



**THE OXFORDSHIRE COUNTY COUNCIL (DIDCOT GARDEN
TOWN HIGHWAYS INFRASTRUCTURE – A4130
IMPROVEMENT (MILTON GATE TO COLLETT
ROUNDAABOUT), A4197 DIDCOT TO CULHAM LINK ROAD,
AND A415 CLIFTON HAMPDEN BYPASS) COMPULSORY
PURCHASE ORDER 2022**

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TOWN HIGHWAYS INFRASTRUCTURE – A4130
IMPROVEMENT (MILTON GATE TO COLLETT
ROUNDAABOUT), A4197 DIDCOT TO CULHAM LINK ROAD,
AND A415 CLIFTON HAMPDEN BYPASS) (SIDE ROADS)
ORDER 2022**

STATEMENT OF CASE

1 Network Rail's Position

- 1.1 Network Rail Infrastructure Limited (Network Rail) owns, operates, and maintains the railway infrastructure of Great Britain. Network Rail operate the railway infrastructure pursuant to a network licence (the Network Licence) granted under section 8 of the Railways Act 1993. The Network Licence contains a set of conditions under which Network Rail must operate. Network Rail's duties under the Network Licence are enforceable by the Office of Rail Regulation (ORR).
- 1.2 Under the terms of the Network Licence, Network Rail is under a duty to secure the operation, maintenance, renewal and enhancement of the network in order to satisfy the reasonable requirements of customers and funders. If the ORR were to find Network Rail in breach of its Licence obligations, including this core duty, then enforcement action could be taken against Network Rail.
- 1.3 Network Rail considers that if the Oxfordshire County Council (Didcot Garden Town Highways Infrastructure -A4130 Improvement (Milton Gate to Collett Roundabout), A4197 Didcot to Culham Link Road, and A415 Clifton Hampden Bypass) Compulsory Purchase Order 2022 (the CPO) was confirmed without modification, it would give Oxfordshire County Council the power to carry out works and acquire land without securing appropriate protections for Network Rail and its railway undertaking. Further, Network Rail considers there is no compelling case in the public interest for the compulsory acquisition of rights over its land.
- 1.4 Network Rail therefore objected to the CPO and Side Roads Order and made representations under section 16 and Schedule 3 part II of the Acquisition of Land Act 1981 on 3 February 2023 to the Department for Transport. Section 16 provides special protection for the operational land of statutory undertakers. Section 16(2) states that compulsory purchase orders shall not be confirmed unless the Secretary of State, in this case the Department for Transport, is satisfied that the land can be purchased and not replaced without serious detriment to the carrying on of the undertaking, or that if purchased it can be replaced by other land belonging to or available for acquisition by the undertaker without serious detriment, and certifies accordingly.
- 1.5 Network Rail and Oxfordshire County Council are in the process of negotiating private agreements pursuant to which Oxfordshire County Council will remove all plots of land owned or occupied by Network Rail or over which Network Rail have rights from the CPO.
- 1.6 In the event that insufficient progress is made regarding the private agreements Network Rail will request to be heard at the public inquiry to explain the impact of the proposals on its railway undertaking.
- 1.7 Network Rail reserves the right to make further submissions if it is not possible to make sufficient progress with Oxfordshire County Council regarding its private agreements, and Network Rail is obliged to speak at the public inquiry.

15 December 2023