisfaction of TWUL) being successfully obtained and to TWUL deeming the Replacement Land to be equivalent in quality and suitability for expansion to the CTW (IR 7.13).

20. The Secretary of State agrees with the Inspector's conclusion that, should the aforementioned agreement be completed, this would provide the necessary mitigation in respect of its operational activity, including the expansion of CTW. The Secretary of State accepts the Inspector's conclusion that in the event that the agreement is not completed the only realistic alternative would be for TWUL to expand at the Abingdon Sewerage Treatment Works. Whilst the Secretary of State notes that this would be considerably more costly it would appear to allow TWUL to comply with its statutory duties. The Secretary of State agrees with the Inspector that given the considerable benefits of the HIF1 scheme, and the delays that would be incurred if an alternative alignment to avoid TWUL's land is pursued that the inclusion of TWUL's land in the CPO, with the exception of Plot 17/11 (see paragraph 21 below), is justified (IR 7.156).

21. The Secretary of State notes that the Council has agreed, in principle, to take temporary possession of Plot 17/11i and that this is agreed in principle by TWUL (IR 7.127). The Secretary of State notes the Inspector's conclusions regarding Plot 17/11i being required for TWUL's statutory duties and that the rights the Council require could be secured by agreement (IR 7.128). Whilst this agreement is not in place at this time, the Secretary of State is satisfied that agreement between the parties can be reached without the need to acquire this land through the CPO. The Secretary of State agrees with the Inspector that Plot 17/11i should be removed (IR 7.157).

22. The Secretary of State agrees with the Inspector that the Council has a clear idea as to how it intends to use the land it seeks to acquire and that the necessary resources are available to achieve this end within a reasonable timescale IR 7.153.

23. The Secretary of State agrees with the Inspector that the scheme would deliver considerable social, environmental, and economic benefits that would outweigh the limited harm and that there is a compelling case in the public interest IR 7.154.

24. The Secretary of State agrees with the Inspector that at the close of the Inquiries the only impediment to the scheme was the outstanding s16 certificate with regard to Network Rail land (IR 7.153). Following the Inquiries Network Rail withdrew their objections to the SRO and CPO and their representations made under s16 and the Secretary of State is therefore satisfied that there are no longer any legal or physical impediments to the scheme proceeding.

25. The Secretary of State agrees with the Inspector that the Order land has been kept to a minimum (IR 7.159) and given the very limited land take in respect of any property in residential use, it is unlikely that there is any interference with Article 8 (the right to respect for one's home and private and family life), but to the extent that there is, it is legitimate and justified (7.160).

26. The Secretary of State notes the Inspector's conclusion that whilst no alternative scheme was submitted by any party there were some specific changes that were suggested (IR 7.124). The Secretary of State agrees with the Inspector that, with the exception of TWUL's objection to the acquisition of Plot 17/11i (as referred to at paragraph 21 above), the purpose of the scheme could not be achieved through alternative proposals IR 7.132).

27. The Secretary of State has carefully considered whether the purposes for which the CPO is required sufficiently justify interfering with the human rights of those with an interest in the CPO and is satisfied that they do. In particular, consideration has been given to the provisions of Article 1 of The First Protocol to the European Convention on Human Rights.

28. In terms of equalities, the Secretary of State notes that an Equality Impact Assessment (October 2021) has been undertaken (IR 7.162) and that this concludes that the scheme will result in a number of beneficial impacts for communities, including those from protected characteristic groups, in particular improved connectivity and accessibility, improved safety, increased opportunities for active travel, and support for new housing and employment. The potential adverse effects, related to potential noise and air quality effects, and impacts on public rights of way. The scheme provides mitigation in respect of these potential adverse effects, including during the construction and operational phases.

29. The Secretary of State is satisfied that the scheme, for which the CPO land is required, has the benefit of planning permission, the Secretary of State for Housing, Communities and Local Government having issued the decision to grant planning permission, subject to conditions, on the 11 December 2024.

30. Having considered all aspects of the matter the Secretary of State is satisfied that there are no compelling reasons brought forward which would justify not confirming the Scheme and Orders. Accordingly, the Secretary of State agrees with the Inspector's recommendations and has decided to confirm 'The Oxfordshire County Council (Didcot to Culham Thames Bridge) Scheme 2022', and as modified by her, 'The Oxfordshire County Council (Didcot Garden Town Highways Infrastructure – A4130 Improvement (Milton Gate to Collett Roundabout), A4197 Didcot to Culham Link Road, A415 Clifton Hampden Bypass) (Side Roads Order 2022' and 'The Oxfordshire County Council (Didcot Garden Town Highways Infrastructure – A 4130 Improvement (Milton Gate to Collett Roundabout), A4197

Didcot to Culham Link Road, and A415 Clifton Hampden Bypass) Compulsory Purchase Order 2022’.

31. In confirming the Scheme and Orders, the Secretary of State has relied on the information that the Council and others have provided, as contained in the Scheme and Orders and any related plans, diagrams, statements, or correspondence, as being factually correct. Confirmation is given on this basis.

32. Where not otherwise stated in this letter, the Secretary of State can be taken to agree with the findings, conclusions and recommendations set out in the Inspector’s report and the reasons given for the Secretary of State’s decision are those given by the Inspector in support of the conclusions and recommendations.

### COMPENSATION

33. Details of compensation arising as a consequence of confirmation of a CPO are a matter for negotiation with the acquiring authority and not the Secretary of State. Accordingly, qualifying persons in relation to the land included in the CPO will need to be approached by the Council about the amount of compensation payable to them in respect of their interests in the land. If the amount cannot be agreed the matter may be referred for determination by the Upper Tribunal (Lands Chamber) under the Lands Tribunal Act 1949 and the Land Compensation Act 1961 and 1973, as amended by the Planning and Compulsory Purchase Act 2004.

### AVAILABILITY OF DOCUMENTS

34. A copy of this letter, together with a copy of the Inspector’s report, have been sent to those parties who appeared at the Inquiries, other interested parties, and relevant Members of Parliament. Copies will be made available on request to any other persons directly concerned.

35. Please arrange for a copy of the Inspector’s report and of this letter to be made available for inspection at <http://www.gateleyhamer-pi.com/en-gb/didcot-garden-town/> and at all other places used to deposit the Orders for public inspection at making stage. Any person entitled to a copy of the Inspector’s report may apply to the Secretary of State for Transport, at the address shown on this letter within 6 weeks of the receipt of this letter, to inspect any document, photograph or plan submitted by the Inspector with the Inspector’s report.

### RIGHT OF CHALLENGE

36. Notice is to be published of confirmation of the Scheme and Orders. Any person who wishes to question the validity of the confirmed Scheme and Orders, or any particular provision contained therein, on the grounds that the Secretary of State has exceeded her powers or has not complied with the relevant statutory requirements in confirming them may, under the provisions of Schedule 2 to the Highways Act 1980 and section 23 of the Acquisition of Land Act 1981, do so by application to the High Court. Such an application must be made within six weeks of publication of the notice that the Scheme and Orders have

been confirmed. The High Court cannot entertain an application under Schedule 2 or section 23 before publication of the notice that the Secretary of State has confirmed the Orders.

Yours sincerely



**TIM BRIMLOW**

Authorised by the Secretary of State for Transport  
to sign in that behalf