



Report to the Secretary of State

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an Inspector appointed by the Secretary of State

Date: 28 November 2024

HIGHWAYS ACT 1980 ACQUISITION OF LAND ACT 1981

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

HIGHWAYS ACT 1980 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 OXFORDSHIRE COUNTY COUNCIL (DIDCOT TO CULHAM THAMES BRIDGE) SCHEME 2022 AND PLAN ACCOMPANYING THE OXFORDSHIRE COUNTY COUNCIL (DIDCOT TO CULHAM THAMES BRIDGE) SCHEME 2022

Inquiry opened on 20 February 2024

Inspections were carried out on 4 and 5 March 2024.

File Ref: DPI/U3100/23/12

Abbreviations used in this Report

AA	Acquiring Authority
ALA	Acquisition of Land Act 1981
AMP	Asset Management Period
CEMP	Construction and Environmental Management Plan
CPO	Compulsory Purchase Order
CSC	Culham Science Centre
CTMP	Construction Traffic Management Plan
CTW	Culham Sewage Treatment Works
Defra	Department of the Environment, Farming and Rural Affairs.
EIA	Environmental Impact Assessment
EiC	Evidence in Chief
ES	Environmental Statement
GHG	Green House Gas
HoTs	Heads of Terms
LPA	Local Planning Authority
LTCP	Local Transport and Connectivity Plan
NPCJC	Neighbouring Parish Councils Joint Committee
NMU	Non Motorised Users
NPPF	The National Planning Policy Framework
OCC	Oxfordshire County Council
PE	Population Equivalent
PMA	Private Means of Access
POE	Proof of Evidence
POETS	Planning Oxfordshire's Environment and Transport Sustainably
SoCG	Statement of Common Ground
SOAEL	Significant Observed Adverse Effect Level
SoS	Secretary of State
SRO	Side Roads Order
STW	Sewage Treatment Works
TWUL	Thames Water Utilities Limited
UKAEA	United Kingdom Atomic Energy Authority

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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 Compulsory Purchase Order was made under sections 239, 240, 246, 250 and 260 of the Highways Act 1980 and The Acquisition Of Land Act 1981 by Oxfordshire County Council on 21 December 2022.
- The purpose of the Order is
 - The dualling of the A4130 carriageway (A4130 Widening) from the Milton Gate Junction eastwards, including the construction of three roundabouts;
 - A road bridge over the Great Western Mainline (Didcot Science Bridge) and realignment of the A4130 northeast of the proposed road bridge including the relocation of a lagoon;
 - Construction of a new road bridge between Didcot and Culham (Didcot to Culham River Crossing) including construction of three roundabouts, a road bridge over the Appleford railway sidings and a road bridge over the River Thames;
 - Construction of a new road between the B4015 and A415 (Clifton Hampden Bypass), including the provision of one roundabout and associated junctions; and
 - Controlled crossings, footways and cycleways, landscaping, lighting, noise barriers and sustainable drainage systems.

Summary of Recommendation: That the Order be confirmed with modifications.

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 Side Roads Order was made under Sections 14 and 125 of the Highways Act 1980, and is known as 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 Order was made on 21 December 2022.
- The Order would provide for the improvement and construction of highways; the stopping up of highways and private means of access; and the provision of new means of access'.

Summary of Recommendation: That the Order be confirmed with modifications.

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

- The Bridge Scheme was made under Section 106(3) of the Highways Act 1980, and is known as the Oxfordshire County Council (Didcot To Culham Thames Bridge) Scheme 2022.
- The Order was made on 21 December 2022.

Summary of Recommendation: That the Order be made.

1. Procedural Matters

- 1.1. I have been appointed to hold a public local inquiry into the above Orders, and to report to the Secretary of State (SoS) for Transport.
- 1.2. To avoid the repetition of evidence the Inquiry into the Side Roads Order, Bridge Scheme and Compulsory Purchase Order Inquiry was conjoined with the Inquiry into the planning application (the called-in application). The Inquiries opened on 20 February 2024 and sat for 21 days until 9 May 2024. I carried out an accompanied site visit on 4 and 5 March 2024 and a further visit to view Mr Mockler's land. I also 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 Inquiry was closed in writing on 21 May 2024.
- 1.3. The Acquiring Authority (AA) is Oxfordshire County Council, the Highway Authority for the local road network. The Scheme proposes the construction of the road scheme known as the HIF1. The Scheme consists of four separate but interdependent highway schemes, namely:
 - The A4130 Widening;
 - Didcot Science Bridge;
 - Didcot to Culham River Crossing; and
 - Clifton Hampden Bypass.

Mr Blanchard's and Mr Chan's proofs of evidence (POE) provide a detailed description of the proposals.

- 1.4. The related Planning Appeal is the subject of a separate Report that was submitted to the SoS for Housing, Communities and Local Government.
- 1.5. A Pre-Inquiry Meeting was held on 9 November 2023 to discuss the arrangements for both Inquiries and the deadlines for the submission of various documents.
- 1.6. The AA confirmed at the Inquiry that it had complied with all necessary statutory formalities in relation to both the Compulsory Purchase Order (CPO), the Side Roads Order (SRO) and the Bridge Scheme. This compliance was not disputed.
- 1.7. The Scheme qualifies as an Environmental Impact Assessment (EIA) development and therefore, an Environmental Statement (ES) was submitted with the planning application to assess the likely significant effects on a number of topic areas scoped into the report.
- 1.8. Following requests under Regulation 25 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2017 (EIA Regs) further information was submitted to the Local Planning Authority (LPA) in November 2022 [CD B.2] and April 2023 [CD C.2]. Alongside these response documents, two ES Addendums [CD B.1 and C.1] were submitted where the response to requests for further information necessitated changes to the ES. The additional information provided in response to the Regulation 25 Requests did not result in a change to predicted likely significant environmental effects as reported in the ES submitted with the planning application.
- 1.9. At the time the Inquiry opened there were 31 objections to the Orders. During the course of the Inquiry 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 Inquiry or submit any further evidence to it. There were no objections to the Bridge Order.

- 1.10. The 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 Inquiry. Objections from Network Rail, Thames Water Utilities Ltd (TWUL) and RWE remain.
- 1.11. There were a number of modifications made to the SRO and the CPO during the course of the Inquiry. The final modifications were submitted prior to the close of the Inquiry and are at O-INQ 5.3. I return to the modifications later in this Report.
- 1.12. The Compulsory Purchase Guidance was updated on 3 October 2024. Other than changes to paragraph numbers the updated guidance does not alter those parts of the Guidance on which the parties rely.

2. The Published Scheme

- 2.1. The HIF1 Scheme can be seen on the 19 general arrangements drawings which accompanied the Scheme. The Scheme is 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.
- 2.2. The Scheme comprises:
 - The dualling of the A4130 carriageway (A4130 Widening) from the Milton Gate Junction eastwards, including the construction of three roundabouts;
 - A road bridge over the Great Western Mainline (Didcot Science Bridge) and realignment of the A4130 northeast of the proposed road bridge including the relocation of a lagoon;
 - Construction of a new road bridge between Didcot and Culham (Didcot to Culham River Crossing) including construction of three roundabouts, a road bridge over the Appleford railway sidings and a road bridge over the River Thames;
 - Construction of a new road between the B4015 and A415 (Clifton Hampden Bypass), including the provision of one roundabout and associated junctions; and
 - Controlled crossings, footways and cycleways, landscaping, lighting, noise barriers and sustainable drainage systems.
- 2.3. The land included in the CPO comprises the land which is required for the delivery of the Scheme. This includes all of the land for which the title to the land is required, including the land that is required for the Scheme works; the land which is required for use in connection with the construction of the Scheme (including working space and works compounds etc); and land over which new rights are required to facilitate the construction of the Scheme.

- 2.4. The Order Land is required for the purpose of constructing HIF1 and implementing the SRO and Bridge Order. Individual plots are depicted in the CPO Plans and are more fully described in the Schedule annexed to the CPO. The Order Land which is required for the Scheme is comprised of 716 plots, which are shown on the Order Map [CD H.2].

3. Order Land and Surroundings

- 3.1. The Order Land is 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 byway, footpaths, and bridleways.
- 3.2. The site is a linear site that extends from the Milton interchange with the A34 to Culham Science Centre (CSC) north of the Thames. The part of the site south of the Thames lies within the Vale of White Horse District and that to the north lies within South Oxfordshire District.
- 3.3. The linear route is located to the east of the A34, the west of the A4074 and the south of Oxford. Abingdon lies to the northeast of the Scheme and is connected to it by the A415.
- 3.4. The existing A4130 is enclosed on one side by the railway, and the other by the Valley Park development and the agricultural land that is allocated for residential development.
- 3.5. The proposed Science Bridge would cross the existing railway. Didcot power station lies to the north of the railway and is part of a larger industrial area adjacent to Didcot. From the north of Didcot the site skirts a landfill site west of Appleford and crosses the Appleford Sidings. It follows a line between Sutton Courtenay and Appleford, both of which are rural villages, albeit located relatively close to industrial and commercial uses (to the south of Sutton Courtenay and the South and west of Appleford).
- 3.6. To the north of Appleford lie the former gravel pits at Bridge Farm. Whilst these are partly restored, their industrial past remains evident. The site then crosses the Thames including the Thames Path (a national trail) and continues across agricultural land towards the CSC. At present the traffic crosses the Thames using either the Culham Cut and Sutton Bridge or the Clifton Hampden Bridge, both of which are Grade II listed and are traffic light controlled with one way shuttle working.
- 3.7. The site follows an easterly line and bypasses the village of Clifton Hampden. It terminates along the B4015 just to the north of Clifton Hampden. The B4015 continues towards the Golden Balls roundabout at the junction with the A4074. The A4074 provides access to the southeastern side of Oxford.

4. Law and Policy

- 4.1. The SRO is made under Sections 14 and 125 of the Highways Act 1980. These provisions allow the SoS, by Order, to authorise the stopping up of any highway or private means of access (PMA) and the provision of any improved or replacement highway, footpath and PMA, or new means of access to premises adjoining or adjacent to a highway. For an Order stopping up a PMA

under section 125 of the Act to be approved, the SoS must be satisfied that continued use of the access is likely to cause danger to, or to interfere unreasonably with, traffic on the highway, and either no access is reasonably required, or that another reasonably convenient means of access to the premises is available or will be provided.

- 4.2. It is a requirement that provision be made for the preservation of any rights of statutory undertakers in respect of their apparatus.
- 4.3. The draft CPO is made under sections 239, 240, 246, 250 and 260 of the Highways Act 1980 and Parts II and III of Schedule 2 to the Acquisition of Land Act 1981. For the CPO to be confirmed, the land affected must be required for the construction or improvement of, or the carrying out of works to, a highway maintainable at public expense, or for the provision of buildings or facilities to be used in connection with the construction or maintenance of a highway maintainable at public expense. The powers extend to the acquisition of land to mitigate any adverse effects which the existence of a highway would have on the surroundings of that highway. The powers also extend to the acquisition of rights over land.
- 4.4. The CPO would authorise the acquisition of land and rights for the construction and improvement of highways and new means of access to premises in pursuance of the SRO. It would also authorise the acquisition of land and rights to enable mitigation measures to be implemented as an integral part of the Scheme.
- 4.5. The relevant Government policy is Guidance on Compulsory Purchase Process published in October 2024 (the Guidance). The Guidance states that a CPO should only be made where there is a compelling case in the public interest and reasonable efforts have been made by the AA to negotiate the purchase of land by agreement. It further states that the purposes for which the CPO is made should justify interfering with the human rights of those with an interest in the land affected.
- 4.6. Whilst a decision whether to confirm an Order will be made on its own merits, the AA should have a clear idea of how it intends to use the land which it is proposing to acquire and show that all the necessary resources are likely to be available to achieve that end within a reasonable timescale. The Guidance also states that the confirming authority will need to be satisfied that the interests of those affected by the exercise of the compulsory purchase powers have been considered and it will also have regard to any mitigation offered by the AA.
- 4.7. The Guidance states that compulsory purchase is intended as a last resort to secure the assembly of all the land needed for the implementation of projects. It does however recognise that it may often be sensible, given the amount of time required to complete the compulsory purchase process, for the AA to plan a compulsory purchase timetable as a contingency measure or initiate formal procedures.
- 4.8. The AA also need to demonstrate that the implementation of the Scheme following the confirmation decision being made is unlikely to be blocked by any physical or legal impediments, including any need for planning permission.
- 4.9. Section 17 of the Guidance outlines the benefits of undertaking negotiations and engagement prior to, and in parallel with, preparing and making a CPO.

It encourages acquiring authorities to engage early and communicate regularly with those whose interests are affected, since it could help to identify what measures can be put in place by the AA to minimise the impacts of the exercise of the compulsory purchase powers.

- 4.10. Section 20 addresses special land, which includes land held by a statutory undertaker for the purposes of their undertaking and references the power under section 16 of the Acquisition of Land Act 1981 (ALA).

The Policy Context

- 4.11. The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England. At the heart of the NPPF is a presumption in favour of sustainable development, which should be considered through both plan-making and decision-taking. The NPPF advises that significant weight should be placed on the need to support economic growth and productivity and that planning policies should provide for any large-scale transport facilities needed and the infrastructure necessary to support the operation, expansion and contribution to the wider economy.
- 4.12. The development plan for the area includes the South Oxfordshire Local Plan, The Vale of White Horse Local Plan Part 1, the Vale of White Horse Local Plan Part 2 and the Sutton Courtenay Neighbourhood Plan. HIF1 is integral to the development plans for the area. The compliance with the NPPF and the development plans for the area was discussed at length during the called-in application Inquiry. It was concluded that the Scheme is compliant with national and local planning policy.
- 4.13. Some of the Rule 6 and other objectors to the called-in planning application contend that the weight to be afforded to development policies is outweighed by the need to combat climate change. The need to mitigate and adapt to climate change is a key environmental objective of the NPPF. Chapter 14 in particular sets out Government Policy on Climate Change for planning. Amongst other matters, the NPPF requires new development to avoid increased vulnerability to the range of impacts arising from climate change and to help to reduce Green House Gas emissions. It was found that the HIF1 Scheme complies with both of these requirements, as well as the relevant development plan policies.
- 4.14. In addition, DfT Circular 2/97 explains that the SoS would always wish to be sure that the scheme for which he was authorising the compulsory acquisition of land would go forward as proposed in the Order. Consequently, it is his practice not to confirm a CPO until he is satisfied that the planning permission aspect of the scheme, to which the Order relates, has been granted.

5. Case for the Acquiring Authority

[This summary of the case for the Applicant is based on the closing submissions, the proofs of evidence and other submissions to the Inquiry.]

Need for and benefits of the Scheme

- 5.1. The need for and benefits of the Scheme are overwhelming and is the fundamental basis for there being a compelling case in the public interest for the CPO.

- 5.2. Oxfordshire County Council's (OCC) called-in closing submissions made on 23 April 2024 set out OCC's case on the need and benefits. In summary, it was set out how:
- a. The need for the Scheme most directly derives from the existing and planned housing and employment growth in Science Vale. The development plans which plan for that growth directly depend on the Scheme, and without the Scheme they would fail.¹
 - b. In addition to enabling delivery of planned development, the Scheme would address:
 - i. The poor existing highway network performance, by providing modern, fit for purpose highway infrastructure;
 - ii. The under-provision of active travel in the area, by providing extensive and high quality cycling and walking infrastructure;
 - iii. The need for improvements in public transport, by enabling more reliable, enhanced and additional bus services; and
 - iv. The need for adequate network resilience and safety.
 - c. The need for and benefits of the Scheme also gain weight by their recognition in other tiers of policy beyond the Local Plans, in particular the Local Transport and Connectivity Plan (LTCP), the Didcot Garden Town Delivery Plan, and the NPPF.
 - d. Overall, the need and benefits are entirely compelling, wholly made out, and worthy of very substantial weight.²
- 5.3. In addition to the need and benefits OCC's called-in closing submissions considered the Inspector's other 13 main issues.³ It was concluded that the Scheme accords with the development plan as a whole and that the planning balance comes down heavily in favour of the Scheme. Any adverse environmental effects are heavily outweighed by the benefits; the adverse effects are few and far between and the overall environmental picture is very positive.⁴
- 5.4. The land and rights sought to be acquired are needed for the Scheme, and do not exceed that which is required. Mr Blanchard and Mr Chan have provided detailed written and oral evidence explaining the Scheme design, how it is properly based on appropriate design standards and guidance, and that all the land and rights are needed to deliver the Scheme.

Alternatives

- 5.5. The issue of alternatives has been thoroughly considered in the called-in part of the conjoined Inquiries and are summarised in OCC's called-in closing submissions.⁵ The Scheme is the product of a detailed, robust and multi-stage optioneering process which took place between 2014 and 2021, and there are no feasible, realistic alternatives to the Scheme.
- 5.6. Attempts to acquire by negotiation as an alternative to compulsory purchase are dealt with below.

¹ Paragraphs 3 – 14 of OCC's called-in closing submissions

² Paragraphs 15-34 of OCC's called-in closing submissions

³ Paragraphs 35 - 166 of OCC's called-in closing submissions

⁴ Paragraphs 167 – 170

⁵ Paragraphs 67 – 76

Funding, Deliverability and Viability

- 5.7. All the necessary resources will be in place to deliver the Scheme, in accordance with the CPO Guidance. The cost of the Scheme is c.£332.5m. Homes England are contributing £276.2m to the total. Homes England confirmed the increased funding on 19 April 2024, along with contingency should it be required. The remainder of the funding comes from the Oxfordshire Local Enterprise Partnership (£10m), OCC (£30m), and s.106 developer contributions (£16.4m, which is underwritten by OCC to the extent that it is unsecured).
- 5.8. The additional funding request was considered by five separate Government departments and agencies: Homes England, HM Treasury, the Department for Transport, the Ministry of Housing, Communities and Local Government, and the Infrastructure and Projects Authority. As such, the case for funding the Scheme has been scrutinised extensively throughout Government.
- 5.9. Various objectors to the called-in planning application and to the Orders have raised certain challenges to the viability and feasibility of the Scheme. These are without substance.
- a. Mr Ng, on behalf of the NPCJC, suggests that an overall inflation allowance of £62m is required. The actual inflation allowance within Mr Mann's proof is £59.3m.
- b. Mr Ng doubted the robustness of OCC's approach to risk. Mr Mann explained that OCC has support from commercial and risk managers from AtkinsRealis in the management of the contingency budgets, which includes risk and optimism bias. OCC uses a 'bottom up' quantified risk approach, as is appropriate. This uses costed risk registers identifying individual and site-specific risks; there is a detailed register and it is reviewed regularly to adjust the risks, remove those not needed, and add new ones. Mr Mann also explained that the figures are subject to continuous review, and the most recent review (after the date of his proof of evidence) has shown a projected reduction of £5.8m to the inflation costs.
- c. Mr Harman's evidence on behalf of the NPCJC raised concerns over the deliverability and feasibility of the Scheme. Procurement challenges and risks will be inevitable on an infrastructure project of this scale. OCC is taking all relevant expert advice. OCC is also an experienced deliverer of highway projects, such that there is no proper basis to doubt the deliverability of the Scheme within the programme and budget (plus contingency if required). Key contracts have been let to Aecom for feasibility and preliminary design, ground investigation and other areas of technical support. Graham Construction Ltd will provide construction advice during the preliminary design stage, including on construction methodology and site compound requirements.
- e. Mr Harman made various assumptions about procurement and contractual matters which do not align with what is actually taking place. In particular, Mr Harman was wrong to suggest that large uncontrolled risks would fall on OCC; as Mr Mann explained, OCC generally has control over risk allocation and this is set out in the tender documentation for contractors.

Impediments

5.10. In accordance with the CPO Guidance, the Scheme is unlikely to be blocked by any physical or legal impediments to implementation. Planning permission is being considered alongside confirmation of the Orders via the called-in planning application. Mr Mann has given unchallenged evidence that there are unlikely to be any impediments by way of other necessary consents. In particular, any necessary traffic regulation orders are anticipated to be made as required; there is no reason to consider that any necessary protected species licences will not be obtained; and there has been engagement with affected statutory undertakers, whose requirements are being accommodated in the Scheme design and delivery so far as is necessary.

Attempts to acquire by negotiation

- 5.11. In accordance with the CPO Guidance, OCC has taken reasonable steps to acquire all of the land and rights included in the CPO by agreement, and continues to do so. OCC has treated compulsory purchase as a last resort. "
- 5.12. OCC and its land agents, Gateley Hamer, have been engaging with landowners since February 2020. Prior to this OCC had undertaken significant engagement and consultation with key stakeholders in respect of the design and route alignment of the Scheme, as described in Mr Wisdom's POE (section 9). There has been ongoing contact with all parties impacted to discuss the Scheme, the CPO and land acquisition requirements. This has also included engagement in early 2021 to secure access to land for ground investigation and environmental surveys to assist with the design and construction of the Scheme. It also included statutory notices sent out to landowners in July 2021 requesting information in respect of the land (including providing plans of the plots in question). The formal statutory notices specifically stated that the request for information was to enable OCC to perform its functions in relation to the making of a CPO pursuant to Sections 239-260 of the Highways Act 1980, and accompanying correspondence also explained that compulsory purchase might be required.
- 5.13. Since the CPO notices were served in December 2022, negotiations with impacted landowners have continued. Heads of Terms (HoTs) for voluntary agreements have been drafted and agreed with landowners where it is possible to reach agreement. The vast majority of the impacted parties are willing to engage with OCC with a view to agreeing voluntary agreements to enable the acquisition of the necessary land and rights required to facilitate the delivery of the Scheme.
- 5.14. It was not possible for OCC to provide detailed land plans prior to December 2022. In the circumstances it was reasonable to allow the Orders confirmation process and negotiations with landowners to proceed in parallel. The CPO guidance indicates that this can be appropriate. Objectors rely on the CPO Guidance noting that there can be benefits in undertaking negotiations in parallel with preparing and making a CPO, but this Guidance is not mandatory. There is an urgent need for the Scheme and a significant amount of planned development in Science Vale depends on it coming forward. There is a public interest in the Scheme proceeding in a timely manner and not being delayed.
- 5.15. There are a large number of landowners given the linear nature of the Scheme, which inevitably requires compulsory purchase to be pursued alongside negotiations. The funding for the Scheme from Homes England has

a time-limited window, and delay would have been inconsistent with that. Further, the significant engagement with landowners prior to December 2022 means that it is wrong to characterise the process as not commencing until December 2022. Finally, and importantly, we are now 16 or so months on from December 2022. During that period, there have been extensive negotiations with all landowners (with the exception of one who has declined to engage).

- 5.16. In respect of the offers made to landowners, Mr Moon has confirmed that OCC has made offers which are in accordance with Compensation Code principles and, as such, has reflected compensation within offers as if the landowners' interests had been compulsorily purchased.

Human rights and equalities

- 5.17. 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 to the Council, in particular Article 1 of Protocol 1 (the right to peaceful enjoyment of possessions). Such interference is authorised by law provided that the statutory procedures for obtaining the CPO are followed, there is a compelling case in the public interest for the CPO, and any interference is proportionate to the legitimate aim served. 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.
- 5.18. The Scheme has been designed to minimise interference with rights and the AA considers that the strong public interest in the Scheme, as set out above, clearly outweighs any interference with rights caused by the use of compulsory purchase powers to acquire third party land for the Scheme.
- 5.19. In promoting the CPO, the AA has complied with all relevant legislation. The Scheme has been extensively publicised and consulted upon. There has been extensive engagement with all those whose land interests are affected.
- 5.20. Although there is no obligation on the AA 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. Those directly affected by the CPO will be entitled to compensation for any loss in accordance with the Compensation Code.
- 5.21. In terms of equalities, an Equality Impact Assessment has been undertaken.⁶ 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 Equality Impact Assessment also identified some potential adverse effects, related to potential noise and air quality effects, and impacts on public rights of way. The Equality Impact Assessment makes recommendations to mitigate against those potential adverse effects, including environmental mitigation in respect of the construction and operational phases, and inclusive design. The Equality Impact Assessment has enabled OCC to ensure that it has fulfilled its public sector equality duty under s.149 of the Equality Act 2010 to have due regard to the need to

⁶ CD M.10, Appendix 11 (pdf p.84).

address certain equalities considerations. It also enables the Inspector and SoS to comply with the duty as it applies to them in considering whether to confirm the Orders. Overall, OCC considers that the Scheme is clearly beneficial in terms of its equalities impacts.

SRO and Bridge Scheme

- 5.22. The statutory tests in respect of the SRO and the Bridge Scheme are met.
- 5.23. As to the SRO, the tests in s.14(6) (another reasonably convenient route) and s.125(3) (no access reasonably required / another reasonably convenient means of access available or to be provided under a SRO) of the Highways Act 1980 are satisfied. Mr Blanchard and Mr Chan in their written and oral evidence have explained how the SRO provisions are justified by the Scheme design, and how there is compliance with the two tests in s.14(6) and s.125(3).
- 5.24. The SRO is unlikely to give rise to any interference with human rights, given that the tests in section 14(6) and 125(3) of the 1980 Act are 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 reasons as set out in respect of the CPO above.
- 5.25. As to the Bridge Scheme, the new Thames bridge will not impede the reasonable requirements of navigation, in accordance with s.107(1). Mr Chan explained that the Thames bridge meets the Environment Agency's design requirements, including clearances above water level, and there has been no objection by the Environment Agency.
- 5.26. The case in support of the SRO and the Bridge Scheme is the same as that for the CPO. As set out above and below, that case is clearly made out.

Modifications

- 5.27. A table of modifications has been provided in respect of the CPO and SRO and discussed in the modifications session. OCC invites the SoS to confirm the Orders with those modifications, including further updates subsequently provided or to be provided.
- 5.28. These amendments all represent a reduction in the land interests to be acquired and would not be prejudicial to any party. It is therefore recommended that they be accepted.

Compelling case in the public interest

- 5.29. The evidence before the conjoined called-in and Orders inquiries overwhelmingly demonstrates that there is a compelling case in the public interest for the Scheme. The need for and benefits of the Scheme can only attract very substantial weight. The adverse environmental effects are few and far between and overall the environmental effects are significantly positive. There has been no serious challenge to the compelling case in the public interest for the Scheme by any objector. To the extent that there is any in-principle opposition to the Scheme (for example by Mr Mockler), the points of objection raised are unevicenced and have been shown to be wholly without merit by the evidence put forward by OCC. The remaining objectors to the Orders are principally concerned with protecting their particular private interests. To the extent that TWUL and RWE suggest that, as statutory

undertakers, they raise concerns of wider public interest, those concerns have been appropriately addressed and do not provide a reason not to confirm the Orders.

- 5.30. A wider view also needs to be taken. This is a major £330m scheme, it has significant central Government support and funding, it has the strong backing of both District Councils and very widespread support from local organisations and people, and it is essential to enabling the tens of thousands of houses and jobs planned for in the development plans to go ahead, along with facilitating the growth of the world-leading research at the CSC. The points raised by the remaining objectors need to be seen in that context. None of the objectors' concerns come close to providing a proper reason not to confirm the Orders, which would prevent this hugely important Scheme going ahead.
- 5.31. The objections are heavily and comprehensively outweighed, and the compelling case in the public interest is clearly made out.

6. Case for the Objectors

[The cases reported below are based on the objections, Statements of Case, closing submissions and other representations submitted by the parties and reflect the position at the close of the Inquiry.]

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Obj 1 Network Rail

Case for Network Rail (CD M.06, INQ O-23)

- 6.1. Network Rail did not appear at the Inquiry. It objected to the CPO and the SRO. It also made a representation under Section 16 and Schedule 3 Part 11 of the ALA to the SoS for Transport.
- 6.2. Discussions between the AA and Network Rail in relation to the terms of a framework agreement and relevant subsidiary documents were continuing at the time the Inquiry closed. Network Rail provided a number of updates. The most recent confirmed that the draft framework agreement provides for OCC not to implement powers over Network Rail land, and instead to provide access to the land and any necessary rights that OCC requires for delivery of the HIF1 Scheme by agreement, and to seek to modify the CPO to remove Network Rail land to ensure adequate protection for Network Rail's operational assets.⁷
- 6.3. Once the draft framework agreement is in place, and OCC have sought to modify the CPO to remove Network Rail's land, Network Rail will withdraw its objection to the Scheme. Should the CPO be confirmed without modifications, it would give OCC the power to carry out works and acquire land without securing appropriate protections for Network Rail and its railway undertaking.

The Response of the Acquiring Authority

- 6.4. The proposed agreement will include an Asset Protection Agreement which will allow the AA to enter onto Network Rail's operational land in order to construct the Scheme and Works. Once the legal agreement is finalised, it will secure the land and new rights that the AA requires in order to construct the Scheme and will, therefore, remove the need to compulsorily purchase certain land. As a result, modifications to the Orders are being sought to remove or limit the Network Rail interests which are included within the CPO.
- 6.5. On the conclusion of the framework agreement, Network Rail has indicated that it will withdraw its objection to the Orders. It is anticipated that the representation under s.16 of the Acquisition of Land Act 1981 will be withdrawn along with Network Rail's objection.

Obj 2 Mr and Mrs Aries

The Case for Mr and Mrs Aries (CD J.02)

- 6.6. Mr and Mrs Aries did not appear at the Inquiry. They object to the SRO and the CPO. They object to the existing A415 being closed and blocked off just before the proposed new roundabout at CSC.
- 6.7. They further object to this existing road branching off to form the proposed A415 connection, in order to join the proposed Clifton Hampden Bypass. They are concerned that if the Scheme is approved, they will be surrounded by traffic on all four sides. They contend that this would impact on their privacy, and that they would be subjected to more traffic noise and pollution, as well as devalue their property.

⁷ INQ O-23

- 6.8. The proposed A415 connection road would be a waste of taxpayers' money as there is already a perfectly good existing road providing a more straightforward connection to the new roundabout.

Response of the Acquiring Authority

- 6.9. Mr and Mrs Aries have an interest in respect of subsoil only. These plots are part of the existing A415 Abingdon Road (comprising carriageway, verge and hedgerow). They lie to the south of Mr and Mrs Aries' residential property (North Cottage). Given the nature of this interest (subsoil under a highway), which is generally of no practical utility to an owner, the impact of acquisition is negligible.
- 6.10. Mr and Mrs Aries' objection is primarily concerned with highway design and amenity issues, which are principally planning matters. The traffic modelling shows that on link 38 which is close to North Cottage, there would be a dramatic reduction in traffic flows in the with HIF1 scenario compared to the without HIF1 scenario.⁸ There would also be a significant reduction in traffic noise levels when the Scheme is in operation. In terms of air quality, the predicted annual mean NO₂ concentrations at properties close to Mr and Mrs Aries' house on the A415 in Clifton Hampden are around 12 µg/m³ with and without the Scheme, which is well below the relevant air quality objective of 40 µg/m³.
- 6.11. In respect of privacy concerns, the representative viewpoint (RV29) best represents North Cottage. Residential properties north and south of the road in this location are enclosed by vegetation such that they do not have views of the Scheme. Although RV29 would experience a slight adverse visual effect during construction, this would reduce to a neutral effect at operational year 1 and year 15.
- 6.12. As to the objection concerning the existing road branching off at North Cottage to form the proposed A415 connection, the road design is based on Design Manual for Roads and Bridges including the road width and forward visibility requirements. The road is also designed to tie in with the existing A415. As the existing A415 would be stopped up, a new connection is needed to provide a connection between the existing A415 and the Clifton Hampden Bypass. The proposed link road utilises the alignment of an existing private access and will connect with the Clifton Hampden Bypass via a priority junction.
- 6.13. Mr and Mrs Aries have suggested that an alternative is to provide a fifth arm onto the proposed CSC roundabout. This option was reviewed by OCC but it would have a negative impact on the Grade II listed Fullamoor Farmhouse as the fifth arm would require land from that property. Traffic modelling was also carried out and concluded that a fifth arm would cause significant queuing, thus likely causing noise and air quality impacts. For these reasons, connecting the existing A415 directly with the proposed roundabout would not be feasible.
- 6.14. For all the above reasons, any negative environmental impact on Mr and Mrs Aries as a result of the Scheme is very limited. The impacts looked at overall

⁸ Traffic flows would reduce from 11,423 vehicles per day to 2,730 in 2024 (-8,693) and from 14,402 to 2,384 (-12,018) in 2034.

are significantly positive due to the large reduction in traffic flows and noise. The objection provides no reason not to confirm the Orders.

Obj 6 Stephen Smith

The Case for Mr Smith (CD J.05)

- 6.15. Mr Smith did not appear at the Inquiry. He objects to the CPO and the SRO. He has a right of way over land which is the subject of the CPO at the end of the proposed Clifton Hampden Bypass where it joins the Oxford Road.
- 6.16. Mr Smith raises concerns regarding continuity of his utility supplies, in particular water supply. The Bypass will go over what is an old pipe in a field. He states that in 2021 following a leak a TWUL representative concluded that the current arrangement would not be acceptable should the Bypass proceed. There is no gas supply or sewerage services to the property. Mr Smith wishes to confirm the proposals to avoid problems with utility services.
- 6.17. Mr Smith is concerned that access to his property will be both more difficult and dangerous as a result of the Bypass. He also considers that as a result of the CPO and the implementation of the Clifton Hampden Bypass, there would be a huge amount of disruption during the construction work and a high level of noise pollution as a result of the project.

The Response of the Acquiring Authority

- 6.18. The AA has been engaging with Mr Smith since February 2023. The AA has also liaised with TWUL with a view to establishing how Mr Smith's water supply will be diverted and meter relocated. Mr Smith's utilities and water supply will be protected and diverted as part of the Scheme, and the intention is to minimise any disruption which may impact on Mr Smith and his property. Further details as to how this will be achieved will be provided to Mr Smith during the detailed design stage.
- 6.19. The safety and convenience of Mr Smith's access to his property will be improved under the Scheme. The existing B4015 makes a dog-leg turn directly at the access to Mr Smith's property. Under the proposal, the B4015 Oxford Road connection with the proposed Bypass will be some 110m further west. The proposed layout will provide better visibility of traffic approaching the property's access.
- 6.20. At some facades moderate noise increases are predicted in the short term and long term due to the Scheme. Therefore, a significant adverse effect (in EIA terms) is reported in the ES. However, the sensitivity test indicated that the low noise road surfacing proposed for the Scheme past Clifton Hampden, together with the reduced speed limit by comparison with the preliminary design stage to 50mph would reduce the magnitude of impact to minor, removing the significant adverse EIA effect. The absolute levels are well below the Significant Observed Adverse Effect Level (SOAEL) at all facades with and without the Scheme.
- 6.21. The Scheme will improve the safety and convenience of the access to Mr Smith's property. The environmental effects of the Scheme on Mr Smith's property are limited and have been mitigated and minimised in accordance with policy. Mr Smith's objection provides no basis not to confirm the Orders.

Obj 9 CPRE, Obj 30: Oxford Fieldpaths Society; Obj 34: Ramblers

Case for CPRE, Fieldpaths Society, Ramblers (CD J.08, J.27)

- 6.22. These organisations object to the SRO. They were represented at the Inquiry by Mr Moon on behalf of CPRE and Mr Godfrey on behalf of the Ramblers and Oxfordshire Fieldpaths Society.
- 6.23. Most of Appleford Bridleway No 3 currently follows a relatively quiet private road from the edge of Didcot to Appleford Crossing. The Scheme proposes to replace it with a roadside cycle track and footway. The new road would be likely to carry a significant number of HGVs, the cycle track would be likely to be noisy and so using it would no longer be a pleasant experience. There is also the risk that a nervous horse might be startled and react badly.
- 6.24. An alternative route is needed for the bridleway which is both convenient and relatively pleasant to use and provides a greater degree of safety for horse riders. CPRE and the Fieldpaths Society suggest that it could be diverted alongside the Didcot-Oxford railway line. This would have the advantages of being relatively direct and having an open view on the east side.
- 6.25. Clifton Hampden Footpath No 6 is a well-used footpath forming part of a route from Abingdon to Clifton Hampden as well as various circular walks from Clifton Hampden in the surrounding countryside. The affected section currently follows the south side of a hedge along the edge of an arable field and is left uncultivated. Its line is intersected at an angle by the line of the new road and the Scheme proposes its extinguishment from the point it crosses the new road eastwards to the point where it meets Footpath 3 at right angles.
- 6.26. Walkers would be expected to use the roadside footway alongside the new road to the point where Footpath 3 crosses the road. This would detract from the enjoyment of walking Footpath 6 by replacing a field-edge path with a roadside footway and thus unnecessarily urbanising this section of the route. It would particularly affect families with children who would have to ensure that their children walked in a disciplined fashion rather than allow them to run free.
- 6.27. They suggest instead that the path be diverted to run outside the road's northern fence until it meets Footpath 3. This would be more pleasant as it would be quieter and further away from the road, it would have a more rural character and would allow children to run free except if they have to cross the new road on Footpath 3. Such a diversion would also mean that walkers linking with the northern section of Footpath 3 need not join the road at all. Those linking with the southern section of Footpath 3 or Footpath 5 to the east would merely have to cross the new road and not walk along its footway.

Response of the Acquiring Authority

- 6.28. The majority of Bridleway 3 (i.e. 106/3/10 Appleford) between the Collett roundabout and the Appleford level crossing consists of a 3.2m wide single track road, except the northern and southern end where it is approximately 6.6m wide. The extinguishment of this Bridleway would not deprive riders, cyclists and walkers of a segregated route. There is currently no segregation between non-motorised users ("NMUs") and vehicles. The majority of the vehicles using this road are HGVs for the landfill site and operational aggregate site. Mr Nicholas Moon observed that the haul road for HGVs only shares the same surface as the bridleway for the southern and northern

sections of the bridleway, with the haul road branching off for the stretch around Hartwright House, before returning. But that middle stretch still lacks any segregation for NMUs, and also it is only accessible by the shared haul road, such that there is no realistic way to get to it without contending with the HGVs.

- 6.29. The new length of the A4197 classified road and its 3.0m cycle tracks, 2.0m footways and 1m verge will provide a complete replacement route for NMUs from the Collett Roundabout. The proposed facilities represent much improved conditions for walking and cycling, as those users will be segregated from vehicular traffic. A walking, cycling and horse-riding survey was carried out for a 7-day period in November 2019, which evidenced that, on average, there are 20 pedestrians / cyclists using the bridleway per day. No equestrian was recorded during the entire survey period. This limited current use reflects the current shortcomings of the route, which the Scheme will comprehensively address.
- 6.30. The objectors' suggested alternative route for the existing bridleway is unnecessary given the high-quality provision being proposed alongside the new road, which is in the location of the existing bridleway. The objectors' alternative route is also undesirable, because it would sterilise land which is subject to a Local Development Order.
- 6.31. The objectors' other concern is the proposed stopping up of sections of Footpaths 3 and 6 at Clifton Hampden (i.e. 171/3/10 Clifton Hampden and 171/6/10 Clifton Hampden respectively), what is being stopped up is a short section only (about 150m of both footpaths in total). A new route is being re-provided as shown on Sheet 19 of the General Arrangement plans, i.e. alongside the carriageway, with a crossing point to continue south on Footpath 3. While it may therefore not have the character of an unsurfaced rural footpath it will be more accessible and inclusive for those pushing buggies, using wheelchairs or walking aids. Woodland planting is proposed to the north of the new road and it is likely that a walker will be able to walk through that area rather than using the surfaced shared-use path, if they prefer.
- 6.32. Accordingly, the SRO test in s.14(6) of the Highways Act 1980 is satisfied in respect of the stopping up of Bridleway 3 and the relevant parts of Footpaths 3 and 6, in that, in both cases another reasonably convenient route will be provided before the highway is stopped up.
- 6.33. For the avoidance of doubt, this also applies in respect of the stopping up of Footpath 5 (171/5/10 Clifton Hampden), albeit the objectors appear to raise no issue in respect of this. Footpath 5 is being re-provided on an almost identical alignment.

Obj 11 Thames Water (TWUL)

The Case for TWUL

- 6.34. TWUL owns and operates the Culham Sewage Treatment Works (CTW) as part of its statutory undertaking. If confirmed, the Order would authorise *inter alia* the compulsory purchase of operational land comprising part of the CTW. This includes land that has been identified as required in order to accommodate future growth (plots 17/11a, 17/11b, 17/11c, 17/11d, 17/11e, 17/11f, 17/11g, 17/14a, 17/14b which are subject to permanent acquisition

and 17/11h, subject to temporary possession) and land that currently contains TWUL's operational assets (plot 17/11i).

- 6.35. The confirmation of the Order would result in a serious detriment to TWUL's statutory undertaking. This is the position of both TWUL and the Department for the Environment, Food and Rural Affairs (Defra).
- 6.36. The objection submitted by TWUL does not fall within section 16 of the Acquisition of Land Act 1981 as a result of a procedural error. Notwithstanding this, TWUL's position is that the impact on its undertaking must be taken into account by the SoS in determining whether or not to confirm the Order.
- 6.37. The process undertaken at the CTW was explained by Mr Paton in Evidence in Chief (EiC). It includes:
 - a. Preliminary treatment process;
 - b. The storm water management apparatus comprises a balancing tank and three storm tanks. In times of excess weather, the balancing tank is used to manage flows from the catchment. Under TWUL's permit, under times of extreme weather (such as rainfall or snow melt), flows will overflow from the balancing tank into the storm tanks. At times of low flow, the flow that is accumulated in the storm tank and balancing tanks will be pumped back to the heads of the work to be treated. If the storm tanks become full, the flows will discharge to the environment in accordance with TWUL's Permit.
 - c. The primary treatment process involves slowing down the flow to allow the heavier particles to settle to the bottom, creating a layer of sludge. This layer is removed and held in the sludge holding tank, until a point that the sludge can be dewatered and removed to a different facility for further treatment.
 - d. The secondary treatment process consists of two key processes. First, five filter beds allowing biological treatment to take place. Second, there is the final settlement stage that takes place in the humus tanks. This allows the remaining particles to settle to the bottom as sludge. The sludge is removed and circulated to the Primary Settlement Tanks for treatment.
 - e. The final effluent discharge undergoes sampling and quality monitoring before it is discharged into the watercourse at the south of the CTW. The final effluent monitoring and sampling point is located on plot 17/11i, which is proposed to be permanently acquired under the Order. TWUL's Permit requires it to monitor the quality of the effluent prior to discharge.
- 6.38. The CTW currently processes flows from a population equivalent ('PE') of 4,000. The Permit from the Environment Agency sets out the volume of the flow that the Works are allowed to treat, as well as the treatment quality of the flow.
- 6.39. The CTW currently operates with sufficient headroom for the PE which it serves so as to meet the key sanitary parameters set out in its operating Permit. TWUL's Process Model for the CTW, which considers capacity in five year increments, indicates that between 2021 and 2026, which is the start of Asset Management Plan Period 8 ('AMP8'), the CTW currently has enough

treatment capacity to remain compliant with the sanitary parameters for the projected growth up to 2026.

- 6.40. There are five other sewage treatment works ('STW') within a 5 km radius of the CTW. These are:
- Abingdon STW, approximately 4.5km to the west;
 - Nuneham Courtenay STW, approximately 3.8km to the north east;
 - Long Wittenham STW, approximately 1.7km to the south east;
 - Dorchester STW approximately 4.6km to the south east; and
 - Didcot STW, approximately 4.9km to the south west.

None of these other STWs are readily available to be able to serve the flow within this catchment area.

- 6.41. Nuneham Courtenay, Dorchester and Long Wittenham STWs all have a PE lower than CTW and therefore could not handle the size of development and growth that is forecast within the CTW catchment.
- 6.42. The cost of the upgrade works that would be required at Abingdon STW to accommodate additional flows from the CTW catchment is in the region of £65 million.

Planning for growth

- 6.43. TWUL's Process Model has identified that the expansion of the CTW will be required in order to meet projected growth within its catchment. The additional demand arises principally as a result of two Local Plan allocations within the catchment, namely, CSC and Berinsfield Garden Village.
- 6.44. The population within the CTW catchment area is expected to increase by approximately 46% by 2031. This means that the PE for the CTW will increase from circa 4,000 PE to over 5,800. The planned growth in the population of the catchment is projected to further increase during AMP9. The PE for the CTW is expected, therefore, to be circa 10,500 by 2036 (an increase of over 160% compared to the baseline position of 4,000 PE).
- 6.45. Where there is sufficient land within the site boundary to accommodate additional assets, the option pursued by TWUL will be an increase in treatment intensity at the existing STW. Only if there is insufficient land available within the STW boundary will TWUL look to another STW in proximity with spare capacity and/or land, in order to investigate a transfer of flow between catchments. Finally, if there are no other STWs in proximity with spare capacity or land, TWUL will consider the feasibility of a 'nature based' solution or look to expand a STW using low footprint intensive assets.
- 6.46. In order to meet the forecast additional demand within the Culham catchment, TWUL carried out a process of investigating solutions to meet the demand as part of producing its AMP8 Business Plan. Proposals for upgrade works take approximately 27 months from the initial work carried out by system planners to the development of a detailed design for upgrade works. It takes a further 18 to 30 months for the project to be complete.
- 6.47. The TMS24 Enhancement Case was submitted to Ofwat for approval in October 2023. The Enhancement Case seeks to secure enhancement funding during the period of AMP8, to accommodate for the high level of growth forecast. The Draft Enhancement Case sets out the proposed enhancement works at fifteen STWs in total within the AMP8 period.

- 6.48. The CTW has been identified as one of the fifteen requiring enhancement works to meet a 46% growth in AMP8. The Enhancement Case identifies a need to increase biological capacity, dry weather flows, flow to treatment value and storm tank volume. These relate to the parameters set out in TWUL's Permit. It also identifies the options that have been considered and whether those options have been retained.

The preferred solution for meeting the growth within the Culham catchment

- 6.49. The preferred solution to meet the forecast growth is to expand the CTW using the Northern Parcel. TWUL looked at two other potential solutions:
- a. A transfer of flow from the CTW to the Abingdon STW. The estimated cost of this solution is £65 million for the upgrade to the Abingdon STW to accommodate for the increase in flow from the Culham catchment; and
 - b. Installing a percolating filter works on the Northern Parcel. The estimated cost of these works would be £51 million.
- 6.50. The main reasons for the preferred solution are:
- a. It would enable TWUL to provide sufficient capacity up to 2036;
 - b. It is considerably less costly than the two alternative options above. The cost of the upgrades is £25 million in total. This means that it represents the most cost-effective solution for TWUL's customers; and
 - c. The preferred solution makes best use of land already owned by TWUL and therefore avoids the need to purchase further land. This in turn reduces the risk of further costs and delays associated with land acquisition from third parties.
- 6.51. As the land is operational land, TWUL would look to implement the upgrades under permitted development rights pursuant to the Town and Country Planning (General Permitted Development) (England) Order 2015, Part 13 of Schedule 2.
- 6.52. In order to accommodate the projected growth, the proposed upgrades need to commence within the next 2 to 5 years in order to ensure that the upgrades are delivered ahead of 2031.

Impact of the acquisition of TWUL's land

- 6.53. If the Order is confirmed, the Northern Parcel cannot be used to facilitate the upgrade as proposed. If there is a delay in delivering the necessary capacity so that it is not available by the point at which the increased flow comes online, the potential consequences are:
- a. Flooding of land surrounding the CTW as a result of increased flows within the catchment without adequate capacity to drain the catchment effectively;
 - b. Internal and external property flooding as a result of foul water flows surcharging the network, for example, at manholes;
 - c. Increased storm overflow events;

d. Events that result in breaches of the site's statutory permits, resulting in penalties from our economic regulator and the risk of prosecution from the Environment Agency; and

e. Non-compliance with the site's quality parameters in each year that upgrades are delayed, resulting in financial penalties. This could lead to pollutions and deterioration of the watercourse.

- 6.54. Plot 17/11i at the rear of the CTW currently contains the final effluent point for the Works. If this plot was permanently acquired as currently proposed within the Order, TWUL would be at risk of being non-compliant with its Permit. The Permit stipulates the location of the final effluent point and specifies how many times TWUL must monitor for quality.
- 6.55. Moving the final effluent point requires prior agreement with the Environment Agency and TWUL's customers would ultimately bear the costs associated with moving the equipment currently on plot 17/11i.
- 6.56. If the final effluent point were to be retained on the plot to be acquired, there would be a risk that flows that are not related to the CTW could get into the apparatus and impact on the sampling carried out. This would result in TWUL being non-compliant with its Permit and facing non-compliance penalties.

TWUL's position on impact on TWUL's statutory undertaking

- 6.57. The AA agrees that TWUL is best placed to understand its operational needs and how those should be met, as well as to form a view on the impact of the acquisition on its statutory undertaking.
- 6.58. The acquisition of the Northern Parcel and plot 17/11i would result in a serious detriment to its statutory undertaking. Plot 17/11i contains operational equipment that cannot be moved without prior consultation with the Environment Agency. Retaining the assets on the plot after the acquisition of TWUL's interest would pose a risk to the ability to carry out sampling and may result in TWUL being non-compliant with its Permit.
- 6.59. The Northern Parcel is critical for the upgrade of the CTW within the necessary timeframe to meet the forecast growth. The failure to carry out the necessary upgrades in time to meet the forecast growth, would create a serious risk of flooding and pollution and would bring TWUL into breach of its Permit.

Defra's position on impact on TWUL's statutory undertaking

- 6.60. TWUL submitted evidence to Defra on 14 December 2023 on the impact of the acquisition on its statutory undertaking. Defra provided a written response on 15 January 2024.⁹ This explained that a "procedural error" meant that TWUL's objection was not submitted to Defra within the relevant time period to be considered as an objection under section 16 of the Acquisition of Land Act 1981. Defra asks that its position on the test in section 16 is considered prior to deciding whether to confirm the Order.
- 6.61. The letter set out the two tests in section 16 and summarised Defra's position as follows:

⁹ CD J.31

"Defra officials agree with Thames Water's assertion that neither of the terms can be qualified and proceeding to make the order would impact Thames Water's ability to carry out its operational activities. The reasons are set out below."

- 6.62. In particular, Defra accepted TWUL's evidence that the Northern Parcel was "essential for the performance of the undertaker's activities" as it had been identified for the expansion of the CTW. The letter summarised the consequences that would arise if the Northern Parcel was acquired and the CTW could not be upgraded, including flooding and breaches of the Permit for the CTW.
- 6.63. Defra is better placed than the AA to form a view on the impact of the acquisition of the land on its statutory undertaking. It agrees with TWUL that the acquisition of the land would result in a serious detriment to the undertaking.

TWUL's Response to the Acquiring Authority's case on impact on acquisition

- 6.64. The AA's case in respect of the impact of the acquisition of the Northern Parcel on TWUL turns on the following two points:
- a. That the expansion of the CTW is not necessary as there are other potential solutions to meeting the increased need; and
 - b. TWUL can rely on its own powers of compulsory acquisition to acquire replacement land to enable the expansion of the CTW.
- 6.65. Notwithstanding the evidence in his POE, Mr Moon, on behalf of the AA, did not consider himself suitably qualified to answer questions on whether there were alternative solutions to expanding the CTW. On this basis, the AA's evidence as to the other STWs that could meet the growth within the Culham catchment should be attributed no weight.
- 6.66. The reliance on CPO powers by TWUL could result in delays of approximately 2 to 2.5 years that would prevent the upgrades coming forward within the necessary timeframe. The risk that a CPO was not confirmed also means that this option would not provide sufficient certainty for TWUL to advance a solution based on any additional land that could be acquired.
- 6.67. For the first time during the Inquiry, the AA advanced an additional argument, namely, that due to the existence of third party rights across the Northern Parcel, the ability to deliver the proposed expansion proposals are constrained.
- 6.68. In response to this point, TWUL submitted a constraints report (O-INQ 24). This summarised the rights across the Northern Parcel and the parties involved. This confirmed that the Northern Parcel is subject to third party rights to keep an electricity cable and surface water drain on the Northern Parcel of land. There is also a right for UK Atomic Energy Authority (UKAEA) to maintain connections and to discharge foul sewage through a sewerage pipe and a further right for the discharge of storm and foul water drainage. These rights were granted between 1969 and 1976 by the Ministry of Defence.
- 6.69. There is also a right of way in favour of Butteriss Downs Solar Farm Limited across the Northern Parcel. The lease allows TWUL to nominate an alternative suitable right of way for the tenant to access the solar farm from the nearest

public highway. It also provides for the lease to be terminated in some circumstances and therefore this right of way does not impact on TWUL's position and the other rights are not expected to frustrate the ability to deliver the proposed upgrades on the Northern Parcel.

- 6.70. In conclusion, therefore, none of the arguments advanced by the AA provide any answer to the impact of the acquisition on TWUL.

Alternative scheme alignment

- 6.71. In its objection letter of 17 March 2023, TWUL indicated that there was other more suitable land available for the Scheme that would avoid the need to acquire the Northern Parcel.
- 6.72. As confirmed by Mr Chan there is no technical highways engineering reason why the Scheme could not be realigned to the north-west so as to avoid the need to acquire TWUL's land. Mr Chan was asked in EiC what the design constraints would be if the Scheme had to be moved further north. Mr Chan's response was that the Scheme would encroach on land owned by the UKAEA and this could impact on some of the trees and plants on the site and alter the proposed secondary access to the CSC. However, Mr Chan confirmed these constraints would not provide "showstoppers" that would prevent the re-alignment of the Scheme to the north-west.
- 6.73. Whilst Mr Chan maintained that the design of the Scheme had sought to reduce the impact on TWUL's undertaking, he confirmed that the option of aligning the Scheme further north-west to avoid TWUL's land was not looked at in detail during the design process. At the time that the preliminary design was settled in October 2021, the AA had no detailed information about the impact of acquiring the Northern Parcel on TWUL or its proposals to expand the CTW.
- 6.74. Mr Chan further confirmed that, had the AA known about the operational impact of the Scheme on TWUL when designing the Scheme, it would have designed the Scheme as far as possible to avoid TWUL's land. Mr Chan further accepted that it was a "possibility" that had the AA known about the operational impact of the land acquisition on TWUL, it would have been almost the 'number one priority' for the design team to avoid TWUL's land given the risk to the Scheme that a valid section 16 representation from TWUL could have caused.
- 6.75. Mr Chan was understandably not able to comment on the question of the impact on the UKAEA. None of the AA's other witnesses considered themselves capable of giving evidence on this question. As a consequence, there is no evidence before the Inquiry to demonstrate that the realignment of the Scheme to the north-west would result in any adverse impact to the UKAEA or its operations. Indeed, whilst the UKAEA's site is allocated as an employment site in the Local Plan, there is no evidence before the Inquiry that the realignment of the Scheme to the north-west would hinder the delivery of this allocation.
- 6.76. The masterplan for the UKAEA site only provides an indication of the proposals for the development of the CSC in the "long term" (to 2050). The key to the masterplan shows that the land to the north-west is identified for "proposed buildings not yet designed or built". It is also notable that in light of the available space on the site as shown by the masterplan, there is no reason to assume that the long-term aspirations for development of the site

could not be amended so as to accommodate a realignment of the road. Nor has the AA presented any evidence to demonstrate otherwise.

- 6.77. The UKAEA, unlike TWUL, is not a statutory undertaker. It therefore does not benefit from the statutory framework in the ALA that is designed to protect statutory undertakers.
- 6.78. In conclusion, therefore, the AA has provided no evidence to demonstrate that the Scheme could not be realigned so as to avoid the detrimental impact on TWUL's undertaking. TWUL's position remains, therefore, that there is other more suitable land available for the Scheme.

Failure to engage in early negotiations

- 6.79. The following five points are now agreed between TWUL and the AA:
- a. The AA did not have an understanding of TWUL's proposals to use the Northern Parcel for expansion of the CTW, nor what the impact of the acquisition of the Northern Parcel would be on TWUL at the time of the design process for the Scheme.
 - b. Plans showing the precise area of land to be acquired through the Order were only provided to TWUL on 20 December 2022, two days before the Order was made. The AA was unable to provide detailed plans to landowners prior to this date as the design for the Scheme had not yet been finalised;
 - c. The plans were enclosed with what Mr Moon describes as an '*initial contact*' letter sent by Gateley Hamer to TWUL on that date. By the time of this letter, the design of the Scheme had been finalised;
 - d. The negotiations and engagement that took place following 22 December 2022 took place within the context of the red line boundary that had been fixed by the making of the Order. This influenced what could be offered to TWUL in terms of amendments to the Scheme design in order to mitigate the impact on its undertaking;
 - e. Mr Smith, on behalf of TWUL, requested that the AA consider acquiring replacement land as early as May 2023.

- 6.80. The key points in dispute between the AA and TWUL are the following:
- a. Whether there was meaningful engagement between the AA and TWUL prior to the making of the Order on 22 December 2022 and in particular, the relevance of the requests for survey access prior to 22 December 2020 and the requests for information in July 2021 to this issue; and
 - b. The relevance of the lack of an objection to the safeguarding policy in the Local Plan that was adopted in December 2020 and the planning application.

Extent of meaningful engagement prior to the making of the Order

- 6.81. The position of the AA is that whilst negotiations and engagement prior to, and in parallel with, the making of a CPO is "*best practice*", it is not a "*requirement*".
- 6.82. The CPO Guidance makes clear, however, that compulsory purchase is intended as a "*last resort*". Whilst an AA need not wait until negotiations

“break down” before starting the compulsory purchase process, this presupposes that some form of negotiations take place prior to the making of a CPO. Indeed, the CPO Guidance makes clear that a confirming authority “will expect the acquiring authority to demonstrate that they have taken reasonable steps to acquire all land and rights included in the Order by agreement”.

- 6.83. TWUL’s position is that the AA failed to meaningfully engage or negotiate with TWUL at all prior to the making of the Order. This is based on the following two factors:
- a. First, contact between an AA and landowner about survey access does not constitute meaningful engagement or negotiation for the acquisition of land as envisaged by the CPO Guidance. TWUL receive hundreds of requests for survey access on a weekly basis. The fact that a request for survey access is received would not itself trigger escalation within TWUL from the estate managers, without a clear proposal to acquire the land in question. Mr Moon referred in EiC to a number of ‘conversations’ with TWUL personnel prior to December 2022 about the proposals to acquire the land. However, no documentary evidence has been produced to support this position. Had the AA considered these conversations to constitute proper engagement about the acquisition of TWUL’s interests, they would have been included within Mr Moon’s schedule of engagement and clearly documented; and
 - b. Second, the very fact that Mr Moon describes the letter of 20 December 2022 as an “initial contact” letter indicates that this was the first time that the AA contacted with TWUL specifically in respect of the compulsory acquisition of its interests in land. Any engagement prior to this letter would, in any event, have been substantially undermined by the fact that TWUL did not have specific plans showing the extent of land to be acquired.

- 6.84. The consequences of the lack of meaningful engagement prior to the making of the Order is that the AA simply did not understand what the impact of the Order would be on TWUL’s undertaking when it was designing the Scheme. By the time engagement began, the AA were unable to offer any more than a ‘light touch’ revision of the Scheme design, which proved insufficient to mitigate the impact on TWUL. The fact that the Scheme could have been re-aligned to the north-west had the AA had a proper understanding of the impact of the acquisition highlights precisely why the CPO Guidance encourages early engagement with affected parties. Ultimately, the impact on TWUL could have been avoided had the AA engaged with TWUL prior to the making of the Order.

Lack of objection to Local Plan safeguarding and planning application

- 6.85. The AA’s case rests heavily on the fact that TWUL did not object to the safeguarding of the Northern Parcel in the Local Plan, which was adopted in December 2020.
- 6.86. A safeguarding policy for a road scheme, which does not in itself generate additional demand for wastewater capacity, is not something that would have triggered involvement by TWUL. In any event, as at December 2020, TWUL had not yet started to plan for the increased growth that would result from

allocations within that Local Plan. It is not surprising, therefore, that TWUL did not object to the safeguarding policy in the Local Plan.

- 6.87. As accepted by Mr Moon, the fact that a landowner fails to object to a safeguarding policy or planning application in no way impacts their ability to object to the compulsory acquisition of their land. Furthermore, it is agreed that the safeguarding of the land in the Local Plan does not shift the burden onto the landowner to engage with the AA in the context of a CPO.
- 6.88. TWUL's position is that the AA's approach to engagement falls well short of what the CPO Guidance requires. There is no dispute that one of the key objectives of early engagement, as encouraged by the CPO Guidance, is to enable AAs to understand more about the land that it seeks to acquire and the measures that can be taken to mitigate the impact of the acquisition on landowners. The failure of the AA to engage with TWUL at any early stage has resulted in a situation where the opportunity to avoid that impact was missed.
- 6.89. Finally, it is striking that the tone of the AA's case is that it "*should have been obvious*" to TWUL that its land was to be acquired; that TWUL "*should have been aware*" of the AA's proposals; and that it was TWUL that failed to raise concerns once alerted to the prospect of compulsory acquisition by the AA's requests for site access. These points provide no answer to the simple fact that the burden of communicating and engaging with affected parties rests on the body seeking to compulsorily acquire their land. It is not the responsibility of any landowner to '*read between the lines*' in order to ascertain whether or not their land may be subject to compulsory purchase. It is for this very reason that acquiring authorities are expected to provide full information from the outset of the CPO process.

Section 16, Acquisition of Land Act 1981

- 6.90. Defra has provided its response on whether the test in section 16 of the ALA would be met. Defra's response makes clear that it does not consider that either of the following tests are satisfied, namely:
- a. That TWUL's land can be acquired and not replaced without serious detriment to the carrying on of its undertaking (section 16(2)(a)); or
 - b. That TWUL's land can be acquired and replaced by other land belonging to, or available for acquisition by, the undertaker without serious detriment to the carrying on of its undertaking (section 16(2)(b)). Therefore, had a valid section 16 representation been made, Defra would not have issued a certificate allowing the Order to be confirmed.
- 6.91. The position of the AA appears to be that the view formed by Defra is in some way undermined by the fact that Defra was not in receipt of full information about the following three matters:
- (i) that TWUL has compulsory purchase powers that could be relied upon to acquire additional land for expansion of the CTW;
 - (ii) that TWUL could meet the additional demand through alternative options; and
 - (iii) that the AA has proposed to facilitate the acquisition of replacement land for TWUL. The suggestion appears to be that Defra would have reached a different view had it been properly appraised of these matters.
- 6.92. TWUL makes four points in response, as follows:

a. Evidence submitted to Defra on behalf of TWUL expressly highlighted the possibility of acquiring replacement land adjacent to the CTW. The letter also highlighted that TWUL would have to rely on CPO powers if such land could not be acquired by agreement and outlined the delay that this would cause to the delivery of the upgrades.

b. The letter also identified that TWUL had carried out a process of considering options to meet the increased demand within the Culham catchment. It explained why the expansion of the CTW on the Northern Parcel was the preferred solution in operational and financial terms. TWUL were not, and are still not, in a position to say that there are any other alternative solutions that would be capable of meeting the increased growth within the relevant timeframe. The work done to date by TWUL indicates that even if other potential options are feasible, they will be considerably more costly than the preferred solution. The fact that TWUL may have to pursue an alternative solution in itself highlights the detrimental effect of the acquisition on TWUL's undertaking.

c. The letter to Defra was submitted on 14 December 2023, only six working days after the AA first indicated that it would be prepared to explore the acquisition of additional replacement land for TWUL. Neither of the options proposed by the AA at that stage were suitable for the expansion of the CTW. As at the date of submission, therefore, there was plainly no guarantee that an area of suitable replacement land would be made available to TWUL so as to mitigate the impact of the acquisition on its undertaking.

d. Whilst the parties are continuing to work towards a solution through the provision of replacement land to TWUL, the position as at the close of the Inquiry remains that there is no alternative land available to TWUL for the purposes of its undertaking. Indeed, the land identified will only be made available to TWUL as and when the parties have entered into an option agreement, which would only become unconditional when planning permission for the expansion of the CTW on the replacement land is granted. Until that date, the circumstances as set out in the letter submitted to Defra remain materially unchanged.

- 6.93. Whilst the letter from Defra dated 15 January 2024 does not present a legal bar on the confirmation of the Order, TWUL submits that it ought to be given substantial weight in determining whether or not the Order should be confirmed whilst it contains TWUL's land. In particular, the statutory framework in the ALA seeks to provide special protection to statutory undertakers. The purpose of the certificate process is to prevent the compulsory acquisition of a statutory undertaker's land in circumstances where it would result in serious detriment to its undertaking.
- 6.94. Notwithstanding the procedural error in respect of the section 16 representation, Defra has provided a clear indication that it would not have issued a section 16 certificate so as to allow the Order to be confirmed had a valid section 16 representation been made. This indication is, in TWUL's submission, an obviously material consideration in the SoS's determination and ought to be given substantial weight in circumstances where the AA has produced no substantive evidence to challenge TWUL's position as to the operational impact of the acquisition. Furthermore, the impact of the acquisition on TWUL's undertaking must be considered in the context of the fact that there is other land to the north-west of the red line boundary that is capable of delivering this part of the Scheme.

Conclusion

- 6.95. Whilst TWUL will continue to work with the AA towards resolving its objection, as things stand, the confirmation of the Order would result in a serious detriment to TWUL's statutory undertaking. At present, there is no alternative land that is available for acquisition by TWUL that could replace the land proposed to be acquired pursuant to the Order.

Response of the Acquiring Authority to Thames Water

- 6.96. TWUL's objection does not provide any proper basis not to confirm the Orders. Neither TWUL's interests nor the public interest in sufficient sewerage capacity will be harmed by confirming the Orders. TWUL's allegations as to inadequate negotiation are wholly unsubstantiated, and what the evidence actually reveals is a failure by TWUL to properly engage with the planning or CPO process until very late in the day.

TWUL plots outside the Northern Parcel

- 6.97. Plot 17/11i at the extreme south-west of the CTW is where certain monitoring equipment is located for monitoring and sampling of final effluent. The plot is required for construction of a headwall, as part of the drainage system for the new road. OCC needs to discharge into the same watercourse (a ditch) in this location, into which TWUL also discharge. Mr Paton for TWUL expressly agreed that a licence granted by TWUL to OCC for OCC to undertake the necessary works could resolve the need for acquisition.
- 6.98. If for whatever reason that licence is not granted by TWUL in a timely manner, the CPO would enable OCC to carry out their works, while not interfering with TWUL's operation which OCC obviously understands the need for. OCC has already confirmed that it would grant rights to TWUL to enable it to maintain its equipment in this location in the event of compulsory acquisition. Alternatively, the land could be returned to TWUL if required.
- 6.99. TWUL also has an interest in plot 9/24, but there is nothing in TWUL's objection or their closing submissions about that plot, and Mr Paton conceded that there was no objection maintained in respect of it. Nor have any points of objection been raised by TWUL in respect of their interest in plots 17/14a and 17/14b.

The Northern Parcel of CTW

- 6.100. The plots with which TWUL's objection is principally concerned are plots 17/11a to 17/11h, which are all plots in the area at the north of the CTW, fronting Thame Lane. This land contains no TWUL operational equipment or assets. Status as operational land does not preclude compulsory purchase, but brings with it certain permitted development rights, which may facilitate development. TWUL has made no valid representation under s.16 of the ALA, such that the '*serious detriment*' test does not apply, and even if it did acquisition of this vacant parcel of scrub land would not give rise to serious detriment to TWUL's undertaking.
- 6.101. However:
- a. There has been no detailed analysis advanced by TWUL to show that what they propose by way of development would fall within any permitted

development rights, noting that the relevant permitted development right does not extend to the provision of a building.

b. Further, and in any event, Mr Smith on behalf of TWUL has stated that “*For any works which fall outside the scope of PD rights, there would be a compelling case for planning permission to be granted for the expansion of essential infrastructure notwithstanding the existence of the safeguarding policy*”. Accordingly, planning permission would be forthcoming for the proposed development – whether on the Northern Parcel or the proposed replacements land (see below) – anyway, even without the existence of permitted development rights.

c. The Northern Parcel is also subject to numerous adverse rights in favour of third parties, including various rights of way and other rights over the relevant plots. TWUL have submitted a Constraints Report (O-INQ-24). This confirms the factual existence of the various conveyances, rights and reservations as listed in relation to the Northern Parcel, but this is insufficient to understand the extent to which the adverse rights would constrain TWUL’s expansion proposals, and indeed the inability of TWUL to provide reasoned explanation on this matter appears to confirm that it is not something that TWUL has considered to date. Whether or not those constraints can be overcome they are a potential limitation on the use of that land that will have to be considered by TWUL and, where necessary, resolved before any development by TWUL could take place.

d. Accordingly, there is nothing in the present use of this Northern Parcel that indicates its acquisition by OCC would adversely affect TWUL’s interests. TWUL’s argument as to unacceptable detrimental impact has to rely entirely on TWUL’s future expansion plans.

e. To understand whether those future plans would give rise to such an impact, it is necessary to understand both the nature of the plans and the options for addressing the need without this land.

f. The plans are at an early stage. TWUL’s ‘*Enhancement Case*’ and ‘*Business Plan*’ outline the need for extra sewage treatment capacity due to a forecast shortfall in capacity as a result of future proposed development. But those documents were only submitted to Ofwat in October 2023. Similarly, it was only on 20 October 2023 that a presentation was provided to OCC by TWUL showing a very high-level design solution comprising additional sewage treatment assets in the Northern Parcel of the CTW.

g. The date by which additional facilities are needed is also some way off. Mr Paton in cross-examination similarly confirmed that 2031 was the date by which they need to have a solution in place.

6.102. There are three options to meet the need. The first option is that outlined in the Statement of Common Ground (SoCG) between TWUL and OCC. This would take the form of an agreement whereby OCC acquires land adjoining the CTW to the east from the neighbouring landowner, then undertakes a land swap, providing the acquired land to TWUL in return for the Northern Parcel. The replacement land has been precisely identified by TWUL and OCC.¹⁰ The neighbouring landowner is willing to sell, and the land in question is agricultural land which has no buildings on it, does not adjoin any sensitive

¹⁰ SoCG Appendix 2

locations, and presents no obvious impediments to use as an extension to the CTW.

- 6.103. The second option is for TWUL to use its own powers of compulsory purchase to acquire the same parcel of land. There is no dispute that TWUL has such powers available to it; the only issue raised by TWUL is as to whether they could be exercised in sufficient time to enable expansion.
- 6.104. The third option is a non-Culham solution, i.e. the expansion of another STW in the area. TWUL's closing submissions assert that "*none of the other STWs are readily available to be able to serve the flow within this catchment area*". That is only true for the existing STWs as they currently stand. It ignores the potential for expansion. The potential for expansion at those other STWs should obviously not be ignored, when expansion is exactly what TWUL are contemplating at the CTW.
- 6.105. Given the existence of multiple potentially viable alternatives, there is no reason to think that the eventualities envisaged by TWUL in the light of the CPO being confirmed will materialise, i.e. suggestions of flooding, storm overflows, and non-compliance with TWUL's statutory permits. TWUL as a statutory undertaker is under duties to provide adequate provision, and given the options available and the timescale involved, the Inspector and SoS can be confident that confirmation of the CPO will not preclude compliance by TWUL with its statutory duties.
- 6.106. TWUL is wholly incorrect to suggest that OCC "*no longer advances evidence of whether or not the acquisition of land would result in a serious detriment to the undertaking*". OCC has made absolutely clear in its case and evidence to the Inquiry that there is no basis to suggest that the CPO would result in a serious detriment to TWUL's undertaking.
- 6.107. TWUL's reliance on the letter from Defra dated 15 January 2024 takes matters no further. Defra agrees with TWUL about the importance of sufficient sewage treatment capacity being provided but does not address the potential for sufficient capacity to be provided notwithstanding confirmation of the CPO, i.e. by expansion somewhere other than on the Northern Parcel. The letter therefore cannot be taken as supporting non-confirmation of the CPO.
- 6.108. As to the solution of OCC acquiring adjacent land and providing it to TWUL, including the fact that the neighbouring landowner is willing to sell, and that TWUL and OCC have agreed in principle on an area of that neighbouring land, which is suitable for expansion, none of that was known in December 2023 when Defra wrote their letter.
- 6.109. TWUL's letter provided Defra with only a limited and very partial picture. The Bruton Knowles letter asserts that TWUL having to compulsorily acquire the neighbouring land could result in a delay of 2 – 2.5 years. The need for such a long delay for such a small and straightforward CPO is not explained and appears implausible. In any event, even that timeline is clearly not inconsistent with TWUL's deadline of 2031 for bringing extra capacity online.
- 6.110. There is no mention in the letter to Defra of the option of expanding one of the other STWs in the locality. Indeed, the Bruton Knowles letter is factually incorrect in stating that "*There is no other land within TWUL's ownership which would be suitable for expansion*", given that Mr Paton confirmed in answer to the Inspector that at Abingdon STW "*there is land availability*".

6.111. Accordingly, no weight can be placed on the Defra letter in respect of the merits or otherwise of confirmation of the CPO. Defra officials had only the high level, partial and now out of date picture presented by the Bruton Knowles letter. OCC asks that the Inspector and SoS for Transport reach a conclusion on the much fuller and more up to date evidence now before them.

Negotiation

- 6.112. TWUL's allegation that OCC has not complied with the CPO Guidance on seeking to acquire by negotiation is wholly without merit. The context is important. The Northern Parcel of the CTW, which is the subject of the CPO, was safeguarded for the HIF1 Scheme in the South Oxfordshire Local Plan 2020. TWUL did not object to that safeguarding. TWUL in closing submissions stated that such safeguarding *"is not something that would have triggered involvement by TWUL"*.
- 6.113. Safeguarding of land in a statutory development plan would obviously be expected to trigger the involvement of the landowner. A central purpose of examination of development plans is for stakeholders to input into and influence those plans. It is extremely unsatisfactory for TWUL to stay silent during that process and then later object to the CPO, which precisely reflects the extent of the safeguarding to which they did not object.
- 6.114. TWUL did not object to the planning application for the Scheme, which was made in October 2021 and OCC understandably then maintained that alignment when drawing up the detailed land plans for the CPO and making the CPO in December 2022.
- 6.115. The reality appears to be that TWUL themselves did not know that they needed to expand the CTW at this point, and that the Northern Parcel would be usable for this purpose. TWUL concedes that *"as at December 2020, TWUL had not yet started to plan for the increased growth that would result from allocations within that Local Plan"* TWUL's Enhancement Case and Business Case were not issued to Ofwat until October 2023, and the presentation showing a high level design for expansion at the CTW was also not provided to OCC until October 2023.
- 6.116. Accordingly, the idea underpinning much of TWUL's closing submissions to the effect that the current dispute could have been avoided through more discussion with TWUL is fundamentally flawed. The fact is that when OCC was designing the road, TWUL did not have any expansion plans for the Northern Parcel.
- 6.117. Mr Moon, on behalf of OCC, repeatedly contacted TWUL to outline the Scheme and discuss survey and access requirements in this period (see entries for 20 January 2021 to 20 December 2022). The engagement record also records discussion about land acquisition with TWUL and their representatives. Mr Moon confirmed that at no point did TWUL say that the land in question was needed for the CTW expansion, or otherwise object to what was proposed. The entries for 22 February 2021 and 17 March 2021 refer expressly to land acquisition. TWUL have advanced no evidence to suggest that this documentary evidence was in any way incorrect.
- 6.118. There were also formal notices to TWUL. A request for information was sent by OCC to TWUL on 7 July 2021 under s.16 of the Local Government (Miscellaneous Provisions) Act 1976 seeking information in respect of TWUL's

land, and containing plans which precisely identified the land in question – including the Northern Parcel of the CTW site. The formal statutory notice specifically stated that it was to enable OCC to perform its functions in relation to the making of a CPO pursuant to Sections 239-260 of the Highways Act 1980, and covering correspondence also explained that compulsory purchase might be required.

- 6.119. On 7 July 2023 OCC provided an indicative plan to TWUL to show how the Scheme could be re-designed to reduce the extent of acquisition from TWUL by 40%. This is clear evidence of OCC negotiating in good faith and being flexible to acquire by agreement. This was on top of the design which already reduces the width to minimise the impact on TWUL.
- 6.120. Engagement was paused on 19 July 2023 following the decision by the Planning and Regulatory Committee and uncertainty over the planning position.
- 6.121. While replacement land was mentioned in June 2023, the CTW is plainly a specialist asset and OCC needed clear specification and engagement from TWUL to establish what was required, which OCC did not get in June 2023. Again, this must be because TWUL themselves did not know, prior to producing their October 2023 presentation. OCC had to come up with its own proposals for replacement land without guidance from TWUL, which resulted in the two 'triangle' solutions on the neighbouring land put forward by OCC in late 2023, and a third more rectangular option in early 2024 based on limited feedback received. Only in early February 2024 did TWUL actually confirm their detailed requirements, and based on this a fourth option for a replacement parcel was produced. This has now been agreed on by both parties in Appendix 2 of the SoCG, and negotiations have progressed on the basis of it.
- 6.122. TWUL's case gets no support whatsoever from the Vicarage Fields decision. In the Vicarage Fields case, the Inspector criticised the AA for providing information on the CPO to those affected by it 10 days prior to the making of the CPO. That is hardly comparable to the facts in respect of TWUL, whose land had been safeguarded for the HIF1 road 2 years before the making of the CPO, who in 2021 had been served with requests for information (including plans) and planning application C4 notices as a landowner, and with whom land acquisition had been raised by Mr Moon orally and in writing in 2021.
- 6.123. TWUL's attempted reliance on the CPO Guidance is flawed. TWUL suggest that the CPO Guidance "*presupposes some form of negotiations take place prior to the making of the CPO*". But the CPO Guidance is not drafted in those mandatory terms. There is an urgent need for the Scheme and a significant amount of planned development in Science Vale depends on it coming forward, as set out in OCC's called-in closing submissions. There is a public interest in the Scheme proceeding in a timely manner and not being delayed. The funding for the Scheme from Homes England was being made available in a funding window which delay would have been inconsistent with. A balance has to be struck between engagement and progressing an urgently needed scheme expeditiously.

Alternatives

- 6.124. TWUL's case to the Inquiry has relied on the suggestion that, OCC could have aligned the road further north at this point, involving land-take from UKAEA's site. UKAEA's site is an allocated site in the South Oxfordshire Local Plan and the red line for the allocation runs right up to the northern boundary of Thame Lane. The apparent suggestion that UKAEA's activities can somehow be considered less important than those of TWUL is entirely misconceived.
- 6.125. The CSC "*is at the centre of fusion development globally*"; it is a world-leading research centre, the Government has committed funding of £184m to support its transformation, as the SoS for Energy Security and Net Zero has personally explained in a letter in respect of the called-in planning application.
- 6.126. Further, and fundamentally, the land to realign the road is not included in the Orders. What TWUL is suggesting is therefore not an alternative. Without the TWUL plots, the Scheme cannot go ahead, it will not meet the pressing need for improved transport infrastructure in the Science Vale, and all its wide-ranging benefits will be lost.
- 6.127. TWUL's objection provides no proper basis not to confirm the CPO. In terms of impact on TWUL and sewerage capacity in the area, there are multiple potential options for meeting the need for expanded capacity which do not rely on TWUL retaining the Northern Parcel of the CTW. These include expanding onto the neighbouring land either by private agreement or by use of TWUL's CPO powers, or alternatively by expansion of one of the other five STWs within a three mile radius. TWUL have only recently (October 2023) clearly identified the need to expand, and additional capacity does not need to come online until 2031.
- 6.128. TWUL makes the remarkable and wholly misconceived suggestion that prior to December 2022 OCC was asking TWUL to "*read between the lines*", in respect of the need to acquire the Northern Parcel of the CTW site for the HIF1 Scheme. They simply had to read the words of the statutory development plan, which safeguarded the Northern Parcel for the road, and showed it on the safeguarding plan. The planning application, of which TWUL were notified as a landowner, showed the same thing. Mr Moon also explained the Scheme to TWUL in 2021 and raised the need for land acquisition from TWUL.
- 6.129. After December 2022, there is no dispute that there has been substantial engagement for the last 16 months or so. It was not until late 2023 and early 2024 that TWUL began to provide sufficient information to OCC to enable OCC to devise a worked up solution on the neighbouring land.
- 6.130. In light of all of the above, it cannot be said that TWUL's objection justifies not confirming the CPO, with the consequence that the thousands of homes and jobs planned in the development plans for the area which the Scheme would facilitate cannot go ahead.

Obj 12 Appleford Parish Council Obj 28: Neighbouring Parish Councils Joint Committee (NPCJC)

The Case for NPCJC and Appleford Parish Council (CD J.11, J.25, Mr Ng POE, Mr Harman POE, INQ 30, INQ 54)¹¹

- 6.131. Neither Appleford Parish Council, nor NPCJC appeared at the Orders Inquiry. They object to the CPO and the SRO. NPCJC's case on the funding for the Scheme was set out by Mr Ng and Mr Harman at the called-in application Inquiry and is summarised below.
- 6.132. NPCJC contend that the AA has failed to demonstrate a compelling case in the public interest. The public interest includes climate change policy, the NPPF, local plans, the LTCP and funding availability and risk. The matters raised include the effects on health and well-being, air quality and other objections.
- 6.133. NPCJC is particularly concerned about the proximity of the elevated road and flyover at Appleford Sidings close to the residences at Lower Main Road, due to its visual impact, noise and effect on air quality. They state that air quality levels at Main Road Appleford already exceed World Health Organization limits. They also contend that OCC has failed to engage with Appleford and the other Parish Councils.
- 6.134. They consider the Scheme is incompatible with national climate change policies and that it would also have a negative impact on biodiversity. They submit that the traffic assessment and modelling on which the Scheme relies is fundamentally flawed and fails to consider induced demand. The Scheme conflicts with LTCP Policy 27 and would not enable a sufficient reduction in car use such that Net Zero can be achieved by 2040. They state that the Scheme will not address existing highway network performance, network resilience and safety improvements. The active travel proposals are insufficient to achieve meaningful modal shift and the public transport plans are aspirational.
- 6.135. It is not necessary to deliver the quantum of housing in the local plans due to a change in Government policy, so HIF1 is not necessary for this purpose. The Scheme also conflicts with Greenbelt policy.
- 6.136. NPCJC question the adequacy of the funding for the Scheme. Underfunding will lead to a partly delivered scheme which will be poor value for money and it would not be in the public interests as all four components of the Scheme are interrelated. The most challenging element of the Scheme is the Didcot to Culham River Crossing section. OCC needs to update the cost estimates to demonstrate it has sufficient funding to deliver the project.
- 6.137. NPCJC contend that there is also insufficient allowance for risk. Mr Ng estimates the overall cost of HIF1 to be £366m, which significantly exceeds the current available funding of £296m.
- 6.138. NPCJC identified three main risks to the viability of HIF1. These are design surety, programme surety and cost surety. Mr Harman, on behalf of NPCJC, referenced the outstanding objections including those from statutory undertakers and stated that in his opinion these may require adjustments to

¹¹ Reference to INQ documents refer to those submitted during the Called in application Inquiry

the Scheme and perhaps supplementary planning applications. He identified the Science Bridge/Network Rail Interface as the biggest construction risk and considered that it may have a major impact on the HIF1 Project Schedule. Overall, NPCJC question whether the HIF1 Project is commercially viable and contend that the final cost could be somewhere between £400m & £500m.

- 6.139. The Scheme fails to meet a number of objectives set out at table two of the Joint Statement of Reasons.¹² In particular, objective 3, the impact of additional housing on the transport network is not acceptable or satisfied. This car centric proposal and lack of public transport is incompatible with climate change policies and therefore is not in the public interest.
- 6.140. Objective 4 the impact of employment growth on the transport network is not acceptable and it is not in the wider public interest in the manner proposed.
- 6.141. Objective 6 the Scheme is not future proofed and will lead to more congestion and the need for more road construction.
- 6.142. Objective 7 seeks to minimise car travel and promote sustainable alternatives.
- 6.143. Objective 8 the Scheme fails to minimise CO₂ emissions and is inconsistent with national and county climate change policies and obligations. Overall the Scheme fails to meet the high standards required to demonstrate a compelling case in the public interest.

The Acquiring Authority's Response

- 6.144. These objections are in very large part the same as those advanced by the NPCJC at the called-in Inquiry, raising concerns about: climate change; the robustness of the traffic modelling, including induced demand; noise impacts; air quality impacts; landscape and visual impacts; health impacts, including health impact assessment; biodiversity; compliance with the LTCP; the road alignment around Appleford; adequacy of consultation; Green Belt impacts; bridge design; and compliance with planning policy. All those matters have been responded to in detail in OCC's evidence under Issues 1 – 14 for the called-in Inquiry and in OCC's called-in closing submissions. OCC relies on and does not repeat those closing submissions. They show the objections relating to all those issues to be without merit.
- 6.145. Appleford Parish Council and the NPCJC's objections allege that there is inadequate funding for the Scheme and also raise concerns about deliverability. They also contend that there is no compelling case in the public interest.
- 6.146. Appleford Parish Council's and NPCJC's objections overlap completely with the points raised by those parties during the called-in Inquiry. They are without merit for the reasons which OCC has set out in the called-in Inquiry. They provide no basis not to confirm the Orders.

Obj 15: Anthony Mockler and Gwendoline Marsh as Trustees of the Milton Manor Estate; Obj 16 and 17: Anthony Mockler; Obj 18: Anthony Mockler and Gwendoline Marsh as Trustees of the Milton Settled Estate

¹² CD H.6

The Case for Trustees of Milton Manor Estate (CD J.14, CD J.18)

- 6.147. Mr Mockler appeared at the Inquiry. He stated that the SRO is unnecessary since the whole HIF1 Scheme and the entire CPO is objected to. He also objected to the planning application.
- 6.148. The first protocol of the European Convention on Human Rights, incorporated by the Human Rights Act 1998 provides that no one can be deprived of their possessions except in the public interest and subject to the relevant national and international laws. Any interference with possessions must be proportionate. The Magna Carta embodies much of the same rights to peaceful enjoyment of possessions without interference with private property by the King's grace or his subordinates.
- 6.149. He requests that the CPO be rejected as being unnecessary, disproportionate and overly interfering.
- 6.150. It is not necessary to make the existing A4130 into a dual carriageway. If the purpose of HIF1 is to enable further development and housebuilding he questions why. There is already a perfectly good road for building materials that has already been used to transport materials for the building of the many houses at Great Western Park on the outskirts of Didcot.
- 6.151. There is an innate contradiction between the plan to build a single carriageway for the vast majority of the proposed HIF1 Scheme but a dual carriageway for the first stages of the Scheme. The dualling of the A4130 must be to relieve congestion at rush hours between the Milton interchange and the centre of Didcot. This has nothing to do with facilitating house building. As argued by the Planning Oxfordshire's Environment and Transport Sustainably (POETS) and NPCJC any extra road space will induce car drivers to use their cars more and therefore the increased capacity will fill up and result in further jams within a year or two.
- 6.152. Alternatives to HIF1 have not been considered. The costs of the Scheme have increased and will continue to do so with great distress caused to many owners on both sides of the proposed Scheme whose land and houses have been compulsory purchased.
- 6.153. The Milton Fields proposal is for a car free development. The masterplan includes an attenuation basin close to the existing road, a primary school, church and cricket pavilion. The road widening Scheme would have a disastrous effect on the Milton Fields proposal. It would reduce the land available, increase noise and pollution, and add to the volume of runoff water. It would also be contrary to the whole idea of a car free development and would risk having a damaging effect on the whole scheme.

Case for Mr Mockler (J.16, J.17)

- 6.154. As the owner of two small fields adjoining the land owned by the trustees of Milton Manor Estate surrounding New Farm he objects to the SRO which he believes will affect my land.
- 6.155. He objects to the CPO on the grounds that it infringes his human rights to enjoy peaceful possession of his land with absolutely no proportionate benefits to the community as a whole. Indeed, the whole principle of

compulsory purchase seems contrary to human rights except of course in the case of a national emergency such as a World War.

- 6.156. The objections to HIF1 are numerous, well known and ought to be the subject of reasonable face to face discussion. Oxford Highways Authority appears to believe that this is the only solution to the traffic problems and this approach is out of date.

Response by the Acquiring Authority

- 6.157. The objectors' principal objection is that the Scheme is not needed in highways terms, and hence there is no need for the land-take for the Scheme. That is not the case. As has been set out above by reference to OCC's evidence and case in respect of the called-in planning application, there is an acute and urgent need for the Scheme in highways and transport terms, in order to allow for the very significant development coming forward in the locality, and to address the significant shortcomings of the existing highway infrastructure. Mr Mockler and Mrs Marsh have adduced no contrary expert evidence.
- 6.158. There is no substance in Mr Mockler's suggestion that the A4130 does not need to be dualled. Mr Mockler did not challenge OCC's highways and traffic modelling witnesses on this matter, but in any event the evidential basis for the dualling is compelling.
- 6.159. There is a significant amount of new residential development (both already coming forward and planned to come forward) around the A4130, including Great Western Park, Valley Park and Northwest Valley Park. The A4130 is also required for the significant employment and industrial development around the Didcot northern perimeter road, and the FCC waste and Heidelberg aggregates sites. The modelling shows that without the Scheme in 2034, average eastbound vehicle speeds in the PM peak are extremely slow: 3.4mph. With the Scheme, they rise to 14.9mph.
- 6.160. The allegation of inadequate consideration of alternatives is rebutted by the submissions on alternatives and in OCC's submissions in the called-in Inquiry. The concern as to increased costs has been dealt with above in the funding section. As to alleged conflict with the LTCP and the potential for induced demand, they have been dealt with in the evidence of Mr Disley and Ms Currie on behalf of OCC. As to the objectors' support for the case of POETS and the NPCJC to the called-in planning Inquiry, those points have been fully addressed in OCC's closing submissions for the called-in planning Inquiry.
- 6.161. The objectors make certain further points concerning alleged impacts on their development proposal for the site which they refer to as '*Milton Fields*'. Their proposal is on a site allocated for "*at least 800 homes, subject to masterplanning*" in the Vale of White Horse Local Plan Part 1, namely '*North West of Valley Park*'. The allocation includes the requirement to "*Provide land for widening of the A4130*" and also safeguards the land. The Scheme is therefore consistent with the adopted development plan. The objectors' '*emerging concept masterplan*' has open space rather than built development in the northern part of the site adjoining the A4130.
- 6.162. The Scheme will provide significantly enhanced access to the site. The south-east arm of the new Backhill roundabout in the Scheme is designed to link into the site. That access is essentially in the same location as is indicated in the objectors' masterplan.

- 6.163. There is no basis to think that the widened A4130 would cause unacceptable noise impacts. The ES noise assessment shows that there would be no significant noise effects during operation of the Scheme at the New Farm buildings, and accordingly there would be none in respect of the objectors' proposals.
- 6.164. Mr Mockler has stated that he wishes to pursue a car free development. The Scheme does not determine the form of development on Mr Mockler's site.
- 6.165. OCC has sought to engage with Mr Mockler over a long period of time, with a view to acquisition by negotiation rather than compulsion. Mr Mockler has been unwilling to engage, based on his strong in-principle opposition to the Scheme. Mr Mockler's refusal to engage extended to refusing even to allow access surveys, such that OCC needed to apply for warrant of entry in the Magistrates Court. Mr Mockler accepted in cross-examination that OCC has sought to engage with him, including by sending draft HoTs, but his in-principle objection to the Scheme meant that he would not reach agreement.

Obj 19 New Farm

The Case for Mr Page (Occupant of New Farm)(*CD J.16*)

- 6.166. The road building, CPO and other changes will all ruin our lives for years to come due to the noise, machinery and everything else associated with HIF1. It will make it more difficult for them to walk the children to school as they do every morning, and for the two older children to cycle which will become more dangerous. It will totally disrupt their lives.

Response by the Acquiring Authority

- 6.167. Mr David Page confirmed he was a tenant of Mr Mockler and lived at New Farm with his family. Mr Page and his family have raised concerns based on noise, disturbance, and safety. It is acknowledged that there will be some unavoidable disruption during construction, but appropriate construction and construction traffic management measures will be put in place by the contractor. These will be secured by the proposed planning conditions requiring a Construction Environmental Management Plan (CEMP) (which is to include a Noise and Vibration Management Plan), and a Construction Traffic Management Plan (CTMP).
- 6.168. The noise assessment concluded that there would be daytime, evening and night-time significant adverse effects, albeit the duration was very limited: four months for daytime levels at or above the SOAEL, and two months for evening and night time levels at or above the SOAEL. Further, the anticipated duration of evening and night-time works in this area is very low. However, for the purposes of the assessment a conservative approach was adopted and a risk of exceeding the duration criteria (so as to lead to a significant effect arising) was identified. The mitigation measures will include best practical means, including selection of quieter machinery, acoustic enclosures around machinery and limits on intrusive alarms. This has the potential to reduce significant adverse impacts, although some may remain. During operation, no significant noise effects are anticipated.
- 6.169. Overall, in light of the temporary nature of the construction effects, the mitigation that will be put in place, and the absence of significant operational effects, the effects are considered to be acceptable and policy compliant in noise terms.

6.170. Other disruption will also be properly managed and mitigated by the CEMP and CTMP. This includes safe provision for those walking and cycling along the A4130, noting the objector's concern on this point. The wide and fully segregated cycling and walking provision in this location will be a major improvement and address these issues. It should also be noted that there is potential to open the new enhanced walking and cycling facilities along the A4130 (and elsewhere in the Scheme) early (i.e. prior to the first use of the Scheme by vehicles), and a planning condition is proposed to require opportunities to be sought to do so.

Obj 31 RWE

Case for RWE (CD J.28, CD M.07)

- 6.171. The CPO and SRO should not be confirmed by the SoS unless the plots in which RWE has an interest are excluded from the relevant orders. In the absence of a voluntary agreement making adequate protective provisions in respect of RWE's operational interests, RWE's undertaking (namely the operation of Didcot 'B' which is a 1440 MW combined gas cycle power plant which supplies the National Grid with electricity for over 1 million homes) would be substantially adversely affected in that there is not provision to ensure:
- (a) 24/7 access to Didcot 'B' during the construction of the HIF1 road Scheme;
 - (b) that any temporary access arrangements would be qualitatively suitable to accommodate HGVs and other heavy haul vehicular traffic accessing the Didcot 'A' and 'B' sites, including by abnormal load vehicles;
 - (c) an appropriate approach to constructing a new drainage lagoon and bringing it on stream before removing the existing drainage lagoon;
 - (d) the adequate moving/replacement/interference with power transmission (*inter alia*) services/utilities/apparatus in connection with the delivery of the HIF1 road Scheme; and
 - (e) the timely and operationally satisfactory delivery of a replacement security gatehouse.
- 6.172. OCC has not taken reasonable steps to acquire all of RWE's interests in the Order Land by agreement and has not pursued meaningful attempts at negotiation. There are agreed HoTs in place which provide a pathway to the voluntary acquisition of RWE's interests in a manner which is satisfactory to both OCC and RWE. There is accordingly no need for the CPO which is a "*last resort*".
- 6.173. The matters summarised at (a)-(d) above also apply to RWE's proposals to deliver a data campus on some 27ha of the site of the former Didcot 'A' power station for which planning permission has been sought from the relevant local planning authority (Ref. P22/V1857/O) and is expected to be issued this year.
- 6.174. For the avoidance of doubt RWE is supportive of the HIF1 Scheme in principle. RWE is willing to dispose of its interests voluntarily to OCC, in return for adequate protective provisions. The removal of RWE's interests from the Orders would not prejudice the delivery of the HIF1 Scheme.

- 6.175. RWE acknowledges that it did not make a representation to the “*appropriate minister*” (namely the SoS for Energy Security and Net Zero) within the meaning of s.16 ALA within the relevant time period. Accordingly, the SoS for Transport is legally entitled to confirm the CPO without a s.16 certificate issued by the SoS for Energy Security and Net Zero. The absence of a formal s.16 representation does not deprive RWE’s operational land (encompassing the Didcot ‘A’ land as well as the Didcot ‘B’ land) of its character as statutorily “*special land*”.
- 6.176. The extent to which the CPO would adversely affect/cause detriment to RWE’s undertaking is a material consideration that is accordingly implicitly statutorily relevant to the SoS for Transport’s decision as to whether to confirm, and/or whether to modify, the CPO.
- 6.177. RWE disagrees strongly with OCC’s suggestion that the extent to which the Orders would operationally prejudice RWE’s undertaking would be a mere “*private loss*”. Didcot ‘B’ power station is a nationally significant piece of electricity generation and transmission infrastructure. Any adverse operational effects to it are accordingly matters of critical public importance and should be weighed accordingly.

Access during the HIF1 construction

- 6.178. At present the only way for heavy haul/HGV vehicles to access the Didcot ‘A’ and ‘B’ sites is via the 2nd exit (if approaching on the northbound A4130) of the Milton Road/A4130 roundabout. HGVs and, where necessary, abnormally loaded vehicles carry large pieces of plant and machinery that are necessary in the context of the careful maintenance of the generation/transmission infrastructure at the site, and also in the event of unplanned outage events. If such access were impeded Didcot ‘B’ could go offline.
- 6.179. There is no mechanism for the CPO (or SRO) to secure qualitatively and quantitatively suitable access. OCC has offered to incorporate planning conditions on any planning consent for the HIF1 Scheme to secure the above matters, but this would not replace the need for a voluntary agreement given that such conditions could not be enforced by RWE and could be varied without RWE’s consent. In the absence of such an agreement the public interest militates strongly in favour of modifying the Orders to exclude the RWE land.
- 6.180. RWE does not accept that an unsecured undertaking on the part of OCC to enter into a construction contract for the HIF1 Scheme works which is subject to a condition requiring the contractor to provide suitable temporary access to RWE is sufficient to allay its concerns. In particular, *inter alia*:
- (1) RWE would not be a party to any such contract and, because of the doctrine of privity of contract, would be unable to enforce any breaches of condition as against OCC or the contractor;
 - (2) the form of the condition is not known and accordingly RWE cannot be satisfied that it would be sufficient.
 - (3) the contractor and the contractor’s track record is not known such that RWE’s concerns remain; and
 - (4) it is well known that even with the best intentions, construction activities often depart from contractual standards (whether inadvertently,

for example a construction vehicle breaking down on the designated RWE access road, or because standards are not enforced/maintained on-site).

- 6.181. For similar reasons, an access provision similar to that outlined above is required by RWE in order to deliver the anticipated data campus planning consent when that consent is issued. This can only be secured by private agreement. If it is not so secured the CPO would adversely affect the delivery of that scheme.

Drainage lagoons

- 6.182. RWE's undertaking is subject to an Environmental Permit (Ref. EPR/YB3999DB) for the former Didcot 'A' site which contains surface water drainage requirements and conditions. In particular, those conditions require residual standing water at the former Didcot 'A' site to be pumped to drainage lagoons on RWE's land. One such drainage lagoon will need to be removed as part of the delivery of HIF1. It will accordingly need to be replaced by another lagoon which must be brought online before the existing lagoon can be removed.
- 6.183. The Scheme design makes provision for a replacement lagoon, but at present the sequencing of the construction for the Scheme is not secured within the planning permission for RWE to be sure that it will be able to comply with the terms of its Environmental Permit. RWE must be closely involved in the process of decommissioning the existing drainage asset and making the replacement asset operational. This can only be done by way of a private agreement. As above, a commitment to have the contractor deal with this matter in a way that does not involve the close and active engagement of RWE is not acceptable and weighs against the confirmation of the CPO.

Utilities/services

- 6.184. There is a need to ensure that no adverse impacts arise as a result of interference with, or disruption to, the services and utilities in the RWE Order Land. These utilities are in themselves critical pieces of infrastructure that are essential to the proper functioning of the electricity generating and transmission undertakings at Didcot 'A' and 'B'. Mr Blanchard acknowledged that this would be a "*challenging task*".
- 6.185. These matters are too important to be left to a contractor who has no binding covenant to deal with the apparatus in consultation and co-ordination with RWE. Until that outcome is secured by a voluntary agreement, the public interest weighs against making the CPO.

Security gatehouse

- 6.186. There is little doubt that at some point a new gatehouse will be constructed, but since RWE does not know when or whether the functional configuration/specification will be adequate, or how it will relate to the temporary access road, it cannot say that its need to secure its operational land will not be adversely affected by the Orders. This weighs against confirming the Orders so far as they relate to the RWE land. Although there is an agreement in place between OCC and Clowes to deliver the replacement gatehouse, it has not been produced in OCC's evidence and its terms are not known to RWE. Moreover, RWE is not a party to that agreement and cannot enforce its terms whether against OCC or Clowes.

Negotiations

- 6.187. RWE is pleased that there are agreed HoTs. In 2020 and 2021, OCC's only interaction with RWE concerned access arrangements for geotechnical surveys.¹³ In 2022 the record only shows three engagements with RWE, none of which amounted to land acquisition negotiations. The CPO was made on 21 December 2022 and was submitted to the SoS for confirmation on 26 January 2023. Therefore contrary to the CPO guidance OCC had entirely failed to take any steps to acquire the interests required from RWE by agreement; or initiate or make any meaningful attempt at negotiation.
- 6.188. RWE does not object to the final arrangements of the Scheme. RWE also acknowledges that it was aware that OCC would need to acquire interests from RWE in order to deliver HIF1. However, these are not the tests imposed by the CPO Guidance. The test is clearly framed in terms of land acquisition negotiations, of which there were none until well after the CPO was made and submitted for confirmation. RWE submits that this conduct fell well short of Government's expectations of AAs. This is a serious failure and weighs against the CPO being confirmed.
- 6.189. Mr. Moon now acknowledges that OCC did not issue proposals for a voluntary agreement to RWE in January 2023.¹⁴ It was only after RWE objected to the Orders in March 2023 that OCC started engaging with RWE in land acquisition terms.
- 6.190. No negotiations took place in the Summer of 2023 because OCC stood down Gateley Hamer in the context of the called-in HIF1 planning application. However, before Gateley Hamer were stood down, Mr. Miles¹⁵ had agreed with RWE that a s.106 agreement (in connection with the data centre development at Didcot 'A') would be progressed as the mechanism for transferring RWE's interests to OCC. The rationale for this mechanism was that it would obviate the need to make financial contributions to the HIF1 Scheme which would have been required by the LPA if a land transfer package could not be implemented. A similar s.106 agreement had been agreed in respect of another part of the Didcot 'A' site (Refs P15/V13040 and P15/S1880/O) and at no point in the Summer of 2023 was it suggested to RWE that such a mechanism was not appropriate.
- 6.191. The HoTs issued to RWE in November 2023 did not reflect RWE's preference (which was thought to have been agreed by OCC) for the land transfer package to be effected by way of a s.106 agreement. Accordingly, RWE had to re-draft the HoTs and did so in January 2024.
- 6.192. Eventually Mr. Moon re-drafted RWE's version of the HoTs to allow for a period of time during which the parties would endeavour to agree a s.106 agreement, but which enabled OCC to exercise options in respect of the required RWE land after a "*long stop date*" if the s.106 agreement was not finalised by that date. It is not clear why this approach, which reflected RWE's preference for a s.106 agreement, was not advanced by Mr. Moon at an earlier stage in the process. This is the mechanism that is now enshrined in the non-binding HoTs.

¹³ Mr Moon's Appendix SM2 Schedule of Engagement p 43 -45

¹⁴ Mr Moon XX see Mr Moon's POE paragraph 4.271

¹⁵ Mr. Moon's predecessor as project lead at Gateley Hamer

6.193. OCC should have entered into land acquisition negotiations before the making of the CPO and should have been more willing to accommodate RWE's preference for a s.106 mechanism. If "*meaningful*" negotiations had taken place, it is very likely that a formal binding agreement would be in place as at today's date.

Alternatives

6.194. The CPO guidance makes it clear that compulsory purchase is a "*last resort*". While the CPO guidance also makes it clear that an authority may plan a CPO timetable as a contingency measure and initiate formal procedures, that provides no support for the contention that compulsory purchase powers can be confirmed in the event that there is a pathway to voluntary acquisition of the relevant interests.

6.195. Here, there is a pathway to the voluntary acquisition of RWE's interests needed to deliver the HIF1 Scheme: HoTs are agreed and there is no reason to think that those HoTs will not be progressed to a formal final binding option agreement in the event that OCC deploy sufficient resource to progressing the final legal agreement.

6.196. RWE has never been unwilling to dispose of its interests to OCC. In fact, as set out above, it is supportive of the principle of the HIF1 Scheme. Mr. Moon confirmed when giving evidence that RWE had never sought exorbitant compensation for its interests. Its only interest is to ensure that its operational interests as a statutory undertaker are adequately protected. This can only be done by way of a private agreement. It follows that RWE is strongly incentivised to have such an agreement in place and will use all reasonable endeavours to do so.

Response by the Acquiring Authority

6.197. RWE has a number of land interests around the Didcot Science Bridge Link Road that are needed for the Scheme, temporarily or permanently. RWE has not made a valid representation under s.16 of the ALA.

6.198. RWE seeks a private agreement containing protective provisions in respect of access, drainage and utilities. OCC is amenable to entering into such an agreement, and HoTs have now been agreed between the parties. RWE has however indicated that it will not withdraw its objection until the legal agreement is signed, pursuant to those HoTs, which will take some further time to draft and agree.

Access

6.199. Mr Blanchard has explained that during the construction period, access to RWE's premises will be provided at all times, on a 24/7 basis. This access will be through the construction site and will remain in place until such time as the new road and the permanent replacement means of access to RWE premises is constructed and available for use.

6.200. Conditions will be included within the construction contract documents to secure this requirement, including access for the proposed data centre campus. Through phasing of the construction works, round the clock access can be maintained.

6.201. RWE says that the access must be qualitatively suitable, including in respect of HGVs and abnormal loads, and also in respect of access to accommodate future development of the site (notably RWE's data centre proposal). Mr Blanchard gave expert evidence as a highway designer that the access to be provided would meet these requirements.

The Gatehouse

6.202. The existing RWE gatehouse on Purchas Road will be severed from the RWE site access by the Didcot Science Bridge Link Road. Outline planning permission has been obtained (granted on 29 November 2022) for a replacement gatehouse on the new RWE access road that OCC has designed as part of the Scheme.

6.203. OCC has confirmed that it has no intention of creating a circumstance in which a replacement gatehouse would not be provided. Further, there is already a mechanism for its delivery in a s.106 agreement between OCC and the adjacent landowner Clowes Developments (UK) Limited, who will be constructing part of the Science Bridge Link Road.

6.204. The section 106 agreement also agreed that a replacement gatehouse will be constructed, by either Clowes Developments or the AA, at a timescale to be agreed with RWE. RWE does not actively dispute what OCC says about it, but only says that RWE may not be able to enforce it as they are not a party.

Lagoon

6.205. The Scheme provides for a replacement lagoon. It is fully recognised that the replacement lagoon needs to be operational before the demolition of the existing lagoon. This is what OCC will do.

Services

6.206. The design of the Scheme will allow for apparatus and utilities identified beneath the main RWE access road to be protected, diverted to the new RWE access road or stopped up. The amendment to the apparatus and utilities will be sequenced in collaboration with RWE once a contractor is appointed.

6.207. RWE's concern is the adequacy of the legal or planning mechanism by which RWE's interests are protected. In particular, RWE says that a private agreement is needed to protect RWE's operations.

6.208. 24/7 access to RWE's site during construction can be secured by conditions in a construction contract. The same applies to the other matters, i.e. the qualitative adequacy of the access; not severing the existing gatehouse until a replacement one is in place; protecting utilities; and sequencing the construction of the replacement lagoon to be operational before demolition of the existing one.

6.209. Contrary to RWE's closing submissions, Mr Blanchard obviously did not concede that in the absence of a private agreement, RWE's operations would suffer serious detriment. Mr Blanchard made clear that protection could be obtained through conditions in construction contracts, which he said was the usual mechanism. That protection can also be provided by planning conditions.

- 6.210. In order to provide a further level of protection, OCC has now proposed planning conditions, bespoke to RWE's interests. If the legal agreement between OCC and RWE pursuant to the HoTs is agreed and signed, as it is anticipated that it will be, then that might obviate the need for conditions.
- 6.211. RWE has not been able to advance any cogent reason why a planning condition would be inadequate. RWE can make representations to the contractor, to OCC as applicant, and to OCC as LPA if any issue arises. There is no reason to think that any remedial action would be less expeditious or effective than if it was taken under a private agreement between RWE and OCC, which would still require formal steps and potentially enforcement action against a third party contractor.

Engagement and negotiation

- 6.212. RWE did not contend that OCC had failed to comply with the CPO Guidance which advises that AAs should negotiate for land acquisition and only use CPO as a last resort. Mr Trigg, on behalf of RWE, stated only that he considered OCC had been "slow".
- 6.213. RWE's closing submissions are wrong to suggest that the CPO Guidance imposes some mandatory "test" in respect of detailed land negotiations having to start prior to making the CPO.
- 6.214. In the present case, there is an urgent need for the Scheme and a significant amount of planned development in Science Vale depends on it coming forward, as set out in OCC's called-in closing submissions. There is a public interest in the Scheme proceeding in a timely manner and not being delayed. There are a large number of landowners given the linear nature of the Scheme, which inevitably requires compulsory purchase to be pursued alongside negotiations.
- 6.215. RWE has engaged with OCC on its Scheme since 2018. Mr Blanchard further explains that the design team working on behalf of OCC held a number of workshops with RWE in 2020 and 2021. The result is a Scheme which has been designed around RWE's operations and requirements, including their proposed future development. RWE also knew the detail of what was required, because it was in detailed discussions about the design of the Scheme which directly determines what is needed by way of land-take.
- 6.216. There was considerable engagement with RWE prior to December 2022, including on matters which made clear the need for land-take, and since then there have been 16 months during which there has been extensive negotiation. Mr Trigg in fact acknowledged the full and genuine attempts to negotiate by OCC in his September 2023 written representation to the OCC Planning and Regulatory Committee meeting.
- 6.217. The principal reason why the legal agreement has not yet been entered into is RWE's misconceived attempts to secure the protective provisions they require in a s.106 agreement, tied to a planning permission for their new data centre development. In principle, OCC has no objection to that route, but it creates the obvious stumbling block that it is dependent on the grant of planning permission for that data centre development, which has not yet been issued.
- 6.218. RWE made a planning application to Vale of White Horse District Council for planning permission for the data centre development in 2022 and, as of

today, it is still to be determined. The s106 agreement will need to be a tripartite agreement, to which the District Council are party. The District Council will of course not enter into a s.106 agreement until there is a committee resolution to grant planning permission for the data centre development. Accordingly, OCC has been making the point for over a year that the s.106 route cannot be relied upon, and negotiations for an agreement need to progress.

- 6.219. Extensive further communications then took place in February – April 2024, with OCC proposing the addition of a long stop date in a private agreement, which would allow time for a s.106 to be issued, but maintaining the private agreement route if that did not take place. It broke the deadlock which had been caused by RWE’s unreasonable insistence on the s.106 route.
- 6.220. RWE fails to acknowledge that its re-drafting of the HoTs was an attempt to revert to the s.106 route, which RWE has subsequently abandoned. The HoTs that RWE agreed are for a private agreement, but incorporating a window of time with a long stop date, so as to allow the s.106 route to be pursued if the planning application progresses quickly enough.
- 6.221. RWE is wrong to suggest there are alternatives to compulsory purchase, in particular due to the existence of a “*pathway to voluntary acquisition of the relevant interests*” i.e. the proposed private agreement between OCC and RWE, such that the Orders should not be confirmed in respect of RWE’s land. OCC hopes to enter into such an agreement with RWE and will continue to endeavour to do so. But no agreement yet exists, and OCC must be able to acquire the relevant interests in order to deliver its important and beneficial Scheme in the public interest.
- 6.222. The Scheme should not be placed at the mercy of RWE’s willingness to expeditiously enter into an agreement. Further, what RWE is suggesting is the creation of a situation whereby RWE could hold OCC to ransom. Although the parties are seeking and hoping to reach agreement, but the CPO should be confirmed because of the public interest in the Scheme and to protect against the risk that agreement may not be reached.
- 6.223. RWE’s concerns that their operational interests are protected and that their ability to further develop their land is not prejudiced are all fully addressed by the design of the Scheme and the steps in respect of access, sequencing and protection of utilities that will be put in place during construction. They will be secured through conditions in construction contracts in the usual way, as they are for other landowners who may require ongoing access or other provisions. OCC will be able to provide control in that way. The evidence is clear that those operational interests will be protected. To the extent that OCC’s commitments in that respect need to be further secured, a planning condition(s) is entirely capable of providing adequate security.
- 6.224. RWE’s criticisms in respect of negotiation are wholly unsubstantiated and unevicenced. It has been RWE’s insistence on using a s.106 agreement for land acquisition, rather than a normal bilateral private agreement, which has slowed matters considerably. The fact that RWE has now abandoned that suggestion and has agreed HoTs for a private agreement is recognition of the problems that their former approach was causing.
- 6.225. RWE is wrong to suggest that removal of RWE’s plots from the CPO will not prejudice the Scheme. That would remove OCC’s ability to guarantee the

necessary land assembly in the necessary timescale, and would fundamentally jeopardise the Scheme, its programme and funding.

6.226. There is no valid representation under s.16 of the ALA, such that the restriction in that section does not apply.

Defra

6.227. Defra made a representation in support of TWUL's objection. The AA's response to the representation is addressed within its response to TWUL's Objection.

6.228. The ALA contains a provision within section 16 which enables Ministers to prevent land owned by a statutory undertaker from being acquired via compulsory purchase. Due to a procedural error, the representation from TWUL was not accepted under section 16 as it was made to the Transport Secretary and not the SoS for Environment, Food and Rural Affairs, it also did not clearly state that the representation was being made under Section 16.

6.229. Defra officials agree with TWUL's assertion that proceeding to make the Order would impact TWUL's ability to carry out its operational activities. It states that whilst the land included in the proposed Order does not currently contain any operational equipment, (excluding plot 17/11i which contains monitoring equipment and is already required as part of Thames Water's daily operational activity), the land has been identified for the expansion of the CTW and is therefore essential for performance of the undertaker's activity.

6.230. TWUL are aware of two developments which will increase the total number of homes in the catchment area by 5,200. The expansion of the CTW has been included by TWUL as part of its draft business plan as a response to the projected population growth associated with the new developments. The business plan was submitted to OFWAT in October 2023.

6.231. The additional new homes mean that the population within the CTW catchment area is expected to increase by 46% by 2031. Therefore, work must begin within the next 2 to 5 years so this additional demand can be met. TWUL does not own any other suitable land for the completion of this work so if the Order is confirmed, TWUL would need to acquire additional land to make the required upgrades. If no land was available, TWUL would have to rely on its compulsory purchasing powers which could create a delay of 2 to 2.5 years.

6.232. Failure to make the required improvements on time would impact TWUL's operations for reasons including impacts on:

- Its ability to manage the increased volume of treated, final effluent being discharged to the environment and compliance with its associated Permit.
- The number and duration of Storm Overflow Events. This would have an impact on the local environment and could result in:
 - Flooding of land surrounding the CTW.
 - Internal and external property flooding.
 - Breaches of the site's statutory permits and non-compliance with its quality parameters.

6.233. The AA's response to the Defra letter is provided within its response to TWUL above.

7. Inspector's Conclusions

References being given in square brackets [] to earlier paragraphs where appropriate.

- 7.1. Bearing in mind the submissions and representations I have reported, I have reached the following conclusions. I start by considering the outstanding objections to the Orders. I then briefly consider the proposed modifications to the Orders, followed by the SRO, then the CPO and finally the Bridge Scheme. I then consider the human rights and Public Sector Equality Duty.

Statutory Objectors

Obj 1 Network Rail

- 7.2. Whilst Network Rail maintains its objection due to the potential impact on its operational activity, the parties are working to resolve the issues. Some progress had been made by the time the Inquiry closed leading to some of the proposed modifications. Both parties anticipate that agreement will be reached and the AA advises that further modifications to reflect these agreements will be sent to the SoS. [6.2,6.3]

Obj 2 Mr and Mrs Aries

- 7.3. Mr and Mrs Aries have an interest, in respect of subsoil only, of three plots that are part of the existing A415 Abingdon Road (comprising carriageway, verge and hedgerow).
- 7.4. Access to North Cottage is via a road to the east that also serves the farm buildings to the north. Abingdon Road (the A415) passes to the south of the property linking Abingdon and Clifton Hampden. With the Scheme in place HIF1 would be located to the north of North Cottage, but it would be separated from it by more than 170 metres.
- 7.5. A new connection between the existing A415 and the Clifton Hampden Bypass would be provided using the alignment of an existing private access and will connect with the Clifton Hampden Bypass via a priority junction. Whilst this would be closer to North Cottage due to the stopping up of Abingdon Road, the traffic using the existing Abingdon Road would be reduced by about two thirds in the opening year and to a much greater extent by 2034. The Clifton Hampden Bypass would take the majority of the traffic that currently uses the road that passes Mr & Mrs Aries' property. [6.10]
- 7.6. Due to its location and the predicted reduction in traffic the property would experience a significant reduction in traffic noise levels when the Scheme is in operation. In terms of air quality, predicted annual mean NO₂ concentrations at properties close to Mr and Mrs Aries' house on the A415 in Clifton Hampden are around 12 µg/m³ with and without the Scheme, significantly below the relevant air quality objective of 40 µg/m³. [6.10]
- 7.7. With regard to privacy Mr & Mrs Aries' property is enclosed with a hedge to the front and it would be separated from the proposed road by the intervening farm buildings, such that HIF1 would not be visible. I conclude that there would be no loss of privacy to Mr and Mrs Aries' property.
- 7.8. I find that the HIF1 would provide significant environmental improvements to Mr and Mrs Aries' property in so far as there would be a reduction in traffic and traffic related noise.
- 7.9. The AA advise that Mr and Mrs Aries have suggested that an alternative is to provide a fifth arm onto the proposed CSC roundabout. This matter is not addressed in their objection, but is referred to in Mr Chan's evidence.¹⁶ I agree with the AA that such an arrangement would be likely to have a negative impact on the setting of the Grade II listed Fullamoor Farmhouse. Mr Chan also advises that traffic modelling indicates that a fifth arm would cause significant queuing, thus likely causing noise and air quality impacts. In

¹⁶ Mr Chan's POE paragraph 3.40 and Figure 24

the absence of any evidence to the contrary I agree with this assessment, and do not consider that a fifth arm is either necessary or desirable. [6.13]

Obj 6 Mr Smith

- 7.10. The AA and TWUL are aware of the potential impacts on Mr Smith's utilities. The AA confirms that Mr Smith's utilities and water supply will be protected and diverted as part of the Scheme. Further details as to how this will be achieved will be provided to Mr Smith during the detailed design stage. [6.18]
- 7.11. The access to Mr Smith's property would change as a consequence of HIF1. The proposed access would provide improved visibility, thereby enhancing safety. It would provide a suitable and convenient alternative to the existing access.¹⁷
- 7.12. At some facades the ES predicted moderate noise increases in the short term and long term due to the Scheme. However, with the mitigation currently proposed, namely the low noise road surfacing for this part of the Scheme and the speed limit of 50 mph, the magnitude of impact would be minor. Moreover, the absolute levels are well below the SOAEL at all facades with and without the Scheme. [6.20]

Obj 10 TWUL

- 7.13. The SoCG sets out the position of the parties in respect of negotiations in respect of replacement land to facilitate the delivery of the Scheme and to enable TWUL to carry out the future expansion of the sewage treatment works. The option agreement and land swap arrangement will 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. [6.92,6.102]
- 7.14. The AA in principle, agrees that it will not implement its compulsory purchase powers over the Order Land in the event that the option agreement is entered into and completed by the Parties. Furthermore, the AA in principle, agrees to only take temporary possession of plot 17/11i by private treaty agreement as this plot is required to be permanently retained by TWUL as part of their daily operational activity. [6.88,6.97]
- 7.15. Both parties confirm that they are committed to reaching an agreement, and resolving TWUL's objection, however TWUL maintains its objection until such time that the option agreement may be completed and has legal effect.
- 7.16. The parties also agree that due to anticipated population growth, major upgrades are required to be implemented at the CTW to deal with the increase in demand in sewage flow. The upgrades will ensure that TWUL maintains its ability to treat flows to the required quality parameters as set out in its Permit and ensure the storm tank capacity is maintained so that in the event of rainfall or snow melt, premature discharges to the environment do not occur.

¹⁷ Mr Chan's POE paragraph 3.44 and figures 25 and 26

- 7.17. The AA does not dispute that if the necessary additional capacity is not available by the point at which the increased flow comes online, there is a potential for adverse environmental consequences and that TWUL could be in breach of its statutory permits.
- 7.18. TWUL's preferred solution is to expand the CTW using the Northern Parcel. This is because it would be the most cost-effective solution and would make best use of the land already owned by TWUL, use its existing permitted development rights, as well as avoid the need to purchase further land and the costs and delays associated with land acquisition.
- 7.19. There are five other STWs within a 5km radius of the CTW, including Abingdon. Whilst Abingdon could potentially accommodate the additional flows from the Culham catchment, this alternative has been assessed by TWUL and is in the region of £65 million. This compares with £25 million to upgrade the existing works. The AA suggested that as an alternative TWUL could use its own powers of acquisition. [6.50,6.103]
- 7.20. Whilst it may be possible for these options to be pursued by TWUL they both involve costs that are likely to be passed on to customers. Should TWUL pursue a CPO for other land, in the event of any objections there would be uncertainty, delay and additional costs. These would not be incurred if TWUL used the operational land within the Northern Parcel. Moreover, it could also be considered unreasonable if a statutory undertaker's land is compulsorily acquired but requires that statutory undertaker to exercise its own CPO powers to mitigate the impact on its operations as a consequence. [6.50]
- 7.21. I note that the AA considers that there is insufficient detail to as to the impact of existing rights on operational activity on the Northern Parcel but given the nature of the rights, on the basis of the available evidence I agree with TWUL that the rights are not expected to frustrate the ability to deliver the proposed upgrades on the Northern Parcel. I am satisfied that in the absence of the CPO TWUL would be able to expand the CTW in accordance with its business plan to service the additional population anticipated within its catchment area. [6.101]
- 7.22. The third option proposed is for the AA to acquire adjacent land and provide it to TWUL. As set out above this option is acceptable to both parties, but the area of land concerned was only identified during the course of the Inquiry. At the time the Inquiry closed there was no certainty that this solution could or would be delivered. In the absence of this solution, should the CPO be confirmed, TWUL would need to rely on the alternatives above and this would have a detrimental impact on its activities due to the increased costs and/or delay.

Alternative alignment

- 7.23. TWUL contend that if the road were re-aligned towards the north, it would avoid the need to acquire the Northern Parcel. Mr Chan confirmed that from a technical highways perspective this was achievable, but it would involve the acquisition of land from UKAEA (the CSC). [6.72]
- 7.24. The AA state that the land concerned is allocated within the Local Plan for the CSC and that the transformation of the CSC is supported by the Government and is not less important than TWUL expansion requirements. The UKAEA master plan shows the area of land concerned to the north of TWUL is identified for proposed buildings neither designed or built. There is no

evidence before the Inquiry either way as to the impact of the realignment of HIF1 on UKAEA's operations or plans for the future. Moreover, as agreed by both parties TWUL needs to provide additional capacity to meet the demand arising from the housing and employment that the Scheme is intended to facilitate. Failure to do so could delay the occupation of housing or give rise to environmental harm in breach of TWUL's Permit. [6.43,6.44,6.53,6.124]

- 7.25. Regardless, the land is not included within the CPO, so would need to be acquired by agreement or a CPO. There is no certainty that an agreement could be reached and a further CPO would, assuming that it was successful, add significantly to the time scale for the delivery of HIF1. Whilst UKAEA's operations are important nationally and globally, TWUL's operations are also of critical importance to serve the housing and employment that HIF1 is intended to facilitate and comprises part of its statutory duty. [6.124]
- 7.26. There is insufficient evidence to conclude whether the realignment of HIF1 is feasible at this stage. As confirmed by Mr Chan, on behalf of the AA, the impact of the Scheme on TWUL was not known when the Scheme was designed and the alternative alignment was not considered. [6.73]

Negotiations

- 7.27. Negotiations between the parties were continuing at the close of the Inquiry. The intention was that the AA would provide land to TWUL in a location that was suitable for expansion. The owner of this land has indicated a willingness to sell.¹⁸
- 7.28. TWUL contend that plans showing the precise area of land to be acquired were only provided two days before the CPO was made, and at that time the design for the Scheme, including the red line boundary of the Order Land had been finalised. It submits that there was a lack of meaningful engagement prior to the Order being made. [6.79]
- 7.29. The AA's record of engagement shows that there were numerous communications with TWUL between January 2021 and when the CPO was made. However, it would seem that these were largely in respect of survey access and also to seek information regarding any rights and easements over TWUL's land. [6.83,6.117, 6.118]
- 7.30. The AA also contend that TWUL should have be aware the land would be likely to be acquired due to the fact that it was safeguarded within the Local Plan and TWUL did not object to the safeguarding, or the subsequent planning application. [6.112,6.113]
- 7.31. The safeguarding in the Local Plan did not represent a detailed assessment of the land required or the basis for its acquisition. The submitted evidence indicates that meaningful negotiations did not commence until March 2023, although there is clear evidence that the AA sought to engage in January 2023. However, this was after the CPO had been made and the red line boundary had been fixed.
- 7.32. There is no evidence before the Inquiry to indicate that prior to the CPO being made that there was any clarity regarding the AA's intentions, including

¹⁸ See CD O-INQ.8

whether it was seeking temporary acquisition, permanent acquisition or rights and whether all areas of land identified were required.

- 7.33. It is also evident that the AA did not have a clear idea of TWUL's requirements at the time it designed the Scheme. I find that at the time the CPO was made the AA did not have a clear idea as to the impact of the acquisition on TWUL's operations or the mitigation that would be required. This was accepted by Mr Chan in cross examination. [6.74,6.84]
- 7.34. Since March 2023, there appear to have been genuine attempts by the parties to resolve the issues, but significant progress was not made until shortly before the commencement of the Inquiry.
- 7.35. On the basis of the evidence submitted to the Inquiry I conclude that the expansion of the CTW to serve the increased population within its catchment area is the preferred way forward. It also accords with the business case for expansion submitted to Ofwat by TWUL. Whilst there are alternatives, such as the expansion of the Abingdon STW or the use of TWUL's CPO powers, these are more costly and/or would be likely to involve a longer time scale.
- 7.36. The on-going negotiations at the time of the Inquiry suggest that a solution acceptable to both parties is achievable. However, TWUL will not withdraw its objection until the option agreement is completed and has legal effect. The option agreement will also be conditional upon the successful and satisfactory grant of planning permission being secured on the Replacement Land for the change of use of the land and expansion of the Works, to enable TWUL to bring forward the expansion of its STW and the Judicial Review period of any such planning permission having expired.

Obj 15 and Obj 18: Anthony Mockler and Gwendoline Marsh as Trustees of the Milton Manor Estate; Obj 16 and 17: Anthony Mockler

- 7.37. Mr Mockler, Mrs Marsh and the Trustees of the Milton Manor Estate object to the CPO and the SRO, as well as the Scheme as a whole. The plots to be acquired comprise 38,562 sqm of agricultural fields of New Farm and intersecting private access tracks, required for the improvement of the A4130, the construction of new highways, new private means of access to premises, and construction working space/use land.
- 7.38. Extensive and compelling evidence was submitted to the called-in application Inquiry regarding the need for the Scheme. The need is to facilitate future growth, but also to address existing congestion issues. The existing congestion issues were acknowledged by most parties, including those objecting to the Scheme. I concluded that there is substantial policy support for HIF1 in the Local Plans for the area, and these safeguard land for the delivery of the Scheme. HIF1 is an integral component for growth within the Science Vale. There is also support for HIF1 within the LTCP. No substantive evidence has been submitted to indicate that there is no need for the road. [6.157]
- 7.39. Mr Mockler and Milton Manor Estate also consider that a single carriageway for the majority of the HIF1 Scheme but a dual carriageway for part of the A4130 is inconsistent and would be likely to lead to more congestion. [6.151,6.158]
- 7.40. There is a significant amount of new residential development (both already coming forward and planned to come forward) around the A4130, including

Great Western Park, Valley Park and Northwest Valley Park. The A4130 is also required for the significant employment and industrial development around the Didcot northern perimeter road, and the FCC waste and Heidelberg aggregates sites. The traffic modelling indicates that there would be significant queuing if this part of the A4130 remained as a single carriageway. [6.159]

- 7.41. Mr Mockler's intention is that Milton Fields would be a car free development and that this would be difficult to achieve if the CPO was confirmed. Milton Fields is allocated for at least 800 homes in the Vale of White Horse Local Plan. [6.153,6.161]
- 7.42. The CPO would reduce the land available for development by comparison with the masterplan submitted by Mr Mockler, but there is no evidence to suggest that the masterplan has been considered acceptable by the LPA. Moreover, the allocation within the Vale of White Horse Local Plan Part 1 specifically references the need to provide land for widening the A4130. The Scheme would provide for enhanced access to the site from the Backhill roundabout and the general arrangement plans show the access point.
- 7.43. Issues in relation to noise and air quality were reported in Chapter 10 of the ES and revised in April 2023 following a Regulation 25 request from the LPA. They were also considered extensively during the called in application Inquiry. It was concluded that the Scheme would be compliant with paragraph 191 of the NPPF in that it would mitigate and reduce to a minimum the potential adverse impacts resulting from noise due to the Scheme. The ES noise assessment shows that there would be no significant noise effects during the operation of the Scheme at the New Farm buildings. [6.163]
- 7.44. Mr Wisdom's POE outlined the alternative alignments for the road considered by the AA and the possibility of a level crossing at Appleford. I concluded that the assessment of alternatives, including non-road options was extensive and thorough and adequate reasons for the selection of the preferred route have been provided. [6.152,6.160]
- 7.45. The matters in relation to the impact on human rights is considered below.

Obj 19 New Farm

- 7.46. The AA acknowledges that there will be some unavoidable disruption during construction. It proposes construction and construction traffic management measures will be put in place by the contractor, as secured by the proposed planning conditions requiring a CEMP (which is to include a Noise and Vibration Management Plan), and a CTMP. These are secured by the recommended planning conditions. [6.166,6.167]
- 7.47. In terms of noise during construction, the noise assessment concluded that there would be daytime, evening and night-time significant adverse effects during the daytime and at night time. Some of this noise would be above the SOAEL. This is the level above which significant adverse effects on health and quality of life occur. The mitigation measures proposed include best practical means, including selection of quieter machinery, acoustic enclosures around machinery and limits on intrusive alarms. These measures would have the potential to reduce significant adverse impacts, but as accepted by the AA some may remain. During operation, no significant noise effects are anticipated. [6.167,6.168]

- 7.48. Overall, in light of the temporary nature of the construction effects, and the proposed mitigation, the effects are considered to be acceptable and policy compliant in noise terms.
- 7.49. The Scheme would provide significantly enhanced cycling and walking provision adjacent to the A4130. Recommended Condition 9 on the called-in application undertakes to open footways, footpaths and cycleways prior to first use of the Scheme by vehicles, where this does not create safety hazards to active travel users or impose unnecessarily adverse constraints on construction sequencing. I am satisfied that the Scheme would not adversely impact on walking and cycling opportunities. [6.170]

Obj 31 RWE

- 7.50. RWE object to the SRO and the CPO. RWE is supportive of the HIF1 Scheme in principle and is willing to dispose of its interests voluntarily to OCC in return for adequate protective provisions. Agreed HoTs are in place and these provide a pathway to a voluntary acquisition of RWE's interests in a manner which is satisfactory to both OCC and RWE. However, the agreement had not been completed at the close of the Inquiry. [6.171,6.172]
- 7.51. Didcot B power station is a nationally significant piece of electricity generation and transmission infrastructure. Any adverse operational effects on it are matters of public importance. RWE identify a number of matters above where it has outstanding concerns. The AA considers that these matters can be addressed through conditions within the contract for the works. RWE disagrees since it would not be party to the contract or able to enforce it. Moreover, RWE contends the form of the condition and the contractor's record is unknown. RWE has similar concerns in relation to its data centre site. [6.171,6.180,6.208,6.209]
- 7.52. The AA acknowledge the essential need to maintain suitable access to the RWE premises. Mr Blanchard, on behalf of the AA, confirmed that the design of the access to be provided would meet these requirements both during construction and operation. [6.199-6.201]
- 7.53. Given the duties imposed on RWE as a statutory undertaker, its concerns in relation to the reliance on a contract that it is not party to and is unable to enforce is understandable and reasonable. Although there is no reason to doubt that the AA will seek to take account of RWE's concerns when agreeing the conditions of the contract, there is no mechanism for RWE to be party to any discussions.
- 7.54. Recommended Condition 3 for the called-in application included provisions to safeguard RWE's interests and the concerns outlined by RWE. The condition requires these details to be submitted for approval. This would provide RWE with an opportunity to comment on details. The condition is in the public domain and whilst it could not be enforced by RWE, it could request the LPA to enforce it. Given the duties imposed on RWE as a statutory undertaker and the fact that it supplies the National Grid with electricity for over 1 million homes, it would be surprising if the LPA did not seek to enforce the suggested condition. [6.210,6.180]
- 7.55. Overall, I consider RWE's concerns regarding the reliance on an agreement that it is not party to and is unable to enforce to be reasonable. Notwithstanding this, given the nature of RWE's concerns, I consider that the

recommended condition on the called-in application would provide the safeguards for RWE's operations and the proposed data centre.

Non Statutory Objectors

Obj 9 CPRE, Obj 30: Oxford Fieldpaths Society; Obj 34: Ramblers

7.56. These organisations object to the SRO

Appleford, Bridleway No.3

7.57. The majority of Bridleway 3 between the Collett roundabout and the Appleford level crossing consists of a 3.2m wide single track road, except at the northern and southern end where it is approximately 6.6m wide. There is currently no segregation between NMUs and vehicles. At the time of my site visit I noted numerous HGVs travelling to and from the landfill site and other commercial sites. At times it was necessary for the HGVs to pause while pedestrians stepped on to the verge. [6.28,6.29]

7.58. The proposed new length of A4197 classified road would include cycle tracks, footways and a 1m verge as a replacement for the existing route for NMUs from the Collett Roundabout. Overall, it would represent a significant qualitative improvement to the current NMU route.

7.59. I appreciate that there is a risk that a nervous horse maybe startled, but the existing route is narrow, and it is necessary to step onto the verges when HGVs pass. Therefore, although the HGV drivers exercise care when passing pedestrians, I consider this to be an existing risk and I find that the Scheme would represent a significant improvement by comparison with the existing arrangement. Whilst the alternative route proposed by the objectors may be more attractive with more pleasing views, I do not consider it to be necessary since the current proposals would provide an enhancement in terms of safety and separation from traffic. [6.23]

Clifton Hampden, Footpath No.6

7.60. Short sections of FP3 and FP6 would be stopped up and users rerouted to a 3.5m shared use facility provided as part of the Scheme. An uncontrolled crossing would be provided on the Bypass, which would serve users of both FP3 and FP6. The objectors advise that this is a well-used footpath forming part of a footpath route from Abingdon to Clifton Hampden as well as various circular walks from Clifton Hampden in the surrounding countryside.¹⁹ [6.25,6.26]

7.61. Objectors contend that this would detract from the enjoyment of walking Footpath 6 by replacing a field-edge path with a roadside footway and thus unnecessarily urbanising this section of the route. They suggest that the path be diverted to run outside the road's northern fence until it meets Footpath 3 since this would be more pleasant and quieter.

7.62. The new route would not have the rural character of the existing footpath. Balanced against this, it would be more accessible and inclusive, e.g. for those pushing buggies or wheelchairs, or using walking aids. Woodland planting is proposed to the north of the new road and it is likely that

¹⁹ See Sheet 19 of General Arrangement Plans

pedestrians would be able to walk through that area rather than using the surfaced shared-use path, if they prefer.

- 7.63. I conclude that whilst there would be a change in the character of this part of the route the Scheme would provide another reasonably convenient route before the highway is stopped up. [6.31]

Obj 12 Appleford Parish Council Obj 28: NPJC

- 7.64. NPCJC was critical of the traffic modelling on which the noise and air quality assessments rely. This was considered at length during the called-in Inquiry and it was concluded that the approach to modelling is robust. This view was shared by the Local Highway Authority and the independent consultants appointed by the LPA to review the modelling.
- 7.65. The proximity of the Appleford Sidings Bridge to the dwellings on Lower Main Road including the potential impact on noise and air quality was also considered in detail at the called-in application Inquiry. With regard to noise, it was concluded that there would be some adverse impacts on these dwellings as a consequence of the Scheme. In this regard the Scheme would fail to comply with Vale of White Horse Local Plan Part 1 Policy 23 but would comply with Policy 25 and Policy CP33 as a consequence of the mitigation proposed. However, the Scheme as a whole would have a positive effect on noise in that it would take traffic away from residential receptors and significantly reduce the numbers of properties exposed to higher levels of traffic noise. [6.133]
- 7.66. Within Appleford the air quality assessment predicts that there would be improvements in NO₂ concentrations at residential properties close to the Main Road due to the Scheme, with some increases in concentrations predicted at properties near the railway line such as Hall Farm. Overall pollutant concentrations are low, and therefore none of these impacts were considered significant for health.
- 7.67. The need to mitigate and adapt to climate change is a key environmental objective of the NPPF. Chapter 14 in particular sets out Government Policy on Climate Change for planning. Amongst other matters, the NPPF requires new development to avoid increased vulnerability to the range of impacts arising from climate change and to help to reduce Green House Gas (GHG) emissions. The HIF1 Scheme complies with both of these requirements, as well as the relevant development plan policies. [6.132,6.134]
- 7.68. The LTCP is a statutory document required under the Transport Act 2000. It aims to deliver a net zero transport network by 2040. The LTCP confirms that its priority is to reduce car use and the need to travel, but recognises that in some cases new roads, or widening roads and junctions may be necessary, to ensure a reliable and effective transport network. The HIF1 Scheme is an integral part of the LTCP policy. The Origin Review concluded that the Scheme contributes to modal shift by linking with the Strategic and Science Vale Active Travel and Local Cycling and Walking Infrastructure Plan scheme. I found no conflict between the LTCP and the relevant development plan policies.
- 7.69. Whilst NPCJC and other objectors to the called-in application suggested that the number of dwellings proposed was not required this is not supported by the evidence and is based on a misunderstanding of the amendments to the NPPF in December 2023. [6.135]

- 7.70. NPCJC and Appleford Parish Council raised concerns regarding the adequacy of the funding for the Scheme and the implications of it not being fully funded. Mr Ng, on behalf of NPCJC, suggested that the overall inflation allowance should be £62m and doubted the robustness of OCC's approach to risk. In addition, Mr Harman raised concerns over deliverability and feasibility. [6.136,6.137,6.138,6.145,5.9]
- 7.71. The AA provided for an inflation allowance of £59.31m, this included a contingency fund of £52.251m. OCC has produced a detailed risk register and continues to carry out regular reviews and remove risks which have not materialised. In the light of this the contingency allowance has reduced from £52.251m and is currently £46.852m. I therefore conclude that the contingency fund is adequate. [5.7]
- 7.72. Mr Harman refers to 'Primary Design Risks'. He suggested that many design changes to the Scheme will be required due to stakeholder objections. He also estimates the construction period to be 4 years, whereas the AA anticipates that all three contracts will run in parallel. Moreover, the AA states that the possibility of design changes is accounted for in financial terms by way of the optimism bias and quantified risk elements of the contingency budget. [5.9]
- 7.73. OCC is also an experienced deliverer of highway projects. Key contracts have been let to Aecom for feasibility and preliminary design, ground investigation and other areas of technical support. Graham Construction Ltd will provide construction advice during the preliminary design stage, including on construction methodology and site compound requirements. Agreements have been reached with many of the stakeholders including Statutory Undertakers and negotiations are continuing. [5.9]
- 7.74. At the close of the Inquiry there were outstanding objections from Network Rail, RWE and TWUL. In the case of Network Rail and RWE the concerns are unlikely to require a change to the design of the Scheme. The objection from TWUL is discussed above.
- 7.75. On the basis of the evidence submitted to the Inquiry I am satisfied that the funding has taken account of the risk arising from any necessary design changes and the requirements of stakeholders, including statutory undertakers.
- 7.76. The recent request for additional and extended funding was considered by five Government departments / agencies – Homes England, HM Treasury, the Department for Transport, the Infrastructure and Projects Authority, and the Ministry of Communities, Housing and Local Government. Approval was only granted after all of these departments / agencies had considered the application. I am satisfied that the AA's assessment of risk and contingency are robust and that the necessary funding, allowing for the increased cost of the Scheme is available now, and has been extended for the period up to 2028. [5.8]
- 7.77. Table 2 of the Joint Statement of Reasons sets out the objectives of the Scheme. Objective 3 is to ensure the impact of additional housing on the transport network is acceptable and adequately mitigated. This matter was considered at length at the called-in Inquiry. The impacts of the proposed housing on the transport network were considered in the context of the local plan examinations. These found that the Scheme was necessary in order to satisfactorily mitigate the impacts of the planned housing and employment

growth. HIF1 was expressly linked to the delivery of the houses and the provision of planned infrastructure within the South Oxfordshire Local Plan. The Inspector examining the Local Plan was clear that HIF1 must be delivered prior to any significant development at Culham and the commencement of development at Berinsfield. He also found that it would enable infrastructure to support key development sites in and around Didcot. Policy CP17 of the Vale of White Horse Local Plan Part 1 also identifies the HIF1 components necessary to mitigate growth across the Science Vale area. I therefore find that HIF1 satisfies objective 3. [6.139]

- 7.78. Objective 6 aims to future proof the transport network and provide flexibility to cope with future uncertainties and opportunities. HIF1 makes provision for walking and cycling as well as for improved public transport through the bus priority scheme. With the Scheme in place traffic speeds would increase at the opening year (modelled as 2024), however, by 2034 average journey times and speeds are predicted to be broadly similar to 2024 without the Scheme. However, the 2034 time includes the planned growth across the Science Vale. The traffic modelling illustrates that in the absence of the Scheme there would be gridlock on some routes in 2034. The Scheme would also alleviate congestion at particular pinch points such as the river crossings. I therefore find that the Scheme would satisfy objective 6. [6.141]
- 7.79. Objectives 7 and 8 aim to support sustainable travel through the encouragement of sustainable modes of transport (objective 7) and minimising carbon emissions and other pollution, as well as increasing resilience to the likely impact of climate change especially flooding. The Scheme would meet these objectives through the provision of cycling and walking facilities. It would also provide resilience to climate change through the provision of the proposed Thames crossing which would address the issues that arise when the existing crossings are closed due to flooding. Matters in relation to air quality and noise were considered at length during the called-in Inquiry. [6.142,6.143]
- 7.80. The GHG effects were assessed against the 4th, 5th and 6th UK national carbon budgets, and took account of both construction and operational effects which are aligned with the UK's net zero carbon targets. The assessment shows that GHG effects during the Scheme construction phase (including the embodied carbon in construction materials) are predicted to be minor adverse and therefore not significant. During operation the Scheme would reduce GHG emissions compared to the without the Scheme scenario. The Scheme is predicted to have a minor beneficial effect in respect of GHG emissions during the operational phase, due to a reduction in congestion and journey times resulting from the improvements to the road network. A Carbon Management Plan is required by condition to support carbon reductions, by quantifying emissions, setting targets, monitoring and reporting. I therefore conclude that the proposal would satisfy objectives 7 and 8 of the Joint Statement of Reasons. [6.143]

Defra

- 7.81. Defra acknowledges that the section 16 representation was made to the SoS for Transport and not the SoS for Environment, Food and Rural Affairs, however it agrees with TWUL that the Order would impact on TWUL's ability to carry out its operational activities. The expansion of the CTW was included as part of TWUL's draft business plan. Defra outlines the implications of

failing to make the required improvements on TWUL's operations.
[6.229,6.232]

- 7.82. The AA suggest that no weight can be placed on the Defra letter in respect of the merits or otherwise of confirmation of the CPO and requests that the SoS for Transport reach a conclusion on the much fuller and more up to date evidence now before them. In particular the AA state that the Defra letter does not take account of the possibility of expanding somewhere other than the Culham site, or the possibility of the adjoining land. It also questions the timescale suggested by Defra for a CPO. [6.110,6.111]
- 7.83. I disagree that the Defra letter cannot be afforded any weight. Although errors mean that there is not a S16 certificate, the evidence suggests that had it been completed correctly there is a likelihood that it would have been granted. I agree that the SoS should reach a conclusion on the CPO based on the most recent up to date information. It is however, fair to say that such information was not available at the time of the Defra letter. TWUL and the AA agree that the replacement land would (subject to planning permission) provide suitable mitigation in respect of the Northern Parcel. The timeframe for TWUL to use its own powers of compulsory purchase appear to be realistic, and there is a clear possibility that the reliance on such powers would delay the delivery of the necessary upgrade and potentially impact on the delivery of houses. In addition, there is no certainty that such a CPO would be confirmed. The expansion of Abingdon STW is an option put forward by the AA and does not form part of TWUL's business plan and has not been subject to any feasibility work. Moreover, it would be significantly more expensive than expansion at the CTW.

Proposed Modifications to the Orders

- 7.84. The AA sought a number of modifications to the SRO and the CPO. The position at the close of the Inquiry can be found at O-INQ 5.3. The requested modifications are generally minor in nature. They reflect re-numbering of some footpaths due to changes to the definitive map and statement of Rights of Way; a reduction in the area required in the case of some plots; minor alterations to a private means of access; the removal of some plots following the withdrawal of objections, as well as some Network Rail Plots from the CPO; alterations to the configuration of some plots, and the substitution of names for other land rights.
- 7.85. The modifications do not require the called-in application to be varied or any further assessment of effects in terms of the ES. These modifications were discussed at the Inquiry and the AA asks for the CPO and SRO to be confirmed in modified form.
- 7.86. Having regard to the descriptions of these proposed modifications and the explanations as to why they are considered necessary, together with the evidence presented to the Inquiry, I agree that they all relate to relatively minor matters which would not affect the extent or scale of the proposals. Because of this I do not consider that any of the modifications would materially alter anyone's understanding of the Orders and I therefore consider that no further formal consultation on these modifications is necessary.
- 7.87. The AA anticipates submitting further modifications to the SoS to address Network Rail land once the framework agreement with Network Rail has

concluded.²⁰ These will be sent direct to the Department for Transport following the close of the Orders Inquiries.

SRO

- 7.88. The SRO tests require the SoS to be satisfied that another reasonably convenient route is available or will be provided before the highway is stopped up.
- 7.89. Obj 2 Mr and Mrs Aries object to the stopping up of the existing A415 by Fullamoor Farm. A new connection would be provided between the existing A415 and the Clifton Hampden Bypass. The proposed link road utilises the alignment of an existing private access and will connect with the Clifton Hampden Bypass via a priority junction.
- 7.90. Obj 6 Stephen Smith is concerned about the access to his property. As explained above an alternative access with improved visibility would be provided. [6.17]
- 7.91. Obj 9 CPRE, Obj 30 Oxford Fieldpaths Society, Obj 34 Ramblers are concerned that the alternative routes would be less attractive by comparison with the existing. This is discussed in detail above and it was concluded that the Scheme made provision for a reasonably convenient alternative means of access.
- 7.92. Obj 15 & 16, Obj 17, Obj 18 Mr Mockler and Trustees of Milton Manor Estate, and Obj 19 New Farm object to the SRO and the Scheme in principle. Due to the dualling of the A4130 some private access tracks leading to Mr Mockler's property would be stopped up. In each case an alternative access is proposed. The access arrangements include an arm leading from the Backhill roundabout. [6.154,6.166]
- 7.93. Obj 31 RWE's concerns relate to access during construction. This matter is discussed in detail above. In summary, in respect of the called-in application there is a recommended condition to address RWE's concerns regarding access. The parties have also agreed HoTs in respect of an agreement and this would also safeguard RWE's interests during construction. [6.199, 6.200,6.201]
- 7.94. In each case I am satisfied that a reasonably convenient alternative route or access would be provided, as described in the Schedules and Site Plans of the SRO. Therefore the statutory tests in relation to the SRO are met.

CPO

Whether the Acquiring Authority has a clear idea of how it intends to use the land

- 7.95. The planning application for the Scheme was considered at the conjoined Inquiry. The detailed Scheme includes general arrangement and landscape plans. Details of the route, bridges and individual junctions have all been provided.

²⁰ See O-INQ5.3

- 7.96. The Scheme objectives and a description of the Scheme is provided at Section 4 of the Statement of Reasons. Further detail is provided within the ES Chapter 2 and Mr Chan's and Mr Blanchard's POE.
- 7.97. The Scheme is designed to improve access to future housing and employment growth in the local area, including access by walking, cycling and public transport. It does not aim to provide unlimited highway capacity for cars, or to remove all congestion; it forms part of a balanced transport strategy, which also provides high quality walking and cycling infrastructure, helping to engender modal shift to more sustainable modes.
- 7.98. Section 9 of the Statement of Reasons provides a plot-by-plot analysis and gives a clear indication of how the AA intends to use the land, including noting where the land needed is permanent or temporary to accommodate construction, or in order to acquire rights.
- 7.99. I conclude that the AA has a clear idea of how it intends to use the land to be acquired.

Whether all the necessary resources are likely to be available to achieve that end within a reasonable timescale

- 7.100. The AA provided an update to the funding position (O-INQ 12). At the time Mr Mann's POE was submitted the cost of the Scheme was projected to be £296.2m. It is now anticipated to be circa £332.5m (including contingency). [5.7]
- 7.101. Homes England has now approved the Material Change Request, which was for an additional £36.4m to take the overall budget to £332.5m. Homes England's contribution is approximately £276.2m. It has also approved an extension to the funding availability period from 31 March 2026 to 31 March 2028. [5.7]
- 7.102. The AA provided for an inflation allowance of £59.31m, this included a contingency fund of £52.251m. Mr Ng, on behalf of NPCJC suggested that a Reference Class Forecasting (an established method for accounting for the systematic underestimation of cost and schedule overrun in projects) should be used to assess the contingency. OCC state that once a project progresses beyond the concept stage, Quantitative Risk Assessment (QRA) is the more usual approach to risk assessment. Since the preliminary design for HIF1 is complete, and the base costs of the Scheme elements have been developed with input from consultants and early contractor involvement I find the QRA to be more appropriate at this stage of the project. [5.9]
- 7.103. Mr Harman, on behalf of NPCJC, refers to 'Primary Design Risks' and suggests that many design changes to the Scheme will be required due to stakeholder objections. He also estimates the construction period to be 4 years. The AA states that the possibility of design changes is accounted for in financial terms by way of the optimism bias and quantified risk elements of the contingency budget. OCC has produced a detailed risk register and carries out regular reviews and remove risks which have not materialised. The most recent review has reduced the contingency allowance from £52.251m and is currently £46.852m. [5.9]
- 7.104. Agreements have been reached with many of the stakeholders including statutory undertakers. During the Inquiry the Orders were modified to accommodate Network Rail's concerns. These concerns related to access

rather than the design of the Scheme. At the close of the Inquiry there were outstanding objections from three statutory undertakers, Network Rail, RWE and TWUL. In the case of RWE, the concerns are unlikely to require a change to the design of the Scheme. The objection from TWUL is discussed in more detail below, but based on the agreement between TWUL and the AA design changes to the Scheme should not be necessary.

- 7.105. The recent request for additional and extended funding was considered by five Government departments / agencies – Homes England, HM Treasury, the Department for Transport, the Infrastructure and Projects Authority, and the Ministry of Housing, Communities and Local Government. Approval was only granted after all of these departments / agencies had considered the application. [5.8]
- 7.106. I have had regard to the evidence submitted to the Inquiry, the QRA use by the AA and the fact that a contractor has been appointed to provide construction advice during the preliminary design stage, as well as the likely scrutiny in relation to the request for additional funding. I am satisfied that the AA's assessment of risk and contingency are robust and that the necessary funding, allowing for the increased cost of the Scheme is available now, and has been extended for the period up to 2028. I conclude that the necessary resources are likely to be available for the delivery of the Scheme.

Impediments

- 7.107. The Guidance does not expect all impediments to the delivery of a scheme to be removed or overcome by the point at which the decision on the confirmation of a CPO is made.
- 7.108. Planning permission is being considered alongside confirmation of the Orders via the called-in planning application. Given that the Scheme complies with the development plan, and that HIF1 is integral to the spatial strategy for the Science Vale, there is no reason to suppose that any necessary traffic regulation orders will not be made, or that any necessary protected species licences will not be obtained.
- 7.109. There has been engagement with affected statutory undertakers and with the exception of TWUL and RWE their requirements have been accommodated in the design of the Scheme and delivery. Although neither RWE nor TWUL submitted a valid s16 objection there is a potential for the Scheme to impact on the ability of both bodies to fulfil their statutory duties. These matters may be resolved by the agreements that both parties are pursuing with the AA, however at the close of the Inquiry these were not complete. In respect of RWE the recommended planning condition would provide a mechanism to address its concerns.
- 7.110. With regard to TWUL, whilst there are alternatives, the provision of alternative land adjacent to the existing CTW is the most satisfactory, however, this option has not yet been secured. The expansion of Abingdon STW or an alternative STW may provide an option for extension if the parties do not conclude the agreement, however the reliance on TWUL's own CPO powers to secure the additional land would be uncertain and unreasonable.
- 7.111. I therefore conclude that the absence of an agreement between the AA and TWUL, this would not be an impediment to the use of CPO powers, since there would be an option of expanding at an alternative works, although this

would be more costly and less satisfactory to TWUL from an operational point of view.

The extent to which the purpose will contribute to the achievement of the promotion or improvement of the economic, social or environmental wellbeing of the area;

- 7.112. The benefits of the Scheme are set out in the called-in application Report. In summary, it would deliver the necessary infrastructure to unlock the high levels of planned housing growth in the Science Vale and is fully consistent with the Government's policies for delivering a sufficient supply of homes, including 2,080 affordable dwellings. These dwellings, particularly the affordable dwellings, would make a significant contribution to the social wellbeing of the area. The construction of the dwellings would also deliver economic benefits in terms of employment and would be likely to increase spending in the local area. There would also be benefits to the wider economy provided by the clusters of knowledge and data-driven and high technology industries within the Science Vale.
- 7.113. The Scheme is designed to improve access to future housing and employment growth in the local area, including access by walking, cycling and public transport. The Scheme will help relieve pressure on local transport networks and will facilitate economic growth across the Science Vale area whilst accommodating the expanding communities in the local area. This would be an environmental benefit of the Scheme.
- 7.114. The Scheme would also deliver benefits in terms of noise reduction and air quality improvements for many residents, including those within the larger settlement of Didcot and the Western Valley dwellings currently under construction. Whilst there would be a number of properties where noise would worsen, a limited number of properties would be impacted, and these would generally come within acceptable limits.
- 7.115. There would be further benefits in respect of the historic bridges where traffic flows would be greatly reduced, thereby reducing potential damage to their physical fabric and facilitating the prioritisation of active travel and/or public transport on these bridges.
- 7.116. Improving local roads and providing new roads will lead to more reliable journey times, less congestion, more job opportunities, and better community links. The Didcot to Culham River Crossing element of the Scheme would alleviate the current severe transport impacts on the existing bridges at Sutton Courtenay / Culham and Clifton Hampden, whilst providing a new direct link across the River Thames, including for pedestrians and cyclists. This element of the Scheme increases capacity for north/south movements across southern Oxfordshire and reduces pressure on the A34, whilst increasing network resilience across the Thames floodplain. The Didcot to Culham River Crossing element of the Scheme will also improve network resilience at periods of flooding.
- 7.117. In the absence of HIF1 it is evident that the existing congestion issues would remain and be exacerbated by the planned growth. The provision of walking and cycling facilities would encourage modal shift. The provision of additional and improved NMU routes and crossing points will help to reduce the existing severance caused by the Great Western Mainline and River Thames.

- 7.118. The Scheme would be inappropriate development within the Green Belt and would result in a loss of openness to the Green Belt. There would also be harm to the Green Belt due to the encroachment of the Scheme on the countryside. In addition, there would be some heritage harm, as well as some localised landscape and visual harm. These matters are addressed in detail in the called-in application Report. It was concluded that the Scheme would harm the setting of the Scheduled Monument (Settlement North of Thames) Nuneham Courtenay Registered Park and Garden and Conservation Area, Fullamoor Farmhouse listed building and in the short term, the setting of Clifton Hampden Conservation Area. Such harm was found to be at the lower end of the scale, and it was concluded that it was outweighed by the considerable public benefits of the Scheme.
- 7.119. There would be some environmental harm due to the loss of the Green Belt, a low level of harm to heritage assets and some localised landscape harm. There would also be harm to some properties due to an increase in noise levels. The number of properties impacted is low and these effects generally come within acceptable limits. Moreover, there are significant benefits to many more properties in this regard.
- 7.120. These harms are considerably outweighed by the benefits of the Scheme set out above. I therefore conclude that the Scheme would deliver significant environmental, social and economic benefits.

Whether the purpose could be achieved by other means, such as through alternative proposals

- 7.121. The issue of alternatives is considered in detail in the called-in application Report. It was also a matter raised by POETS in relation to the adequacy of the ES in respect of the called-in application.
- 7.122. The ES includes a description of the alternatives studied by the Applicant/AA and the reasons for the selection of the preferred route, with a comparison of environmental effects as is required by the EIA Regulations. The alternatives considered included different transport modes, public transport, active travel and different highways schemes. It was concluded that whilst some of the options would have lesser environmental effects, only a major road scheme would address the transport issues and requirements of the area.
- 7.123. Although the comprehensive cycling and walking network intervention was discounted as a scheme in its own right, high quality segregated cycling and walking routes have been provided throughout the Scheme.
- 7.124. No alternative Scheme has been submitted by any party, although some specific changes have been suggested. Mr and Mrs Aries suggest that a fifth arm should be provided at the CSC roundabout as an alternative to the proposed link road. I concluded above that such an arrangement would be likely to have a negative impact on the Grade II listed Fullamoor Farmhouse and would be likely to cause significant queuing, thus likely causing noise and air quality impacts. [6.13]
- 7.125. CPRE, Oxfordshire Footpaths Society and Ramblers all suggest alternative routes in respect of the diverted footpaths. I found above that such alternatives were not justified or necessary. [6.24,6.27]
- 7.126. TWUL suggest that the road adjacent to the Northern Parcel could be aligned further to the north in order to avoid the impact on its land and the planned

upgrade of the CTW. Pursuing this option would give rise to delay since this part of the Scheme would need to be redesigned and if were not possible to acquire the land by agreement a further CPO would be necessary. In the light of the availability of the option of alternative land and in the event that this is not realised, expansion at an alternative STW, I consider that the delays that this alternative alignment would cause for the Scheme as a whole do not support the alternative alignment. [6.71,6.78]

- 7.127. The SoCG states that Plot 17/11i is required to be retained by TWUL in order for TWUL to carry out final effluent flow monitoring and quality sampling. Plot 17/11i contains operational equipment that cannot be moved without prior consultation with the Environment Agency. Any risk to the ability to carry out sampling may result in TWUL being non-compliant with its Permit. The AA has agreed, in principle, to take temporary possession of plot 17/11i only, by way of private treaty agreement and this is, in principle, acceptable to TWUL. [6.37,6.55,6.58,6.97]
- 7.128. Given that Plot 17/11i is required by TWUL to carry out its statutory duties and that the rights the AA require could be secured by agreement, Plot 17/11i should be removed from the CPO.
- 7.129. NPCJC, Mr Mockler, Milton Manor Estates, and the Rule 6 objector to the called-in application have suggested that HIF1 is not essential, and that the planned housing growth in this area can be unlocked with other transport solutions/plans based on active travel or public transport improvements. They put forward a range of alternatives. These included making better use of the railway with park and ride provision, highspeed, reliable bus links, a segregated cycleway and footway around the Science Vale, reducing the housing requirement, increased home working, building a lightweight crossing across the Thames for high-speed bus services, and vertical take-off/flying taxis.
- 7.130. Many of these alternatives put forward, including highspeed, reliable bus links and a segregated cycleway and footway around the Science Vale actually form part of the HIF1 Scheme and in the absence of the additional road capacity and river crossing provided by the Scheme these would not be deliverable. The submitted evidence clearly identified the need for the Scheme and the significant benefits that it would deliver. [6.157]
- 7.131. Given the alternatives considered by the applicant, as well as the objectives of the Scheme, I am not persuaded that it would be likely to come up with a fundamentally different scheme to that proposed. I find that the alternatives put forward by these objectors to be inchoate and vague and amount to little more than suggestions.
- 7.132. Overall, with the exception of TWUL's objection, I am satisfied that the purpose of the Scheme could not be achieved through alternative proposals. I find that the alternative alignment proposed by TWUL would allow the objectives of the Scheme to be realised. It is unfortunate that this was not pursued at an earlier stage. Whilst it would require some UKAEA land, no compelling evidence was submitted to the Inquiry to indicate that this could not be achieved. Whilst I acknowledge that UKAEA is of global importance and that the Government has committed funding of £184m to support its transformation, this does not provide any evidence as whether area of land required to realign the road would impact on its operations. Indeed, the

Scheme already proposes to acquire some of UKAEA's interests and the objection in relation to this was withdrawn.

Negotiation

- 7.133. The Guidance requires the AA to make reasonable efforts to purchase land by agreement. It states that compulsory purchase is intended as a last resort to secure the assembly of all the land needed for the implementation of projects.
- 7.134. The AA states that it has engaged with landowners since February 2020. This includes engagement in early 2021 to secure access to land for ground investigation and environmental surveys to assist with the design and construction of the Scheme. It also included statutory notices sent out to landowners in July 2021 requesting information in respect of the land (including providing plans of the plots in question). [5.12,5.13]
- 7.135. In December 2022, following refinements to and the finalisation of the Scheme design, notices informing impacted landowners of the making of the CPO were served, and land plans confirming the land and rights required for the Scheme were issued to landowners.
- 7.136. Negotiations with impacted landowners regarding the acquisition of the specific plots of land and rights which are required to deliver the Scheme have continued since that time. Negotiations paused following the Planning and Regulation Committee's resolution to refuse planning permission in July 2023, but resumed in September 2023.
- 7.137. Since the CPO was made the AA has been in negotiations to acquire the land by other means and this is reflected in the number of objections that have been withdrawn, including during the course of the Inquiry.
- 7.138. With regard to Mr & Mrs Aries it is evident that there has been engagement since January 2023 and that mitigation was proposed to address their concerns. Since the CPO relates only to the subsoil of the verge, I find the negotiations to be satisfactory.
- 7.139. With regard to Mr Smith, prior to the CPO being made in December 2022 there was engagement with Mr Smith in terms of a request for information. Evidence submitted by Mr Moon shows that negotiations have continued since that date and the AA has sought to address his concerns, including having discussions with TWUL.
- 7.140. Mr Mockler, the Trustees of Milton Estate and the occupiers of New Farm all object to the Scheme in principle and have not engaged with the CPO process. The evidence submitted by Mr Moon indicates that numerous efforts were made to communicate with Mr Mockler, including throughout 2022. Mr Mockler's refusal to engage extended to refusing even to allow access surveys, such that OCC needed to apply for warrant of entry in the Magistrates Court. [6.165]
- 7.141. With regard to TWUL, Mr Moon's engagement record shows that there was engagement between the parties during the first 3 months of 2021, but this appears to be mainly in relation to access, although there are also some references to acquisition.
- 7.142. TWUL were notified of the planning application in October 2021. Contact resumed in November 2022 and TWUL were notified of the land to be

acquired on 20 December 2022, two days before the Order was made. [6.79,6.83]

- 7.143. I disagree with the AA's view that since the land to be acquired was safeguarded for the Scheme that TWUL should have been aware that it would be necessary to acquire it. The safeguarding of the land within the Local Plan does not amount to negotiation and it would be unclear from the Local Plan whether the safeguarded land would be required or the basis on which it would be required. Whilst the CPO uses the same alignment as the planning application the absence of an objection to the planning application does not weigh against TWUL. [6.113,6.114]
- 7.144. The Guidance advises that early communication with those whose interests are affected in the preparation of a CPO will help the AA understand more about the impact of the exercise of the compulsory purchase powers on those whose interests are affected. Based on the evidence submitted to the Inquiry, including the evidence from Mr Chan, it would seem that the AA did not understand the impact of the CPO on TWUL operations at the time at which the CPO was made. Since the boundary to the Order Land was established at this time, it limited the scope to mitigate and address TWUL's legitimate concerns. Nor did the CPO include measures to mitigate the impact of the Scheme on TWUL's operations. [6.72,6.74,6.79,6.87]
- 7.145. Following the making of the CPO, there has been greater contact between the parties, with a meeting in March 2023 at which the AA sought to understand the requirements of the current TWUL site. Matters between the parties have subsequently moved on, with both sides aiming to reach agreement as set out in the SoCG. [6.117,6.118,6.119,6.121]
- 7.146. RWE is supportive of the HIF1 Scheme in principle and is willing to dispose of its interests voluntarily to OCC, in return for adequate protective provisions. It contends that the removal of RWE's interests from the Orders would not prejudice the delivery of the HIF1 Scheme. It submits that the AA has not taken reasonable steps to acquire all of RWE's interests in the Order Land by agreement and has not pursued meaningful attempts at negotiation. [6.171,6.172]
- 7.147. RWE accepts that it would be necessary for the AA to acquire interests over its land and rights to be acquired but asserts that meaningful discussions did not take place until after the CPO was made. Mr Moon's record of engagement indicates that communications prior to November 2022 were concerned with access for surveys and supports RWE's view. [6.172]
- 7.148. Evidence to the Inquiry from both sides demonstrates that from May 2023 onwards more meaningful negotiations were continuing, other than during July to September following the Planning and Regulatory Committee's decision to refuse planning permission. It is also evident that both parties are committed to resolving the issues. Although there were more meaningful negotiations from May 2023 onwards. [6.172]
- 7.149. It is evident that in some instances the AA has considered the impact of the Scheme on those affected and sought to address and resolve the objections. In other cases the objector was not willing to engage with the AA and therefore meaningful negotiations could not take place.
- 7.150. Both RWE and TWUL are statutory undertakers. Whilst the s16 representations they both submitted were not valid, the fact that they were

entitled to do so should have alerted the AA to the importance of their operations and have prompted early engagement. [6.175,6.226]

- 7.151. It would seem that mechanisms are in train to address the concerns of TWUL and RWE, but these emerged very late in the Inquiry process and had not been fully resolved at the time the Inquiry closed. I therefore conclude that the AA 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 these parties and propose mitigation prior to the Order being made.

Conclusion on the CPO

- 7.152. The Order Land is needed to deliver the Scheme. The Scheme itself is necessary to facilitate the future growth of Science Vale and to accommodate the traffic effects of such growth, as well as improving the connectivity of the network.
- 7.153. I am satisfied that the AA 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. There remains a s16 certificate in respect of Network Rail Land, although evidence from both the AA and Network Rail strongly suggest that this matter is likely to be resolved. Should it not be this would be an impediment to the Scheme. However, there are no other legal or physical impediments to the Scheme.
- 7.154. The Scheme would deliver considerable social, environmental and economic benefits that would outweigh the limited harm identified above. I therefore conclude that there is a compelling case in the public interest.
- 7.155. The failure to engage early with some parties, in particular RWE and TWUL means that the Scheme did not provide adequate mitigation for these interests and this weighs against the confirmation of the CPO. However, as I found above the recommended condition on the called-in planning application would provide protection to RWE's interests should the parties not reach agreement.
- 7.156. With regard to TWUL should the agreement be completed this would provide the necessary mitigation in respect of its operational activity, including the expansion of CTW. In the event that the agreement is not completed the only realistic alternative would be for TWUL to expand at the Abingdon STW. This would be considerably more costly but would appear to allow TWUL to comply with its statutory duties. Given the considerable benefits of the Scheme, and the delays that would be incurred if an alternative alignment to avoid TWUL's land is pursued, I conclude that inclusion of TWUL's land, with the exception of Plot 17/11i is justified.
- 7.157. I therefore conclude that the CPO should be confirmed, subject to the proposed modifications and the removal of Plot 17/11i.

Human rights and equalities

- 7.158. 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 to the AA, in particular Article 1 of Protocol 1 (the right to peaceful enjoyment of possessions). Such interference is authorised by law provided that the statutory procedures for obtaining the CPO are followed, there is a compelling

case in the public interest for the CPO, and any interference is proportionate to the legitimate aim served.

- 7.159. The Order Land has been kept to the minimum necessary to construct the Scheme and provide the associated mitigation measures. Those directly affected by the CPO will be entitled to compensation for any loss in accordance with the Compensation Code.
- 7.160. 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.
- 7.161. Amendments to the Scheme have reduced the land interests to be acquired. The Scheme has been designed to minimise interference with rights. The benefits of the Scheme, including facilitating the delivery of housing and employment are considerable and clearly outweigh the interference with rights caused by the use of compulsory purchase powers to acquire third party land for the Scheme.
- 7.162. In terms of equalities, an Equality Impact Assessment (October 2021) has been undertaken.²¹This 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.
- 7.163. With regards to the Public Sector Equality Duty, there has been no conduct by the AA that has been brought to my attention that is prohibited under the Act. I have also had regard to my duties under the Public Sector Equality Act throughout the conduct of the CPO proceedings. I conclude that the duty has been fully complied with.

The Bridge Scheme

- 7.164. The Bridge Scheme is made under Section 106(3) of the Highways Act 1980. The new Thames bridge will not impede the reasonable requirements of navigation, in accordance with s.107(1). The Thames bridge meets the Environment Agency's design requirements, including clearances above water level, and there has been no objection by the Environment Agency.

8. Recommendations

- 8.1. I recommend that subject to either Network Rail withdrawing its s16 representation in the light of further discussions with the AA, or the SoS granting a s16 Certificate 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 should be confirmed, subject to the submitted modifications at O-INQ 5.3 and the removal of Plot 17/11i.

²¹ CD H.6.q

- 8.2. I recommend that 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 should be confirmed, subject to the submitted modifications at O-INQ 5.3.
- 8.3. I recommend that the Oxfordshire County Council (Didcot to Culham Thames Bridge) Scheme 2022 should be confirmed.

Lesley Coffey

PLANNING INSPECTOR

APPEARANCES

For the Applicant

Michael Humphries KC

Hugh Flanagan

They Called:

Tim Mann

Steve Moon

Andrew Blanchard

Karl Chan

Debbie Reynolds Solicitor

For Thames Water (TWUL)

Daisy Noble

She called

John Paton

Robert Smith

For RWE Generation

George McKenzie

He called

Matthew Trigg

Other Parties

Anthony Mockler

Mr Page

David Godfrey Oxford Fieldpaths Society and the Ramblers

Nick Moon CPRE,

DOCUMENTS SUBMITTED DURING THE ORDERS INQUIRY

- [O-INQ-01.1-Orders NPCJC \(OBJ-28\) Note regarding Funding 22.04.24](#)
- [O-INQ-01.2-Orders Inspector and NPCJC \(OBJ-28\) email trail 23.04.24 regarding funding note](#)
- [O-INQ-02 Oxfordshire County Council \(OCC\) Opening Statement](#)
- [O-INQ-03 Photographs of Thames Water Culham Treatment Works](#)
- [O-INQ-04.1 OCC Note on Orders Rights of Way within Western Valley](#)
- [O-INQ-04.2 OCC HIF 1- Note on Orders Rights of Way within Western Valley \(At Inquiries Close\)](#)
- [O-INQ-05.1 OCC HIF 1 SRO and CPO Modifications Schedule 19.04.24](#)
- [O-INQ-05.2 OCC HIF 1 SRO and CPO Modifications Schedule as at 09.05.24](#)
- [O-INQ-05.3 OCC HIF 1 SRO and CPO Modifications Schedule at Close of Inquiry](#)
- [O-INQ-06 Technical Operational Land note on Northern Parcel](#)
- [O-INQ-07 Thames Water Utilities Limited \(TWUL\) Opening Statement](#)
- [O-INQ-08 Signed Statement of Common Ground between OCC & TWU](#)
- [O-INQ-09 Culham STW - Annotated Site Plan](#)
- [O-INQ-10 Network Rail letter of position in regard to Modifications](#)
- [O-INQ-11.a Plans annexed with RFI to TWUL 07.07.21](#)
- [O-INQ-11.b RFI response from Savills on behalf of TWUL including completed RFI](#)
- [O-INQ-12 HIF1 Funding Update Note from OCC - 26 April 2024](#)
- [O-INQ-13 HIF1 - Note on PROW Map 01.05.24](#)
- [O-INQ-14 TWUL Closing Statement](#)
- [O-INQ-15 RWE Closing Statement](#)
- [O-INQ-16 RWE Didcot Power Station Accesses](#)
- [O-INQ-17 Culham CPO Public Inquiry - Follow up response 08.05.24](#)
- [O-INQ-18 RWE email 8.5.2024 re conditions](#)
- [O-INQ-19 OCC as Acquiring Authority Closing Submission](#)
- [O-INQ-20 Mays Properties Ltd update 07.05.24](#)
- [O-INQ-21 WE Gale Trust update 07.05.24](#)
- O-INQ 22 POETS Response to Mr Mann's evidence
- O-INQ 23 Network Rail letter dated 17 May 2024

- O- INQ 24 TWUL Constraints Report
- O- INQ 25 OCC response To TWUL Constraints Report

DOCUMENTS SUBMITTED DURING THE CALLED IN APPLICATION INQUIRY

- I INQ-01 Oxfordshire County Council as Applicant and Acquiring Authority Opening Statement
- INQ-02 Didcot Garden Town Delivery Plan 2017 - Chapter 9 The Garden Line
- INQ-03.1 HIF map with roads and place names
- INQ-03.2 Figure 3 - developments map from A Wisdom's Proof
- INQ-04 Oxfordshire County Council as Local Planning Authority (LPA) Opening Statement
- INQ-05 South Oxfordshire District Council (SODC) Opening Statement
- INQ-06 Vale of white Horse District Council (VWHDC) Opening Statement
- INQ-07 United Kingdom Atomic energy Authority (UKAEA) Opening Statement
- INQ-08 R Draper Statement
- INQ-09 Dr Caroline Baird Statement
- INQ-10 James Barlow Statement
- INQ-11 Daniel Scharf September 2023 Statement with February 2024 Update
- INQ-12 Sue Scane Statement
- INQ-13 Graham Paul Smith Statement
- INQ-14 Peter Kirby Statement
- INQ-15.1 Transport Assessment UKAEA - November 2021
- INQ-15.2 Transport Assessment UKAEA - March 2022
- INQ-16 David Pryor Statement
- INQ-17 National Planning Policy Framework 2012
- INQ-18 Neighbouring Parish Councils – Joint Committee (NPCJC), East Hendred Parish Council (EHPC) and Planning Oxfordshire's Environment and Transport Sustainably (POETS) Opening Statement
- INQ-19 Implementing Decide and Provide TA Requirements
- INQ-20 Proposed Questions to OCC Witnesses submitted by Daniel Scharf
- INQ-21 Professor Goodwin (POETS) Opening Summary of Evidence
- INQ-22 Coalition for Healthy Streets and Active Travel Statement presented by Robin Tucker
- INQ-23 Burcot and Clifton Hampden Parish Council Statement presented by Nick Fielding
- INQ-24 Cllr Robin Bennett Statement
- INQ-25 Cllr Andrew P Jones Statement
- INQ-26 Cllr Sally Povolotsky Statement
- INQ-27 Culham Bus Club Statement presented by Jonathan Alcantara
- INQ-28 Cllr Mark Beddow Statement
- INQ-29 Department for Levelling up Housing and Communities Letter to Leaders of the Oxfordshire District Councils dated 5 Dec 2022
- INQ-30 Russell Harman Summary of Presentation
- INQ-31 Ryan Padgett Statement
- INQ-32 Cllr David Rouane, Leader SODC Statement

- INQ-33 Coalition for Healthy Streets and Active Travel Statement
- INQ-34 Nick Fielding, Burcot & Clifton Hampden Parish Council Statement
- INQ-35 Cllr Ian Rouane Leader SODC Statement
- INQ-36 Hobbyhorse Lane Appeal Decision Decision December 2023
- INQ-37 Understanding the Requirements and Barriers for Modal Shift - WSP Report May 2023
- INQ-38 Accompanied Site Visit Itinerary and Route Map (site visit dated 5th & 6th March 2024)
- INQ-39 Nuneham Courtenay House, Park and Garden Listing Description 09.03.2024
- INQ-40 Nuneham Courtenay Legal Agreement (Redacted) 09.03.2024
- INQ-41 Links to Government Statistics on the Decline in Rail & Bus Usage 2018-2022
- INQ-42 Further Questions to OCC Witnesses submitted by Daniel Scharf
- INQ-43 Notes and slides to accompany Mr Hancock's Evidence
- INQ-44 Map with completed and pipeline schemes as per para 3.25 of Mr Wisdom's Evidence
- INQ-45 Local Authorities and the Sixth Carbon Budget - Climate Change Committee December 2020
- INQ-46 Government Response to CCC Progress Report (2023)
- INQ-47 Government Response to the Transport Select Committee's Report on the draft revised Networks National Policy Statement March 2024
- INQ-48 Local Transport Connectivity Plan Monitoring Report (2022-3)
- INQ-49.1 Appleford Sidings Plan GEN_PD-ACM-GEN-DGT_ZZ_ZZ_ZZ-DR-T-0107
- INQ-49.2 Appleford Sidings Plan GEN_PD-ACM-GEN-SW_ZZ_ZZ_ZZ-DR-CH-0001
- INQ-50 A James HIF1 Landscape Supplementary Proof 21-3-24
- INQ-51 Environmental Protection Act 2021
- INQ-52 Noise-Policy Statement for England 2010
- INQ-53 PPG 2019 Noise - GOV.UK.
- INQ-54 Mr Ng Summary Statement
- INQ-55 C Landsburgh Technical Note Didcot Garden Road User Update 21.03.24
- INQ-56 Truckshift Data 30 Apr-21 to 29 Apr-22 in reference to Dr A M Jones' Evidence
- INQ-57 RHA Press Release on HIF1 Relief of A34 Congestion submitted by Dr A Jones
- INQ-58 Extract from Axis Transport Statement Oct 23 in reference to Dr A Jones' evidence
- INQ-59 Dr A Jones Presentation Notes
- INQ-60.1 National Networks National Policy Statement March 2024
- INQ-60.2 OCC Note providing relevant updated paragraphs within National Networks Statement
- INQ-61 OCC Technical Note in response to Alan James Supplementary Proof (corrected 29.03.24)
- INQ-62 Supplementary Statement - Prof Phil Goodwin March 2024
- INQ-63 EA response to OCC re. Flood Risk Technical Note (23.11.22)

- INQ-64 Public Health England - HIA in Planning Guide (October 2020)
- INQ-65 Noise and Vibration - Statement of Qualifications and Experience - Suzanne Scott
- INQ-66 Professor Malcolm Airs OBE Statement
- INQ-67 Informal Response to Traffic Flow Element of Roger Williams' FOI Request
- INQ-68.1 Milton Conservation Area Appraisal
- INQ-68.2 Clifton Hampden Conservation Area Map
- INQ-68.3 Culham Conservation Area Map
- INQ-68.4 Didcot Old Area Conservation Area Map
- INQ-68.5 Nuneham Courtenay Conservation Area Map
- INQ-68.6 Sutton Courtenay Conservation Area Map
- INQ-69 STRAT9 Consultation Document referring off-site cycle and pedestrian links
- INQ-70 Note on combining noise levels
- INQ-71.0 Note on UK PM2.5 Targets
- INQ-71.1 Environmental Improvement Plan Extract
- INQ-72 POETS/NPCJC/EHPC Closing Statement
- INQ-73 VWHDC Closing Statement
- INQ-74 UKAEA Closing Statement
- INQ-75 SODC Closing Statement
- INQ-76 OCC as APP Closing Statement
- INQ-77 POETS' Closing Submission in Response to Mr Mann's Note of 26 April 2024

Core Documents

A - Planning Application Documents

*** Please note items marked .zip will download a folder of documents**

- [A.01 Application Covering Letter \(AECOM\) Version 2](#)
- [A.02 Application Forms and Certificates](#)
- [A.03 Submitted Schedule of Land Owners](#)
- [A.04 Planning Statement \(AECOM\)](#)
- [A.05 Statement of Community Involvement](#)
- [A.06 Preliminary Lighting and Electrical Design Report Part 1](#)
- [A.06 Preliminary Lighting and Electrical Design Report Part 2](#)
- [A.07 Transport Assessment \(AECOM\)](#)
- [A.08 Foul Water and Utilities Assessment](#)
- [A.09 Minerals and Waste Assessment](#)
- [A.10 Arboriculture Impact Assessment Report \(AECOM\)](#)
- [A.11 Outline Landscape and Biodiversity Management Plan \(AECOM\)](#)
- [A.12 Drainage Strategy Report.zip](#)
- [A.13 Biodiversity Net Gain Assessment.zip](#)
- [A.14 Ground Investigations Report.zip](#)
- [A.15 ES Volume 1.zip](#)
- [A.16 ES Volume 2.zip](#)
- [A.17 ES Volume 3.zip](#)
- [A.18 Didcot HIF1 ES Non Technical Summary](#)
- [A.19 Design & Access Statement.zip](#)
- [A.20 Didcot Science Bridge General Arrangement & Elevation](#)
- [A.21 Call-in decision letter from Planning Casework Unit to Jonathan Hill of AECOM \(agent for the planning application\) 25th July 2023](#)
- [A.22 Typical Cross Sections.zip](#)

B - Revised Submission: Reg 25 (November 2022)

- [B.01 Environmental Statement Addendum \(including Appendices\).zip](#)
- [B.02 Appendix A Regulation 25 Request](#)
- [B.02 Appendix B Extended Cross Section Sheets.zip](#)
- [B.02 Appendix C Long Sections Sheets.zip](#)
- [B.02 Appendix D General Arrangement Sheets.zip](#)
- [B.02 Appendix E Arrangement and Utilities Drawings - Part 1.zip](#)
- [B.02 Appendix E Arrangement and Utilities Drawings - Part 2.zip](#)
- [B.02 Appendix E Arrangement and Utilities Drawings - Part 3.zip](#)
- [B.02 Appendix F FCC Lagoon drawings.zip](#)
- [B.02 Appendix G Oversized Bridge Examples](#)
- [B.02 Appendix H Swept Path Analysis Sheet.zip](#)
- [B.02 Appendix I Impact Upon Abingdon Technical Note](#)
- [B.02 Appendix J RWE Transport Assessment response](#)
- [B.02 Appendix K Climate Change Position Statement](#)
- [B.02 Appendix L OCC Climate Impact Assessment](#)
- [B.02 Appendix M Flood Risk Technical Note](#)

- [B.02 Appendix N: Floodplain Compensation Area Sheet](#)
- [B.02 Appendix O OCC Flows and Volumes Pro-Formas.zip](#)
- [B.02 Appendix P Response to LLFA and District Council Comments](#)
- [B.02 Appendix Q Acoustic barrier information](#)
- [B.02 Appendix R Revised Biodiversity Net Gain assessment](#)
- [B.02 Appendix S Air Quality Technical Notes March and October 2022](#)
- [B.02 Appendix T Playing field response](#)
- [B.02 Appendix U PRow Amendments Sheets](#)
- [B.02 Appendix V Revised Landscape Masterplans.zip](#)
- [B.02 Appendix W Didcot HIF1 Revised Arboricultural Impact Assessment](#)
- [B.02 Appendix X Habitats Regulation Assessment](#)
- [B.02 Appendix Y Appleford Sidings Road Bridge General Arrangement and East Elevation \(RIV PD ACM SBR-DGT STR ZZ ZZ DR CB 0040](#)
- [B.03 Revised Outline Landscape & Biodiversity Management Plan](#)
- [B.04 HIF 1 Ref25 Letter \(AECOM\)](#)
- [B.05 Harwell Campus Bicycle Group Response](#)
- [B.06 Ladygrove / Sires Hill junction \(OFF13\) Capacity Assessment Update](#)
- [B.07 Didcot Garden Town HIF1 Overall Scheme Archaeological Evaluation](#)
- [B.08 Didcot Town Council Response](#)
- [B.09 Joint Parish Council Response](#)
- [B.10 Network Rail Response](#)

C - Revised Submission: Reg 25 (April 2023)

- [C.1 Environmental Statement Addendum \(April 2023\)](#)
- [C.1 Environmental Statement Addendum Folder of Appendices.zip](#)
- [C.2 EIA Regulation 25 Response \(April 2023\)](#)
- [C.2 EIA Regulation 25 Response Folder of Appendices.zip](#)
- [C.4 Environment Agency Response](#)

D - Revised Submission: June 2023

- [D.001 - D.019 Highway General Arrangement Plans Drawings.zip](#)
- [D.020 - D.058 Swept Path Analysis Sheet 1 - 39.zip](#)
- [D.059 - D.077 Highway Visibility Splays Drawings Sheets 1 - 19.zip](#)
- [D.078 - D.114 Cross Sections Sheets 1 - 37.zip](#)
- [D.115 - D.133 Construction Phasing Plans Sheets 1 - 19.zip](#)
- [D.134 - D.152 Revised Landscape Masterplans Sheets 1 - 19.zip](#)
- [D.153 - 171 Revised Lighting design Sheets 1 - 19.zip](#)
- [D.172 - D.190 Revised Drainage Design Sheets 1 - 19.zip](#)
- [D.191 - D.209 Drainage Catchment Plan Sheets 1 - 19.zip](#)
- [D.210 - D.214 Drainage Typical Details Drawing 1 - 5.zip](#)
- [D.215 - D.233 Proposed Utilities Diversions Drawings 1 - 19.zip](#)
- [D.234 - 236 River Crossing Structures GA & Elevations sheets 1 - 3.zip](#)
- [D.237 - D.238 Appleford Sidings Bridge Road Drawings 1 - 2.zip](#)
- [D.239 - D.240 Light Contour Sheets 1- 2.zip](#)
- [D.241 - D.242 Light Preliminary Counters Sheets.zip](#)
- [D.243 - D.249 Swept Path Analysis Sheets 1 - 7.zip](#)

E - Consultee Comments

- [E.01 Appleford Parish Council Air Quality Consultation Response 07 02 2022.pdf](#)
- [E.02 Appleford Parish Council Statement of Objection on Air Quality and Health.pdf](#)
- [E.03 Didcot Town Council Consultation Response 10 12 2021.pdf](#)
- [E.04 Neighbouring Parish Council Joint Committee Holding Objection 18 02 2022.pdf](#)
- [E.05 Network Rail Consultation Response 06 01 2022.pdf](#)
- [E.06 Scottish and Southern Electricity Consultation Response 26 11 2021.pdf](#)
- [E.07 Vale of White Horse District Council Environmental Protection Response 18 11 2021.pdf](#)
- [E.08 RSPB Consultation Response 17 11 2021.pdf](#)
- [E.09 The Gardens Trust Consultation Response 28 11 2021.pdf](#)
- [E.10 Long Wittenham Parish Council Consultation Response 06 12 2021.pdf](#)
- [E.11 Oxfordshire Fire & Rescue Service Consultation Response 03 12 2021.pdf](#)
- [E.12 Sport England Consultation Response 30 11 2021.pdf](#)
- [E.13 National Highways Consultation Response 06 12 2021.pdf](#)
- [E.14 Office of Nuclear Regulation Consultation Response 03 12 2021.pdf](#)
- [E.15 Oxfordshire County Council Archaeology Consultation Response 06 12 2021.pdf](#)
- [E.16 Berinsfield Parish Council Comments 08 12 2021.pdf](#)
- [E.17 National Grid Electricity Consultation Response 26 11 2021.pdf](#)
- [E.18 National Grid Gas Consultation Response 08 12 2021.pdf](#)
- [E.19 Thames Valley Police Crime Prevention and Design Consultation Response 10 12 2021.pdf](#)
- [E.20 Sutton Courtenay Parish Council Consultation Response 10 12 2021.pdf](#)
- [E.21 SGN Consultation Response 10 12 2021.pdf](#)
- [E.22 Historic England Consultation Response 09 12 2021.pdf](#)
- [E.23 CPRE Vale of White Horse Consultation Response 13 12 2021.pdf](#)
- [E.24 Oxfordshire County Council Public Health Consultation Response 13 12 2021.pdf](#)
- [E.25 MoD Safeguarding Consultation Response 14 12 2021.pdf](#)
- [E.26 Harwell Parish Council Consultation Response 16 12 2021.pdf](#)
- [E.27 National Grid Electricity Consultation Response 16 12 2021.pdf](#)
- [E.28 Natural England Consultation Response 21 01 2022.pdf](#)
- [E.29 Oxfordshire County Council Highway Authority Consultation Response 27 01 2022.pdf](#)
- [E.30 Oxfordshire County Council Environment Advisor Consultation Response 27 01 2022.pdf](#)
- [E.31 Oxfordshire County Council Landscape Advisor Consultation Response 27 01 2022.pdf](#)
- [E.32 BBOWT Consultation Response 27 01 2022.pdf](#)

- [E.33 Vale of White Horse District Council Consttation Response 04 02 2022.pdf](#)
- [E.34 South Oxfordshire District Council Consultation Response 04 02 2022.pdf](#)
- [E.35 CPRE Vale of White Horse Consultation Response 07 03 2022.pdf](#)
- [E.36 Oxfordshire County Council Highway Authority Consultation Response 08 03 2022.pdf](#)
- [E.37 Oxfordshire County Council Lead Local Flood Authority Response 16 03 2022.pdf](#)
- [E.38 Oxfordshire County Council Rights of Way Consultation Response 05 04 2022.pdf](#)
- [E.39 Nuneham Courtenay Parish Council Consultation Response 15 05 2022.pdf](#)
- [E.40 Neighbouring Parish Councils Joint Committee Noise objection 23 05 2022.pdf](#)
- [E.41 Neighbouring Parish Councils Joint Ccommittee Interim objection 13 06 2022.pdf](#)
- [E.42 Oxfordshire County Council Highway Authority Consultation Response 01 08 2022.pdf](#)
- [E.43 National Grid Gas Consultation Response 25 10 2022.pdf](#)
- [E.44 Ramblers Association Consultation Response 16 11 2022.pdf](#)
- [E.45 South Oxfordshire District Council Environmental Protection Response 17 11 2022.pdf](#)
- [E.46 Garden History Society Consultation Response 22 11 2022.pdf](#)
- [E.47 National Grid Gas Consultation Response 17 11 2022.pdf](#)
- [E.48 Ramblers Association Consultation Response 21 11 2022.pdf](#)
- [E.49 Sport England Consultation Response 24 11 2022.pdf](#)
- [E.50 National Grid Electricity Consultation Response 30 11 2022.pdf](#)
- [E.51 Natural England Consultation Response 30 11 2022.pdf](#)
- [E.52 Didcot Town Council Consultation Response 09 12 2022.pdf](#)
- [E.53 Historic England Consultation Response 10 12 2022.pdf](#)
- [E.54 National Highways Consultation Response 19 12 2022.pdf](#)
- [E.55 BBOWT Consultation Response 21 12 2022.pdf](#)
- [E.56 Vale of White Horse District Council Consultation Response 22 12 2022.pdf](#)
- [E.57 South Oxfordshire District Council Consultation Response 23 12 2022.pdf](#)
- [E.58 East Hendred Parish Council Consultation Response 09 01 2023.pdf](#)
- [E.59 Oxfordshire County Council Archaeology Consultation Response 12 01 2023.pdf](#)
- [E.60 Garsington Parish Council Consultation Response 20 01 2023.pdf](#)
- [E.61 Sutton Courtenay Parish Council Consultation Response, 21 01 2023](#)
- [E.62 Nuneham Courtney Parish Council Consultation Response 21 01 2023.pdf](#)
- [E.63 Environment Agency Consultation Response 14 04 2022.pdf](#)
- [E.64 Environment Agency Consultation Response 13 03 2023.pdf](#)
- [E.65 Environment Agency Consultation Response 02 06 2023.pdf](#)
- [E.66 CPRE Oxfordshire Consultation Response 20 01 2023.pdf](#)
- [E.67 Friends of the Earth Oxford Comments 23 01 2023.pdf](#)

- [E.68 Oxfordshire County Council Public Health Consultation Response 20 01 2023.pdf](#)
- [E.69 Neighbouring Parish Councils Joint Committee Comments 20 01 2023.pdf](#)
- [E.70 MoD Safeguarding Consultation Response 31 01 2023.pdf](#)
- [E.71 Oxfordshire County Council Highway Authority Consultation Response 01 02 2023.pdf](#)
- [E.72 Didcot Town Council Consultation Response 16 02 2023.pdf](#)
- [E.73 Oxfordshire County Council Environment Advisor Consultation Response 27 02 2023.pdf](#)
- [E.74 Oxford Preservation Trust comments 19 01 2022.pdf](#)
- [E.75 South Oxfordshire District Council Consultation Response 20 06 2023.pdf](#)
- [E.76 Vale of White Horse District Council Consultation Response 16 06 2023.pdf](#)
- [E.77 Neighbouring Parish Councils Joint Committee Comments 12 06 2023.pdf](#)
- [E.78 Friends of the Earth Oxford Comments 14 06 2023.pdf](#)
- [E.79 Oxfordshire County Council Environment Advisor Consultation Response 13 06 2023.pdf](#)
- [E.80 East Hendred Parish Council Comments 15 03 2023.pdf](#)
- [E.81 National Highways Consultation Response 07 06 2023.pdf](#)
- [E.82 East Hendred Parish Council Consultation Response 06 06 2023.pdf](#)
- [E.83 Sport England Consultation Response 03 05 2023.pdf](#)
- [E.84 South Oxfordshire District Council Environmental Protection Response 12 05 2023.pdf](#)
- [E.85 The Gardens Trust Consultation Response 15 05 2023.pdf](#)
- [E.86 National Grid Gas Consultation Response 19 05 2023.pdf](#)
- [E.87 MoD Safeguarding Consultation Response 24 05 2023.pdf](#)
- [E.88 Historic England Consultation Response 21 05 2023.pdf](#)
- [E.89 Oxfordshire County Council Landscape and Arboriculture Advisor Response 25 05 2023.pdf](#)
- [E.90 BBOWT Consultation Response 31 05 2023.pdf](#)
- [E.91 Didcot Town Council Consultation Response 31 05 2023.pdf](#)
- [E.92 Oxfordshire County Council Archaeology Consultation Response 31 05 2023.pdf](#)
- [E.93 OCC Councillor Hicks Comments July 2023.pdf](#)
- [E.94 Oxfordshire County Council Rights of Way Consultation Response 24 11 2022.pdf](#)
- [E.95 Oxfordshire County Council Lead Local Flood Authority Response 02 03 2023.pdf](#)
- [E.96 Public representations to September 2023 1.pdf](#)
- [E.97 Public representations to September 2023 2.pdf](#)
- [E.98 Public representations to September 2023 3.pdf](#)
- [E.99 Public representations to September 2023 4.pdf](#)
- [E.100 Public representations to September 2023 5.pdf](#)
- [E.101 Jan 2022 - Transport Development Control \(TDC\) Interim Comments.pdf](#)
- [E.102 Feb 2022 TDC Response.pdf](#)
- [E.103 July TDC comments \(including appendix on model audit\).pdf](#)

- [E.104 Feb 2023 - TDC Comments.pdf](#)

F - Planning and Regulation Committee Reports and Minutes

- [F.1 Agenda Reports Pack July 2023](#)
- [F.2 Printed Draft Minutes July 2023](#)
- [F.3 Addenda July 2023](#)
- [F.4 Supplement Addenda 2 – Written Statements by Registered Speakers July 2023](#)
- [F.5 Agenda Reports Pack - Sep 2023](#)
- [F.6 Printed Minutes - Sep 2023](#)
- [F.7 Addenda - Sep 2023](#)

G - Planning Policy Documents

- [G.01.00 South Oxfordshire District Council Local Plan Dec-20](#)
- [G.01.01 Adopted Policies Layers Map Dec 202 North and South](#)
- [G.01.1 TRA06.1 Technical Note – Evaluation of Transport Impacts, Jan-15](#)
- [G.01.2 TRA06.2 Evaluation of Transport Impacts Stage 1, Oct-16](#)
- [G.01.3 TRA06.3 Evaluation of Transport Impacts Stage 2 - Development Scenarios and Mitigation Testing, Mar-17](#)
- [G.01.4 TRA06.4 Evaluation of Transport Impacts Stage 3 - Development Scenarios and Mitigation Testing, Oct-17](#)
- [G.01.5 TRA06.5 Evaluation of Transport Impacts Stage 3 - Development Scenarios and Mitigation Testing Addendum \(updated Scenario 5b Results\), Jan-19](#)
- [G.01.6 TRA06.6 Evaluation of Transport Impacts Stage 3 – 5c Addendum \(updated on 22 July 2020\), Mar-19](#)
- [G.01.7 Explanation of Change to TRA06.6, Jul-20](#)
- [G.01.8 Report on the Examination of the South Oxfordshire Local Plan 2011-2034, Nov-20](#)
- [G.01.9 South Oxfordshire Infrastructure Delivery Plan, Apr-20](#)
- [G.02.01 Vale of White Horse District Council Local Plan Part 1, Dec-16](#)
- [G.02.02 Vale of White Horse District Council Local Plan Part 1: Appendices, Dec-16](#)
- [G.02.03 TRA02 Evaluation of Transport Impacts Study Final Report, Nov-14](#)
- [G.02.04 TRA02.1 Evaluation of Transport Impacts Study Final Report Appendices, Nov-14](#)
- [G.02.05 Report on the Examination into Vale of White Horse Local Plan 2031: Part 1, Nov-16](#)
- [G.02.06 Vale of White Horse Infrastructure Delivery Plan, Dec-16](#)
- [G.02.07 Vale of White Horse District Council Local Plan Part 2, Oct-19](#)
- [G.02.08 Vale of White Horse District Council Local Plan Part 2: Appendices, Oct-19](#)
- [G.02.09 TRA06 Evaluation of Transport Impacts – Stage 1 – Part 1, Mar-17](#)

- [G.02.10 TRA06 Evaluation of Transport Impacts – Stage 1 – Part 2, Mar-17](#)
- [G.02.11 TRA06 Evaluation of Transport Impacts – Stage 1 – Part 3, Mar-17](#)
- [G.02.12 TRA06 Evaluation of Transport Impacts – Stage 2, Oct-17](#)
- [G.02.13 Report on the Examination of the Vale of White Horse Local Plan 2031: Part Two, Jun-19](#)
- [G.02.14 Vale of White Horse Infrastructure Delivery Plan \(LPP2 update\), Feb-18](#)
- [G.03 OCC Minerals and Waste Local Plan](#)
- [G.04.0 OCC Local Transport Connectivity Plan](#)
- [G.04.1 Didcot Local Cycling and Walking Infrastructure Plan Dec-23](#)
- [G.04.2 OCC Active Travel Strategy Jul-22](#)
- [G.04.3 OCC Freight and Logistics Strategy Jul-22](#)
- [G.04.4 OCC Mobility Hub Strategy Jul-23](#)
- [G.04.5 Abingdon Local Cycling and Walking Infrastructure Plan Feb-23](#)
- [G.05.0 OCC Local Transport Plan 4](#)
- [G.05.1 LTP 4 Banbury, Bicester, Carterton, Science Vale & Science Vale Cycle Strategy and Witney Area Strategies, 2.16](#)
- [G.06 Didcot Garden Town Delivery Plan - Chapter 01, Oct-17](#)
- [G.06 Didcot Garden Town Delivery Plan - Chapter 02, Oct-17](#)
- [G.06 Didcot Garden Town Delivery Plan - Chapter 03, Oct-17](#)
- [G.06 Didcot Garden Town Delivery Plan - Chapter 04, Oct-17](#)
- [G.06 Didcot Garden Town Delivery Plan - Chapter 05, Oct-17](#)
- [G.06 Didcot Garden Town Delivery Plan - Chapter 06, Oct-17](#)
- [G.06 Didcot Garden Town Delivery Plan - Chapter 07, Oct-17](#)
- [G.06 Didcot Garden Town Delivery Plan - Chapter 08, Oct-17](#)
- [G.06 Didcot Garden Town Delivery Plan - Chapter 09, Oct-17](#)
- [G.06 Didcot Garden Town Delivery Plan - Chapter 10, Oct-17](#)
- [G.06 Didcot Garden Town Delivery Plan - Chapter 11, Oct-17](#)
- [G.07 Culham Neighbourhood Plan](#)
- [G.08 Burcot and Clifton Hampden Neighbourhood Plan - December 2022](#)
- [G.09-0 Sutton Courtenay Neighbourhood Plan](#)
- [G.09-1 Sutton Courtenay revised version following referendum 11 April 2024](#)
- [G.10 Vale of White Horse Design Guide SPD 2015](#)
- [G.11 South Oxfordshire Didcot Town centre SPD May 2009](#)
- [G.12 South Oxfordshire Design SPD - November 2016](#)
- [G.13 Vale of White Horse and South Oxfordshire Joint Design Guide - Jun-22](#)
- [G.15 South Oxfordshire Landscape Assessment SPD Jul-03](#)
- [G.16 South Oxfordshire Local Plan Examination Note on Matter 10 – Didcot Garden Town – Explanation of traffic modelling figures - Aug-20](#)
- [G.17 Oxfordshire Rail Corridor Study Strategic Report - June 21](#)
- [G.18 Vale of White Horse and South Oxfordshire Joint Local Plan Preferred Options Consultation \(Regulation 18 Part 2\), January 2024](#)
- [G.19 Towards Fusion Energy 2023 - The next stage of the UK Fusion Energy Strategy](#)
- [G.20 National Planning Policy Framework \(NPPF\) December 2023](#)

I - Cabinet Approvals and Officer Decision Notice

- [I.1 Report to Cabinet and Cabinet Resolution Oct 2019](#)
- [I.2 Report to Cabinet and Resolution July 2020](#)
- [I.3 Report to Cabinet and Cabinet Resolution March 2022](#)
- [I.4 Report to Cabinet and Cabinet resolution June 2022](#)
- [I.5 Report to Cabinet and Cabinet Resolution Jul 2022](#)
- [I.6 Officer Decision Notices](#)

L - Statements of Case in relation to the called-in Planning Application

- [L.1 Oxfordshire County Council as Applicant.zip](#)
- [L.2 Oxfordshire County Council as Local Planning Authority.zip](#)
- [L.3 Vale of White Horse District Council](#)
- [L.4 South Oxfordshire District Council](#)
- [L.5 United Kingdom Atomic Energy Agency *](#)
- [L.6 Neighbouring Parish Council Joint Committee *](#)
- [L.7 Planning Oxfordshire's Environment and Transport Sustainably](#)
- [L.8 Mays Properties Limited](#)
- [L.9 East Hendred Parish Council](#)

N - Representations on the Called-in Planning Application

- [N.01 Catherine Small, 8 September 2023](#)
- [N.02 Jerome Pearce and Tiffany Cameron, 8 September 2023](#)
- [N.03 Thrings LLP obo Mrs Jacqueline Mason, 20 September 2023](#)
- [N.04 Anthony and Gwendoline Mockler, 22 September 2023](#)
- [N.05 Vicky Johnson \(1\), 24 September 2023](#)
- [N.06 Didcot Town Council 25 September 2023](#)
- [N.07 Luke Marion obo Oxford Bus Company, 26 September 2023](#)
- [N.08 Vicky Johnson \(2\), 28 September 2023](#)
- [N.09 Christopher Owen, 28 September 2023](#)
- [N.10 Ian Cook, 29 September 2023](#)
- [N.11 Western Valley Parish Council, 29 September 2023](#)
- [N.12 Daniel Scharf, 29 September 2023](#)
- [N.13 Drayton St Leonard Parish Council, 30 September 2023](#)
- [N.14 Ian Palmer, 30 September 2023](#)
- [N.15 Councillor Sarah James, 1 October 2023](#)
- [N.16 Walker Morris LLP obo FCC Environment \(UK\) Limited, 2 October 2023](#)
- [N.17 Mays Properties Limited, 2 October 2023](#)
- [N.18 The Secretary of State for Energy Security and Net Zero, 2 October 2023](#)
- [N.19 Andrew P. Jones, 3 October 2023](#)
- [N.20 Frances Reid, 3 October 2023](#)
- [N.21 Greg O'Broin obo Appleford Parish Council and Neighbouring Parish Council Joint Committee, 3 October 2023](#)
- [N.22 Adrian Wear, 3 October 2023](#)
- [N.23 Victoria Shepherd, 3 October 2023](#)
- [N.24 Chris Church obo Oxford Friends of the Earth, 3 October 2023](#)

- [N.25 Robin Draper, 4 October 2023](#)
- [N.26 Oxfordshire Roads Action Alliance, 4 October 2023](#)
- [N.27 Carter Jonas obo UK Atomic Energy Agency, 4 October 2023](#)
- [N.28 Maggie and Daren Atkins, 5 October 2023](#)
- [N.29 Graham Smith, 6 October 2023](#)
- [N.30 Councillor Charlie Hicks, 25 October 2023](#)

O - Technical Notes produced following the pre-inquiry meeting on 9 November 2023

- [O.1 OCC Applicant's Technical Note concerning Environmental Statement, 14 December 2023](#)
- [O.2 OCC as Local Planning Authority's technical note in respect of LPA's "remaining concerns" including Annex 29 December 2023](#)
- [O.3 OCC as Local Planning Authority's technical note in respect of design of Didcot Science Bridge including Annexes 29 December 2023](#)

Q - Statements of Common Ground (SOCG) and Conditions

- [Q.01 SOCG between Oxfordshire County Council as Local Planning Authority and as Applicant 2 November 2023](#)
- [Q.02 Supplementary SOCG between Oxfordshire County Council as Local Planning Authority and as Applicant 9 January 2024](#)
- [Q.03 DIdcot Garden Town HIF 1 scheme application - conditions document January 2024 with SODC VWH Observations](#)
- [Q.04 Comments by POETS on Didcot Garden Town HIF 1 schemeLPA Conditions](#)
- [Q.05-1 Inspector's Note on Conditions 10.04.24](#)
- [Q.05-2 Inspector comments on conditions. 10.4.24](#)
- [Q.05-3 Condition Numbers Comparison Document](#)
- [Q.06 OCC as LPA - comments on conditions as presented 19.04.24](#)
- [Q.07-1 Detailed Restoration Plan for Sutton Courtenay Landfill Site](#)
- [Q.07-2 Decision Notice with Approval Letter 15.08.19 for Sutton Courtenay Landfill Site](#)
- [Q.08-1 Bridge Farm Quarry Phases 1-4b Aftercare Scheme revised 20.04.16](#)
- [Q.08-2 Bridge Farm Quarry Phases 1-4b Decision Notice 16.05.19](#)
- [Q.08-3 Bridge Farm Quarry Phases 1-4b Approved Restoration Scheme](#)
- [Q.09 Existing Planning Permission & Restoration Plans - Bridge Farm Quarry phases 5-7.zip](#)
- [Q.10-1 Suggested Additional Condition by POETS 21.04.24](#)
- [Q.10-2 22.04.24 Revision to Condition Submitted by POETS 21.04.24](#)
- [Q.11 LPA response to POETs Liaison Meeting Condition](#)
- [Q.12 Conditions Table 08.05.24](#)
- [Q.12 RWE email 8.5.2024 re conditions](#)

R - Inspectors' Notes

- [R.01 Pre-Inquiry Meeting Summary Note 13 November 2023](#)
- [R.02 Inspector's Note dated 21 December 2023](#)
- [R.03 Inspector's Note dated 12 January 2024](#)

- [R.04 Inspector's Note dated 18 January 2024](#)
- [R.05 Inspector's Note dated 25 January 2024](#)
- [R.06 Inspector's Note dated 6 February 2024](#)