

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

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

AND

THE CALLED-IN PLANNING APPLICATION BY OXFORDSHIRE COUNTY COUNCIL FOR THE DUALLING OF THE A4130 CARRIAGEWAY, CONSTRUCTION OF THE DIDCOT SCIENCE BRIDGE, ROAD BRIDGE OVER THE APPLEFORD RAILWAY SIDINGS AND ROAD BRIDGE OVER THE RIVER THAMES, AND ASSOCIATED WORKS BETWEEN THE A34 MILTON INTERCHANGE AND THE B4015 NORTH OF CLIFTON HAMPDEN, OXFORDSHIRE (APPLICATION NO: R3.0138/21)

PLANNING INSPECTORATE REFERENCE:

**APP/U3100/V/23/3326625 and NATTRAN/SE/HAO/286
(DPI/U3100/23/12)**

**Proof of evidence of
STEVEN JOHN MOON
(Negotiations and Acquisition)**

1 INTRODUCTION AND QUALIFICATIONS

- 1.1 My name is Steven Moon. I am a Chartered Surveyor and Senior Associate at Gateley Hamer where I have been employed in the Compulsory Purchase team since December 2017. I previously worked as a Commercial Valuer for Butters John Bee, a firm of Chartered Surveyors in the Staffordshire region, and prior to that I was a Civil Servant for over 12 years working for the Valuation Office Agency (VOA) where I trained as a surveyor and undertook and obtained my professional qualifications.
- 1.2 I hold a bachelor's degree in Estate Management from the University of Reading and I have been a Member of the Royal Institution of Chartered Surveyors since 2015. I am also a RICS Registered Valuer and member of the Compulsory Purchase Association.
- 1.3 I specialise in the field of Compulsory Purchase and Compensation, advising both Claimants and Acquiring Authorities in connection with a variety of major infrastructure projects, including road and rail schemes as well as Local Authority regeneration schemes.
- 1.4 I have previously acted for Birmingham City Council in respect of land acquisition and the compulsory purchase order for the Commonwealth Games, where I was the lead surveyor acting for the council in acquiring 42 residential properties in Perry Barr, Birmingham for the scheme. I am currently advising a number of local authorities in respect of a number of town centre regeneration projects. In addition to providing advice to Oxfordshire County Council in respect of the HIF1 and HIF2 road infrastructure schemes, I also recently acted for the West Midlands Combined Authority (WMCA) in respect of the West Midlands Combined Authority (Walsall to Wolverhampton Railway Line – Willenhall and Darlaston New Stations) Compulsory Purchase Order 2021, where I acted on behalf of the WMCA as an expert witness presenting evidence on property and land acquisition.
- 1.5 I have also provided, and continue to provide, advice to claimant in respect of Phases 1, 2A and 2B of the High Speed Rail project; the Midland Metro City Centre Extension in Birmingham; National Highways M621 junctions 1 to 7 improvement scheme; and Sandwell Metropolitan Borough Council's A4123 Birchley Island/M5 junction 2 improvement scheme.
- 1.6 Gateley Hamer was instructed by Oxfordshire County Council in its capacity as Acquiring Authority (the **Acquiring Authority**) in August 2019 to act for the Acquiring Authority in providing services to assist with land assembly for the proposed scheme and associated statutory orders. This has included providing advice in respect of valuation and compulsory purchase and compensation and acting for the Acquiring Authority in assisting with engagement and the negotiations with affected landowners to acquire the interests and rights required to deliver the scheme.
- 1.7 I am instructed to pursue negotiations with all parties affected by the scheme with a view to securing agreements to purchase interests by private treaty, and responding to objections, as appropriate. I first became involved with the scheme in January 2021, initially to assist in negotiating access for surveys on behalf of the Acquiring Authority and the provision of Property Cost Estimates (PCEs). Later in December 2022, I became involved with landowner engagement and negotiations to acquire the interests and rights required for the scheme. Initially this was as the lead surveyor acting for the Acquiring Authority in respect of the Clifton Hampden and River Crossing elements of the scheme and later also in respect of the A4130 Widening and Didcot Science Bridge elements.
- 1.8 More recently, in September 2023, I have been instructed by the Acquiring Authority to provide evidence to the Inquiries in respect of the statutory orders for the scheme, addressing the engagement and negotiations that have taken place with affected landowners to secure the acquisition of the interests and new rights, which are required to deliver the scheme.

Scope of Evidence

- 1.9 This proof of evidence has been prepared regarding land assembly matters relating to:
- 1.4.1 The Oxfordshire County Council (Didcot Garden Town Highways Infrastructure – A4130 Improvement (Milton to Collett Roundabout), A4197 Didcot to Culham Link Road, and A415 Clifton Hampden Bypass) Compulsory Purchase Order 2022 (the **CPO**);
 - 1.4.2 The Oxfordshire County Council (Didcot to Culham Thames Bridge) Scheme 2022 (the **Bridge Scheme**); and
 - 1.4.3 The Oxfordshire County Council (Didcot Garden Town Highways Infrastructure– A4130 Improvement (Milton to Collett Roundabout), A4197 Didcot to Culham Link Road, and A415 Clifton Hampden Bypass) (Side Roads) Order 2022 (the **SRO**) (the CPO, Bridge Scheme and SRO taken together as referred to throughout as the **Orders**).
- 1.10 The Orders are made to facilitate the delivery of the Access to Didcot Garden Town Highway Improvements (the **Scheme**) which consists of a highway scheme 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.
- 1.11 The Orders were made by Oxfordshire County Council in its capacity as Acquiring Authority on 21 December 2022 and submitted to the Secretary of State for Transport on 26 January 2023. The Orders are now due to be considered by an Inspector at conjoined Public Inquiries scheduled to open on 20 February 2024. This proof of evidence has been prepared in connection with those Inquiries.
- 1.12 Though my evidence pertains specifically to the Orders, it is key to note that the Inquiries are also to be conjoined with a call-in Inquiry in relation to the called-in planning application by Oxfordshire County Council for the dualling of the A4130 carriageway, construction of the Didcot Science Bridge, road bridge over the Appleford Railway Sidings and road bridge over the River Thames, and associated works between the A34 Milton Interchange and the B4015 north of Clifton Hampden, Oxfordshire (Application No: R3.0138/21) (the **Planning Application**).
- 1.13 My proof of evidence has been prepared regarding land assembly matters relating to the Orders. My proof of evidence covers the following:
- 1.13.1 A summary and description of the Order Land;
 - 1.13.2 The approach to acquisitions, including relevant Guidance and how this has been complied with.
 - 1.13.3 A summary of remaining objections and my dealings with the objecting parties, including the status of negotiations and my response to those issues that fall within the scope of my evidence .
- 1.14 In carrying out my instructions, I have been assisted by other professional advisers to the Acquiring Authority and its officers .
- 1.15 My proof of evidence should be read in conjunction with other separate but interrelated proofs of evidence submitted on behalf of the Council, including:
- 1.15.1 Strategic Need and Benefits, Highway Issues, Scheme Selection and Alternatives, prepared by Aron Wisdom of Oxfordshire County Council;

- 1.15.2 Local Transport and Connectivity Plan, prepared by John Disley of Oxfordshire County Council;
- 1.15.3 Technical Traffic and Highways Engineering – A4130 Widening and Didcot Science Bridge, prepared by Andrew Blanchard of AECOM;
- 1.15.4 Technical Traffic and Highways Engineering - Culham River Crossing and Clifton Hampden Bypass, prepared by Karl Chan of AECOM;
- 1.15.5 Traffic Modelling, prepared by Claudia Currie of AtkinsRéalis;
- 1.15.6 Environmental Impact Assessment, prepared by Alex Maddox of AECOM;
- 1.15.7 Noise and Vibration, prepared by Andrew Pagett of AECOM;
- 1.15.8 Air Quality, prepared by Anna Savage of AECOM;
- 1.15.9 Climate Change, prepared by Chris Landsburgh of AECOM;
- 1.15.10 Landscape and Visual Impact, prepared by Jane Ash of AECOM;
- 1.15.11 Planning, prepared by Bernard Greep of Stantec; and
- 1.15.12 Compulsory Purchase Justification prepared by Timothy Mann of Oxfordshire County Council.

2 DESCRIPTION OF THE ORDER LAND

Introduction and Summary of Order Land

- 2.1 The land and rights which are required for the Scheme were identified by Gateley Hamer as part of the land referencing process. The details and a summary of the land referencing exercise, which has been undertaken for the purposes of the Scheme, is detailed in Section 10 of the Acquiring Authority's Statement of Case [CDM.10].
- 2.2 The land included in the CPO has a total area of 135.732 Hectares and comprises the land which is required for the delivery of the Scheme (the **Order Land**). 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.
- 2.3 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.
- 2.4 The Order Land which is required for the Scheme is comprised of 716 plots, which are shown on the Order Map [CDH.2].
- 2.5 A schedule of the interests in the land is set out in the CPO [CDH.1].

Land Required for Title by Plot Reference (from South to North – A4130 Improvement to A415 Clifton Hampden Bypass)

- 2.6 That part of the Order Land where title is to be acquired has a total area of 132.23 hectares. This comprises 86.03 hectares of land which is required for the Scheme works, 12.92 hectares of which is already in the ownership of the Acquiring Authority.
- 2.7 A further 46.2 hectares of Order Land is required solely for use in connection with the construction of the Scheme (working space, works compounds etc). The land which is only required temporarily during construction could be available to return to landowners under the Crichel Down rules, providing that the necessary criteria are met. Although the Acquiring Authority would be required to acquire this land permanently if compulsory purchase powers are implemented, the Acquiring Authority would hope it might otherwise achieve licensed use of this land, by agreement with landowners, rather than exercising compulsory purchase powers. This is the approach that has been adopted by the Acquiring Authority during discussions with landowners with a view to reaching voluntary agreements.
- 2.8 Descriptions of the various plots over which title is required and their ownership is set out in Section 10.10 of the Acquiring Authority's Statement of Case [CDM.10].

Land Required for Rights by Plot Reference

- 2.9 In addition to that part of the Order Land where title to the land is required, there is additional land totalling 3.502 hectares over which new rights are required to facilitate the construction of the Scheme.
- 2.10 A description of the various types of rights which are sought over these plots is set out in the table of rights contained in Section 10.11 of the Acquiring Authority's Statement of Case [CDM.10] and in the CPO [CDH.1].
- 2.11 Descriptions of the various plots over which rights are required and their ownership are also set out in Section 10.11 of the Acquiring Authority's Statement of Case.

3 NEGOTIATIONS FOR ACQUISITION OF LAND AND NEW RIGHTS

Compliance with Guidance

- 3.1 In considering the approach to engagement and the negotiations with landowners to acquire any interests and rights in the Order land required for the Scheme the Acquiring Authority has had regard to the government guidance ‘*Guidance on Compulsory purchase process and The Criche Down Rules*’ (the **Guidance**) [CDH.10]. The Guidance, first published in October 2015 and most recently revised in July 2019, provides a step-by-step guide to those bodies proposing to compulsorily acquire land.
- 3.2 The Guidance advises that a compulsory purchase order should only be made where there is a compelling case in the public interest (see the first paragraph in section 2 of the Guidance). In that regard, the evidence presented by Timothy Mann on the justification for the CPO outlines the compelling case in the public interest and the evidence presented by Aron Wisdom on the strategic need for the Scheme and the public benefits that will be delivered by the Scheme, supports this.
- 3.3 The second paragraph in section 2 of the Guidance states:
- “The confirming authority will expect the acquiring authority to demonstrate that they have taken reasonable steps to acquire all of the land and rights included in the Order by agreement. Where acquiring authorities decide to/arrange to acquire land by agreement, they will pay compensation as if it had been compulsorily purchased, unless the land was already on offer on the open market.”*
- 3.4 In accordance with the Guidance, the Acquiring Authority has sought early engagement with all parties affected by the Scheme and has taken steps which have included making offers to landowners with a view to reaching voluntary agreements for the acquisition of all necessary interests in the Order Land. In respect of the offers made to landowners, the Acquiring Authority has made offers which are in accordance with the Compensation Code principles and, as such, has reflected compensation within offers as if the landowners’ interests had been compulsorily purchased.
- 3.5 Importantly, the third paragraph in section 2 of the Guidance makes it clear that the compulsory purchase of land is intended as a last resort in the event that attempts to acquire the rights requirement by agreement fail. The third paragraph states:
- “Compulsory purchase is intended as a last resort to secure the assembly of all the land needed for the implementation of projects. However, if an acquiring authority waits for negotiations to break down before starting the compulsory purchase process, valuable time will be lost. Therefore, depending on when the land is required, it may often be sensible, given the amount of time required to complete the compulsory purchase process, for the acquiring authority to:*
- plan a compulsory purchase timetable as a contingency measure; and*
 - initiate formal procedures.*
- This will also help to make the seriousness of the authority’s intentions clear from the outset, which in turn might encourage those whose land is affected to enter more readily into meaningful negotiation.”*
- 3.6 For the reasons set out in the third paragraph, the Guidance encourages an Acquiring Authority to seek to acquire land by negotiation wherever practicable.
- 3.7 In this instance, the Acquiring Authority has corresponded extensively landowners and/or their advisers, as well as meeting with them. Details of the efforts to negotiate with landowners are set out in Sections 11 (negotiations with affected landowners) and 16 (objections) of the Acquiring Authority’s Statement of Case [CDM.10] and an update on the latest position with each is contained with this proof of evidence.

- 3.8 At the fourth paragraph in section 2, the Guidance encourages an acquiring authority to engage with affected parties as these negotiations:

"...will also help to make the seriousness of the authority's intentions clear from the outset, which in turn might encourage those whose land is affected to enter more readily into meaningful negotiations."

- 3.9 Further, in section 17 of the Guidance, the Government notes:

"Undertaking negotiations in parallel with preparing and making a compulsory purchase order can help to build a good working relationship with those whose interests are affected by showing that the authority is willing to be open and to treat their concerns with respect."

This includes statutory undertakers and similar bodies as well as private individuals and businesses. Such negotiations can then help to save time at the formal objection stage by minimising the fear that can arise from misunderstandings.

Talking to landowners will also assist the acquiring authority to understand more about the land it seeks to acquire and any physical or legal impediments to development that may exist. It may also help in identifying what measures can be taken to mitigate the effects of the Scheme on landowners and neighbours, thereby reducing the cost of a scheme.

Acquiring Authorities are expected to provide evidence that meaningful attempts at negotiation have been pursued or at least genuinely attempted, save for lands where land ownership is unknown or in question."

- 3.10 Mindful of the Guidance, the Council has:

- Sought to engage with landowners;
- Kept them informed of the progress of the Scheme; and
- Actively sought and positively participated in discussions with those owners.

- 3.11 In addition, the Acquiring Authority has undertaken to meet the reasonable professional fees and costs incurred by those with whom it has been negotiating.

History of the negotiations

- 3.12 In accordance with section 17 of the Guidance the Acquiring Authority, together with its representatives at Gateley Hamer, has been engaging with landowners since February 2020. There has been on going contact with all parties impacted by the Scheme to discuss the Scheme, the CPO and land acquisition requirements. This has also included engagement to secure access to land for ground investigation and environmental surveys to assist with the design and construction of the Scheme. In December 2022, notices informing impacted landowners of the making of the CPO were served.

- 3.13 Following refinements to and the finalisation of the Scheme design, land plans confirming the land and rights required for the Scheme were then able to be issued to landowners in December 2022. 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 and are ongoing. This has included meeting, both virtually and in many cases onsite, with landowners to discuss the Acquiring Authority's proposals and potential voluntary agreements. Heads of Terms for voluntary agreements have been and are continuing to be drafted and agreed with landowners where it is possible to reach agreements. In some cases, it has been possible for the Acquiring Authority to secure land and rights required for the Scheme through section 106 planning obligations or by other means, such as highways agreements.

- 3.14 The vast majority of the impacted parties are willing to engage with the Acquiring Authority 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.
- 3.15 At the date of my proof of evidence, heads of terms have been issued to 25 of the 44 identified landowners who have interests in the Order Land, which is required for the delivery of the Scheme. To date, agreements have been reached with 9 of these landowners and negotiations are ongoing with 26 of the landowners. There are 4 landowners where it has been possible to secure the land required for the Scheme under a section 106 planning agreement and a further 4 where an agreement is not required either because the land is already in the ownership of the Acquiring Authority, or appropriate land and rights to deliver the Scheme have been secured through an agreement with another landowner, or a modification has been proposed to remove the land in their ownership from the Orders. There is one landowner who is no longer engaging with us at all.
- 3.16 A RAG Schedule which outlines the details of the above landowners and the current status of the negotiations with each landowner has been appended to this Proof of Evidence at **SM2.1** below.
- 3.17 The Acquiring Authority will continue to engage with landowners with a view to reaching voluntary agreements to secure the land and rights required for the Scheme throughout the entirety of the compulsory purchase process, right up until the point of implementation of powers, should the Secretary of State for Transport see fit to confirm the Orders.
- 3.18 In relation to each landowner, the Acquiring Authority has undertaken the following actions:

3.18.1 Mays Properties Limited – Plots: 1/6a and 1/6b

Initial meetings with the landowner's agent took place in February 2022, during which the Scheme proposals were outlined and feedback on these options and their anticipated impacts upon their land were received. Regular meetings have been held since then to discuss the Scheme and land acquisition proposals. The landowner's agent issued heads of terms for a voluntary agreement to the Acquiring Authority for its consideration in May 2023. Negotiations with the landowner and their agent, CBRE have continued since before final heads of terms for an option agreement were agreed in January 2024. Solicitors have subsequently been instructed and are drafting the legal agreement pursuant to those heads of terms.

3.18.2 Minscombe Properties Limited – Plots: 1/7a, 1/7b, 1/7c and 1/7d

Initial meetings with the landowner took place in February 2020, during which the Scheme proposals were outlined and feedback on the proposals and the anticipated impacts upon their land were received. Regular meetings have been held since to discuss the Scheme and land acquisition proposals. A licence was entered into, which secured the land required for the siting of a construction compound on plots 1/7a and 1/7b and which also provides the necessary rights required over the land that comprises plots 1/1 and 1/2, for access to the compound. However, due to the Planning and Regulation Committee of the Local Planning Authority seeking to resolve to refuse the Planning Application for the Scheme, and the subsequent call-in of the Planning Application by the Secretary of State for Levelling Up, Housing and Communities, this has impacted on the Scheme programme. As a result, this has required an extension of this licence, and further discussions are currently taking place with the landowner with a view to agreeing this extension. In addition, discussions have also taken place with the landowner in relation to the acquisition of the land required on a permanent basis, comprising plots 1/7c and 1/7d. Following a meeting held in June 2023, the landowner indicated that it would be willing to transfer the land comprising

plots 1/7c and 1/7d to the Acquiring Authority. Heads of terms for such an agreement are being drafted and the Acquiring Authority and Gateley Hamer will continue to progress negotiations with the landowner with a view to reaching voluntary agreements, which will secure all of the land and rights required for the Scheme.

3.18.3 **Anthony Bryant Patrick Mockler** – Plots: 1/8a, 1/8b, 1/8c, 1/8d, 1/8e, 1/8f, 1/8g, 1/8h, 1/8i, 1/8j, 1/8k, 1/8l, 2/1a and 2/1b

Initial meetings with the landowner and his agent took place in March 2021, during which the Scheme proposals were outlined and feedback on the proposals and their anticipated impacts upon the landowner and his land were received. There has been extremely limited engagement since a site visit which took place in March 2022. Gateley Hamer and the Acquiring Authority have attempted to meet with the landowner and his agent to discuss the Scheme, and the acquisition of land, without success. In May 2023, Gateley Hamer issued the first draft of heads of terms to the landowner, to which no response has been received. Gateley Hamer have subsequently attempted to meet with the landowner and his agent to discuss suitable terms for a voluntary agreement but have not received any further response. Gateley Hamer and the Acquiring Authority will continue to attempt to progress negotiations with the landowner with a view to reaching a voluntary agreement but are conscious that this landowner is particularly opposed to the Scheme and has resisted all attempts of the Acquiring Authority to negotiate for voluntary land acquisition or entry upon land, which has been needed to be taken through formal procedures. Mr Mockler refused to agree to entry onto his land to be taken for the purposes of surveys, which led to the Acquiring Authority having to pursue warrant of entry proceedings in the Magistrates' in November 2021, pursuant to the powers contained within Section 172 of the Housing and Planning Act 2016.

3.18.4 **MEPC Milton Park No.1 Limited & MEPC Milton Park No.2 Limited** – Plot: 1/10

Initial engagement with MEPC regarding the Scheme and access for GI surveys began in April 2021. Following the making of the CPO in December 2022, discussions have taken place with the landowner's agent regarding a voluntary agreement. Heads of terms for a voluntary agreement were subsequently issued in July 2023 and have now been agreed. Solicitors are to be instructed to finalise a legal agreement in due course.

3.18.5 **Persimmon Homes Limited** – Plots: 2/3a, 2/3b, 2/3c, 2/3d, 2/3e, 2/3f, 2/3g, 3/1a, 3/1b, 3/1c; and interests in land formerly held by Ian Michael Laing and Nicholas John Cross comprising plots 3/6a, 3/6b, 3/6c, 3/6d, 3/6e, 3/6f, 3/6g, 3/6h and 3/6i; and interests in land formerly held by Geoffrey Robert Morris, Nicholas Paul Brown, Sally Lyn Brown and Jacqueline Sarah Swan comprising plots 3/8a, 3/8b, 3/8c, 3/8d, 3/8e, 3/8f, 3/8g, 3/8h, 3/8i, 4/1, 4/1b, 4/1c, 4/1d, 4/1e, 4/1f, 4/1g, 4/1h and 4/1i; and interests in land formerly held by Charles Thomas Allen, Anthony Richard Allen, Geoffrey William Allen and the Adnams Farm Partnership) comprising plots: 3/10a, 3/10b, 3/10c, 3/10d, 3/10e, 3/10f, 3/10g 4/4a, 4/4b, 4/4c, 4/4d and 4/4e

The Acquiring Authority has been in discussions with the landowner, and it has been agreed that all of the land required for the Scheme will be transferred as part of a Section 106 agreement associated with the planning application for the proposed Valley Park residential development. This Section 106 agreement was completed in February 2022. The land is still included in the CPO due to the conditionality of the Section 106 agreement and the inability of the Acquiring Authority to compel any landowner to implement a planning permission. On that basis, the Acquiring Authority still needs to include the land within the CPO, to account for any situation that

may arise where the obligations contained within the Section 106 agreement do not take legal effect.

- 3.18.6 **Taylor Wimpey UK Limited** interests in land formerly held by Ian Michael Laing and Nicholas John Cross comprising Plots: 3/6a, 3/6b, 3/6c, 3/6d, 3/6e, 3/6f, 3/6g, 3/6h and 3/6i; and interests in land formerly held by Geoffrey Robert Morris, Nicholas Paul Brown, Sally Lyn Brown and Jacqueline Sarah Swan comprising Plots: 3/8a, 3/8b, 3/8c, 3/8d, 3/8e, 3/8f, 3/8g, 3/8h, 3/8i, 4/1, 4/1b, 4/1c, 4/1d, 4/1e, 4/1f, 4/1g, 4/1h and 4/1i; and interests in land formerly held by Charles Thomas Allen, Anthony Richard Allen, Geoffrey William Allen and the Adnams Farm Partnership) comprising plots: 3/10a, 3/10b, 3/10c, 3/10d, 3/10e, 3/10f, 3/10g 4/4a, 4/4b, 4/4c, 4/4d and 4/4e; and 4/17a and 4/17b

The plots were acquired by Persimmon Homes Limited and Taylor Wimpey UK Limited on 31 May 2022. All land required for the Scheme is to be transferred under the same Section 106 agreement as referred to at 3.18.5 above and is subject to the same reason for retention in the CPO.

In respect of plots 4/17a and 4/17b owned solely by Taylor Wimpey, there is a separate agreement. The landowner has now constructed the road on the land which comprises these two plots and the Highways Authority is currently looking to agree final remedial works to the road prior to its adoption as a Public Highway. Once all remedial works have satisfactorily been carried out, it has been agreed that the road will be adopted as a Public Highway by the Highway Authority under a section 38 Highways Act 1980 agreement.

- 3.18.7 **RWE Generation UK PLC** – Plots: 4/3a, 5/2a, 5/2b, 5/2c, 5/2d, 5/2e, 5/2f, 5/2g, 5/2h, 5/2i, 6/1a, 6/1b, 6/1c, 6/1d, 6/1e, 6/1f, 6/1g, 6/1h, 6/1i, 6/1j, 6/1k, 6/1l, and 13/6a

Engagement began in 2020, with initial meetings with the landowner taking place in February and May of that year. Following the finalisation of the Scheme design in December 2022, land plans confirming the land and rights required for the Scheme were issued to the landowner. Further meetings subsequently took place in February and April 2023 to discuss the impact of the Scheme proposals and a voluntary agreement to secure the land and rights required to deliver the Scheme. The parties' preference is for the land to be transferred under a section 106 agreement, to be agreed as part of the planning consent that the landowners are seeking for a proposed data centre development. However, as it does not appear as though the section 106 agreement will be completed within a reasonable timeframe, heads of terms for an option agreement have also been prepared by the Acquiring Authority and Gateley Hamer and were issued to the landowner in November 2023, such that the land and rights required for the Scheme can be still secured in the event that a section 106 agreement is not concluded within a reasonable timeframe. Negotiations with the landowner are continuing with a view to reaching a voluntary agreement.

- 3.18.8 **Clowes Developments (UK) Limited** - Plots: 4/5a, 4/5c, 4/5h, 4/5i 4/5j 5/1a, 5/1b, 5/1c, 5/1d, 5/1e, 5/1f, 5/1g, 5/1h, 5/1i, 5/1j, 5/1k, 5/3a, 5/3b and 5/3c

The Acquiring Authority has secured all of the land and rights required from the landowner to deliver the Scheme under a section 106 agreement completed in June 2021, which requires the landowner to construct and deliver the section of the road on the plots which comprise land in their ownership. Following completion of the works to construct the road, it has been agreed that the land on which the road has been constructed will be transferred to the Acquiring Authority. The land is still included in the CPO due to the conditionality of the section 106 agreement and the inability of the

Acquiring Authority to compel any landowner to implement a planning permission. On that basis, the Acquiring Authority still needs to include the land within the CPO, to account for any situation that may arise where the obligations contained within the section 106 agreement do not take legal effect.

3.18.9 **Edward Gale & Elizabeth Mason & Patrick Gale** – Plots: 6/3a, 6/3b, 6/3c, 6/3d, 6/3e, 6/3f 7/1a, 7/1b, 7/1c and 7/1d

Following the finalisation of the Scheme design in December 2022, land plans confirming the land and rights required for the Scheme were issued to the landowner. The Acquiring Authority and Gateley Hamer were in regular correspondence with the landowner's agent between January and March 2023. Gateley Hamer issued the first draft of heads of terms for a voluntary agreement in March 2023. Negotiations with the landowners' agent have continued to progress, with further meetings and discussions taking place. The Acquiring Authority and Gateley Hamer will continue to progress discussions with a view to finalising the heads of terms for a voluntary agreement.

3.18.10 **Clive Hartwright, Alison Joan Hartwright** – Plot: 7/5a, 7/5b, 7/5c, 7/5d, 7/5e, 7/5f, 7/6a, 7/6b and 7/6c, 8/6a, 8/6b, 8/6c, 8/6d, 8/6e, 8/9a, 8/9b, 9/3a, 9/3b, 9/3c, 9/3d, 9/3f, 9/3g, 9/3k, 9/3m, 9/3n, 9/3o, 9/3q, 9/3r, 9/3u, 9/3x, 9/3y, 9/3z, 9/3aa, 9/3bb, 9/10a and 9/10b

Hartwright Estates Limited – Plots: 7/3a, 7/3b, 7/3c, 7/3d, 7/3e, 7/3f, 7/3g, 7/3h, 7/3i, 7/3j, 7/3k, 7/3l, 7/3m, 7/3n, 7/3o, 7/3p, 7/3q, 7/3r, 7/3s, 7/3t, 7/3u, 7/3v, 7/3w, 7/3x, 7/3y, 8/1a, 8/1b, 8/1c, 8/1d, 8/1e, 8/1f, 8/1g, 8/1h, 8/1i, 8/1j, 8/1k, 8/1l and 8/1m, 8/10a, 8/10c, 9/12a, 9/12b, 9/12c and 9/12e

Katherine Emma Hartwright – Plots: 8/2a, 8/2b, 8/2c, 8/2d and 8/2e

Gemma Louise Hartwright and Simon Clive Hartwright – Plots: 8/7a, 8/7b, 8/7c, 8/7d, 8/7e, 8/7f, 8/7h, 8/8a, 8/8c, 9/7a and 9/7b

Engagement began in January 2021 and initial discussions with the landowner and Reef Group, the promotor of the proposed Didcot Technology Park development, took place regarding access for ground investigation surveys and the Scheme proposals. The Acquiring Authority has been in regular contact with landowner and Reef Group since that time, discussing progress with the Scheme and the impact of the proposals on their land and the proposed development. Following the finalisation of the Scheme design in December 2022, land plans confirming the land and rights required for the Scheme were issued to the landowner. The parties' preference is for the land to be transferred under a section 106 agreement, to be agreed as part of the planning consent that the landowners and Reef Group are seeking for their own proposed development. The Acquiring Authority is still in negotiations with the landowner and scheme promoter in respect of the section 106 agreement. In the event that the agreement cannot be completed within a reasonable timeframe, it has been agreed that heads of terms for an option agreement to secure all the necessary land and rights for the Scheme will be required. Gateley Hamer is currently preparing the heads of terms for such an agreement, with the intention of issuing these to the landowner in due course. The Acquiring Authority and Gateley Hamer will continue to progress negotiations with a view to securing the land and rights under either a section 106 agreement or a voluntary agreement.

3.18.11 ***Bona Vacantia Division in respect of Appleford Developments Limited (dissolved) – Plots: 7/4a and 7/4b***

The Acquiring Authority and Gateley Hamer have held discussions with representatives of the Crown Estate regarding the acquisition of the land that comprises these plots. However, following a further review of the Scheme design, the Acquiring Authority has determined that these plots are no longer required for the Scheme and, as such, is proposing that the CPO should be modified and these plots removed. Details of the proposed modifications are outlined in the evidence of Karl Chan of AECOM.

3.18.12 ***FCC Environment (UK) Limited – Plots: 8/4a, 8/4b, 8/8a, 8/8c, 9/1a, 9/1b, 9/1c, 9/1d, 9/1e, 9/1f, 9/1g, 9/1h, 9/1i, 9/1j, 9/1k, 9/1l, 9/1m, 9/1n, 9/1o, 9/1p, 9/7a, 9/7b, 10/1a, 10/1b, 10/1c, 10/1d, 10/1e, 10/1f, 10/1g, 10/1h, 10/1i, 10/1j, 10/1k, 10/1l, 11/3a, 12/1a, 12/1b, 12/1c, 12/1d, 12/1e, 12/3a, 12/3b, 12/3c, 12/3d, 12/3e, 12/3f, 12/3g, 12/3h, 12/3i, 12/3j, 12/3k, 12/3l, 12/3m and 12/3n***

Initial engagement with the landowner and its agent began in October 2020. The Acquiring Authority and Gateley Hamer have been in regular correspondence with the landowner and its agent since that time regarding access for ground investigation surveys, to provide updates on the Scheme and to discuss the potential impact of the Scheme proposals on the land. Heads of terms for a Cooperation Agreement with the landowner were agreed in May 2023, which will enable the Acquiring Authority to occupy the land required and to construct the road under a licence. On completion of the works, the land will be dedicated under an agreement pursuant to Section 38 of the Highways Act 1980 and adopted as Public Highway. Solicitors have been instructed and are progressing the legal agreement pursuant to the heads of terms.

3.18.13 ***Hanson Quarry Products Europe Limited – Plots: 11/1a, 11/1b, 12/2a, 12/2b, 12/2c, 12/2d, 12/2e, 12/2f, 12/2g, 12/2h, 12/2i, 12/2j, 12/2k, 12/2l, 12/2m, 12/2n, 12/2o, 12/2p, 12/2q, 12/2r, 12/2s, 13/2a, 13/2b, 13/2c and 13/2e***

Reputed owners of Plots: 9/9, 10/2a, 10/2b, 10/2c, 10/2d, 10/2e, 10/2f, 10/2g, 10/2h, 9/6a, 9/6b, 9/6c, 9/6d, 9/6e, 9/6f, 9/6g, 12/1a, 12/1b, 12/1c, 12/1d and 12/1e

Initial engagement with the landowner and their agent began in November 2020. The Acquiring Authority and Gateley Hamer have been in regular correspondence with the landowner and their agent since that time regarding access for ground investigation surveys, to provide updates on the Scheme and to discuss the potential impact of the Scheme proposals on the land. Following the finalisation of the Scheme design in December 2022, land plans confirming the land and rights required for the Scheme were issued to the landowner. Technical discussions are taking place with the landowner to agree the technical detail as to how the proposed bridge structure will be constructed on the land. Heads of terms for agreements are being drafted by the Acquiring Authority and Gateley Hamer and they will continue to progress negotiations with the landowner with a view to reaching voluntary agreements, which will secure all the land and rights required for the Scheme.

Hanson Land Development Limited has claimed ownership of the land which comprises these plots and discussions are taking place with its solicitor with a view to establishing ownership. Should the landowner be able to prove title to the land, then the Acquiring Authority would look to include the interests to be transferred under any voluntary agreement.

- 3.18.14 **Caudwell & Sons Limited** – Plots: 11/5a, 11/5b, 13/4a, 13/4b, 13/4c, 13/3a, 13/3c, 13/3d, 17/13a, 17/13b, 17/13c, 17/13d, 18/1a, 18/1b, 18/1c, 18/1d, 18/1e, 18/1f, 18/1g, 18/1h, 19/1a, 19/1b, 19/1c, 19/1d, 19/1e, 19/1f, 19/1g, 19/1h, 19/1i, 19/1j, 19/1k, 19/1l, 19/1m, 19/1n, 19/1o, 19/1p, 19/1q, 19/1r, 19/1s, 19/1t, 19/1u and 19/1v

Reputed owners – Plots: 13/5b, 13/5d, 13/5f, 13/5g, 13/5k, 17/14a and 17/14b

Initial engagement with the landowner and its agent began in March 2021 regarding access for ground investigation surveys. Following the finalisation of the Scheme design in December 2022, land plans confirming the land and rights required for the Scheme were issued to the landowner. Gateley Hamer met with the landowner's agents, Adkins, at its office in the same month to discuss the Scheme proposals, the land required for the Scheme and the potential impact of the proposals on the land. The Acquiring Authority and Gateley Hamer have been in regular correspondence with the landowner's agent since that time. A site visit took place in March 2023 with the landowner and its agent to discuss concerns and the impact of the Scheme proposals on the land, and the landowner's farming operations. After further discussions, Gateley Hamer subsequently issued heads of terms for a voluntary agreement in June 2023. The Acquiring Authority and Gateley Hamer will continue to progress negotiations with the landowner, and it is their preference to agree heads of terms for a voluntary agreement which will secure all the land and rights required for the Scheme, if it is possible to do so within a reasonable timeframe.

- 3.18.15 **Morrells Holdings Limited** – Plots: 13/1a, 13/1c, 13/1d, 13/1f, 13/1g, 13/1h, 13/1i, 13/1j, 13/1k, 14/2a, 14/2b, 14/2c, 14/2d, 14/2e, 14/2f, 14/2g and 14/2h

Jonathan Rupert Blakiston Lovegrove-Fielden & Charles John Calcraft Wyld (as Trustees for P.V.E Morrell Marriage Settlement) – Plots: 13/5b, 13/5d, 13/5f, 13/5g and 13/5k

Gateley Hamer have been engaging with the landowners' agents, Adkins, since March 2021 regarding the Scheme and access for ground investigation surveys. Land plans confirming the land and rights required for the Scheme were finalised and issued to the landowner in December 2022. In the same month, Gateley Hamer met with the landowners' agent to discuss the land required for the Scheme and the potential impact on the land and the landowners. The Acquiring Authority and Gateley Hamer have been in regular correspondence with the landowners' agent since that time. A site visit took place in March 2023 with the landowners' agent to discuss their concerns and the impact of the Scheme proposals on the land and the landowners' agricultural tenant, Bernard Wallis (see 4.244 below). After further discussions, Gateley Hamer subsequently issued heads of terms for a voluntary agreement in June 2023. The Acquiring Authority and Gateley Hamer will continue to progress negotiations with the landowner, and it is their preference to agree heads of terms for a voluntary agreement which will secure all the land and rights required for the Scheme, if it is possible to do so within a reasonable timeframe.

- 3.18.16 **Morrells Farming Limited** – Plots: 14/1a, 14/1b, 14/1c, 14/1d, 14/1e, 14/1f, 14/1g, 14/1h, 14/1i, 14/1j, 14/1k, 15/2a, 15/2b and 15/2c

As above, Gateley Hamer have been engaging with the landowner's agents, Adkins, since March 2021. The Acquiring Authority and Gateley Hamer have been in regular correspondence with the landowner's agent since and a site visit took place in March 2023 with the landowner's agent to discuss their concerns and the impact of the Scheme proposals on the land and the landowner's farming operations. After further discussions, Gateley Hamer

subsequently issued heads of terms for a voluntary agreement in June 2023. The Acquiring Authority and Gateley Hamer will continue to progress negotiations with the landowner, and it is their preference to agree heads of terms for a voluntary agreement, which will secure all the land and rights required for the Scheme if it is possible to do so within a reasonable timeframe.

3.18.17 **LEDA Properties Limited** – Plots: 16/6a, 16/6b, 16/6c, 16/6d, 16/6e, 16/6f, 16/6g, 16/6h, 16/6i, 16/6j, 16/6k, 16/6l, 16/6m, 16/6n, 16/6o, 16/6p, 16/6q, 16/6r, 16/6s, 16/6t, 16/6u, 16/6v, 16/6w, 16/6x, 16/6y, 16/6z, 16/6aa, 16/6bb, 16/6cc, 18/2a, 18/2b, 18/2c, 18/2d, 18/2e, 18/2f, 18/2g, 18/2h, 18/2i, 18/2j, 18/2k, 18/2l, 18/2m, 18/2n and 18/2o

Reputed owners – Plot: 16/11

Initial engagement with the landowner's agent began in March 2021 regarding access for ground investigation surveys. Following the finalisation of the Scheme design in December 2022, land plans confirming the land and rights required for the Scheme were issued to the landowner. Gateley Hamer subsequently held a meeting with the landowner and its agent to discuss the Scheme proposals and the potential impact of the proposals in January 2023. The landowner has confirmed that it is currently working with a promoter, CEG, to prepare their own redevelopment proposals for the estate. The Acquiring Authority and Gateley Hamer have been in regular correspondence with the landowner's agent since that time. A site visit took place in July 2023 with the landowner, its agent and representatives of CEG to discuss proposals for a voluntary agreement and the impact of the Scheme on the landowner's redevelopment proposals. Following further discussions with the landowner, heads of terms for an option agreement have been prepared by the Acquiring Authority and Gateley Hamer and were issued to the landowner in January 2024. The proposed agreement will secure all of the land and rights required for the Scheme, if it is able to be concluded before the implementation of compulsory purchase powers, should the Secretary of State for Transport choose to confirm the CPO.

3.18.18 **United Kingdom Atomic Energy Authority** – Plots: 16/13a, 16/13b, 16/13c, 16/13d, 16/13e, 16/13f, 16/13g, 16/13h, 16/13i, 16/13j, 16/13k, 16/13l, 16/13m, 16/13n, 16/13o, 16/13p, 16/13q, 16/13r, 16/13s, 16/13t, 16/13u, 16/13v, 16/13w, 16/13x, 16/13y, 16/13z, 16/13aa, 16/13bb, 16/13cc, 16/13dd, 16/13ee, 16/13ff, 16/13gg, 16/13hh, 16/13ii, 16/13jj, 16/13kk, 17/2a, 17/2b, 17/2c, 17/2d, 17/2e, 17/2f, 17/2g, 17/2h, 17/2i and 17/2j

Gateley Hamer began engaging with the landowner in March 2021 regarding access for ground investigation surveys. There has also been engagement at a senior level between the Acquiring Authority and the landowner. In December 2022, land plans confirming the land and rights required for the Scheme were issued to the landowner following the finalisation of the Scheme design. Gateley Hamer held a meeting with the landowner and its agent in January 2023 to discuss the Scheme proposals and the impact of the Scheme on the estate and the landowner's own redevelopment proposals. The Acquiring Authority and Gateley Hamer have been in regular correspondence with the landowner and its agent since and a site visit took place in July 2023 to discuss proposals for a voluntary agreement. Following further discussions with the landowner, plans reflecting an alternative voluntary agreement have been agreed and the Heads of Terms for an option agreement have been prepared and were issued to the landowner in November 2023. The proposed agreement will secure all the land and rights required for the Scheme, if it is able to be concluded prior to the

implementation of compulsory purchase powers should the Secretary of State for Transport choose to confirm the CPO.

3.18.19 James Wallace Veitch – Plots: 16/20 17/1a, 17/1b and 17/1c

Following the finalisation of the Scheme design in December 2022, land plans confirming the land and rights required for the Scheme were issued to the landowner's agent. Gateley Hamer subsequently met with the landowner's agent to discuss the Scheme proposals, land required for the Scheme and the potential impact of the proposals on the land. The Acquiring Authority and Gateley Hamer have been in regular correspondence with the landowner's agent since that time. A site visit took place in March 2023 with the landowner's agent to discuss the Scheme proposals, the landowner's concerns and the impact of the Scheme on the land. After further discussions, Gateley Hamer subsequently issued heads of terms for a voluntary agreement in June 2023. The Acquiring Authority and Gateley Hamer will continue to progress negotiations with the landowner, and it is their preference to agree heads of terms for a voluntary agreement which will secure all the land and rights required for the Scheme, if it is possible to do so within a reasonable timeframe.

3.18.20 Thames Water Utilities Limited – Plots: 17/11a, 17/11b, 17/11c, 17/11d, 17/11e, 17/11f, 17/11g, 17/11h, 17/11i and 9/24

Reputed owners – Plots: 17/14a and 17/14b

Gateley Hamer have been in contact with the landowner and its representatives since March 2021 regarding the Scheme and initial access for surveys. Following the finalisation of the Scheme design in December 2022, land plans confirming the land and rights required for the Scheme were issued to the landowner. Gateley Hamer and the Acquiring Authority have been in regular correspondence with the landowner's agent since February 2022 regarding the Scheme proposals and landowner's concerns. A site meeting took place with the landowner's agent in June 2023 to discuss the Scheme proposals and the landowner's concerns regarding the alleged impact on their operations as a statutory undertaker. Following this meeting, the Acquiring Authority and Gateley Hamer put forward alternative proposals for a land acquisition agreement. The Acquiring Authority and Gateley Hamer will continue to progress discussions with the landowner's agent with a view to reaching a voluntary agreement if it is possible to do so within a reasonable timeframe.

3.18.21 David Charles Leslie Gibbs – Plots: 17/12a and 17/12b

Following the finalisation of the Scheme design in December 2022, land plans confirming the land and rights required for the Scheme were issued to the landowner's agent. Gateley Hamer subsequently met with the landowner's agent to discuss the Scheme proposals, land required for the Scheme and the potential impact of the proposals on the land. Gateley Hamer subsequently issued heads of terms for a voluntary agreement in June 2023. The Acquiring Authority and Gateley Hamer will continue to progress negotiations with the landowner, and it is their preference to agree heads of terms for a voluntary agreement which will secure all the land and rights required for the Scheme, if it is possible to do so within a reasonable timeframe.

3.18.22 Emmett of Drayton Limited – Plots: 17/3a, 17/3b, 17/3c, 17/3d, 17/3e, 17/3f, 17/3g, 17/3h, 17/3i, 17/3j and 17/3k

Initial engagement with the landowner's agent began in March 2021 regarding access for ground investigation surveys. Following the finalisation

of the Scheme design in December 2022, land plans confirming the land and rights required for the Scheme were issued to the landowner. Gateley Hamer subsequently met with the landowner's agent to discuss the Scheme proposals, land required for the Scheme and the potential impact of the proposals on the land. The Acquiring Authority and Gateley Hamer have been in regular correspondence with the landowner's agent since that time. A site visit took place in March 2023 with the landowner and its agent to discuss concerns and the impact of the Scheme proposals on the land and the landowner's farming operations. After further discussions, Gateley Hamer subsequently issued heads of terms for a voluntary agreement in June 2023. The Acquiring Authority and Gateley Hamer will continue to progress negotiations with the landowner, and it is their preference to agree heads of terms for a voluntary agreement which will secure all the land and rights required for the Scheme, if it is possible to do so within a reasonable timeframe.

3.18.23 Jonathan William Johnson-Watts and Sara Jan Johnson-Watts – Plots: 19/4a and 19/4b

Plans confirming the land and rights required for the Scheme were issued to the landowners in December 2022. Gateley Hamer subsequently met with the landowners to discuss the Scheme proposals, the land required for the Scheme and the potential impact of the Scheme on their land and access to and from their property. After answering their initial queries, Gateley Hamer subsequently issued heads of terms for a voluntary agreement in June 2023. Heads of terms were subsequently agreed in November 2023 and solicitors have been instructed by the parties to draft the agreement.

3.18.24 S J Farrant & Son Limited – Plots: 19/7a and 19/7b

Gateley Hamer have engaged with the landowner's agents, Adkins, regarding the Scheme proposals and the acquisition of land and rights required for the Scheme. Plans confirming the land and rights required for the Scheme were issued to the landowner's agent in December 2022. Gateley Hamer then met with the landowner's agent to discuss the Scheme proposals and land required for the Scheme in the same month. Gateley Hamer subsequently issued heads of terms for a voluntary agreement in June 2023 but were later informed by the agent that they were no longer instructed to act for the landowner. The Acquiring Authority and Gateley Hamer are now in direct contact with the landowner and will continue to progress the negotiations, and it is their preference to agree Heads of Terms for a voluntary agreement which will secure all the land and rights required for the Scheme prior to the implementation of any compulsory purchase powers if it is possible to reach an agreement before then.

Conclusions

- 3.19 I have set out above the tests that must be applied, in accordance with the Guidance, and which the Acquiring Authority must meet in respect of their approach to engagement and the negotiations with landowners if it is to demonstrate that there is a compelling case in the public interest for the use of compulsory purchase powers. I have also explained the steps that the Acquiring Authority has taken to engage with landowners with a view to acquiring the land and rights by voluntary agreement.
- 3.20 In considering the approach to engagement and the negotiations I have confirmed that the Acquiring Authority has had regard to the government guidance 'Guidance on Compulsory purchase process and The Crichel Down Rules' (the **Guidance**) [CDH.10].
- 3.21 In accordance with the Guidance, the Acquiring Authority has sought early engagement with all parties affected by the Scheme and has taken steps which have included making offers to landowners with a view to reaching voluntary agreements for the acquisition of

all necessary interests in the Order Land. It accepts that due to delays in the finalisation of the Scheme design it was unable to share plans with landowners which confirmed the exact extent of the land and rights which were required for the Scheme until December 2022. However, it is now over 12 months since plans confirming the Acquiring Authorities proposals for voluntary agreements were issued to the landowners and in the vast majority of cases there has been significant engagement with landowners with a view to reaching voluntary agreements and heads of terms for such agreements have prepared and issued.

- 3.22 In respect of the offers made to landowners, the Acquiring Authority has made offers which are in accordance with the Compensation Code principles and, as such, has reflected compensation within offers as if the landowners' interests had been compulsorily purchased. Where possible, the Acquiring Authority has now engaged with all landowners for a considerable period of time and has sought to ensure that it complied with the Guidance when doing so.
- 3.23 At the date of my proof of evidence, the Acquiring Authority is engaging with all landowners with a view to reaching voluntary agreements for the acquisition of the land and rights required for the Scheme. Heads of terms have been issued to 25 of the 44 identified landowners who have interests in the Order Land, which is required for the delivery of the Scheme. To date, agreements have been reached with 9 of these landowners and negotiations are ongoing with 26 of the landowners. There are 4 landowners where it has been possible to secure the land required for the Scheme under a section 106 planning agreement and a further 4 where an agreement is not required either because the land is already in the ownership of the Acquiring Authority, or appropriate land and rights to deliver the Scheme have been secured through an agreement with another landowner, or a modification has been proposed to remove the land in their ownership from the Orders. There is only one landowner who is no longer engaging with us at all.
- 3.24 In most cases there have now been significant discussions with a view to reaching a voluntary agreement and negotiations are at an advanced stage.

4 RESPONSE TO REMAINING OBJECTIONS

- 4.1 Following the closure of the statutory objection period on 22 March 2023, a total of 32 objections had been submitted to the Secretary of State (“**the Objections**”). A further objection from National Grid Electricity Transmission plc (NGET plc) was later submitted on 12 October 2023 [CDJ.30], and it was also confirmed that the Objection submitted on behalf of Oxford Fieldpaths Society [CDJ.27] was also an objection from the Ramblers making a total of 34 objections which have been submitted to the Secretary of State for Transport.
- 4.2 Following initial enquiries, the objector RD Education Ltd t/a Lightning Motorcycle Training (Objection 5) confirmed by way of email dated 20 June 2023 that they did not wish for the representation they had made to be considered an objection to the CPO and, as such, this is not considered further. In addition, objector Jacqueline Mason (Objection 32) [CDJ.29] removed her objection on 13 November 2023 following the agreement of heads of terms for voluntary acquisition of land and rights required for the Scheme.
- 4.3 There are 32 remaining objections (the **Objections**). Of the Objections, 23 are statutory Objections where the objector has a land interest impacted by the Scheme. The remaining 9 Objections are classed as non-statutory Objections, where the objecting party has no land interest directly impacted by the Scheme but, instead, has a more general Objection.
- 4.4 A table listing the Objections is below:

Number	Party	Date received	Statutory / Non-statutory	Objection type
1	Network Rail Infrastructure Limited	3 February 2023	Statutory	Objection to the CPO and SRO
2	Alan and Penny Aries	17 February 2023	Statutory	Objection to the CPO and SRO
3	Mandy Rigault	21 February 2023	Non-statutory	Objection to the CPO and SRO
4	Nuneham Courtenay Parish Council	21 February 2023	Non-statutory	Objection to the CPO and SRO
6	Stephen Smith	8 February 2023	Statutory	Objection to the CPO and SRO
7	Mays Properties Limited	24 February 2023	Statutory	Objection to the CPO and SRO
8	John Peters	26 February 2023	Non-statutory	Objection to the CPO and SRO
9	CPRE, The Countryside Charity	1 March 2023	Non-statutory	Objection to the SRO

10	Sutton Courtenay Parish Council	7 March 2023	Non-statutory	Objection to the CPO and SRO
11	Thames Water	17 March 2023	Statutory	Objection to the CPO
12	Appleford Parish Council	20 March 2023	Non-statutory	Objection to the CPO and SRO
13	UKAEA (United Kingdom Atomic Energy Authority)	20 March 2023	Statutory	Objection to the CPO and SRO
14	Caudwell & Sons Limited	17 March 2023	Statutory	Objection to the CPO
15	Anthony Mockler and Gwendoline Marsh as Trustees of the Milton Manor Estate	20 March 2023	Statutory	Objection to the SRO
16	Anthony Mockler	20 March 2023	Statutory	Objection to the SRO
17	Anthony Mockler	20 March 2023	Statutory	Objection to the CPO
18	Anthony Mockler and Gwendoline Marsh as Trustees of the Milton Settled Estate	20 March 2023	Statutory	Objection to the CPO
19	The occupiers of New Farm	17 March 2023	Statutory	Objection to the CPO
20	Morrells Farming Limited	17 March 2023	Statutory	Objection to the CPO
21	Emmett of Drayton Limited	17 March 2023	Statutory	Objection to the CPO
22	Mrs Veitch	17 March 2023	Statutory	Objection to the CPO
23	David Morrell, Lavinia Taylor and Catherine Ballard	17 March 2023	Statutory	Objection to the CPO
24	Morrells Holdings Limited	17 March 2023	Statutory	Objection to the CPO
25	Commercial Estates Group Limited and CEG Land Promotions II Limited	21 March 2023	Statutory	Objection to the CPO and SRO
26	Leda Properties Limited	21 March 2023	Statutory	Objection to the CPO and SRO

27	W E Gale Trust	21 March 2023	Statutory	Objection to the CPO and SRO
28	Neighbouring Parish Councils Joint Committee	21 March 2023	Non-statutory	Objection to the CPO and SRO
29	Bernard Wallis	22 March 2023	Statutory	Objection to the CPO
30	Oxford Fieldpaths Society	22 March 2023	Non-statutory	Objection to the SRO
31	RWE Generation UK plc	22 March 2023	Statutory	Objection to the CPO and SRO
33	National Grid Electricity Transmission plc	12 October 2023	Statutory	Objection to the CPO
34	The Ramblers	22 March 2023	Non-statutory	Objection to the SRO

4.5 I have set out below the details of each of the remaining Objections as received from the Objectors, along with the Acquiring Authority's response to the grounds of objection raised where it relates to negotiations and justification for inclusion of the land in the CPO.

Network Rail Infrastructure Limited (Objection 1) [CDJ.1] – Statutory

Plots 1/9, 1/11, 4/6, 4/7, 4/8, 4/9, 4/10, 4/11, 4/12, 4/13, 4/14, 4/15, 4/16 and 4/18 as reputed owners. Plots 4/3a, 4/3b and 4/3c in respect of mines and minerals

4.6 This objection was submitted on the grounds that operational railway land is adversely affected by the Scheme. It is regarded as a holding/protection of assets objection. Network Rail (**NR**) has also made a Section 16 representation under the Acquisition of Land Act 1981 and, as such, a Minister's certificate will be required in order to approve the compulsory purchase of land in Network Rail's ownership.

4.7 NR also submitted a Statement of Case in relation to the Orders Inquiries [CDM.6].

Acquiring Authority's response

4.8 The Acquiring Authority has been and is continuing to engage with NR with a view to reaching a voluntary agreement, which is in the form of an overarching framework agreement and subsidiary transactional documentation and licences, including an Asset Protection Agreement, which will allow the Acquiring Authority to enter onto NR's operational land in order to construct the Scheme and Works. It is likely that modifications to the Orders will need to be sought to remove or limit the NR interests which are included within the Order (modifications are detailed further in the proof of evidence of Karl Chan).

4.9 Solicitors are now instructed, and the framework agreement is being negotiated, though full detail of this agreement cannot be provided at the date of my proof of evidence. However, the parties' intention is for the framework agreement to be in place before the Public Inquiries, which will secure the land and new rights that the Acquiring Authority requires in order to construct the Scheme and will, therefore, remove the need to compulsorily purchase certain land. On the conclusion of the framework agreement, NR has indicated that it will withdraw its objection to the Orders. The Acquiring Authority will confirm to the Inquiries all of the necessary modifications to the Orders that it would be proposing in accordance with the framework agreement once these are more

conclusively established, though some details on this are already set out in the proof of evidence of Karl Chan and Andrew Blanchard. These can be discussed in more detail at the modifications session of the Inquiries and a full table of modifications sought will be provided in due course.

Mr and Mrs Aries (Objection 2) [CDJ.2] – Statutory

Plots 17/7, 17/8 and 17/9 in respect of subsoil

- 4.10 Mr and Mrs Aries object to the existing A415 being closed and blocked off just before the proposed new roundabout at Culham Science Centre, and to the existing road branching off at North Cottage to form the proposed A415 connection, in order to join the proposed Clifton Hampden bypass.
- 4.11 They are also concerned about the impact on their privacy due to roads enclosing their property on all sides, traffic noise and pollution. They consider that the Scheme will de-value their property, and that it is a waste of taxpayers' money as there is already a good existing road/roundabout connection.

Acquiring Authority's response

- 4.12 The strategic need for the Scheme and, in particular, the Clifton Hampden bypass and the public benefits the Scheme will provide are outlined in the evidence presented by Aron Wisdom as well as in Section 4 (Need for the Scheme) and Section 6 (Scheme Objectives and the Benefits of the Scheme) of the Acquiring Authority's Statement of Case [CDM.10].
- 4.13 In Mr Wisdom's evidence at 5.28 he describes how the land for the Scheme is safeguarded in the South Oxfordshire District Council Local Plan under Policy TRANS3: Safeguarding of Land for Strategic Transport Schemes. The bypass is a key component of the Scheme in mitigating allocated growth by improving access to future housing and employment sites in the local area. As set out in Section 4 of the Acquiring Authority's Statement of Case [CDM.10], the village of Clifton Hampden currently suffers with severe congestion, especially in peak periods, and the Scheme and proposed Bypass should alleviate these issues.
- 4.14 In the evidence presented by Anna Savage on air quality at 3.5 she has explained that there are some locations where there are increases in concentrations due to the Scheme, but the majority of modelled locations are predicted to experience a benefit in air quality or no change. She concludes that the impacts are not significant. Similarly in the evidence presented by Andy Paggett on noise and vibration at * they explain how in his opinion noise levels at Mr and Mrs Aries' property will improve.
- 4.15 Mr and Mrs Aries have suggested that an alternative could be to provide a fifth arm onto the proposed Culham Science Centre roundabout. In the evidence provided by Claudia Currie on Traffic Modelling, she explains how this has been tested in the Traffic Microsimulation model of the Didcot area, which is held by SYSTRA on behalf of Oxfordshire County Council, South Oxfordshire District Council and Vale of White Horse District Council.
- 4.16 Furthermore, the alternative would require planning permission and the acquisition of third-party land outside of the Order Land. It would also be likely to have other negative impacts, such as in relation to the impacts on cultural heritage relating to the Grade II listed Fullamore Farmhouse. On the basis of the above, the Acquiring Authority considers that the Scheme is the best solution available to deliver the public benefits proposed.
- 4.17 The Acquiring Authority and Gateley Hamer have been and are continuing to engage with Mr and Mrs Aries with a view to resolving their Objection. On-site meetings have been held with the objectors on two occasions to discuss their concerns and the particular impacts on their property including a meeting at North Cottage on 8 February 2023 and a further meeting at their property on 9 June 2023. Following those meetings, the Acquiring Authority has provided further information to Mr and Mrs Aries including

General Arrangement Drawings, a Landscaping Masterplan, and a number of the Environmental Statements for the Scheme on such matters as Air Quality, Transport and Noise and Vibration to assist them in gaining a better understanding of the likely impact of the Scheme on their property.

- 4.18 To alleviate concerns raised regarding privacy, the Acquiring Authority has offered to undertake accommodation works to install fencing (6ft wooden panel fencing with gravel boards and concrete posts) along the western and southern property boundaries of their property subject to any planning consent that might be required being obtained. Furthermore, the Acquiring Authority has committed to exploring the possibility of undertaking additional landscape screening works by way of planting along the southern section of the proposed fencing that the Acquiring Authority is providing for the adjacent landowner, during the Detailed Design stage of the Scheme.
- 4.19 In response to Mr and Mrs Aries' concerns that Scheme will de-value their property, it should be noted as explained in the evidence presented by Anna Savage on air quality and Andy Paggett on noise and vibration that it is considered that the Scheme will reduce adverse environmental impacts, such as noise and vibration and air quality resulting from the congestion currently occurring at their property, North Cottage. However, should there be a depreciation in the value of their property as a result of the Scheme it is important to remember that as Mr and Mrs Aries would have land in their ownership that is to be compulsorily acquired under the CPO they would be entitled to claim compensation, which will include the right to claim compensation under Section 7 of the Compulsory Purchase Act 1965 for any Injurious Affection suffered to their retained land due to any depreciation in value of the retained land as a result of the compulsory acquisition and the proposed use of all the land acquired by the Acquiring Authority.
- 4.20 A record of the engagement that the Acquiring Authority and Gateley Hamer has had with Mr and Mrs Aries is appended to this proof evidence at Appendix SM2.2.

Mandy Rigault, Nuneham Courtenay Parish Council and John Peters (Objections 3, 4 and 8) [CDJ.3, CDJ.4 and CDJ.7] – Non-statutory

- 4.21 Ms Rigault is a Nuneham Courtenay Parish Councillor, but she has confirmed that her objection is in her personal capacity. Mr Peters is also a Parish Councillor of the same Parish Council, and his objection is both on behalf of the Parish Council and in his personal capacity. The grounds for their objections are largely reflective of one another and note that 1) there is no planning permission in place for the Scheme; 2) that there is no assurance that the Scheme can be completed on budget; 3) Mr Peters (in his personal capacity) also objects on the basis of health and wellbeing being severely compromised by the building of the Scheme.

Acquiring Authority's response

- 4.22 In response to the Objections regarding the funding and costs of the Scheme, the Acquiring Authority has set out in the proof of evidence of Timothy Mann details of the actions that have been undertaken to assess the likely costs of the Scheme. This evidence also outlines how the Scheme will be funded and the funding that has been secured in order to ensure that the Scheme can be delivered.
- 4.23 The objectors have also raised an Objection on the grounds that there is a lack of planning permission for the Scheme. However, the Orders are now being heard in conjoined Inquiries together with the called-in Planning Application and this will be addressed in the Inquiries forum by the Secretary of State for Levelling Up, Housing and Communities, who is now the determining authority for the Planning Application. In the proof of evidence presented by Bernard Greep on planning matters he has set out his opinion why planning permission for the Scheme should be granted. Should the Secretary of State for Levelling Up, Housing and Communities choose to grant planning permission for the Scheme then there will be no planning impediment to the delivery of the Scheme and this ground will be addressed.

- 4.24 The Acquiring Authority has tried to contact Mr Peters on the 8 March, 27 March and 11 April 2023 regarding his Objection in a personal capacity and has made requests for him to expand on his grounds of objection so that the Acquiring Authority can gain a better understanding of his concerns relating to his health and well-being. Unfortunately, to date, no response has been received and, as such, the Acquiring Authority has been unable to respond to any specific concerns that Mr Peters may have. However, in response to general concerns around health impacts which may be associated with the Scheme, Alex Maddox in his evidence on the environmental effects of the Scheme has concluded in Section 4 that whilst a standalone Health Impact Assessment has not been undertaken, he considers that human health has been assessed within the Planning Application documents, principally in ES Chapters on Population and Human Health (Chapter 13); Air Quality (Chapter 6); Landscape and Visual Impacts (Chapter 8); and Noise and Vibration (Chapter 10).
- 4.25 On the basis of the above, I am satisfied that the Acquiring Authority has responded fully, so far as is possible, to the Objections made.

Stephen Smith (Objection 6) [CDJ.5] – Statutory

Plot 4/a in respect of a right of way

- 4.26 The grounds of Mr Smith's Objection concern the impact on his utility services and water supply, together with a concern that his access will be more dangerous and difficult as a result of the Scheme. He also makes reference to the potential for noise disruption.

Acquiring Authority's response

- 4.27 I understand that the Acquiring Authority has made enquiries of Thames Water regarding the adoption/diversion of utilities and meter relocation. Regular meetings are ongoing between Acquiring Authority, Mr Smith and Thames Water with a view to establishing how Mr Smith's water supply will be diverted and meter relocated. It is also the intention to minimise any disruption which may impact on Mr Smith and his property.
- 4.28 The Acquiring Authority emailed Mr Smith on 10 February 2023 and had a telephone conversation with Mr Smith on 24 February 2023 in response to his concerns over highway safety.
- 4.29 The Acquiring Authority believes that the Scheme will improve the current access arrangement, to and from Mr Smith's property, as the visibility and safety of the access will be improved. As has been further explained in the evidence of Karl Chan on technical highways engineering matters, the B4015 Oxford Road connection with the proposed bypass is being moved some 110 metres further west and will create a far better design of standard T-junction along with better visibility of traffic approaching Mr Smith's access, both from the proposed bypass and the B4015 Oxford Road, than is currently experienced through the current dog-leg angle of the B4015 Oxford Road directly at the point of the current access.
- 4.30 In respect of noise impacts, the Environmental Statement (Chapter 10 Noise and Vibration, **[Core Document Ref A.15]**), states in Table 10.14: Summary of operational traffic environmental effects, the following:
- “Introduction of new road to north west of the edge of the village results in moderate increases at some facades of these two properties (The Coppice and The Old Stables) in the Short Term (ST) and Long Term (LT). Minor increases at other facades in ST and LT. Low noise surfacing included on this section of the Scheme, sensitivity test indicates potential reductions of around 1.5 dB which will reduce the magnitude of impact to minor in the ST and LT. Introduction of new road has potential to change residents' response to traffic noise.”*
- 4.31 The above is further supported by the proof of evidence provided by Andy Paggett on Noise and Vibration.

- 4.32 On the basis of the above evidence, I consider that although it appears that there may be some moderate increases to noise at the Objector's property in the short-term and the long-term as a result of the Scheme, there will be improvements in terms of the safety and visibility of the vehicular access on to the B4015 to and from Mr Smith's property as a result of the Scheme. The Acquiring Authority has confirmed that it is liaising and will continue to liaise with Thames Water in respect of the diversion of Mr Smith's water supply and metre relocation with the intention of minimising any disruption. On the balance of the above evidence, I consider that the overwhelming social and economic public benefits that the Scheme will outweigh the moderate to minor limited adverse effects on the property and the Objector, Mr Smith.

Mays Properties Limited (Objection 7) [CDJ.6] – Statutory

Plots: 1/6a and 1/6b

- 4.33 Mays Properties Limited (**MPL**) have objected to the CPO on a number grounds. Those grounds are: 1) that making of the CPO is premature due to the lack of an implementable planning permission; 2) that it is unclear given significant cost inflation how any shortfall in funding for the Scheme would be covered by the Acquiring Authority and, as such, it would be premature to confirm the CPO without certainty of funding; 3) there has been inadequate attempts made to acquire the land by private treaty; 4) no part of the proposed road, cuttings or embankments is intended for plot 1/6a, therefore the land that is not required for the purpose of the construction of the highway and should be deleted from the CPO; 5) no part of the CPO authorises the taking of any land for temporary purposes therefore such plots as are not required for permanent compulsory acquisition should be deleted from Schedule 1 of the CPO; 6) the proposed stopping up of Backhill Lane will, if confirmed, remove existing rights of access to MPL's retained land.

- 4.34 MPL also submitted a Statement of Case in relation to the Orders Inquiries [CDM.2].

Acquiring Authority's response

- 4.35 In response to MPL's first ground of objection that the making of the CPO is premature due to the lack of an implementable planning permission, it should be noted that the Orders are now being heard in conjoined Inquiries together with the called-in Planning Application and, as such, the matter of planning consent will be addressed in the Inquiries forum by the Secretary of State for Levelling Up, Housing and Communities, who is now the determining authority for the Application. In the proof of evidence presented by Bernard Greep on planning matters he has set out his opinion as to why planning permission for the Scheme should be granted. Should the Secretary of State for Levelling Up, Housing and Communities choose to grant planning permission for the Scheme then there will be no planning impediment to the delivery of the Scheme and this ground will be addressed.
- 4.36 In respect of ground 2), MPL has stated that the Acquiring Authority needs to identify that it has the necessary funding to implement the Scheme. MPL has stated that whilst the Scheme is funded by HIF1 funding together with a commitment from the Acquiring Authority to meet any shortfall from its own funds and borrowing, given the likely increase in costs due to significant cost inflation, there is no clarity that this would be sufficient and therefore it is premature to confirm compulsory purchase powers without certainty of funding. However, the Acquiring Authority considers that this is incorrect. In the evidence of Timothy Mann on the funding for the Scheme and justification for the CPO he has clearly set out details of the actions that have been undertaken to assess the likely costs of the Scheme and provided clarity as to how this will be funded, along with details of the process being undertaken currently in relation to further funding as a result of the delays to the Scheme as a result of the called-in Planning Application. This evidence also outlines how likely cost inflation has been accounted for within the funding arrangements.
- 4.37 MPL has also objected on the grounds that there have been insufficient attempts to acquire the land for the Scheme by private treaty. However, the Acquiring Authority and Gateley Hamer have had regular and ongoing discussions with MPL's land agent, Henry

Church of CBRE. Following the finalisation of the Scheme design in December 2022, the Acquiring Authority and Gateley Hamer entered into discussions regarding heads of terms for a voluntary agreement in January 2023 with initial heads of terms being drafted by Mr Church. Discussions, although protracted, have been productive and the parties are close to agreeing heads of terms for the acquisition of land and rights as required for the Scheme. If heads of terms are agreed then it is the intention of the parties to instruct solicitors to draft the subsequent legal agreement. MPL has indicated that it would withdraw its objection to the CPO on the documenting of the legal agreement. The Acquiring Authority has confirmed that its preference is to reach a voluntary agreement with MPL and it will continue its discussions with MPL right up until the implementation of powers, should the Secretary of State for Transport see fit to confirm the CPO. However, should it not be possible to reach an agreement, then compulsory purchase powers are required to ensure that the Acquiring Authority can secure the land and rights it requires to deliver the Scheme within a reasonable timeframe.

- 4.38 In relation to grounds 4) and 5) relating to the inclusion of plots, in particular the inclusion of plot 1/6a, MPL misunderstands the principles of compulsory purchase under the CPO. In his evidence on technical highways engineering matters for the A4130 Widening and Science Bridge sections of the Scheme, Andy Blanchard has explained that the land which comprises plot 1/6a is required for the purposes of working space during construction. If this plot is not available during construction then the lack of working space in this area will present significant challenges during construction and will have the effect of increasing the construction costs and the period of construction for this section of the Scheme. Although this plot would only be required temporarily during construction, there is currently no ability to temporarily acquire land under a compulsory purchase order. Land that is required for the construction and facilitation of the Scheme (rather than being the line of the proposed adopted highway itself) must be included as a permanent land acquisition for the Acquiring Authority, to ensure that the Acquiring Authority is in a position to deliver the Scheme. This does not negate the need for the Acquiring Authority to continue to negotiate with parties to acquire the necessary use of and/or rights over that land on a temporary basis by way of its licensed use through private treaty, but the CPO must account for the worst-case scenario to ensure delivery of the Scheme. As such, the land is not surplus to the requirements of the Scheme.
- 4.39 In relation to the ground of objection that addresses the stopping up of Backhill Lane private access road removing the rights of access to the MPL's retained land, the SRO provides for provision of new private means of access as part of the Scheme.
- 4.40 Although the stopping up of the Backhill Lane private access road will remove the rights of access to MPL's retained land, the Scheme and its SRO includes a new Link Road highway, referenced 1/A on Site Plan 1A of the SRO (CDH.4). A number of new private means of access to premises (**PMA**) will be provided off its eastern and western sides and southern termination point, to all premises (land) around the proposed Link Road. In respect of access to MPL's land, two short new highway spurs (referenced 1/B and 1/C on Site Plan 1A of the SRO) will be provided off the western side of new highway (referenced 1/A). Off the western end of each of those highway spurs will be provided a new means of access (referenced 1/1a and 1/1b on Site Plan 1A), to and from the MPL land. The Acquiring Authority considers that these new highways and new PMAs provide another reasonably convenient means of access to the MPL premises, to replace the length of the Backhill Lane PMA, which is to be stopped up.
- 4.41 The new proposed access arrangement is also shown on the Revised General Arrangement Drawing plan reference GEN_PD-ACM-GEN-DGT_ZZ_ZZ_ZZ-DR-T-0001 P04 [CDD.1].
- 4.42 A record of the engagement that the Acquiring Authority and Gateley Hamer has had with MPL is appended to this proof evidence at Appendix SM2.7.

CPRE (the Countryside Charity), the Ramblers and Oxford Fieldpaths Society
(objections 9, 30 and 34) [CD7.8 and CDJ.27] – Non-statutory

- 4.43 These Objections are in identical terms. The Objectors are concerned that the extinguishment of Appleford Bridleway No. 3 would force non-motorised users to use roads which are unsuitable for their needs. The Objectors have proposed an alternative route following the railway fence which they say will provide a safe alternative route for walkers and cyclists. In addition, the Objectors have also objected to the proposed extinguishment of the Clifton Hampden Footpath No.6. They have also proposed a further alternative route diverting the footpath along the north side of the bypass fence to meet footpath No. 3 following a field rather than the road.
- 4.44 The Objectors have also submitted a Statement of Case relating to the Orders Inquiries [CDM.8] Copies of the Proof of Evidence submitted by David Godfrey on behalf of the Ramblers and Oxfordshire Fieldpaths Society and Nicholas Moon on behalf of CPRE will be added to the Inquiries library and given core document references in due course.

Acquiring Authority's response

- 4.45 The Acquiring Authority and Gateley Hamer held a meeting with Oxford Fieldpaths Society on Thursday 6 July 2023 to discuss its Objection. At this meeting, it was stated that the local representative from CPRE was currently out of the country, but the Oxfordshire Fieldpaths Society representative confirmed that the parties are essentially presenting the same concerns and will be representing each other.
- 4.46 The Acquiring Authority has explained that the alternative to Bridleway No.3 as proposed by these Objectors would have a significant impact on the allocated Local Development Order (LDO) site, which is currently being determined within the planning process. The Scheme provides a 2m wide footway and 4m wide bi-directional integral cycle track, 2m wide grass verge and 1m wide hard strip to the east of the proposed carriageway. The Acquiring Authority considers that the grass verge and hard strip would provide suitable facilities for use by those equestrians who did not wish to use the carriageway of this length of the new road. Further information on the alternative route for the Appleford Bridleway No.3 is outlined in the evidence provided by Karl Chan on technical highways engineering matters for the River Crossing and Clifton Hampden Bypass sections of the Scheme.
- 4.47 In relation to Footpath No.6, I understand that the Acquiring Authority has explained that the alternative as proposed by the Objectors would hinder farmers' access to fields in their ownership and would also have a negative impact on the proposed woodland planting. Further information on the proposed design and new route of the footpaths has also been outlined in the evidence presented by Karl Chan on technical highways engineering matters.
- 4.48 In addition to the above, the Objectors have also raised concerns in relation to health and well-being but have not provided further details of their concerns. In respect of concerns about the impact of the Scheme on health and well-being these matters have been considered by Alex Maddox on Environmental matters including health and well-being. In his evidence in Section 4 he has concluded that whilst a standalone Health Impact Assessment has not been undertaken, he considers that human health has been assessed within the Planning Application documents, principally in ES Chapters on Population and Human Health (Chapter 13); Air Quality (Chapter 6); Landscape and Visual Impacts (Chapter 8); and Noise and Vibration (Chapter 10).
- 4.49 On the basis of the above evidence, the Acquiring Authority considers that the Scheme is the best solution available to deliver the public benefits proposed. It is in accordance with the Development Plan for the local area and provides suitable facilities for non-motorised users across the Scheme, including at the locations of the proposed stopped up Bridleway and Footpath.

Sutton Courtenay Parish Council (SCPC) (Objection 10) [CD J.9] – Non-statutory

4.50 This objection made by Sutton Courtenay Parish Council has been submitted on the grounds that 1) the Scheme fails to meet its objectives as detailed in Table 2 at paragraph 5.2 of the CPO; 2) there are a number of concerns in relation to the technical design of bridges and junctions that are to be delivered by the Scheme; 3) concerns in relation to proposals to carry out 'value engineering' and how that will affect sustainable transport and other mitigation as well as in relation to the funding for the Scheme and; 4) concerns in relation to the Scheme's impact on congestion, pollution and landscape. The Parish Council also presents an alternative option as part of this objection, which provides for an alternative layout for the junction between the B4016 Appleford Road and the link road that forms part of the Didcot to Culham River Crossing section of the Scheme.

4.51 Although the Sutton Courtney Parish Council objection represents a separate objection in its own right, it is closely related to the objection of the Neighbouring Parish Councils – Joint Committee (NPC-JC) and the objections of other neighbouring Parish Councils.

Acquiring Authority's response

4.52 The grounds of objection raised by Sutton Courtenay Parish Council (SCPC) have been addressed by the Acquiring Authority in its Statement of Case or in evidence submitted by others referred to below in my Proof of Evidence.

4.53 SCPC has objected to the Scheme on the grounds that the Scheme fails to meet its objectives detailed in Table 2 at paragraph 5.2 of the Order. In the evidence provided by Aron Wisdom, he has clearly set out in section 7 how the Scheme meets all of its objectives by unlocking the delivery of new homes and jobs whilst supporting economic growth, it provides additional resilience for the transport network which will be flexible to cope with future uncertainties and it provides and enables opportunities for sustainable travel.

4.54 In its objection, SCPC has raised a number of concerns in relation to the technical design of bridges and junctions that are to be delivered by the Scheme. This ground of objection is addressed in the evidence of Karl Chan, who has explained how the junctions are needed to provide access to the B4016 with A4197. Without the junctions the B4016 would have to be stopped up and there would be no direct connection between Appleford and Sutton Courtenay.

4.55 Furthermore, the evidence provided by Claudia Currie of Atkins on Traffic Modelling explains how, following previous and further traffic modelling which has been commissioned by the Council, the conclusion has been reached that the roundabout is required as part of the Scheme to enable the traffic benefits in this area.

4.56 It is clear that the alternative would be contrary to the core Scheme objectives presented in Table 2. On the basis of the above, the Acquiring Authority considers that the Scheme is the best solution available to deliver the benefits proposed and that it does deliver on all of the objectives.

4.57 SCPC has raised concerns in relation to the technical design of the proposed Didcot Science Bridge. Concerns in relation to this element of the Scheme focus on the bridges elevation and its potential to increase traffic congestion. The proof of evidence of Andrew Blanchard has acknowledged its significant elevation above ground levels but has explained how it has been carefully designed, in conjunction with Network Rail, in order to safely clear the existing Great Western Rail line and its overhead electrical power wires (by 7.5m in accordance with Network Rail requirements) and minimise disruption to the railway during construction.

4.58 SCPC has also raised concerns in relation to the technical design of the proposed River Thames bridge. It concerns here focus on the proposed bridge's adverse impact on the landscape of the area and the engineering and financial difficulties that the construction of the bridge presents. The proof of evidence of Karl Chan explains how the River Thames bridge and viaduct, design has been developed in accordance with DfT's Design

Manual for Roads and Bridges (DMRB). He has also explained that from an engineering design point of view, there is no concern about the feasibility of the bridge structure and viaduct. He has outlined in Section 4 of his evidence the bridge design considerations.

- 4.59 In its objection, SCPC has also raised concerns in relation to proposals to carry out 'value engineering' and how that will affect sustainable transport and other mitigation, as well as concerns in relation to the funding for the Scheme and its deliverability. In the evidence provided by Timothy Mann on Compulsory Purchase Justification, he has clearly set out how the Scheme will be funded and delivered.
- 4.60 In respect of SCPC's concerns in relation to the Scheme's impact on congestion, pollution and landscape, the evidence provided by Claudia Currie on Traffic Modelling; Anna Savage on Air Quality; and Jane Ash on Landscape and Visual Impact has addressed those concerns.
- 4.61 On the basis of the evidence referred to above, I am satisfied that this objection has been fully responded to and the objection points raised addressed.

Thames Water Limited (Objection 11) [CDJ.10] – Statutory

Plots: 17/11a, 17/11b, 17/11c, 17/11d, 17/11e, 17/11f, 17/11g, 17/11h, 17/11i and 9/24

Reputed owners – Plots: 17/14a and 17/14b

- 4.62 This objection is on the ground that Thames Water's land, which it has safeguarded for future intensification of its operational assets, is unnecessary for the Scheme if a re-design took place. Thames Water also states that there has been no negotiation for acquisition and a lack of detail on the Scheme provided.
- 4.63 Thames Water also submitted a Statement of Case to the Orders Inquiries [CDM.5]. I understand that an extension to the timing for the proof of evidence of Robert Smith of Bruton Knowles on behalf of Thames Water has been requested until 23 February 2024 and that, as such, the Acquiring Authority has also requested an extension until 19 March for a response to this proof of evidence, when it is provided. As such, a further update will be provided in relation to Thames Water at that time.

Acquiring Authority's response

- 4.64 Gateley Hamer held a Microsoft Teams meeting with Thames Water's agent, Robert Smith in May 2023 to discuss the Objection and gain a better understanding of the issues raised. The Acquiring Authority and Gateley Hamer subsequently conducted a site visit and meeting with Thames Water and its agent in June 2023 to discuss the Scheme proposals and gain a better understanding of how the proposals would impact on the Objector's land and the operation of its asset. Thames Water has suggested that these plots of the Order Land, which are required for the Scheme, are earmarked for the future expansion of the Treatment Works. Currently it comprises non-operational land located at the front of the Thames Water site. Thames Water has stated that this land is required in order to meet an anticipated increase in demand, which will result from an anticipated increase in the population of the local area and that the proposed future expansion of the Treatment Works would have taken place within the next 2-5 years.
- 4.65 In objecting, Thames Water has suggested that there has been a lack of consultation from the Acquiring Authority in relation to the Scheme proposals. However, the land has been safeguarded for the Scheme in the South Oxfordshire Local Plan (policy ref TRANS3) since 10 December 2020. Furthermore, the Acquiring Authority has been in contact with Thames Water since January 2021 regarding the Scheme and access to its site for the purpose of ground investigation surveys and in regular correspondence with its current agent since February 2023 after they were instructed, Thames Water having previously been represented by Savills during previous engagement. Thames Water has not objected to the safeguarding provisions and had not previously raised any concerns with regard to conflict between the Scheme and its proposals for the expansion of the Treatment Works, as far as the Acquiring Authority is aware. Thames Water's proposals

to expand the existing Treatment Works would require planning permission, for which no application has been submitted to date. Had such an application been submitted then the Acquiring Authority would have been notified and would have objected under Safeguarding provisions.

- 4.66 Thames Water has stated that the expansion of the Treatment Works is required in order to accommodate future growth in demand due to an anticipated future growth in the local population. In its Statement of Case [CDM.5], Thames Water has specifically referred to the proposed new housing development at Culham Science Centre and the Berinsfield Garden Village development, which will bring forward 3,500 and 1,700 new homes respectively as being a significant reason for such an increase in demand. However, in part, this anticipated increase in the local population is a consequence of additional local housing, which can only be brought forward if the proposed highways infrastructure improvements that the Scheme will deliver are completed, as per the South Oxfordshire Local Plan. This is outlined in greater detail in the evidence presented by Bernard Greep on Planning.
- 4.67 In Thames Water's Statement of Case, it has indicated that it has carried out a process of designing solutions to meet future projected growth as part of producing its AMP8 Business Plan (PR24 (Price Review 2024)) and that the preferred solution is for an extension of the existing equipment at the Culham Treatment Works. However, no further information has been provided, nor specific explanation and justification for why this can only be achieved through the expansion of the Culham Treatment Works and why other potential solutions might not be suitable/feasible. Furthermore, in respect of the further proposed housing development at Berinsfield, the Culham Treatment Works is located approximately 2.4 miles west of the proposed development and it is noted that there are a further four Thames Water Treatment Works located within a three-mile radius of the site. This includes the treatment works at Nuneham Courtney, located approximately 2.2 miles North-West; Stadhampton, 1.8 miles North-East; Dorchester, approximately 1 mile south; and Long Wittenham, approximately 1.87 miles South-West. It is understood that the Treatment Works at Dorchester are/have recently been upgraded, with a £2 million investment due to be completed in 2023 according to information on the Thames Water website.
- 4.68 For the reasons detailed above, it is considered that without the Scheme an expansion of the Treatment Works to the extent proposed would not appear to be necessary. Furthermore, Thames Water has not provided sufficient information and evidence to justify its case that the expansion proposed at the Culham Treatment Works is the only reasonable solution for it to meet future demands. As such, the Acquiring Authority is of the opinion that the expansion of the Treatment Works cannot come before the Scheme.
- 4.69 Thames Water has suggested that the Scheme could be redesigned in order to avoid the need to acquire land from Thames Water and that there is other, more suitable, land available. However, Thames Water has not identified any more suitable alternatives or alternative land that is available in its representations to date.
- 4.70 Following a site visit in June 2023, the Acquiring Authority has considered whether a realignment of the Scheme is possible in order to avoid the need to acquire land from the Treatment Works. As described in the evidence presented by Karl Chan on the technical highways engineering for the Clifton Hampden section of the Scheme, the Acquiring Authority has concluded that this would not be possible owing to the limited land that is available and suitable on either side of the current road alignment.
- 4.71 In July 2023, following a further review of the Scheme design, an alternative proposal for a voluntary agreement was proposed to Thames Water. This alternative proposal would involve the redesign and relocation of a drainage culvert and result in an overall reduction in the area of land that would be required permanently from Thames Water. Under this alternative proposal, some of the land would only be required temporarily during the works and could be returned to Thames Water on completion of the Scheme, facilitating a further expansion of the Treatment Works. The technical aspects of this proposal are

explained in greater detail in the evidence provided by Karl Chan on technical highways engineering for the Clifton Hampden section of the Scheme.

- 4.72 Thames Water did not formally respond until 20 October 2023 to confirm that this alternative proposal would not be suitable, as it would still conflict with its proposed expansion proposals. Instead, Thames Water has expressed a preference for the Acquiring Authority to secure further land from neighbouring landowners, to replace that which is required for the Scheme. However, the Acquiring Authority has explained that it is unable to acquire additional land for the purposes of expanding the Treatment Works under the CPO for the Scheme. Although, in the interests of reaching a voluntary agreement with Thames Water, the Acquiring Authority is exploring this possibility, any such suitable land would be located outside of the red line boundary for the Scheme and would require planning permission. It would also be subject to reaching a voluntary agreement with third party landowners and, therefore, the Acquiring Authority cannot provide any certainty that such land can be secured and would be suitable for this purpose.
- 4.73 Thames Water as a statutory undertaker possess their own powers of compulsory purchase under Section 155 of the Water Industry Act 1991 whereby a relevant undertaker can be authorised by the Secretary of State for Defra to purchase compulsorily any land anywhere in England and Wales which is required by the undertaker for the purposes of, or in connection with, the carrying out of its functions. In Thames Water's Statement of Case, it has confirmed that if the non-operational land is acquired under the CPO, it may need to use its compulsory purchase powers in order to acquire additional land adjacent to the current site for the purposes of expanding the Treatment Works to meet the anticipated increase in demand before 2031. Thames Water has stated that it would be unable to do this within the current timeframes, however no programme details have been provided by it. It should be noted that Thames Water will have seven years within which to secure additional land and complete the proposed upgrades required before 2031.
- 4.74 Despite the above, in view of reaching an agreement with Thames Water, the Acquiring Authority and Gateley Hamer have attempted to explore the possibility of acquiring additional land to facilitate an expansion of the Treatment Works from the adjacent landowner. In that regard they have had informal discussions with the agent acting for the adjacent landowner who has invited the Acquiring Authority to put forward a proposal such that their client could give this consideration. On 6 December 2023, Gateley Hamer forwarded plans for two alternative options to Thames Water's agent for consideration. However, they did not receive a response until 3 January 2024, when Thames Water's agent confirmed that the proposals put forward would not be suitable owing to the size of the apparatus that would need to be installed/constructed on the land. Subsequently a further proposal, having regard to the feedback received, was forwarded to Thames Water's agent on the 15 January 2024 and the Acquiring Authority is currently awaiting further feedback on this proposal.
- 4.75 The Acquiring Authority and Gateley Hamer are continuing to engage with Thames Water and its agent, Bruton Knowles, to understand its reasoning and will continue to work with Thames Water to explore further alternative options. However, for the reasons cited above the Acquiring Authority is of the opinion that a significant part of the increase in demand which would result in the requirement for additional land to expand the Treatment Works would not arise but for the Scheme. In the short-term, the acquisition of the non-operational land to the front of the Treatment Works will not prevent Thames Water from carrying out its statutory function. Additionally, Thames Water has not provided sufficient information and justification to explain why upgrades in infrastructure both at the Culham Treatment Works and at other Thames Water Treatment sites in the locality cannot be achieved through other potential solutions. In the medium to long term, Thames Water could implement compulsory purchase powers to acquire additional land required for the expansion of Treatment Works in the locality if negotiations to reach a voluntary agreement were not successful. If the proposed public benefits that the Scheme will deliver are to be achieved, then the Scheme must be delivered first.

- 4.76 A record of the engagement that the Acquiring Authority and Gateley Hamer have had with Thames Water and its appointed agents, Bruton Knowles is appended to this proof evidence at Appendix SM2.14.

Appleford Parish Council (APC) (Objection 12) [CD J.11] – Non-statutory

- 4.77 This objection made by Appleford Parish Council (APC) has been submitted on the grounds that 1) the Orders and joint Statement of Reasons have failed to demonstrate a compelling case in the public interest for the Scheme; 2) they have objected on the basis of the Scheme's impact on the health and wellbeing of the local community and on the basis of environmental concerns relating to air quality and noise pollution; 3) proposed an alternative route that they believe would be technically feasible; 4) there has been a lack of consultation in respect of the Scheme; 5) the Scheme is incompatible with climate change policy and legislation; 6) the Scheme will have a negative impact on biodiversity; 7) the traffic modelling assessment is flawed; 8) they have concerns about road safety; 9) the Scheme does not comply with the NPPF; 10) the Scheme does not comply with the LTCP and the Scheme is not necessary to deliver the housing in the Vale of White Horse (VoWH) Local Plan 11) there is no certainty as to funding and 'value engineering' is recognition by the Acquiring Authority of a lack of funds; 12) the Scheme fails to meet its objectives as detailed in Table 2 at paragraph 5.2 of the CPO.
- 4.78 Although the APC objection represents a separate objection in its own right, it is closely related to the objection of the Neighbouring Parish Councils – Joint Committee (NPC-JC) and the objections of other neighbouring Parish Councils.

Acquiring Authority's response

- 4.79 The grounds of objection raised by APC have been dealt with by the Acquiring Authority in its Statement of Case or in evidence submitted by others referred to below in my Proof of Evidence.
- 4.80 APC has stated in its objection that the Orders and joint Statement of Reasons have failed to demonstrate a compelling case in the public interest for the Scheme. However, the evidence provided by Aron Wisdom has supported the case made in the Acquiring Authority's Statement of Case in respect of the need for the Scheme and the public benefits provided. Furthermore, the compelling case in the public interest has been considered further in the evidence provide by Timothy Mann. In his evidence, he has concluded that there is a compelling case in the public interest for the CPO.
- 4.81 In its objection, APC has objected on the basis of the Scheme's impact on the health and wellbeing of the local community and on the basis of environmental concerns relating to air quality and noise pollution. They have also raised concerns about the Environmental Statement.
- 4.82 In the proof of evidence of Anna Savage on air quality, she has responded to the points raised by APC in relation to air quality and has concluded that in her professional view the impacts are not significant. In respect of the objections received on the basis of air quality, she has concluded that the comments raised have been responded to and none would alter the conclusions of the ES that there are no significant impacts on air quality due to the Scheme.
- 4.83 In respect of concerns raised with regard to noise pollution, the proof of evidence of Andrew Paggett has responded to the objections received from APC in respect of the Scheme's impact on noise pollution.
- 4.84 The potential effects on health and well-being as well as the adequacy of the ES have been considered by Alex Maddox in his proof of evidence. In section 3 of his evidence, he has responded to the points raised by APC and has concluded that the ES is considered to be an adequate prediction of likely significant environmental effects of the Scheme, and it is considered to comply with the requirements of the EIA Regulations 2017, in all respects, including providing a description of reasonable alternatives. In

section 4 of his evidence Mr Maddox has considered whether a Health Impact assessment should have been undertaken but has concluded that whilst a standalone Health Impact Assessment has not been undertaken, it is considered that human health has been assessed within the Planning Application documents, principally in ES Chapters 6 on Air Quality, 8 Landscape and Visual Impacts, 10 on Noise and Vibration and 13 on Population and Human Health. He confirms that officers at the LPA considered that the above assessments provide sufficient information for a judgement in respect of the impacts of the Scheme on human health to be made.

- 4.85 In its objection, APC has also proposed an alternative route, which would involve moving the road further west and away from the village of Appleford. This is addressed in the proof of evidence of Aron Wisdom. He has concluded that the alternatives to the Didcot to Culham River Crossing, as suggested by Appleford (Parish Council and residents), have been shown to have deliverability issues and have therefore been ruled out. It should be noted that the Applicant, where possible, has realigned the Didcot to Culham River Crossing further away from Appleford, north of the level crossing.
- 4.86 APC has also stated in its objection that there has been a lack of consultation in respect of the Scheme. It should be noted that there has already been extensive consultation undertaken as part of the usual planning process in connection with the Planning Application for the Scheme, which is considered further in section 9 of the proof of evidence of Aron Wisdom.
- 4.87 In its objection, APC has stated that the Scheme is incompatible with climate change policy and legislation. This issue is considered further in the proof of evidence of Chris Landsburgh. He has concluded that the Scheme represents a forward-looking and environmentally conscious project, demonstrating a strong alignment with current and emerging policies and recommendations in the realms of sustainable development and climate change mitigation, and that the Scheme aligns with existing statutory obligations and environmental standards.
- 4.88 APC has also stated that the Scheme will have a negative impact on biodiversity, which is addressed in the proof of evidence of Alex Maddox
- 4.89 In respect of traffic modelling for the Scheme, APC has also stated in the objection that the traffic modelling assessment is flawed as it does not take into account induced demand. The proof of evidence of Claudia Currie addresses this issue.
- 4.90 APC has also stated that they have concerns about road safety, which are addressed in the proof of evidence of Karl Chan.
- 4.91 APC has also made objections in respect of planning related matters, which are addressed in the proof of evidence of Bernard Greep and John Disley.
- 4.92 APC has also raised a concern in its objection there is no certainty as to funding and 'value engineering' is recognition by the Acquiring Authority of a lack of funds. This is addressed in the proof of evidence of Timothy Mann.
- 4.93 APC's final ground of objection raised is that the Scheme fails to meet its objectives as detailed in Table 2 at paragraph 5.2 of the CPO. In the evidence provided by Aron Wisdom, he has clearly set out in section 7 how the Scheme meets all of its objectives by unlocking the delivery of new homes and jobs whilst supporting economic growth, it provides additional resilience for the transport network which will be flexible to cope with future uncertainties and it provides and enables opportunities for sustainable travel.
- 4.94 On the basis of the evidence referred to above, I am satisfied that this objection has been responded to fully and that all points of objection raised have been addressed.

UKAEA (United Kingdom Atomic Energy Authority) (Objection 13) [CDJ.12] – Statutory

Plots: 16/13a, 16/13b, 16/13c, 16/13d, 16/13e, 16/13f, 16/13g, 16/13h, 16/13i, 16/13j, 16/13k, 16/13l, 16/13m, 16/13n, 16/13o, 16/13p, 16/13q, 16/13r, 16/13s, 16/13t, 16/13u, 16/13v, 16/13w, 16/13x, 16/13y, 16/13z, 16/13aa, 16/13bb, 16/13cc, 16/13dd, 16/13ee, 16/13ff, 16/13gg, 16/13hh, 16/13ii, 16/13jj, 16/13kk, 17/2a, 17/2b, 17/2c, 17/2d, 17/2e, 17/2f, 17/2g, 17/2h, 17/2i and 17/2j

- 4.95 UKAEA is highly supportive of the Scheme but has objected as it is concerned about the use of compulsory purchase powers on the basis that there has been limited engagement to address its practical concerns regarding how access to the estate and perimeter road will be maintained, both during construction and on completion of the Scheme, and concerns as to the impact of the Scheme on UKAEA's own construction plans and development proposals, with which the Scheme conflicts.

Acquiring Authority's response

- 4.96 UKAEA has previously stated that there have been inadequate attempts to acquire its interest by agreement. I understand that there had been significant engagement between the Acquiring Authority and UKAEA at a senior level regarding the Scheme and proposals prior to the making of the CPO in December 2022.
- 4.97 In considering the Scheme design, the Scheme proposals had been designed with a view to accommodating the future development proposals for the UKAEA estate. Evidence as to how the Scheme has been designed to accommodate UKAEA's future development proposals is outlined in the evidence presented by Karl Chan on technical highways engineering.
- 4.98 Land plans outlining the Acquiring Authority's proposals for a voluntary agreement were issued to UKAEA following the finalisation of the Scheme design in December 2022. Upon reviewing the proposals, UKAEA raised a number of concerns, particularly in relation to access and has advised the Acquiring Authority that the Scheme proposals conflict with UKAEA's own redevelopment proposals, including proposals to redevelop the estate's Main Gate, entrance and access road and also in respect of further development proposals to create a new car parking area and the proposed future redevelopment, and relocation of an onsite nursery facility. A meeting took place in January 2023 with UKAEA and its agent, Harry Younger of Carter Jonas, to discuss the Scheme proposals and UKAEA's concerns, and the Acquiring Authority and Gateley Hamer have been in regular correspondence with UKAEA and its agent since that time. This has included further meetings and a site visit in July 2023.
- 4.99 In its objection, UKAEA has raised concerns that the entrance and access to the estate is to be stopped up under the SRO and that land which comprises part of the estate is to be acquired under the CPO. UKAEA has stated that it is essential that the main access to the estate, as well as access to the estate's perimeter road, is maintained at all times. Access to the perimeter road is understood to be vital to the security and servicing of the estate as well as for construction and emergency vehicle access. The Acquiring Authority has met with UKAEA on a number of occasions and listened to their concerns. The Acquiring Authority has confirmed that it is its intention that access to the estate and the perimeter road will be maintained at all times during the construction works. The Acquiring Authority has confirmed that its contractors will be required to ensure that access is maintained at all times during the works. The Acquiring Authority has also confirmed that its contractors will be instructed to liaise with UKAEA to agree and confirm details of how this will be achieved and what the arrangements will be during the detailed design stage immediately prior to construction. On completion of the Scheme, a new PMA to the estate will be provided, which will also enable access to the estate's perimeter road.
- 4.100 UKAEA has also objected on the grounds that the manner of the implementation of the Scheme is challenged. It has stated that it objects to the compulsory purchase of land that is only required for construction. UKAEA understands that under a compulsory

purchase scenario, the Acquiring Authority would not have the power to temporarily occupy land. UKAEA has stated that it would be willing to grant temporary rights to the Acquiring Authority over this land to facilitate the construction of the Scheme under a voluntary agreement. In this regard, discussions have taken place between the Acquiring Authority and Gateley Hamer and UKAEA regarding a voluntary agreement. The proposed agreement would allow the acquisition of the land which is required permanently for the Scheme and the temporary occupation under a licence agreement of the land which is only required temporarily during construction. Discussions have progressed well and are expected to be concluded shortly before the Public Inquiries. UKAEA has confirmed that it would be prepared to withdraw its objection on the agreement of appropriate heads of terms.

- 4.101 In addition to the above, UKAEA has also raised concerns that the proposals to create a new PMA to the estate conflict, in part, with UKAEA's own development proposals to create a new car park. These concerns were discussed during a meeting in March 2023 and subsequently the Acquiring Authority and UKAEA exchanged digital copies of plans of their respective schemes in order to establish how they conflicted. The Acquiring Authority has since confirmed that Plot 16/13cc, which also comprises land that is part of UKAEA proposals to create a new car park, is required for the Scheme in order to provide an access road from the new road which creates a new PMA to the estate and the perimeter road. This road is also required in order to re-provide existing private rights of access over the perimeter road for third party landowners. For this reason, it is essential that the land remains in the CPO. However, should UKAEA complete its proposed car park development before the Acquiring Authority's Scheme commences, then the Acquiring Authority has confirmed that it would not look to construct the proposed road over plot 16/13cc to provide access to the perimeter road, providing that a suitable access to the perimeter road and alternative private rights of access for all third-party landowners have been provided under UKAEA's own development proposals. This also forms the basis of the voluntary agreement that is to be agreed between the parties.
- 4.102 A record of the engagement that the Acquiring Authority and Gateley Hamer have had with UKAEA and their appointed agents, Carter Jonas is appended to this proof evidence at Appendix SM2.17.

Caudwell and Sons Limited, Morrells Farming Limited, Emmett of Drayton Limited, Mrs Veitch, Lavinia Taylor, David Morrell and Catherine Ballard, Morrells Holdings Limited (objections 14, 20, 21, 22, 23 and 24) [CDJ.13, CDJ.17, CDJ.18, CDJ.19, CDJ.20 and CDJ.21] – Statutory objectors)

(plot numbers as noted below under each individual landowner)

- 4.103 These parties are all represented by Adkin and Montagu Evans and their objections are framed in identical terms, save for specific details of the negotiations which have taken place with the particular landowners and the particular impacts on the individual landholdings. They have confirmed that they do not object to the principle of the Scheme but object to the CPO on the basis of an alleged lack of engagement and the manner in which the Acquiring Authority has conducted itself. As grounds for the Objections, they have referred to 1) a lack of engagement and meaningful negotiations by the Acquiring authority and a failure to adhere to the Guidance; 2) insufficient justification for the use of compulsory purchase powers on account of a lack of engagement and meaningful negotiations; 3) a failure to minimise the extent of compulsory acquisition.
- 4.104 As a ground for their Objections, the landowners have stated that, prior to the making of the CPO, there had been a lack of engagement by the Acquiring Authority and a lack of meaningful negotiations in respect of the voluntary acquisition of the land required for Scheme. As a consequence, they have stated that the Acquiring Authority and its representatives have failed to comply with the Guidance in their approach to engaging with affected landowners. The Objectors have stated that there has been limited engagement by the Acquiring Authority and that limited detail had been provided in respect of the Scheme prior to the date that the CPO was made. In support of this, they

provided a table detailing the engagement they say had taken place up to the date on which the Objections were submitted.

4.105 In addition to the above, the Objectors have also stated that there had been limited opportunity for them to input into the 'red line' plans for the Scheme prior to the making of the CPO and receiving the statutory notices of making. They also state that there had been a lack of proper meaningful negotiations in respect of reaching a voluntary agreement for the acquisition of the land and rights which are required for the Scheme, with no heads of terms for such an agreement having been prepared and submitted to the landowner for consideration and negotiation in advance of the CPO.

4.106 Caudwell and Sons Limited submitted a Statement of Case for the Orders Inquiries [CDM4].

Acquiring Authority's response

4.107 The Acquiring Authority has acknowledged that there were delays in finalising the Scheme design. This meant that it was unable to confirm the exact extent of the land and rights which were required for the Scheme until it issued plans to landowners, which confirmed the exact extent of the land which was required, in December 2022.

4.108 However, as stated at paragraph 16.65 of the Acquiring Authority's Statement of Case [CDM.10], it is important to note that the Acquiring Authority and Gateley Hamer have been engaging with the landowner's agents regarding the Scheme and, in particular, regarding access for surveys since October 2020. Licences facilitating access for surveys were agreed in respect of land in the ownership of Caudwell and Sons Limited, Morrells Farming Limited, Emmett of Drayton Limited and Morrells Holdings Limited in early 2021. Information regarding the Planning Application for the Scheme has also been in the public domain for some time, the Planning Application for the Scheme, having been submitted and validated in November 2021.

4.109 Following the finalisation of the Scheme design, land plans confirming the extent of land and rights which were required for the Scheme were issued to landowners in December 2022. The Acquiring Authority and Gateley Hamer have been in regular correspondence with the landowners' agent with a view to progressing discussions regarding the acquisition of the land and rights required for the Scheme and with the intention of reaching a voluntary agreement with the landowners since that time.

4.110 Gateley Hamer met with the landowners' agent, Kevin Prince of Adkins, at his offices in December 2022 to discuss the Scheme plans and any queries that he or his clients may have in relation to the proposals. As detailed in the table of engagement included within the landowner's objection letters, due to a printing error, some of the plans provided at the meeting did not reflect the latest Scheme design and 'red line' boundary. However, all correct plans were promptly issued to the landowners' agent via email two days later.

4.111 It is noted that some of the engagement which took place from January 2023 up to the date that the Objections were submitted on 17 March 2023 is missing from the table provided by the landowners in their Objections.

4.112 During January 2023, further correspondence with the landowners' agent took place regarding the queries that had been raised and it was agreed that the agent would consult with their clients before confirming whether there were any further queries that they wished to raise. Further queries were subsequently received from the landowners' agent in February 2023, which the Acquiring Authority has subsequently dealt with as detailed in the landowner specific responses detailed below.

4.113 Since the Objections were received in March 2023, the Acquiring Authority and Gateley Hamer have continued to engage with the objectors with a view to reaching voluntary agreements with the landowners in respect of the acquisition of the land and rights which are required for the Scheme. A site visit with the landowners' agent was arranged and took place on 23 March 2023 during which the Acquiring Authority and Gateley Hamer

met with some of the affected landowners. During the site visit, further discussions regarding the queries raised and Objectors concerns took place and discussions regarding the potential for voluntary agreements were progressed.

- 4.114 Negotiations continued following the site visit resulting in initial draft heads of terms for voluntary agreements being issued to the landowners in June 2023. Further discussions have taken place since that time and the Acquiring Authority and Gateley Hamer will continue to negotiate with the landowners and their agent with a view to reaching voluntary agreements right up until the implementation of compulsory purchase powers should the Secretary of State for Transport see fit to confirm the Orders.

Caudwell and Sons Limited (Objection 14) [CDJ.13] – Statutory

Plots: 11/5a, 11/5b, 13/4a, 13/4b, 13/4c, 13/3a, 13/3c, 13/3d, 17/13a, 17/13b, 17/13c, 17/13d, 18/1a, 18/1b, 18/1c, 18/1d, 18/1e, 18/1f, 18/1g, 18/1h, 19/1a, 19/1b, 19/1c, 19/1d, 19/1e, 19/1f, 19/1g, 19/1h, 19/1i, 19/1j, 19/1k, 19/1l, 19/1m, 19/1n, 19/1o, 19/1p, 19/1q, 19/1r, 19/1s, 19/1t, 19/1u and 19/1v

Reputed owners – Plots: 13/5b, 13/5d, 13/5f, 13/5g, 13/5k, 17/14a and 17/14b

- 4.115 Gateley Hamer met with Caudwell and Sons Limited's agent, Kevin Prince of Adkins, at his offices on 19 December to discuss the Scheme plans and proposals for voluntary agreements. Following this meeting, it is understood that the landowner's agent met with his clients in January to discuss the Scheme proposals and the landowner's various concerns in relation to Scheme. The Acquiring Authority subsequently received a number of queries from the landowner's agent in relation to various plots in the ownership of Caudwell and Sons Limited on 14 February 2023. A response to the various queries raised was subsequently sent to the landowner's agent on 21 March 2023.
- 4.116 The Acquiring Authority and Gateley Hamer then met on site on 23 March 2023 with the Objector, Paul Caudwell of Caudwell and Sons Limited and their agent, Kevin Prince to discuss their concerns and the Acquiring Authority's proposals for a voluntary agreement. During this meeting, the landowner raised concerns with regard to the replacement of concrete surfaced land which forms part of a section of Thame Lane in its ownership, which comprises plots 17/3a, 18/1a, 18/1d and 18/1e. This land is used seasonally for the storage of large quantities of farmyard manure and straw. The Acquiring Authority requested further information from the landowner in relation to the use of this land, justification for its replacement and quotations in respect of the cost of re-surfacing of other land in the landowner's ownership. Further information has subsequently been received and discussions with regard to the re-surfacing of other land in the landowner's ownership and the cost of the proposed works or a compensation settlement are ongoing as part of the proposal for a voluntary agreement between the parties. The landowner also raised concerns in relation to clearance heights underneath the proposed River Crossing bridge structure in order to ensure that agricultural machinery can access the land on the east side of the new bridge structure, comprising plots 13/4c and 13/3d from the land comprising plot 13/3a. The Objector also queried whether its existing access into retained agricultural fields south of plot 19/1e from Oxford Road will be affected by the Scheme. The Acquiring Authority has confirmed following the site visit in March 2023 that the proposed clearance height beneath the bridge structure should be sufficient to allow agricultural machinery to pass underneath it and that the existing access into the agricultural field off Oxford Road will not be affected by the Scheme.
- 4.117 In its Objection, the landowner's agent has also referred to plots 13/3a and 13/4a and queried the purpose for which these plots are required. He has suggested that there is no clear purpose for why the plots are required and that the Acquiring Authority has failed to minimise the extent of the land being sought for the Scheme. The Acquiring Authority has confirmed that the land comprising plots 13/3a and 13/4a is required for the purposes of the construction of the River Crossing Bridge and modifications to the restoration lakes and as such it is necessary for the purposes of delivering the Scheme. As the land is only required temporarily during construction, the Acquiring Authority has proposed that under

a voluntary agreement this land could be occupied under a licence granted to the Acquiring Authority and returned to the landowner on completion of the Scheme.

- 4.118 However, it is important to note that under a CPO scenario, the Acquiring Authority does not have powers to acquire land temporarily and as such would have to acquire the land permanently in order to deliver the Scheme. Should some or part of the land become surplus and no longer be required following completion of the Scheme then the Acquiring Authority has confirmed that in accordance with the Crichel Down Rules it would offer this land back to the landowner for re-purchase.
- 4.119 In the more recent Statement of Case, submitted by Montague Evans on behalf of the Caudwell and Sons [CDM.4], reference has been made to the land comprising plots 13/3a, 13/3c and 13/3d, which lies south of the River Thames and which is in the ownership of the Objector. This land is required for the purposes of the construction of the River Crossing Bridge and modifications to the restoration lakes and as such is necessary for the purposes of delivering the Scheme. The Objector has referred to the General Arrangement Plan (sheet 13) [CDD.13] as referring to this area as a 'new' wetland area and the Revised Landscape Masterplan (sheet 13) [CDD.146] as showing this area as comprising a 'new' pond, marsh and wet grassland and areas of woodland. The Objector has stated that *'the Council has not explored whether the land required for this Wetland Area could be delivered by other means'*. However, the land which comprises these plots is already put to such use and comprises of 'restoration lakes' having previously been part of a former quarry. As such, the Acquiring Authority is merely proposing to return the land to its previous use as a restoration lake on completion of the Scheme. Furthermore, as described at 4.109 above, the Acquiring Authority has confirmed that as the land is only required temporarily during construction, then under a voluntary agreement this land could remain in the ownership of the Objector provided that a licence be granted to the Acquiring Authority to allow its occupation during the construction period. It could subsequently be returned to the landowner on completion of the Scheme. This has already been proposed within the heads of terms which are currently being negotiated between the parties.
- 4.120 At paragraph 2.6 of the Caudwell and Sons Statement of Case a triangular shaped area of land is referred to, which comprises part of plot 19/1d. They have stated that the General Arrangement Drawing (Sheet 19) [CDD.19] does not show any proposed works in this area and have therefore queried the purpose for which this land is required and why it required for permanent acquisition. However, the Acquiring Authority can confirm that as shown on the Revised Landscape Masterplan (sheet 19) [CDD.152], this area is proposed to be an area of woodland with a small area of hawthorn planting to the north-west and a ditch comprising marsh, wet grassland to the south-east.
- 4.121 The submission of the Objector's Statement of Case is the first time that the Objector has raised a query in relation to plot 19/1d and, as such, the Acquiring Authority has not previously been able to give consideration to any alternative proposals and/or mitigation measures. However, the Acquiring Authority will now give this matter consideration and will liaise with the Objector in due course with a view to discuss potential options for resolving this part of their objection.
- 4.122 On the basis of the above, I consider that the Acquiring Authority has, in accordance with the Guidance provided justification for the inclusion of the land within the CPO: listened to landowners concerns and made reasonable attempts to explore an alternative arrangement and acquire the land by agreement. It has also considered how to mitigate the impact of the Scheme on the Objector's business and is continuing to discuss this matter further with the Objector and its agent. The Acquiring Authority has also confirmed that it will continue to engage with the Objector with a view to reaching a voluntary agreement for the acquisition of the land and rights which are required for the Scheme right up until compulsory purchase powers are implemented should the Secretary of State for Transport see fit to confirm the Orders.

- 4.123 A record of the engagement that the Acquiring Authority and Gateley Hamer have had with Caudwell and Sons Limited and its appointed agent, Kevin Prince of Adkins is appended to this proof evidence at Appendix SM2.3.

Morrells Farming Limited (Objection 20) [CDJ.17] – Statutory

Plots; 14/1a, 14/1b, 14/1c, 14/1d, 14/1e, 14/1f, 14/1g, 14/1h, 14/1i, 14/1j, 14/1k, 15/2a, 15/2b and 15/2c

- 4.124 Gateley Hamer met the Objector's agent, Kevin Prince at Adkins offices on 19 December. During the meeting the Scheme plans and proposals for voluntary agreements were discussed. It is understood that the Landowner's agent subsequently met with his clients in January 2023 to discuss the Scheme proposals and the landowners concerns in relation to Scheme and proposals. The Acquiring Authority then received a number of queries from the landowner's agent in relation to various plots in the ownership of both Morrell's Farming Limited and Morrell's Holdings Limited on 15 February 2023. A response to the various queries raised was subsequently sent to the landowner's agent on 21 March 2023.
- 4.125 The Acquiring Authority and Gateley Hamer then met the landowner's agent on site on 23 March 2023 to discuss the proposals and the landowner's concerns. During this meeting the landowner's agent raised concerns with regard to the ability of their farming contractors to access their retained agricultural fields on the north side of the A415 during the works. Following the site visit which took place in March 2023, the Acquiring Authority has confirmed that access to the fields will be maintained throughout the duration of the works and that its contractors will be required to liaise with the landowner and confirm arrangements during the detailed design phase immediately prior to the works beginning. This has been included as a requirement for the Acquiring Authority within the heads of terms, which have been prepared and were issued to the landowner in June 2023 with a view to reaching a voluntary agreement.
- 4.126 In their Objection, the landowner's agent has suggested that there is no clear purpose for why plot 14/1a is required and as such the Acquiring Authority has failed to demonstrate that it has sought to minimise the extent of land being sought for the Scheme. However, the Acquiring Authority has confirmed in their correspondence on 21 March 2023 and during their site meeting on 23 March and subsequent correspondence that the land comprising plot 14/1a is required for the purposes of a construction compound, which is due to be sited in this location during the construction period and as such it is necessary for the purposes of delivering the Scheme. As the land is only required temporarily during construction the Acquiring Authority has proposed that under a voluntary agreement this land could be occupied under a licence agreement and returned to the landowner on completion of the Scheme. The proposed heads of terms for a voluntary agreement have been drafted on this basis and were issued to the landowner for consideration in June 2023.
- 4.127 It is important to note, that under a CPO scenario the Acquiring Authority does not have powers to acquire land temporarily and as such would have to acquire the land permanently in order to deliver the Scheme. However, should some or part of the land become surplus and no longer be required following completion of the scheme, then the Acquiring Authority has confirmed that in accordance with the Cichel Down Rules it would offer this land back to the landowner for purchase.
- 4.128 A record of the engagement that the Acquiring Authority and Gateley Hamer have had with Morrells Farming Limited and its appointed agent, Kevin Prince of Adkins is appended to this proof evidence at Appendix SM2.8.

Emmett of Drayton Limited (Objection 21) [CDJ.18] – Statutory

Plots: 17/3a, 17/3b, 17/3c, 17/3d, 17/3e, 17/3f, 17/3g, 17/3h, 17/3i, 17/3j and 17/3k

- 4.129 Gateley Hamer met the Objector's agent, Kevin Prince at Adkins offices on 19 December. The Scheme plans showing the extent of the land and rights which were required for the

Scheme and the plots which were in the ownership of Emmett of Drayton Limited were discussed as well as the Acquiring Authority's proposals for voluntary agreements. During this meeting some initial queries were raised by the landowner's agent. These initial queries related to the purpose for which plot 17/3j was required and whether the Acquiring Authority could also consider acquiring plot 17/3a permanently under a voluntary agreement. It was considered too small to be farmed in isolation and would become separated from the landowner's retained land on completion of the Scheme. In a response sent on the 12 January 2023, Gateley Hamer subsequently confirmed that plot 17/3a could be acquired permanently as part of a voluntary agreement and that plots 17/3j was required for the purposes of an access track providing access to an attenuation pond to be constructed as part of the Scheme.

- 4.130 It is understood that the landowner's agent subsequently met with his clients in January 2023 to discuss the Scheme proposals further with his clients and any concerns that they had in relation to Scheme. The Acquiring Authority then received a number of queries from the landowner's agent in relation to various plots in the ownership of Emmett of Drayton Limited on 15 February 2023.
- 4.131 A response to the various queries raised was subsequently sent to the landowner's agent on 21 March 2023. The Acquiring Authority and Gateley Hamer then met with the landowner and its agent during a site visit on 23 March 2023 and discussed their concerns in relation to the Scheme and proposals.
- 4.132 The landowner raised concerns in relation to the Acquiring Authority's proposal to acquire plot 17/3a temporarily under a voluntary agreement. As all other land immediately surrounding the plot would be acquired permanently for the Scheme, this would leave the landowner with an isolated plot of land that would be difficult to farm once it was returned on completion of the Scheme. The Acquiring Authority has given this matter further consideration and has confirmed that they will now acquire this plot permanently under a voluntary agreement and this is reflected within the heads of terms that were issued to the landowner in June 2023 for its consideration.
- 4.133 The landowner also queried the extent of plots 17/3d and 17/3k and the purpose for which they are required. The Acquiring Authority has confirmed that plot 17/3d is required permanently for the construction of drainage ponds and ditches and that plot 17/3k is required permanently for the construction of a drainage ditch and culvert to connect into an existing watercourse in this location.
- 4.134 During the site visit on 23 March 2023 the Emmetts of Drayton also queried the details of the new access to Fullamore Farm that will be provided on completion of the Scheme. The Acquiring Authority has subsequently provided further information including the proposed dimensions of the new farm access that will be provided on completion of the Scheme.
- 4.135 The landowner was particularly concerned about the impact of the Scheme on the bio-security of the farm, at Fullamore Farm and considered that there was a need for increased bio-security measures as a result. The landowner was concerned about the close proximity of the new road, which will link the A415 to the new Bypass, to Fullamore Farm. They have advised that owing to the sensitive nature of its farming business they will require additional biosecurity measures to be installed. The options for additional measures were discussed with the landowner during the site visit on 23 March. Following further discussions with the Objector's agent, it has been agreed that additional bio-security measures will be installed by the Acquiring Authority, including additional security fencing requirements, as mitigation for the effects of the Scheme. The Acquiring Authority has agreed with the landowner the specification and extent of additional fencing that it will install as part of the Scheme.
- 4.136 The Objector had also raised concerns regarding a triangular plot of land which is to be retained by the landowner, and is located to the west of plot 17/3e. This plot would be severed from other land in their ownership by the Scheme and left without an access to enable it to be farmed. Following further discussions and consideration, the Acquiring

Authority has agreed that it will provide a new access into the triangular plot of land to the west of plot 17/3e from the A415 to enable the landowner to continue to farm the land on completion of the Scheme.

- 4.137 All of the changes agreed above have been reflected within the heads of terms for a voluntary agreement, which were issued to the landowner in June 2023 and are currently under consideration.
- 4.138 A record of the engagement that the Acquiring Authority and Gateley Hamer have had with Emmett of Drayton Limited and its appointed agent, Kevin Prince of Adkins is appended to this proof evidence at Appendix SM2.5.

Mrs Veitch (Objection 22) [CDJ.19] – Statutory

Plots: 16/20 17/1a, 17/1b and 17/1c

- 4.139 A meeting took place with the Objector's agent, Kevin Prince at the Adkins offices on 19 December 2022, during which the Acquiring Authority's proposals and the Scheme plans were discussed. Some initial queries were raised during this meeting and, in respect of land in the ownership of Mrs Veitch, a query was raised as to the purpose for which plot 17/1a was required for the Scheme. Gateley Hamer responded on 12 January 2023 to confirm that plot 17/1a is required for the purposes of providing construction working area and as an area for the temporary storage of materials during construction. A further query was raised as to whether plot 17/1a could be considered for permanent acquisition rather than temporary, as it was shown on the Acquiring Authority's initial plan proposals for a voluntary agreement between the parties. The Acquiring Authority subsequently confirmed that it could also consider the permanent acquisition of this plot under a voluntary agreement if this was the Objector's preference but this alternative option was not pursued further at the time.
- 4.140 After answering the initial queries raised in relation to the acquisition of the plots in the landowner's ownership, no further concerns or queries were raised by the landowner's agent during the site visit, which took place on 23 March 2023 or thereafter. Heads of Terms for a proposed voluntary agreement between the parties have been prepared and were issued to the Objector for consideration in June 2023. Negotiations are continuing with the landowner's agent with a view to reaching a voluntary agreement and it is the intention of the Acquiring Authority to continue negotiations with a view to reaching a voluntary agreement right up until the implementation of compulsory purchase powers should the Secretary of State for Transport see fit to confirm the Orders.
- 4.141 A record of the engagement that the Acquiring Authority and Gateley Hamer have had with Mrs Veitch and her appointed agent, Kevin Prince of Adkins, is appended to this proof evidence at Appendix SM2.11.

Lavinia Taylor, David Morrell and Catherine Ballard (Objection 23) [CDJ.20] – Statutory

Plot 13/7

- 4.142 Following the meeting with the Objectors' agent, Kevin Prince, on 19 December 2022 an initial query was raised in relation to the purpose for which plot 13/7 was required for the Scheme. This plot comprised the only plot which comprised of land jointly in the ownership of Lavinia Taylor, David Morrell and Catherine Ballard. Gateley Hamer responded on 12 January 2023 to confirm that plot 13/7 is required for the purposes of acquiring permanent rights in this case oversailing rights in connection with the construction and future maintenance of the bridge to be constructed over the Thames River in this area. providing construction working area and as an area for the temporary storage of materials during construction.
- 4.143 This matter was discussed further during the subsequent site visit, which took place on 23 March 2023. No further concerns or queries were raised by the landowner's agent during that visit in relation to the above Objectors, or thereafter.

- 4.144 Heads of terms for a proposed voluntary agreement between the parties have been prepared and were issued to the Objectors for consideration in January 2024. Negotiations are continuing with the landowner's agent with a view to reaching a voluntary agreement and it is the intention of the Acquiring Authority to continue negotiations with a view to reaching a voluntary agreement right up until the implementation of compulsory purchase powers should the Secretary of State for Transport see fit to confirm the Orders.
- 4.145 A record of the engagement that the Acquiring Authority and Gateley Hamer have had with Lavinia Taylor, David Morrell and Catherine Ballard and their appointed agent, Kevin Prince of Adkins is appended to this proof evidence at Appendix SM2.4.

Morrells Holdings Limited (Objection 24) [CDJ.21] – Statutory

Plots: 13/1a, 13/1c, 13/1d, 13/1f, 13/1g, 13/1h, 13/1i, 13/1j, 13/1k 14/2a, 14/2b, 14/2c, 14/2d, 14/2e, 14/2f, 14/2g and 14/2h

Jonathan Rupert Blakiston Lovegrove-Fielden & Charles John Calcraft Wyld (as Trustees for P.V.E Morrell Marriage Settlement) – Statutory

Plots: 13/5b, 13/5d, 13/5f, 13/5g and 13/5k

- 4.146 A meeting between Gateley Hamer and the Objector's agent, Kevin Prince took place at Adkins offices on 19 December to discuss the Scheme plans and proposals for a voluntary agreement. During the meeting, the Scheme plans and proposals for voluntary agreements were discussed. It is understood that the Objector's agent then met with his client in January 2023 to discuss the Scheme proposals and its concerns in relation to the proposals. Following these meetings, Gateley Hamer received a number of queries from the landowner's agent in relation to various plots in the ownership of both Morrell's Farming Limited and Morrell's Holdings Limited via email on 15 February 2023. A response to the various queries raised was subsequently sent to the landowner's agent on 21 March 2023.
- 4.147 A site visit subsequently took place with the landowner's agent on 23 March 2023. During the site visit the Acquiring Authority and Gateley Hamer discussed the queries raised further with the Objector's agent and an additional query in relation to access to fishing rights on the Thames Path was raised. Discussions continued following this and draft heads of terms were prepared on the basis of the discussions held and issued to the Objector in June 2023 for its consideration. Negotiations are continuing between the parties with a view to reaching a voluntary agreement for the acquisition of the land and rights required for the Scheme.
- 4.148 The landowner was particularly concerned about the new accesses which are to be provided under the Scheme. The concerns related to the new access to be provided to the Zouch Farm agricultural buildings on the east side of the new road at plot 14/2g and the new access to be provided immediately opposite to this into the agricultural fields on the west side of the new road at plot 14/2d. The Objector had expressed a desire for the amount of land that was acquired permanently for the creation of the new accesses to be reduced on either side to enable the landowner to retain as much land as possible. After further consideration, the Acquiring Authority has confirmed that under a voluntary agreement the area to be acquired for the creation of the new accesses on either side, and which would form part of the adopted highway, could be reduced to a depth of 5 metres from the carriageway in order to enable the landowner to retain as much land as possible. Any further land required to create the accesses beyond a depth of 5 metres could be occupied temporarily during construction under a licence arrangement and handed back to the landowner on completion of the Scheme.
- 4.149 Additional access concerns were also raised in relation to how access to its southern field enclosure, adjacent to the northern bank of the River Thames and immediately east and adjacent to plot 13/1e, would be provided such that the field could continue to be

farmed on completion of the Scheme. The Acquiring Authority has confirmed that access to this south-eastern field enclosure will be provided by extending an access track, which is currently proposed to serve a balancing pond which is to be constructed on plot 13/1i. By extending this access track to the south and east, access can be provided into the field enclosure to the south-east. This has been included as a proposed obligation on the Acquiring Authority in the heads of terms for a voluntary agreement, which have been prepared by the Acquiring Authority and issued to the Objector in June 2023.

- 4.150 The Objector was also concerned about how access to fishing rights located on the north bank of the River Thames would be provided on completion of the Scheme. The Acquiring Authority has since confirmed that access to the Thames Path on the north bank of the river, via which the fishing rights are currently accessed, will still be available on completion of the Scheme. An additional obligation on the Acquiring Authority to provide an appropriate route of access has also been proposed in the heads of terms for a voluntary agreement, which have been prepared by the Acquiring Authority and issued to the Objector for consideration. I note that the Acquiring Authority is still awaiting confirmation of the location of the aforementioned right in order to ensure that access will be provided within the design of the Scheme.
- 4.151 In addition to the above, the landowner has raised in its Objection, as well as during the subsequent discussions with the Acquiring Authority and Gateley Hamer, a concern as to the extent and purpose for which plot 13/1a is required for the Scheme. In their Objection, it is suggested that there are lesser rights which the Objector could grant to the Acquiring Authority, under a voluntary agreement, to enable the Acquiring Authority to create this feature and that it would subsequently be prepared to maintain this plot for its intended purpose in accordance with the Scheme. In including the plot within the CPO, the Objector has suggested that the Acquiring Authority has failed to demonstrate that it has sought to minimise the extent of land being sought for the Scheme.
- 4.152 The Acquiring Authority has confirmed that the plot is required as a flood compensation area for flood mitigation as part of the flood mitigation strategy for the Scheme. This strategy having been agreed with the Environment Agency. They have also provided copies of plans including the proposed landscaping plan for the relevant section of the Scheme (see Revised Landscape Masterplan (Sheet 13 of 19) [CDD.146] and General Arrangement Drawings (see Revised General Arrangement Drawings (Sheets 13 and 13A of 19) [CDD.13], which show the flood mitigation area in more detail. The plans also clearly show that the Thames Path is retained. If compulsory purchase powers are confirmed and implemented, then the Acquiring Authority would not have the power to temporarily occupy land under the CPO and would have to acquire the land permanently. However, the Acquiring Authority has stated that it is willing to discuss an alternative arrangement, under a voluntary agreement, which would allow it to occupy the land temporarily for the purposes of constructing the flood compensation area. Under an alternative arrangement the land comprising plot 13/1a could be handed back to the landowner on completion of the Scheme. It should be noted, however, that under any such agreement the landowner would be required to maintain the land that comprises this plot for that purpose in perpetuity and that they would need to comply with a strict maintenance and management plan for the proposed flood compensation site, the details of which the Acquiring Authority is unable to confirm at the current time but will provide at a future date as soon as they are available. It should be noted that discussions with regard to the treatment of the land which comprises this plot are ongoing with the landowner.
- 4.153 As described above at 4.135, heads of terms were prepared on the basis of the above discussions and were issued to the landowner for consideration in June 2023. Negotiations are continuing with the landowner's agent with a view to reaching a voluntary agreement and it is the intention of the Acquiring Authority to continue these negotiations right up until the implementation of compulsory purchase powers should the Secretary of State for Transport see fit to confirm the Orders.

- 4.154 A record of the engagement that the Acquiring Authority and Gateley Hamer have had with Morrells Holdings Limited and their appointed agent, Kevin Prince of Adkins is appended to this proof evidence at Appendix SM2.13.

Anthony Mockler and Gwendoline Marsh (as trustees of the Milton Manor Estate and/or Milton Settled Estate) and Anthony Mockler (in his personal capacity) (objections 15, 16, 17 and 18) [CDJ.14 and CDJ.15] – Statutory

Plots: 1/8a, 1/8b, 1/8c, 1/8d, 1/8e, 1/8f, 1/8g, 1/8h, 1/8i, 1/8j, 1/8k, 1/8l, 2/1a and 2/1b

- 4.155 Mr Mockler has submitted objections to the CPO and the SRO in both his personal capacity and as trustee of the Milton Manor Estate (sometimes referred to as the Milton Settled Estate or the LA Barrett Will Trust). Gwendoline Marsh's objection is in her capacity as trustee of the Milton Manor Estate and/or Milton Settled Estate. The above objectors have submitted objections to the CPO and SRO on broadly similar grounds. Their Objections centre on human rights infringements, including those "laid down by the Magna Carta", the use of "Stalinist" powers and a lack of proportionate benefit for interference with such rights.

- 4.156 In their objection, the Trustees of the Milton Settled Estate cite an interference with their human rights under Article 1 of the First Protocol to the European Convention on Human Rights as being a ground for their objection quoting 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'. They have also stated that the scheme is not necessary for the purpose of supporting the delivery of further housing in the locality as there is already a good road in existence.

4.157 Acquiring Authority's response

- 4.158 The Acquiring Authority and Gateley Hamer had been engaging with Mr Mockler since October 2020, with various meetings taking place and correspondence being exchanged in relation to the Scheme proposals and access for ground investigations surveys. This had previously included in person meetings with Mr Mockler and his agent, Chris D'Olley of Carter Jonas. During this time, the Acquiring Authority and Gateley Hamer had established Mr Mockler's strong opposition to the Scheme.

- 4.159 However, following a site visit which took place in March 2022, there has been extremely limited further engagement with either the Objectors or Mr D'Olley. In May 2022, Gateley Hamer issued draft heads of terms for a proposed voluntary agreement to the landowner but is yet to receive a response. The Acquiring Authority and Gateley Hamer have since continued to try to engage with the Objectors without success. No further information regarding their Objection to the Scheme has been provided.

- 4.160 In its Statement of Case [CDM.10], the Acquiring Authority has clearly set out its case in respect of the need for the Scheme. Section 4 explains the background and evidence underlying the need for the Scheme. The evidence presented by Aron Wisdom on the strategic need for the Scheme and the public benefits that it will deliver further support this.

- 4.161 In respect of any interference with the human rights of private individuals, the Acquiring Authority has explained the public benefits that will be delivered by the Scheme in section 6 of its Statement of Case and this is further supported by the evidence presented by Aron Wisdom. The Acquiring Authority has detailed the consideration it has given to human rights legislation and any interference with the private rights of individuals in Section 13 of its Statement of Case. The evidence of Timothy Mann on justification for the Scheme has also considered whether there is a compelling case for the Scheme and Human Rights legislation and any interference with the human rights of private individuals. In his evidence, he concludes that there is a compelling case for the Scheme and justification for the use of compulsory purchase powers and that the interference with the human rights of the landowners with an interest in the Order Land would be justified and proportionate in accordance with the relevant provisions of Article 1 of the Human

Rights Act 1998, noting, that those landowners would be entitled to compensation in line with the Compensation Code.

- 4.162 On the basis of the above evidence, the Acquiring Authority considers that any interference with the human rights of the private individuals affected by the Scheme is therefore justified and proportionate in accordance with the law in order to secure the economic regeneration, environmental and public benefits which the Scheme will deliver.
- 4.163 I can confirm that the Acquiring Authority and Gateley Hamer will continue to try to engage with the Objectors right up until the implementation of compulsory purchase powers with a view to resolving their Objections and reaching a voluntary agreement for the acquisition of the land and rights required for the Scheme, should the Secretary of State for Transport see fit to confirm the Orders.
- 4.164 A record of the engagement that the Acquiring Authority and Gateley Hamer has had with Anthony Mockler and Gwendoline Marsh both as trustees of the Milton Manor Estate and/or Milton Settled Estate and in their personal capacities is appended to this proof evidence at Appendix SM2.15.

The Occupiers of New Farm (objection 19) [CDJ.16] – Statutory

- 4.165 This Objection takes the form of a handwritten letter expressing concern about the Scheme and the disruption and noise that will result from the construction works to widen the A4130. In their Objection, the occupiers of New Farm also express safety concerns stating that it will be more dangerous for their children to walk and cycle to school.
- 4.166 *Acquiring Authority's response*
- 4.167 It is presumed from this letter that the family referred to in the letter rent a property on the grounds of New Farm which is owned by Mr Mockler. However, the Acquiring Authority does not have any other information about the individuals or the nature of this tenancy and these parties are not named in the Schedule to the CPO as the requisition for information returned by Mr Mockler does not provide their details. In addition, Mr Mockler has expressly stated that his tenants should not be contacted.
- 4.168 Notwithstanding this, in order to seek to address the concerns of the occupiers of New Farm, the Acquiring Authority sought to ascertain the nature of their land ownership and to explain the Scheme to them. A letter to this effect was sent to them on 7 June 2023. The subsequent response dated 16 June 2023 declined to provide that information and indicated that they did not wish to speak to the Acquiring Authority.
- 4.169 In their Objection, the occupiers of New Farm have stated concerns about the disruption and noise that the construction works to widen the A4130 will cause. Though it is accepted that there will be disruption during the construction of the Scheme, suitable traffic management measures and safety and operational measures will be put in place by the contractor. These measures will be put in place with a view to minimising the disruption and noise as a result of the works during construction. Such management being a requirement dealt with by the proposed planning condition for the Planning Application. These matters are covered in the evidence provided by Andy Blanchard of Aecom on Technical Highways Engineering for the A4130 Widening and Science Bridge section of the Scheme and also the evidence provided by Andy Paggett of Aecom on Noise.
- 4.170 In addition to the above, the Objectors have also raised concerns in their Objection that it will be more dangerous for their children to walk and cycle to school. However, it is understood that the proposed traffic management measures that will be introduced will include safe provisions for those walking and cycling. On completion the Scheme will significantly improve the facilities for those walking and cycling, providing wider segregated facilities which will be separate from motorised traffic. It has also been suggested that subject to final design and construction phasing, it may be possible to allow the walking and cycling facilities to the south of the new road, and closer to New

Farm, to be built early in the construction period such that the occupants of New Farm may be able to benefit from use of the facilities before the completion of the construction of the main carriageway. Again, these matters are covered in the evidence provided by Andy Blanchard of Aecom on Technical Highways Engineering for the A4130 Widening and Science Bridge section of the Scheme.

Commercial Estates Group Limited and CEG Land Promotions II Limited (CEG)
(objection 25) [CDJ.22] – Non-statutory

- 4.171 The above objectors (referred to together as **CEG**) support the Scheme in principle but object to the CPO and SRO. CEG has objected to the CPO on the basis that it extends beyond what is necessary to successfully deliver the Scheme. CEG considers that the land take proposed is excessive and has objected to the inclusion of various plots within the CPO. In respect of the SRO, CEG objects on the grounds that there is insufficient detail provided about the proposed access arrangements during the works and on completion of the Scheme. In both instances, CEG is concerned as to how the Scheme proposals will impact on its proposed development, which is an allocated largescale strategic development in the South Oxfordshire Local Plan 2035. The specific plots to which CEG has objected, and the Acquiring Authority's responses, are explained in greater detail below.
- 4.172 In objecting to the CPO, CEG has questioned the purpose for which certain plots are included within the CPO, including Plots 14/1a, 16/6a, 16/6b and 16/6z as well as 16/6c which is intended to provide a turning head and various areas within Plots 16.6aa to 16/6p, which are intended to provide a new means of access to premises north eastwards towards Culham Science Centre. CEG has claimed that the CPO includes lands that would unnecessarily reduce the amount of developable land that could be comprised within the proposed Culham No. 1 site, as the first phase of largescale strategic development at the site. It has referred to various 'Overlay' plans it has produced, which show that the CPO includes land upon which either new employment buildings, or drainage infrastructure to support the development are to be provided. CEG has advised that an outline planning permission for the first phase of this development is currently being prepared.
- 4.173 CEG also states that the timescale for the delivery of the Scheme junction needs to be clarified, so that CEG, landowners, and the Acquiring Authority avoid unnecessary and abortive costs being incurred by the parties due to incompatible development proposals.
- 4.174 In its Objection, CEG has questioned why a length of the current access track off the Station Road highway, which is not stopped up as 16/1 in the SRO, is shown at the north west termination point of the stopping up as being converted into a turning head (see SRO Site Plan 16 [CDH.4]). CEG has stated that there is no suggestion that any improvement works will be undertaken to the land or that it will become public highway. As the land which is required for this plot (Plot 16/6c) is not required for the Public Highway and would extinguish rights over the land without securing replacement highway rights for the existing beneficiaries, it should be removed from the CPO and SRO.
- 4.175 In addition to the above, the Objector has also raised concerns that should licensed use of the land not be agreed and the land is acquired by the Acquiring Authority using compulsory purchase powers, then CEG's client land holders and other rights users would need to be provided with sufficient rights along new private means of access 16/b once it has been constructed, as the SRO does not confirm how such rights will be afforded.
- 4.176 CEG has also submitted a Statement of Case for the Orders Inquiries [CDM.3].

Acquiring Authority's response – Objections to the CPO

- 4.177 The Acquiring Authority has confirmed that plots 14/1a, 16/6a, 16/6b and 16/16z, as well as plot 16/6c, are required by the Acquiring Authority for temporary use for the period of the Scheme construction works at those locations.

- 4.178 In respect of Plot 14/1a, the Acquiring Authority has confirmed that the land which comprises this plot is required for the siting of a construction compound which would be required temporarily for the period of the construction works. Karl Chan in his evidence on Technical Highways Engineering for the Culham River Crossing and the Clifton Hampden Bypass sections of the Scheme has further confirmed this.
- 4.179 The land which comprises Plots 16/6a and 16/6z is required for the site of a construction compound to include welfare facilities and as a temporary materials storage and working area during the period of the Scheme construction, as also confirmed in the evidence provided by Karl Chan on Technical Highways Engineering for the Culham River Crossing and the Clifton Hampden Bypass sections of the Scheme.
- 4.180 Karl Chan has also confirmed in his evidence that Plot 16/6b is required for the creation of a landscaped area and embankment and for the construction of a swale – filter drain on part. The land which comprises plot 16/6c is required for the creation of turning head.
- 4.181 The above plots are all required temporarily for the construction period of the Scheme, however, as a compulsory purchase order does not presently authorise the temporary acquisition of land, the plots would need to be acquired permanently under a CPO scenario in order to ensure that the Scheme can be delivered, such lands being required for use in order to construct the particularly extensive proposed junctions and adjacent drainage proposals, noting that the purposes and works for which these plots are required cannot be carried out from within the proposed highways areas only.
- 4.182 Although under a CPO scenario the above plots would need to be permanently acquired, the Acquiring Authority has confirmed that should a temporary licence be granted to the Acquiring Authority by the relevant landowners granting the Acquiring Authority the appropriate rights to use those lands for purposes required for the duration of the Scheme works in these areas, then the Acquiring Authority would not seek to exercise any authorised powers of compulsory purchase in respect of the land. The Acquiring Authority can confirm that as part of the proposed voluntary agreements with the relevant landowners, it has prepared heads of terms which reflect such an approach and that negotiations with those landowners are ongoing and will continue right up until the implementation of compulsory purchase powers with a view to reaching voluntary agreements with the landowners, as is its preference, should the Secretary of State for Transport see fit to confirm the Orders.
- 4.183 The Acquiring Authority also notes the Objector's suggestion that, with agreement of terms and consent to the approach from the relevant landowners, that land proposed for the new north easterly private means of access towards Culham Science Centre, referred to in CEG's objection as plots 16/6aa to 16/6p, might also be subject of licensed use for the works. Karl Chan in his evidence on Technical Highways Engineering for the Culham River Crossing and the Clifton Hampden Bypass sections of the Scheme has confirmed that the land which comprises these plots is required for the purpose of creating the new north easterly private means of access described above. If the Acquiring Authority is to ensure the provision of this new means of access to premises, which is to replace the private means of access 16/3 (see the SRO plan for the Clifton Hampden Bypass (CHB) section of the Scheme drawing reference GH-132861001-SRO-16 [CDH.4]), which is included in the Side Roads Order for stopping up, and it is to be in a position to grant private rights of access thereover to the current beneficiary parties of the access 16/3, then it will need to come into possession of this land to do so. This is such that it can construct and deliver the proposed new north easterly private means of access towards Culham Science Centre as described above. Alternatively, it would need to ensure that if the land were to be retained in its current ownership, then the landowner must grant such private rights of access thereover to the relevant premises interests, once the works are complete. The Acquiring Authority can confirm that such discussions are taking place and continuing with the relevant landowner with a view to reaching a voluntary agreement that would reflect such an arrangement and protect the private rights of access of the beneficiaries.

- 4.184 The Acquiring Authority is satisfied that the authority to compulsorily purchase the land to enable it to deliver the new means of access to premises, and thereafter grant private rights over the land once acquired, needs to remain in the CPO until such time as any such legally assured alternative agreement might be obtained to ensure that same position. The Acquiring Authority will continue in its negotiations with the relevant landowner to establish if this might be achieved without recourse to compulsory acquisition right up until the implementation of compulsory purchase powers should the Secretary of State for Transport see fit to confirm the Orders.

Acquiring Authority's Response – Objections to the SRO

- 4.185 The Acquiring Authority has confirmed that the current access track off the Station Road highway, and where the turning head is shown, is not required by the Acquiring Authority for its permanent highway and associated landscaping works, but is required by the Acquiring Authority as operational working space to be able to implement its works. Plot 16/6c in the CPO is not required permanently by the Acquiring Authority, as mentioned above, but as land for use in connection with the permanent construction works.
- 4.186 As confirmed in the evidence provided by Karl Chan on Technical Highways Engineering for the Culham River Crossing and the Clifton Hampden Bypass sections of the Scheme, the turning head area, which will be a no dig feature so as not to threaten a nearby tree there which is subject of a Tree Protection Order, shown as to be provided under the General Arrangement Drawing Scheme works (Highway General Arrangement Plans Drawings GEN_PD-ACM-GEN-DGT_ZZ_ZZ_ZZ-DR-T-0016 P05 [CDD.16]), will be used for the purpose of construction vehicles proceeding to and turning at the head, from the proposed junction side of the works and its associated landscaping lands, for the purpose of implementing those works. The turning head length is neither a proposed highway, nor private access feature, although it may facilitate the terminal point of the internal private access of Culham No. 1 site, should the land be returned to the landowner after any afforded licensed use.
- 4.187 In order to deliver the Scheme, the Acquiring Authority considers that it is therefore necessary to include the land within the CPO and SRO. However, as the land would only be required temporarily during the construction period, the land comprising the length of access track located outside of the permanent highway works could be offered back to the landowner for purchase in accordance with the Crichel Down Rules, on completion of the Scheme works, should the landowner desire it. However, as part of a voluntary agreement with the landowner, the Acquiring Authority is proposing the potential licensed use of this and other land, which it requires only on a temporary basis and which is not required for the permanent Scheme and landscaping works. It can confirm that the current heads of terms which are proposed reflect the position that CEG itself intimates is the preferred approach. The Acquiring Authority can confirm that it will continue its negotiations with the relevant landowner with a view to reaching such a voluntary agreement if it is reasonably possible to do so right up until the implementation of compulsory purchase powers should the Secretary of State for Transport see fit to confirm the Orders.
- 4.188 The Acquiring Authority understands that it will be incumbent upon them to ensure that private rights of access are afforded over the land of new private means of access 16/a (as shown on SRO Site Plan 16A [CDH.4]) to the beneficiary premises interests of the private means of access, which are being stopped up to the Culham No 1 Site, should it obtain confirmed Orders and proceed to implement its Scheme.
- 4.189 However, the SRO is not the statutory means by achieving the delivery of the actual grant of private rights by the Acquiring Authority over the means of access. Rather, the Acquiring Authority on coming into title possession of the land over which the new private means of access is to be provided will then grant such private rights of access thereover to meet the compatible and continuing private right of access on the adjoining length of existing access road. As mentioned, the Acquiring Authority is aware of this responsibility should it find itself in possession of the land, following any confirmed Orders, and

provides assurance that it would grant such private rights of access over land in that event.

- 4.190 The Acquiring Authority is proposing a minor modification between the interface of the new highway 16/D and new private means of access 16/a, described at modification 6 in Section 17 of the Acquiring Authority's Statement of Case [CDM.10]. This will shorten the length of new highway 16/D to a point just north west of its connection with new highway 16/A and new private means of access 16/b, and lengthen new private means of access 16/a south eastwards to connect with that termination point of new highway 16/A. The Acquiring Authority has raised this proposal with the landowners, Leda Properties Ltd (see below), in negotiations.
- 4.191 A record of the engagement that the Acquiring Authority and Gateley Hamer has had with CEG is appended to this proof evidence at Appendix SM2.19.

Leda Properties Limited (objection 26) [CDJ.23] – Statutory

Plots: 16/6a, 16/6b, 16/6c, 16/6d, 16/6e, 16/6f, 16/6g, 16/6h, 16/6i, 16/6j, 16/6k, 16/6l, 16/6m, 16/6n, 16/6o, 16/6p, 16/6q, 16/6r, 16/6s, 16/6t, 16/6u, 16/6v, 16/6w, 16/6x, 16/6y, 16/6z, 16/6aa, 16/6bb, 16/6cc, 18/2a, 18/2b, 18/2c, 18/2d, 18/2e, 18/2f, 18/2g, 18/2h, 18/2i, 18/2j, 18/2k, 18/2l, 18/2m, 18/2n and 18/2o

Reputed owners – Plot: 16/11

- 4.192 Leda Properties Limited (Leda) is represented by Carter Jonas who have submitted an objection on their behalf. Leda have stated that they do not object to the principle of the Scheme and are generally supportive acknowledging that the additional highway capacity delivered will support their own development aspirations and deliver significant Public Benefits. However, they have objected to the CPO and SRO on the grounds that 1) inadequate attempts have been made to acquire their interests by agreement and 2) that the manner of the implementation of the Scheme is challenged on the basis that they object to the proposed new access road which is to be provided to the north-east of the property as they believe that this access can be delivered by alternative means and an alternative site access under Leda's own development proposals. Leda's objection is very closely tied to that of UKAEA as owners of the adjacent estate immediately to the east and CEG as Promoters of the proposed Culham No.1 development.

Acquiring Authority's response

- 4.193 In its objection, Leda has stated that there have been inadequate attempts to acquire its interests in the land which are required for the Scheme, by agreement. It has stated that it would be willing to enter into an option agreement for the transfer of the land that is required permanently subject to the agreement of appropriate terms and an agreement in respect of the extent of land required for the Scheme. In respect of the land which is required only temporarily during construction, Leda has stated that it would be willing to grant temporary rights in return for an undertaking that compulsory purchase powers will not be used to acquire that land. In addition, as part of any such agreement Leda would like assurances that access to the estate will be maintained at all times during the course of the works to construct the Scheme.
- 4.194 It is understood that there had been significant engagement between the Acquiring Authority and the landowners in this area, including with Leda and UKAEA, the owners of the adjacent estate to the east, regarding the Scheme and proposals prior to the making of the CPO in December 2022. This engagement had taken place with a view to accommodating their future development proposals where it was reasonably possible to do so.
- 4.195 In considering the Scheme design, the Scheme proposals had been designed with a view to accommodating the future development proposals for the Leda estate. Evidence as to how the Scheme has been designed to accommodate Leda's future development proposals is outlined in the proof of evidence presented by Karl Chan.

- 4.196 Land plans outlining the Acquiring Authority's proposals for a voluntary agreement were issued to Leda's agent following the finalisation of the Scheme design in December 2022. Gateley Hamer subsequently held a virtual meeting with Leda's agent, Harry Younger of Carter Jonas on 16 December to discuss the Scheme plans and the Acquiring Authority's proposals for a voluntary agreement. A further virtual meeting was held on 13 January 2023 once Leda's agent had consulted with his clients. Both Nick Hardcastle of Leda and representatives of UKAEA attended this meeting to discuss the Scheme proposals and the landowners' concerns. A response was sent to initial queries raised regarding the notification of tenants at the Culham No.1 Site in respect of the CPO and SRO and an update on the anticipated timeframes for construction was provided. A comprehensive list of further concerns and queries was received from Leda's agent on 20 February 2023 and responses and further plans and information were provided on 3 March 2023.
- 4.197 Regular correspondence with Leda's agent has been maintained since that time. This has included virtual meetings some of which have also been attended by representatives of CEG as well as Leda and a site visit, which took place on 6 July 2023 which Leda, its agent and a representative of their development scheme promoters, CEG attended. The Acquiring Authority has listened to Leda's concerns about the Scheme proposals and has continued discussions with them and their agent with a view to establishing a proposal for a voluntary agreement which would be acceptable to Leda and would address the concerns that have been raised so far as was reasonably possible.
- 4.198 The Acquiring Authority has also confirmed that all of the land that is within the CPO is required to facilitate the delivery of the Scheme. Under a CPO scenario the Acquiring Authority does not have powers of temporary possession and as such would have to acquire all land that is required for the scheme permanently. However, they have confirmed that should some or part of the land become surplus and no longer be required following completion of the Scheme, then the Acquiring Authority, in accordance with the Crichel Down Rules, would offer this land back to the landowner for purchase.
- 4.199 Whilst all of the land within the CPO, and required for the purposes of delivering the Scheme, would need to be acquired permanently if compulsory purchase powers are implemented, discussions have taken place with a view to reaching a voluntary agreement with Leda. Under this alternative proposal the Acquiring Authority has confirmed that it would be happy to enter into a licence in respect of the occupation of the land which is only required temporarily during construction, subject to such agreement being on appropriate terms.
- 4.200 These discussions are ongoing but have been protracted owing to some of the issues raised which are discussed in greater detail below. Despite this, discussions have been progressing positively and Gateley Hamer has prepared plans for an alternative proposal based upon the discussions which have taken place. Negotiations are continuing in respect of some of the remaining outstanding issues however Gateley Hamer has recently issued draft Heads of Terms for an agreement in January 2024, and it is hopeful that an agreement will be reached in due course.
- 4.201 Leda has raised concerns in its objection that access to its retained property should be maintained throughout the construction period. They have also raised the same concerns in their Statement of Case at 5.2 stating that it is unclear how, during the construction phase of the Scheme, access to the existing Public Highway will be maintained for vehicles used by the tenants of the estate and for vehicles, and presumably construction traffic, that would be associated with the Culham No.1 development proposals. Leda have also stated that no assurances have been given as to timings and the sequencing of the Scheme works. They state that this is particularly important given that they would anticipate that some of the Culham No.1 Site development will come forward before the Scheme works.
- 4.202 In response the Acquiring Authority has confirmed that it is its intention to assure that access to the estate is maintained during the course of the works to construct the Scheme and that the contractors carrying out the works will be instructed to liaise with Leda during the detailed design phase and confirm what those access arrangements will be. These

measures are referred to in the proof of evidence provided by Karl Chan. In respect of timeframes and the sequencing of the proposed works, the Acquiring Authority can provide an indication of the anticipated timeframes for the construction of the Scheme based upon its latest programme. The current anticipated programme for the Scheme is outlined in the proof of evidence provided by Timothy Mann. Based upon the current programme it would anticipate that construction for the Scheme would begin in January 2026, lasting for a 24-month period and would complete in January 2028. However, no certainty can be provided in respect of timeframes and sequencing at the current time on account of many factors. Most notably on account of the fact that the Acquiring Authority does not yet have planning consent for the Scheme and the CPO, which would authorise the exercise of compulsory purchase powers to provide certainty that the land and rights required to deliver the Scheme can be secured, has not been confirmed. Should the Secretary of State see fit to grant planning permission for the Scheme and confirm the Orders then it would hope to be able to provide greater certainty in respect of timeframes in due course. In addition to the above, it is also noted that the planning application for the proposed Culham No.1 development has not yet been submitted and, therefore, does not currently have planning consent and as such at the current time the Objector and promotor are likewise unable to provide similar certainty in respect of timeframes with regard to their own proposals.

- 4.203 In its Statement of Case at 4.3 to 4.7, Leda has objected to the inclusion in the CPO of specific plots including the land comprising plots 16/6a, 16/6b, 16/6c and 16/6z as shown on the CPO plan for A415 Clifton Hampden Bypass-Culham Station and Culham Science Centre (Sheet 16 of 19) [CD H.2]. These plots are required temporarily during construction to facilitate the delivery of the Scheme. Leda has proposed that the CPO boundary should be amended to follow the dashed green line on the CPO Overlay plan which is appended to its Statement of Case. This would effectively remove the plots from the CPO. Alternatively, Leda has proposed that a private agreement should be entered into under which the Acquiring Authority would agree not to implement compulsory purchase powers in respect of these plots subject to appropriate rights being granted to allow their temporary use for the construction of the Scheme. In respect of the plots which are required for the siting of a construction compound, Leda has stated that any such compound should be sited in an alternative location, given that acquisition and use of these plots would prejudice the delivery of the Culham No.1 development.
- 4.204 The Acquiring Authority has confirmed that the land which comprises Plots 16/6a and 16/6z is required for the site of a construction compound to include welfare facilities and as a temporary materials storage and working area during the period of the Scheme construction. The Acquiring Authority has considered alternative locations for the siting of the construction compound and temporary materials storage and working area which comprises plots 16/6a and 16/6z but has been unable to identify a suitable alternative and has concluded that the current location is the best solution to ensure the delivery of the Scheme. Plot 16/6b is required for the creation of a landscaping and embankment and for the construction of a swale – filter drain on part. The land which comprises plot 16/6c is required for the creation of turning head.
- 4.205 The above plots are all required temporarily for the construction period of the Scheme, however, as compulsory purchase orders do not presently authorise the temporary acquisition of land, the plots would need to be acquired permanently under a CPO scenario in order to ensure that the Scheme can be delivered.
- 4.206 Although under a CPO scenario the above plots would need to be permanently acquired, the Acquiring Authority has confirmed, as stated above, that should a temporary licence be granted to the Acquiring Authority by the relevant landowners granting it the appropriate rights to use those lands for purposes required for the duration of the Scheme works in these areas, then the Acquiring Authority would not exercise any authorised powers of compulsory purchase in respect of the land. However, in respect of plot 16/6b it should be noted that any such agreement would require the landowner to maintain any landscaping and drainage infrastructure constructed on the plot for the purposes of the Scheme in perpetuity and would likely require them to comply with an appropriate maintenance and management plan. The Acquiring Authority can confirm that the heads

of terms which have been prepared for a voluntary agreement with the objector reflect such an approach as proposed above.

- 4.207 Leda has also objected on the grounds of the manner of the implementation of the Scheme. Leda has stated that the proposed new north-eastern access road, see land comprising plots 16/6aa, 16/6bb, 16/6l, 16/6m, 16/6n and 16/6y (on CPO plan for A415 Clifton Hampden Bypass-Culham Station and Culham Science Centre (Sheet 16 of 19) [CD H.2], could be delivered by alternative means and in a way that would further limit the amount of land which is required permanently. This road is to provide access to the existing perimeter estate road and is situated to the north of the proposed new roundabout and access to the estate. Leda has also referred to this north-easterly access road in its Statement of Case at 5.4 in the context of an objection to the SRO. Leda has suggested that an alternative means of access that would serve the same purpose could be provided from a stub and turning area located on the north of the new private access road to be created for the UKAEA estate on land comprising plot 16/13m.
- 4.208 In relation to the alternative access proposed, the Acquiring Authority has explained its position during a site visit, which took place with the Leda and its agent as well as representatives of Leda's development scheme promoters, CEG on 6 July 2023. The proposed north-eastern access road at plot 16/6m is required to re-provide a new private means of access to the existing perimeter estate road for both Leda and third-party landowners to replace existing private means of access which will be stopped up under the SRO. The Acquiring Authority has undertaken a review of the alternative access proposed by Leda and has concluded that the alternative access is not feasible on account of the significant level differences between the elevation of the new roundabout and the new UKAEA access road and the elevation of the existing perimeter road. Karl Chan has examined the technical aspects of this in proof of his evidence. In order to achieve a safe and acceptable gradient a new access would require a much greater run-off in terms of the length of road than would be available and it would require additional land outside of the CPO. In addition, there were a significant number of TPO-protected trees which would need to be removed in this location to facilitate this alternative access. On the basis of the above, the Acquiring Authority considers that the Scheme is the best solution available to deliver the benefits proposed.
- 4.209 The Acquiring Authority and Gateley Hamer are continuing to engage with Leda, its agent and its scheme promoters, CEG with a view to reaching a voluntary agreement. Discussions are progressing positively, and heads of terms for a voluntary agreement were issued in January 2024 after. It is the Acquiring Authorities intention to continue negotiations with Objector, with a view to reaching a voluntary agreement, right up until the implementation of compulsory purchase powers, should the Secretary of State see fit to confirm the CPO.
- 4.210 A record of the engagement that the Acquiring Authority and Gateley Hamer has had with Leda Properties Limited and its agent, is appended to this proof evidence at Appendix SM2.12.

WE Gale Trust (objection 27) [CD J.27] – Statutory

Plots: 6/3a, 6/3b, 6/3c, 6/3d, 6/3e, 6/3f 7/1a, 7/1b, 7/1c and 7/1d

- 4.211 The Trustees of the WE Gale Trust are freeholders of the land comprising the above Plots, which are included within the CPO. They have objected to the CPO on the grounds that 1) the acquisition and compulsory acquisition is not necessary as the Acquiring Authority has not demonstrated that the permanent acquisition of all of the land is needed and the Scheme does not have planning permission; 2) there are alternative ways to achieve the purpose of the CPO and; 3) that the compulsory acquisition is not justified by a compelling case in the public interest and the interference with Convention Rights under Article 1 Protocol 1 is not proportionate. WE Gale Trust has also submitted a Statement of Case to the Orders Inquiries [CDM.1].

Acquiring Authority's response

- 4.212 In its Objection, the landowner has stated that the Compulsory Acquisition is not necessary as the Acquiring Authority has not demonstrated that the permanent acquisition of all of the land is needed for the Scheme and the Scheme does not have planning permission.
- 4.213 The landowner has queried the purpose for which the land is required and why it has been included within the CPO. In response the Acquiring Authority and Gateley Hamer have met with the landowner's agent, Tim Broomhead of Knight Frank on a number of occasions since the Objection was submitted to discuss their concerns and proposals for a voluntary agreement.
- 4.214 Gateley Hamer on behalf of the Acquiring Authority has confirmed that all plots within the Order are required permanently for the construction of the road and associated areas and infrastructure, except for plots 6/3d and 7/1a which would only be required temporarily during construction. In respect of these two plots, the Acquiring Authority has confirmed that they are required for the siting of a construction compound to be used in connection with the construction of the Scheme in this location as described at 3.41 in the evidence provided by Andy Blanchard of Aecom on Technical Highways Engineering for the A4130 Widening and Science Bridge section of the Scheme). The rationale and justification for the choice of the location for the compound is considered below and in the evidence of Andy Blanchard.
- 4.215 The Acquiring Authority has also confirmed that all of the land that is within the CPO is required to facilitate the delivery of the Scheme. Under a CPO scenario the Acquiring Authority would not have powers of temporary possession and as such would have to acquire all land that is required for the scheme permanently. Should some or part of the land become surplus and no longer be required following completion of the Scheme, then the Acquiring Authority can confirm that in accordance with the Cichel Down Rules it would offer this land back to the landowner for re-purchase.
- 4.216 Whilst all of the land within the CPO is required for the purposes of delivering the Scheme and would need to be acquired permanently if compulsory purchase powers are implemented, discussions have taken place with a view to reaching a voluntary agreement with the landowner. The Acquiring Authority has confirmed that it would be happy to enter into a licence or lease agreement in respect of the occupation of plots 6/3d and 7/1a and the land that is only required temporarily during construction, subject to such agreement being on appropriate terms.
- 4.217 Gateley Hamer has prepared plans for an alternative proposal based upon the discussions which have taken place and initial draft Heads of Terms for such an agreement were issued to the landowner in March 2023. Negotiations are continuing with the landowner and their agent with a view to reaching an agreement.
- 4.218 In response to the Objector's suggestion that the acquisition is not necessary because the Scheme does not have an implementable planning permission it should be noted that the Orders are now being heard in a conjoined Inquiry together with the call-in Planning Application. As such the matter of planning consent will be addressed in the Inquiry forum by the Secretary of State for Levelling Up, Housing and Communities, who is now the determining authority for the Planning Application. In the evidence presented by Bernard Greep on Planning matters he has set out his opinion why planning permission for the Scheme should be granted. Should the Secretary of State choose to grant planning permission for the Scheme then this objection ground will no longer be valid.
- 4.219 The landowner has suggested that there are alternative ways to achieve the purpose of the CPO. In particular, they have suggested that the land which comprises plots 6/3d and 7/1a, which are required for the siting of a construction compound to facilitate the delivery of the scheme, could be omitted from the Order as they could be located elsewhere and as such the compulsory acquisition of that land that is not required for Highways purposes. However, the objector has not formally put forward and provided sufficient details of any alternative proposals or sites for the Acquiring Authority to consider. They

have verbally suggested one alternative location situated on other land in the landowner's ownership however the alternative land is located some distance from the Scheme.

- 4.220 In the evidence provided by Andy Blanchard of Aecom on Technical Highways Engineering for the A4130 Widening and Science Bridge section of the Scheme, Mr Blanchard has explained the rationale and justification for the siting of the compound on the land comprising plots 6/3d and 7/1a and why it is considered the best solution available to deliver the Scheme and the public benefits proposed. He has also explained why the alternative location put forward by the objector was considered unsuitable on account of its distance from the Scheme.
- 4.221 In relation to the Objector's point regarding an alternative location for the siting of the construction compound, the Acquiring Authority has therefore given consideration to the objector's alternative proposal but has concluded that it would not be suitable on account of its distance from the Scheme and the requirement for the construction compound to be located adjacent to the Scheme. On the basis of the above, the Acquiring Authority remains satisfied that the existing location of the works compound is the best solution available to deliver the Scheme and the public benefits proposed.
- 4.222 The Objector has also suggested that an alternative configuration of the Scheme could provide an appropriate access from the proposed highway to the landowners retained land. They have pointed out that the Scheme presently does not provide such an access as the whole of the frontage to the land is to be acquired. In doing so they have suggested that the retained land would become land-locked and have referred to case law which they consider to be relevant to the particular facts of the case.
- 4.223 The Acquiring Authority has confirmed that it has no intention of creating such a scenario whereby the landowner would be left without access to their retained land. In response to this element of the Objection, the Acquiring Authority has confirmed that under a proposed voluntary agreement an equivalent access in a similar location to their existing access would be provided as can be seen on the revised General Arrangement Drawing *GEN_PD-ACM-GEN-DGT_ZZ_ZZ_ZZDR-T-0006 Rev – P04[CD D.6]*). Here access to the Objector's retained land could be achieved through the proposed access shown on the plan once the land which is required temporarily is returned to the landowner on completion of the Scheme.
- 4.224 Under a CPO scenario, as described above it is possible that the land which comprises plots 6/3d and 7/1a would be declared surplus on completion of the Scheme and offered back to the landowner for re-purchase in accordance with the Crichel Down Rules. In this scenario the access shown on the General Arrangement drawing referred to above would be sufficient to re-provide an equivalent access to the landowner's retained land. In the event that the land was not re-purchased by the landowner and all of the land comprising plots 6/3d and 7/1a remained in the Acquiring Authority's ownership then the Acquiring Authority can confirm that it will grant a right of access to the landowner over the land in its ownership to re-provide a suitable access to their retained land.
- 4.225 In both their Objection letter and Statement of Case, the landowner has also objected to the Scheme on the basis of the third ground that there is not a compelling case in the public interest and there is a disproportionate impact on human rights of the private individuals affected by the Scheme.
- 4.226 The proof of evidence of Timothy Mann addresses the a compelling case in the public interest. The evidence which supports the need for the Scheme is explained in the proof of evidence of Aron Wisdom. In respect of any interference with the human rights of private individuals, the Acquiring Authority has explained the public benefits that will be delivered by the Scheme and the consideration it has given to human rights legislation, and any interference with the private rights of individuals in Aron Wisdom's and Timothy Mann's proofs of evidence respectively.
- 4.227 Finally in respect of their objection on the second ground, the landowner has stated that the Acquiring Authority has failed to fully consider alternative ways of achieving the

purpose of the CPO as the landowner would be willing to enter into an agreement to grant a leasehold interest in plots 6/3d and 7/1a which are required temporarily for the construction only, suggesting that the compulsory acquisition of the land is not necessary. In response to this the Acquiring Authority would point to the fact that its preference is to reach a voluntary agreement with the landowner for the acquisition of the land and rights required for the Scheme. The Acquiring Authority has confirmed, as already stated above at 4.218, that it would be happy to enter into a licence or lease agreement in respect of the occupation of plots 6/3d and 7/1a and the land that is only required temporarily during construction, subject to such agreement being on appropriate terms. In that regard, heads of terms for such an agreement were issued to the landowner in March 2023 and are being negotiated between the parties. It is the Acquiring Authority's intention to continue those negotiations with a view to reaching a voluntary agreement right up until the implementation of compulsory purchase powers, if the Secretary of State were to see fit to confirm the Order. However, it is essential that these plots remain within the Order in the meantime, as the Acquiring Authority does not have the certainty of a legally binding agreement with the landowner which would provide it with the land and rights it requires to deliver the Scheme.

- 4.228 A record of the engagement that the Acquiring Authority and Gateley Hamer has had with the WE Gale Trust and its agent is appended to this proof evidence at Appendix SM2.16.

Neighbouring Parish Council Joint Committee (NPC-JC) (objection 28)[CD J.25] – Non-statutory

- 4.229 This committee consists of five Parish Councils: Appleford-on-Thames, Sutton Courtenay, Culham, Clifton Hampden & Burcot, and Nuneham Courtenay. The grounds of the objection focus on 1) the Orders and joint Statement of Reasons have failed to demonstrate a compelling case in the public interest for the Scheme; 2) the Scheme is incompatible with climate change policy and legislation; 3) the Scheme will have a negative impact on biodiversity; 4) the traffic modelling assessment is flawed; 5) the Scheme does not comply with the NPPF; 6) the Scheme does not comply with the LTCP; 7) there is no certainty as to funding.

Acquiring Authority's response

- 4.230 The grounds of objection raised by the Neighbouring Parish Council – Joint Committee (NPC-JC) have been dealt with by the Acquiring Authority in its Statement of Case or in evidence submitted by others referred to below in my Proof of Evidence.
- 4.231 NPC-JC have stated in their objection that the Orders and joint Statement of Reasons have failed to demonstrate a compelling case in the public interest for the Scheme. However, the evidence provided by Aron Wisdom of Oxfordshire County Council on the Strategic Need and Benefits, Highway Issues, Scheme Selection and Alternatives has supported the case made in the Acquiring Authority's Statement of Case in respect of the need for the Scheme and the Public Benefits provided. Furthermore, the Compelling Case in the Public Interest has been considered further in the evidence provide by Timothy Mann of Oxfordshire County Council on Compulsory Purchase Justification. In his evidence he has concluded that there is a compelling case in the public interest for the CPO.
- 4.232 In their objection NPC-JC have stated that the Scheme is incompatible with climate change policy and legislation.
- 4.233 This matter has been considered extensively by Chris Landsburgh of AECOM in his evidence on Climate Change.
- 4.234 NPC-JC have also stated that the Scheme will have a negative impact on biodiversity. However, as detailed in the submitted Biodiversity Net Gain Assessment [Core Document C.2 Appendix I] the Scheme is predicted to result in an overall net gain of 23.13% of habitat units, 40.90% Hedgerow units and 3.04 (1.26% on site and 1.76% off

site) of river units. The Acquiring Authority therefore considers that the Scheme therefore will have significant positive impacts on Biodiversity in the local area. Alex Maddox of Aecom has also considered the impact of the Scheme on biodiversity and responded to NPC-JC's objection on this ground in his evidence on Environmental Impact Assessment

- 4.235 In respect of traffic modelling for the Scheme, NPC-JC have also stated in the objection that the traffic modelling assessment is flawed as it does not take into account induced demand. However, these concerns have been extensively addressed in the evidence provided by Claudia Currie of Atkins on Traffic Modelling.
- 4.236 NPC-JC have also made objections in respect of planning related matters. They have objected on the grounds that the Scheme does not comply with the NPPF and the Scheme does not comply with the LTCP.
- 4.237 The Scheme is supported by the adopted South Oxfordshire Local Plan and the adopted Vale of White Horse Local Plan, as well as the Acquiring Authority's adopted Local Transport Connectivity Plan. The Acquiring Authority considers that the Scheme does comply with the policies of the NPPF as well as the LTCP. The Scheme is key to the delivery of planned growth at the Didcot Garden Town and Science Vale allocations. The above matters have been considered in the evidence of Bernard Greep of Stantec on Planning and John Disley of Oxfordshire County Council on the Local Transport and Connectivity Plan.
- 4.238 NPC-JC's has also raised a concern in their objection there is no certainty as to funding. However, in the evidence provided by Tim Mann on Compulsory Purchase Justification he has clearly set out how the Scheme will be funded and delivered.
- 4.239 Notwithstanding the above, with regard to climate change, biodiversity, alternative routes and Transport Assessment, this objection is largely considered a planning matter that has been directly addressed during the course of the Application and is more appropriately considered as a planning matter at the call-in Inquiry.
- 4.240 On the basis of the evidence referred to above, I am satisfied that this Objection has been responded to fully and that all points of Objection raised have been addressed.

4.241 Bernard Wallis (Objection 29) [CD J.26] – Statutory

Plots: 13/1a, 13/1c, 13/1d, 13/1f, 13/1g, 13/1h, 13/1i, 13/1j, 13/1k 14/2a, 14/2b, 14/2c, 14/2d, 14/2e, 14/2f, 14/2g and 14/2h

- 4.242 Mr Wallis is a farming tenant of Zouch Farm, Clifton Hampden, and the sole ground for his Objection is the inadequacy of the attempts to negotiate. Mr Wallis has objected on the basis that there has been a lack of meaningful negotiations regarding compensation matters. He has stated that there are a number of issues that will affect the continuation of his farming business and as such these matters should be addressed in discussions in advance of the CPO. Mr Wallis has an Agricultural Holdings Act tenancy and farms land in the ownership of Morrells Holdings Limited

Acquiring Authority's response

- 4.243 The Acquiring Authority has been in contact with Bernard Wallis and his agents, Carter Jonas since January 2021 regarding the Scheme and access to Zouch Farm for the purpose of ground investigation (GI) surveys. There was significant engagement regarding access for GI surveys which continued throughout 2021 and 2022 with discussions regarding the settlement of Mr Wallis compensation claim resulting from the surveys undertaken being negotiated and agreed with his agents Carter Jonas in March 2022 and concluding in May 2022.
- 4.244 Following queries raised by Mr Wallis and his agent there were also early discussions around the Scheme proposals and in particular the design of the new accesses that were

to be provided into Mr Wallis' field from the road to the farm and farm buildings on the east side at plot 14/2g and into the agricultural fields on the west side at plot 14/2d. Further information about the proposed dimensions of the accesses and plans showing a swept path analysis that had been carried out were forwarded to Mr Wallis' agent on 5 August 2021 for consideration although it should be noted that the final design for the Scheme had not been completed at this point in time.

- 4.245 After the original agent at Carter Jonas, Simon Mole, left the business early in 2022 and then his successor, Mark Warnett also left the business later in July 2022 there was a period of time where Gateley Hamer were unable to establish who was now acting on Mr Wallis' behalf. Following the finalisation of the Scheme design in December 2022 Gateley Hamer remained unable to establish who was now acting for Mr Wallis despite making enquiries with both Carter Jonas and Adkins, the agents acting on behalf of the freeholders.
- 4.246 It was not until March 2023 after Mr Wallis' objection was submitted that Gateley Hamer were eventually able to make contact with John Read of Carter Jonas who had submitted an objection on behalf of Mr Wallis.
- 4.247 The Acquiring Authority and Gateley Hamer met Mr Wallis and his agent on site on 25 May 2023 to discuss the Scheme and their concerns. During the meeting, Mr Wallis raised a number of concerns relating to the impact of the Scheme on his business and farming operations as referred to in his objection letter.
- 4.248 Following the site visit, the Acquiring Authority and Gateley Hamer requested further information in respect of some of the issues raised such that they could progress the discussions.
- 4.249 In particular, Mr Wallis raised concerns about the Scheme's impact on the bio security of his farming operations. The new road to be constructed will be in close proximity to the existing agricultural buildings, in which Mr Wallis houses livestock. Mr Wallis considers that additional security fencing is required in order to mitigate the impact of Scheme on his farming operations and to maintain bio security on the Scheme's completion. He has also advised that this would be a requirement of his suppliers.
- 4.250 The Acquiring Authority has confirmed that it would be prepared to install some additional security fencing to mitigate the impacts of the Scheme on Mr Wallis' business and farming operations subject to obtaining any necessary planning consent if required. However further information has been requested in order to establish the extent of the fencing to be provided. The Acquiring Authority is currently in discussions with the objector in respect of agreeing the extent and specification of the proposed fencing to be installed.
- 4.251 During the site visit, Mr Wallis also raised concerns about the distance of trees, which are adjacent to the existing agricultural buildings (see land adjacent to plot 14/2h), from the new road. The objector has advised that the trees will need to be felled in the next five years as they are approaching the end of their lifespan. He is concerned with regard to safety that there is insufficient room between the trees and the road.
- 4.252 As a result of the meeting with Mr Wallis, it was agreed that that the Acquiring Authority would confirm the anticipated distances between the edge of the farm buildings and the new road such that Mr Wallis could assess the potential impact and risks. The Acquiring Authority has also now confirmed the distances between the existing agricultural buildings and the edge of the new road and the dimensions of the new accesses to be provided and are awaiting further feedback from the objector and their agent.
- 4.253 In addition to the above concerns, Mr Wallis also requested further information on the proposed new accesses to be provided from the road to the farm and farm buildings on the east side at plot 14/2g and into the agricultural fields on the west side at plot 14/2d. Mr Wallis wants to ensure that the specification and dimensions of the new accesses to be provided will be sufficient for use by HGV's and agricultural vehicles and machinery

used for the purposes of his farming business. This information has subsequently been provided.

- 4.254 The Acquiring Authority and Gateley Hamer are in ongoing discussions with Mr Wallis and his agent with a view to agreeing Heads of Terms for a voluntary agreement. It has confirmed that it would be prepared to install some additional security fencing to mitigate the impacts of the Scheme on Mr Wallis' business and farming operations. It is the Acquiring Authority's intention to continue those negotiations with a view to reaching a voluntary agreement right up until the implementation of compulsory purchase powers, if the Secretary of State were to see fit to confirm the Order.
- 4.255 A record of the engagement that the Acquiring Authority and Gateley Hamer has had with Mr Wallis and his agent is appended to this proof evidence at Appendix SM2.18.

RWE Generation UK plc (Objection 31) [CD J.28] – Statutory

Plots: 4/3a, 5/2a, 5/2b, 5/2c, 5/2d, 5/2e, 5/2f, 5/2g, 5/2h, 5/2i, 6/1a, 6/1b, 6/1c, 6/1d, 6/1e, 6/1f, 6/1g, 6/1h, 6/1i, 6/1j, 6/1k, 6/1l, and 13/6a

- 4.256 RWE Generation UK plc (RWE) is the freehold owner and licenced operator of Didcot B power station. RWE is generally supportive of the Scheme but has objected to the CPO and SRO on a number of grounds. RWE states that it has previously responded to the Planning Application to raise concerns about potential impacts on its land in relation to new accesses and drainage arrangements. In its objection RWE has stated its grounds of objection as being 1) that access to the power station may be adversely affected and must be maintained on a 24 hour a day 7 days a week basis for operational and safety reasons; 2) concerns about the Scheme's impact on the Power Stations drainage system; 3) there are alternatives to Compulsory Acquisition and there has been limited negotiations to reach a private agreement; 4 concerns in relation to the acquisition of individual plots ; 5) concerns that the stopping up of roads under the SRO and compulsory acquisition of land under the CPO and construction of the new Highway will segregate RWE's existing security gatehouse making it impossible to control access into the power station and; 6) there is currently no planning consent for the proposed Scheme and as such this represents a planning impediment to the delivery of the Scheme.
- 4.257 RWE is a statutory undertaker, as stated in their Statement of Case at 5.1, but has not made a representation to the Department for Energy Security and Net Zero (DESNZ) under section 16 of the Acquisition of Land Act 1981 within the period in which objections to the Orders can be made, as far as the Acquiring Authority is aware.

Acquiring Authority's response

- 4.258 In both its objection letter and Statement of Case, RWE has stated its concerns that access to the Power Station site will be affected by the Scheme both during the construction period and on completion. It has stated that it requires access to the Power Station for heavy goods and wide load vehicles as well as to a National Grid substation to be maintained on a 24 hours a day 7 days a week basis for both operational and safety reasons. It has also stated that new junctions provided by the Scheme must be equivalent to their existing accesses, being suitable for heavy goods vehicles and vehicles with wide loads and provide sufficient capacity to accommodate future development proposals.
- 4.259 However, RWE also acknowledges that the Acquiring Authority has been engaging with RWE since 2020 in respect of the Scheme design and that the Scheme has been designed to accommodate the majority of access and drainage requirements for the Didcot Power Station site. This is confirmed in the evidence provided by Andrew Blanchard of Aecom on Technical Traffic and Highways Engineering for the A4130 Widening and Didcot Science Bridge. Although RWE has stated that there remain some elements that may have a detrimental impact on RWE's statutory undertaking, RWE has stated that it believes that these remaining matters will be best dealt with through a private agreement rather than the compulsory acquisition of land and rights.

- 4.260 In that regard the Acquiring Authority has confirmed that its preference is to reach a voluntary agreement with RWE which will secure the land and rights it requires to deliver the Scheme. It has prepared heads of terms for such an agreement which were issued to RWE in November 2023. Following a meeting which took place to discuss the heads of terms the Acquiring Authority and Gateley Hamer have been awaiting a response which was received on 11 January 2024 and is now under consideration. It is the Acquiring Authority's intention to continue negotiations with RWE, with a view to reaching a voluntary agreement, right up until the implementation of compulsory purchase powers should the Secretary of State see fit to confirm the Order.
- 4.261 The Acquiring Authority has also confirmed that during the construction period, access to the Power Station, and the National Grid substation, will be provided at all times to RWE by the proposed contractor for the works, until such times as the new road and the permanent replacement means of access to RWE premises is constructed and available for use. Conditions will be included within the construction contract for this section of the Scheme to confirm this requirement. This is explained in the evidence provided by Andrew Blanchard on Technical Traffic and Highways Engineering for the A4130 Widening and Didcot Science Bridge.
- 4.262 In respect of RWE's requirement that new junctions provided by the Scheme must be equivalent to their existing accesses and provide sufficient capacity to accommodate future development proposals, Andrew Blanchard in his evidence on Technical Traffic and Highways Engineering for the A4130 Widening and Didcot Science Bridge has stated his opinion that the future access arrangements to the former Didcot A Power Station site are equivalent to that already existing and that they have been designed with input from RWE to provide capacity for reasonable future development within the site.
- 4.263 In its objection and Statement of Case RWE has also raised concerns about the Schemes impact on the Power Station's drainage system. In particular it has stated that the Power Station's drainage system will be adversely affected if the proposed replacement drainage pond is not implemented at the appropriate time.
- 4.264 Andrew Blanchard has explained in his evidence on Technical Traffic and Highways Engineering for the A4130 Widening and Didcot Science Bridge at 3.48 that whilst the exact drainage requirements and construction period have not been finalised, the Acquiring Authority and contractor will work with RWE to ensure that the drainage design, and the sequencing of the construction works are such that operational drainage lagoons are provided at all times to and they minimise the impact on their site. He has confirmed that the proposed replacement drainage lagoon will be constructed and operational before the demolition of the existing drainage lagoon.
- 4.265 In its objection letter RWE has also referred to a number of objections in respect of specific plots within the Order. Details of those objections and the Acquiring Authority's specific responses are explained in the evidence provided by Andrew Blanchard on Technical Traffic and Highways Engineering for the A4130 Widening and Didcot Science Bridge at 3.48 and are also detailed below.
- 4.266 Plot 4/3A – RWE has raised concerns that the land which comprises this plot is the main access point to Didcot B Power Station and construction traffic should be kept to a minimum. In response Andrew Blanchard in his evidence at 3.51 has explained that this road will only be used to access the northern construction site for the Didcot Science Bridge structure, so construction vehicle movements are expected to be minimal, no works are proposed within this land parcel. The Acquiring Authority has proposed that under a voluntary agreement the land which comprises this plot could remain in the ownership of RWE provided that the Acquiring Authority was granted a licence, on appropriate terms, such that its contractor can use the access road during the construction period. Under a CPO scenario Andrew Blanchard has explained in his evidence at 3.46 how the Acquiring Authority would ensure that suitable access to the Didcot Power Station is maintained during the construction period and how on completion of the Scheme a new access will be provided.

- 4.267 Plot 5/2d - RWE has stated in its objection that this road will form the private access to Didcot Power Station and should not be adopted. It has also stated that there will be a requirement for a security gate and gatehouse in this location and elsewhere in their objection and also in their Statement of Case they have objected on the basis that their existing Gatehouse will be segregated from the Power Station by the new road making it impossible to control access into the power station.
- 4.268 Andrew Blanchard in his evidence at 3.52 has explained that the land which comprises this road will form the new private access road to Didcot Power Station site on completion of the Scheme. The Acquiring Authority has confirmed that on completion of the Scheme, under a CPO scenario, the land which comprises the new access road to the site and is only required temporarily during construction, could be offered back to RWE for purchase in accordance with the Crichel Down Rules. Alternatively, it has been proposed that a voluntary agreement could be reached with RWE where RWE will grant the Acquiring Authority licences, on appropriate terms, to allow occupation of the land and construction of the scheme after which the land could be returned to RWE. The Acquiring Authority can confirm that the heads of terms previously proposed reflected such an arrangement.
- 4.269 The current RWE Gatehouse is located on RWE's frontage land, which is severed by the Scheme and will take a new access from the Scheme. Without the new gatehouse, the Acquiring Authority acknowledges that RWE's secure entrance and exit is compromised due to the Scheme making the existing gatehouse redundant. As a result, an outline planning application (Ref: P22/V2467/O) was submitted to the Vale of White Horse District Council by OCC and RWE Generation UK on 13 October 2022, seeking planning permission for the replacement RWE Generation UK PLC Gatehouse to allow the site to be secured with a managed entrance and exit. The outline planning application was granted on 29 November 2022.
- 4.270 Plot 5/2h & 6/1d – in respect of plot 5/2h RWE has stated that it should be extended South to include the whole of RWE's interest to the boundary south of the Moor Ditch otherwise RWE will be left with an unmanageable strip of land. In respect of plot 6/1d it has stated that RWE has no objection to the Acquiring Authority being granted a permanent right of access, but this access will also be permanently used by RWE to access its retained land, it is likely to be secured and appropriate control measures need to be agreed. In respect of both plots Andrew Blanchard has explained in his evidence at 3.53 that both plots are required to construct a maintenance access route to the proposed highways drainage basin in plot 5/2g. He confirms that on completion of the Scheme, the land could be offered back to RWE for purchase, in accordance with the Crichel Down Rules, and subject to suitable rights of access being granted to the Acquiring Authority to allow access for maintenance of the drainage basin and appropriate control measures would be agreed with RWE. If RWE did not wish to purchase back the land, the Acquiring Authority could grant a right of access to RWE to allow it access to its retained land. Alternatively, a voluntary agreement could be reached with RWE where RWE would grant the Acquiring Authority licences to allow occupation of the land and construction of the Scheme after which the land could be returned to RWE, subject to the maintenance access rights.
- 4.271 Plots 6/1e, 6/1f & 6/1h – RWE has confirmed that permanent access will need to be maintained to the remaining drainage lagoon which is surrounded by these three plots for maintenance purposes. In his evidence Andrew Blanchard has explained at 3.54 that these plots are required to allow construction of revised drainage lagoon accesses and the removal of the existing northern drainage lagoon. As such, on completion of the Scheme RWE would be granted suitable rights of access over these plots to enable the continued maintenance of the remaining drainage lagoon for operational purposes. These plots could also be offered back to RWE for purchase, in accordance with the Crichel Down Rules. Alternatively, the Acquiring Authority can confirm that as part of a voluntary agreement RWE could grant the Acquiring Authority licences, provided they were on appropriate terms, to allow for the occupation of the land and construction of the Scheme after which the land could be returned to RWE. This was originally proposed in the land plans outlining proposals for a voluntary agreement issued to the Objector in early 2023.

- 4.272 Plot 6/1l & 6/j – In respect of plot 6/1l RWE, has stated that it is not clear from the proposals why this land is required for the Scheme. In respect of plot 6/1j, RWE has stated that land is the access to RWE’s Technology Support Centre, which is an office and training facility. This access must be maintained and should not be needed by the Acquiring Authority for the construction of its Scheme. Andrew Blanchard in his evidence at 3.55 has confirmed that both plot 6/1l and Plot 6/1j are required to allow construction access to the neighbouring plots in the vicinity of the RWE’s Technology Support Centre site. During construction a suitable alternative access arrangements will be provided to allow RWE to continue to access its Technology Support Centre throughout the construction of the Scheme. As they are only required temporarily for the purchase of constructing the Scheme, both plots could be offered back to RWE, in accordance with the Crichel Down Rules, for purchase on the Scheme’s completion. If RWE does not wish to purchase the plots then the Acquiring Authority would grant an appropriate right of access to RWE to allow them to continue to access the Technology Support Centre on completion of the Scheme. Alternatively, the Acquiring Authority can confirm that as part of a voluntary agreement RWE could grant the Acquiring Authority licences, provided they were on appropriate terms, to allow for the occupation of the land and construction of the scheme after which the land could be returned to RWE. This was originally proposed in the land plans outlining proposals for a voluntary agreement issued to the Objector in early 2023.
- 4.273 RWE has also raised concerns in its objection and Statement of Case regarding its apparatus or utility services, which serve Didcot Power Station, that are located under roads to be stopped up under the SRO. Andrew Blanchard has explained in his evidence at 3.49 that the design will allow for statutory apparatus (utilities) identified beneath the main access road that needs to be protected, diverted to the new access road or stopped up. The amendment to this statutory apparatus will be sequenced in collaboration with RWE once a contractor is appointed.
- 4.274 In its Statement of Case at section 8, RWE has also noted that there is currently no planning consent for the proposed Scheme. They have stated that this represents a planning impediment to the delivery of the Scheme. In response to the Objector’s suggestion that the lack of planning consent represents an impediment to the Scheme it should be noted that the Orders are now being heard in a conjoined Inquiry together with the called-in Planning Application. In the evidence presented by Bernard Greep, he has set out his opinion why planning permission for the Scheme should be granted.
- 4.275 RWE’s objection and Statement of Case also details its objection on the ground that there are alternatives to the compulsory acquisition of the land and rights required to deliver the Scheme and that there have been limited negotiations to reach a private agreement.
- 4.276 As explained above, there has been significant engagement which has taken place between the Acquiring Authority, its design team and Gateley Hamer and RWE in 2020 and 2021 regarding such matters as the Scheme design and access to the site for Ground Investigation (GI) surveys.
- 4.277 There are also ongoing negotiations with regard to reaching a voluntary agreement with RWE for the securing of land and rights required to deliver the Scheme. Plans outlining the Acquiring Authority’s proposals for a voluntary agreement were issued to RWE in January 2023 and meetings to discuss the plans and proposals and queries raised took place between Gateley Hamer and RWE in February and April 2023. Responses to a number of queries raised in respect of specific plots were provided in May 2023 and further queries were raised and further responses and information was provided during June 2023. Following a brief pause after the call-in of the Planning Application in July 2023, negotiations resumed in September 2023 and Gateley Hamer prepared heads of terms for an agreement which were issued to RWE in November 2023. A further virtual meeting to discuss the heads of terms which took place on 24 November 2023. The Acquiring Authority and Gateley Hamer received further feedback and a response from RWE on the proposed heads of terms on 11 January 2024, which are now under consideration.

- 4.278 It should be noted that the draft heads of terms that were returned by RWE in January 2024 differ from the discussions which have previously taken place and the proposals which were discussed with RWE in November 2023. The heads of terms have been re-drafted and refer to a section 106 agreement under Section 106 of the Town and Country Planning Act 1990 and Section 111 of the Local Government Act 1972 and relate to RWE's proposed planning application (reference P22/V1857/O) for a data centre at the former Didcot B Power Station site.
- 4.279 RWE has submitted an outline planning application to the Vale of White Horse District Council in respect of a proposed new data centre campus to be constructed on the site of the former Didcot B Power Station (see planning application reference P22/V1857/O). In its Statement of Case, RWE has stated that as part of its planning application for its proposed data centre campus, it would be required to enter into a section 106 agreement to provide a number of planning obligations. RWE has stated that as part of that section 106 agreement it has been agreed in principle with the Vale of White Horse District Council and the Acquiring Authority that the land and rights required to deliver the Scheme could be secured under such an agreement. RWE has indicated in discussions with the Acquiring Authority and Gateley Hamer that it was its preference for the land and rights required for the Scheme to be secured under this arrangement.
- 4.280 In respect of the above proposals the Acquiring Authority has acknowledged the ongoing discussions taking place between officers of the LPA, the Vale of White Horse District Council and RWE and has confirmed that should an appropriate section 106 agreement be agreed prior to the implementation of any compulsory purchase powers, under which the land and rights it requires to deliver the Scheme would be secured within an appropriate timeframe, then it would proceed with this arrangement and would not implement its compulsory purchase powers in such a circumstance, if the Orders had been authorised. However, it has pointed out that this is a separate planning process over which it does not have control and that currently neither the proposed section 106 agreement has been agreed nor planning permission at the current time. It is, therefore, unable to rely upon such an arrangement until such a time as planning consent for RWE's proposed development has been granted and a legally binding section 106 agreement, which would secure all the land and rights it requires to deliver the Scheme, within an appropriate timeframe, has been completed. It has therefore confirmed that it is necessary for the parties to agree the alternative voluntary agreement referred to above at 4.264 to 4.266. This matter was recently discussed with RWE during a meeting on 24 November 2023.
- 4.281 As confirmed above, the Acquiring Authority's preference remains to reach a voluntary agreement with RWE, which will secure the land and rights it requires to deliver the Scheme. It is therefore the Acquiring Authority's intention to continue the negotiations with RWE, with a view to reaching a voluntary agreement, right up until the implementation of compulsory purchase powers should the Secretary of State see fit to confirm the CPO.
- 4.282 However, in the event of that the Acquiring Authority and RWE are unable to reach an agreement, then even under a CPO scenario on the basis of the evidence referred to above, the Acquiring Authority has explained how it would address the concerns which have been raised by the Objector. The Acquiring Authority therefore considers that there would not be serious detriment to RWE's ability to carry out its statutory undertaking.
- 4.283 A record of the engagement that the Acquiring Authority and Gateley Hamer has had with RWE is appended to this proof evidence at Appendix SM2.9.

National Grid Energy Transmission plc (NGET) (objection 33) [CD J.30] - Statutory

- 4.284 The objection from NGET was lodged on 12 October 2023, almost 7 months following the closure of the objection period. It was accepted as a late objection by the Secretary of State for Transport. The email received from Ardent on behalf of NGET states that NGET were only made aware of the CPO via RWE. It requests whether a late objection

would be received and that NGET “has concerns” but provides no further information for the Acquiring Authority to respond to. Following a request from the Acquiring Authority’s legal advisors to Ardent to provide further information on the objection, Ardent responded on 20 October 2023 to advise that the objection is a “holding objection” as it had come to NGET’s attention that it had “interests and apparatus located within the red line boundary, and the team responsible for responding to statutory orders had not been made aware of this particular CPO.”

Acquiring Authority’s response

- 4.285 The Acquiring Authority served notice of the CPO and the SRO upon National Grid, National Grid Gas, and National Grid Electricity, prior to the publication of the Orders. The Acquiring Authority contacted the Objector’s agent, Ardent, on 17 October 2023 requesting a meeting to understand the concerns of NGET. Ardent responded on 19 October 2023 stating it was trying to bring the relevant team together and would come back with dates and times for a meeting, which was subsequently arranged for 2 November 2023.
- 4.286 NGET advised, via Ardent, that its approach where it has apparatus within a redline area is to require an Asset Protection Agreement (APA) to ensure that it is comfortable that the execution of any compulsory powers and works will not impact upon its statutory undertaking in any way. The email received, dated 20 October 2023, acknowledged that there “*may have been engineering discussions previously*” and that it is “*likely however that as a minimum that NGET will require an APA to enable the removal of this objection.*”
- 4.287 Following the meeting on 2 November 2023, further information and plans were provided to NGET for its consideration. During this meeting it was also agreed that an APA would be drafted and agreed between the parties as requested by NGET.
- 4.288 An initial draft of the APA was received from NGET’s legal advisors on 12 December 2023. Negotiations with a view to reaching an agreed final draft of the APA are continuing between the parties. It is the Acquiring Authority’s intention to continue negotiations with NGET, right up until the implementation of compulsory purchase powers should the Secretary of State see fit to confirm the Order.

Conclusions

- 4.289 In section 4 of this Proof of Evidence I have outlined details of the objections which have been received and the responses and actions the Acquiring Authority has undertaken with a view to addressing the objections that have been raised with a view to resolving objections where possible.
- 4.290 Following the closure of the statutory objection period on 22 March 2023, a total of 32 objections had been submitted to the Secretary of State (“**the Objections**”). Two further objections from National Grid Electricity Transmission plc (NGET plc) and the Oxford Fieldpaths Society were later received making a total of 34 objections which have been submitted to the Secretary of State for Transport. Following initial enquiries, the objection received from RD Education Ltd t/a Lightning Motorcycle Training (Objection 5) was removed in June 2023 and following the agreement of heads of terms, the objector Jacqueline Mason (Objection 32) removed her objection in November 2023.
- 4.291 There are 32 remaining objections (the **Objections**). Of the Objections, 23 are statutory Objections where the objector has a land interest impacted by the Scheme. The remaining 9 Objections are classed as non-statutory Objections, where the objecting party has no land interest directly impacted by the Scheme but, instead, has a more general Objection.
- 4.292 Many of the parties who have objected are represented and there have been a number of complex objections submitted, some of which are objecting on numerous different grounds. The Scheme impacts on a number of development sites which it will provide

access to on completion and which will benefit from the Highway Improvements and other public benefits it provides. However, this has led to a number of complex objections being received from landowners such as RWE, Leda Properties, UKAEA, the WE Gale Trust and Scheme promotor CEG. In many cases these objectors are seeking to maximise the benefits that the Scheme will provide to their sites and minimise any impact during the construction period.

- 4.293 There have also been a number of non-statutory objections received from various local Parish Councils including Appleford Parish Council, Sutton Courtenay Parish Council, Nuneham Courtenay Parish Council and an objection from the Neighbouring Parish Councils Joint Committee which represents a number of Parish Councils in the local area. These objections mainly relate to panning matters and will be addressed in the call-in Inquiry but are generally complex and have referenced numerous different grounds of objection.
- 4.294 In addition, there have also been four objections received from statutory undertakers whose assets are impacted by the Scheme. Those statutory undertakers who have objected include Network Rail, Thames Water, RWE Generation UK plc and National Grid Electricity Transmission plc.
- 4.295 The Acquiring Authority has sought to engage with all objectors, where possible, in order to listen to the concerns of landowners and non-statutory objectors alike. It has sought to address their concerns and resolve their objections where it has been reasonably practical to do so whether that be through the provision of further information and/or preparing bespoke heads of terms for voluntary agreements which address the concerns of landowners. The Acquiring Authority can confirm that it will continue to engage with all objectors right up until the date of the Inquiry with a view to resolving their objections.
- 4.296 Details of the individual objections received are outlined in this Proof of Evidence above. This Section details the engagement that has place with individual objectors and the responses that the Acquiring Authority has provided with a view to addressing the concerns of objectors and resolving their objections.
- 4.297 I consider that the evidence outlined in section 4 does demonstrate that the Acquiring Authority has sought to address the concerns of objectors and has sought to resolve their objections where it has been reasonably practical to do so. I am therefore of the opinion that the Acquiring Authority has sought to fully address the concerns raised by Objectors in their Objections.

5 CONCLUSIONS AND SUMMARY

Conclusions

- 5.1 In Section 3 of this Proof of Evidence I have set out the tests that must be applied, in accordance with the Guidance, and which the Acquiring Authority must meet, in respect of their approach to engagement and the negotiations with landowners, if it is to demonstrate that there is a compelling case in the public interest for the use of compulsory purchase powers. I have also explained the steps that the Acquiring Authority has taken to engage with landowners with a view to acquiring the land and rights by voluntary agreement.
- 5.2 In considering the approach to engagement and the negotiations with landowners I am of the opinion that Acquiring Authority has had regard to the government guidance '*Guidance on Compulsory purchase process and The Criche Down Rules*' (the **Guidance**) [CDH.10].
- 5.3 Where possible, the Acquiring Authority has engaged with all landowners for a considerable period of time and has sought to ensure that it complied with the Guidance when doing so. Although it accepts that due to delays in respect of the finalisation of the Scheme design it was unable to issue individual land plans to landowners showing the extent of land and rights which was required for the Scheme until December 2022. It has been engaging with landowners, in relation to the Scheme design and the Scheme proposals and access for GI surveys since February 2020 and has sought to engage with all landowners where it has been possible to do so.
- 5.4 It has also been over 12 months, at the date of this Proof of evidence, since land plans showing the extent of land and rights required for the Scheme and outlining the Acquiring Authorities proposals for voluntary agreements were issued to landowners. Indeed, it is noted that heads of terms for a voluntary agreement have now been issued to the vast majority of landowners and in all cases the Acquiring Authority and Gateley Hamer have listened to landowners concerns and tried to address those concerns so far as is reasonably possible when preparing heads of terms for voluntary agreements. In most cases there have now been significant discussions with a view to reaching a voluntary agreement and negotiations are at an advanced stage.
- 5.5 In respect of the objections, the evidence outlined in section 4 demonstrates that the Acquiring Authority has sought to address the concerns of objectors and has sought to resolve their objections where it has been reasonably practical to do so, whether that be through the provision of further information and/or preparing bespoke heads of terms for voluntary agreements which address the concerns of landowners. The Acquiring Authority can confirm that it will continue to engage with all objectors right up until the date of the Inquiry with a view to resolving their objections.
- 5.6 On the basis of the evidence outlined in section 4 of this Proof of Evidence above, I consider that the Acquiring Authority has sought to engage with all parties and listened to the concerns of landowners and non-statutory objectors alike. Section 4 outlines details of the objections received and the engagement that has taken place and the responses that the Acquiring Authority has provided with a view to addressing the concerns of objectors and resolving their objections.
- 5.7 On the basis of the evidence outlined in Section 4 of this Proof of Evidence, I am of the opinion that the Acquiring Authority has sought to fully address the concerns raised by Objectors in their Objections. which outlines details of the objections submitted and the engagement that has place and the responses that the Acquiring Authority has provided with a view to addressing the concerns of objectors and resolving their objections.
- 5.8 The Acquiring Authority has confirmed that it will continue to negotiate with landowners with a view to reaching voluntary agreements for the acquisition of land and rights, which are required for the Scheme, right up until the implementation of any compulsory purchase powers. I would anticipate, based upon the evidence above and my knowledge

and experience of the negotiations that it should be possible to reach an agreement with many during that time. However, it is clear that, it will not be possible to reach an agreement with all.

- 5.9 Having given consideration to the evidence referred to above in Sections 3 and 4 of this Proof of Evidence, I therefore consider that, in accordance with the Guidance [CDH.10], the Acquiring Authority and Gateley Hamer have made reasonable attempts to reach voluntary agreements with landowners to acquire all land and rights that are required for the Scheme.
- 5.10 However, on the basis of this evidence, I am also of the opinion that in order to ensure that the land and rights required to construct the Scheme can be secured and the Scheme delivered within a reasonable timeframe, that the use of compulsory purchase powers, as a method of last resort, will be required.
- 5.11 In his evidence Aron Wisdom of Oxfordshire County Council has explained the strategic need for the Scheme and the Public Benefits that it will deliver. In the evidence of Timothy Mann of Oxfordshire County Council, he has considered the justification for the CPO and explained the compelling case in the public interest which justifies the use of compulsory purchase powers and the interference with the human rights of landowners affected by the Scheme.
- 5.12 Therefore on the basis of the evidence referred to in this Proof of Evidence above and the evidence of those also referred to in this Proof of Evidence at 1.15 above, I have concluded that, in my opinion, there is a compelling case in the public interest which justifies the use of compulsory purchase powers and that the interference with the human rights of landowners affected by the Scheme is justified in order to facilitate the construction and delivery of the proposed Scheme and obtain the public benefits that will be delivered as a result.

Summary

- 5.13 In section 1 of this Proof of Evidence I have explained my qualifications and my experience which is relevant to the subject matter on which I am providing evidence and opinion. I have also explained the Orders to which this Proof of Evidence relates and the matters relating to the land assembly for the Scheme which are covered in this evidence, those matters being chiefly related to the negotiations, acquisitions and responses to the objections to the Orders which have been received.
- 5.14 In Section 2 of the evidence, I have provided a description and summary of the Order land which is subject to the Orders and is required for the purposes of delivering the Scheme.
- 5.15 In Section 3 I have set out the tests that must be applied, in accordance with the Guidance, and which the Acquiring Authority must meet in respect of their approach to engagement and the negotiations with landowners if it is to demonstrate that there is a compelling case in the public interest for the use of compulsory purchase powers. I have also explained the steps that the Acquiring Authority has taken to engage with landowners with a view to acquiring the land and rights by voluntary agreement.
- 5.16 In considering the approach to engagement and the negotiations I have confirmed that in my opinion the Acquiring Authority has had regard to the government guidance '*Guidance on Compulsory purchase process and The Criche Down Rules*' (the **Guidance**) [CDH.10].
- 5.17 In accordance with the Guidance, the Acquiring Authority has sought early engagement with all parties affected by the Scheme and has taken steps which have included making offers to landowners with a view to reaching voluntary agreements for the acquisition of all necessary interests in the Order Land. It accepts that due to delays in the finalisation of the Scheme design it was unable to share plans with landowners which confirmed the exact extent of the land and rights which were required for the Scheme until December

2022. However, it is now over 12 months since plans confirming the Acquiring Authorities proposals for voluntary agreements were issued to the landowners and in the vast majority of cases there has been significant engagement with landowners with a view to reaching voluntary agreements and heads of terms for such agreements have prepared and issued.

- 5.18 In respect of the offers made to landowners, the Acquiring Authority has made offers which are in accordance with the Compensation Code principles and, as such, has reflected compensation within offers as if the landowners' interests had been compulsorily purchased. Where possible, the Acquiring Authority has now engaged with all landowners for a considerable period of time and has sought to ensure that it complied with the Guidance when doing so.
- 5.19 At the date of my proof of evidence, the Acquiring Authority is engaging with all landowners with a view to reaching voluntary agreements for the acquisition of the land and rights required for the Scheme. Heads of terms have been issued to 25 of the 44 identified landowners who have interests in the Order Land, which is required for the delivery of the Scheme. To date, agreements have been reached with 9 of these landowners and negotiations are ongoing with 26 of the landowners. There are 4 landowners where it has been possible to secure the land required for the Scheme under a section 106 planning agreement and a further 4 where an agreement is not required either because the land is already in the ownership of the Acquiring Authority, or appropriate land and rights to deliver the Scheme have been secured through an agreement with another landowner, or a modification has been proposed to remove the land in their ownership from the Orders. There is only one landowner who is no longer engaging with us at all.
- 5.20 In section 4 of this Proof of Evidence I have outlined details of the objections which have been received and the responses and actions the Acquiring Authority has undertaken with a view to addressing the objections that have been raised with a view to resolving objections where possible.
- 5.21 Following the closure of the statutory objection period on 22 March 2023, a total of 32 objections had been submitted to the Secretary of State ("**the Objections**"). Two further objections from National Grid Electricity Transmission plc (NGET plc) and the Oxford Fieldpaths Society were later received making a total of 34 objections which have been submitted to the Secretary of State for Transport. Following initial enquiries, the objection received from RD Education Ltd t/a Lightning Motorcycle Training (Objection 5) was removed in June 2023 and following the agreement of heads of terms, the objector Jacqueline Mason (Objection 32) removed her objection in November 2023.
- 5.22 There are 32 remaining objections (the **Objections**). Of the Objections, 23 are statutory Objections where the objector has a land interest impacted by the Scheme. The remaining 9 Objections are classed as non-statutory Objections, where the objecting party has no land interest directly impacted by the Scheme but, instead, has a more general Objection.
- 5.23 Many of the parties who have objected are represented and there have been a number of complex objections submitted, some of which are objecting on numerous different grounds. The Scheme impacts on a number of development sites which it will provide access to on completion and which will benefit from the Highway Improvements and other public benefits it provides. However, this has led to a number of complex objections being received from landowners such as RWE, Leda Properties, UKAEA, the WE Gale Trust and Scheme promotor CEG. In many cases these objectors are seeking to maximise the benefits that the Scheme will provide to their sites and minimise any impact during the construction period.
- 5.24 There have also been a number of non-statutory objections received from various local Parish Councils including Appleford Parish Council, Sutton Courtenay Parish Council, Nuneham Courtenay Parish Council and an objection from the Neighbouring Parish Councils Joint Committee which represents a number of Parish Councils in the local area.

These objections mainly relate to panning matters and will be addressed in the call-in Inquiry but are generally complex and have referenced numerous different grounds of objection.

- 5.25 In addition, there have also been four objections received from statutory undertakers whose assets are impacted by the Scheme. Those statutory undertakers who have objected include Network Rail, Thames Water, RWE Generation UK plc and National Grid Electricity Transmission plc.
- 5.26 The Acquiring Authority has sought to engage with all objectors, where possible, in order to listen to the concerns of landowners and non-statutory objectors alike. It has sought to address their concerns and resolve their objections where it has been reasonably practical to do so whether that be through the provision of further information and/or preparing bespoke heads of terms for voluntary agreements which address the concerns of landowners. The Acquiring Authority can confirm that it will continue to engage with all objectors right up until the date of the Inquiry with a view to resolving their objections.
- 5.27 Details of the individual objections received are outlined in section 4 of this Proof of Evidence above. This Section details the engagement that has place with individual objectors and the responses that the Acquiring Authority has provided with a view to addressing the concerns of objectors and resolving their objections.
- 5.28 I consider that the evidence outlined in section 4 does demonstrate that the Acquiring Authority has sought to address the concerns of objectors and has sought to resolve their objections where it has been reasonably practical to do so. I am therefore of the opinion that the Acquiring Authority has sought to fully address the concerns raised by Objectors in their Objections.
- 5.29 Having given consideration to the evidence referred to above in Sections 3 and 4 of this Proof of Evidence, I therefore consider that, in accordance with the Guidance [CDH.10], the Acquiring Authority and Gateley Hamer have made reasonable attempts to reach voluntary agreements with landowners to acquire all land and rights that are required for the Scheme.
- 5.30 However, on the basis of this evidence, I am also of the opinion that in order to ensure that the land and rights required to construct the Scheme can be secured and the Scheme delivered within a reasonable timeframe, that the use of compulsory purchase powers, as a method of last resort, will be required.
- 5.31 In his evidence Aron Wisdom of Oxfordshire County Council has explained the strategic need for the Scheme and the Public Benefits that it will deliver. In the evidence of Timothy Mann of Oxfordshire County Council, he has considered the justification for the CPO and explained the compelling case in the public interest which justifies the use of compulsory purchase powers and the interference with the human rights of landowners affected by the Scheme.
- 5.32 Therefore on the basis of the evidence referred to in this Proof of Evidence above and the evidence of those also referred to in this Proof of Evidence at 1.15 above, I have concluded that, in my opinion, there is a compelling case in the public interest which justifies the use of compulsory purchase powers and that the interference with the human rights of landowners affected by the Scheme is justified in order to facilitate the construction and delivery of the proposed Scheme and obtain the public benefits that will be delivered as a result.

6 RICS DECLARATION AND STATEMENT OF TRUTH

RICS Declaration

- 6.1 I am a Chartered Valuation Surveyor. I am required by law By-Law 5(ii) of the Regulations of the Royal Institution of Chartered Surveyors to comply with their practice statement, **Surveyors acting as Expert Witnesses**. In accordance with that practice statement:
- 6.2 I confirm that my report has drawn attention to all material facts which are relevant and have affected my professional opinion.
- 6.3 I confirm that I understand and have complied with my duty to the Inquiry as an expert witness which overrides any duty to those instructing or paying me, that I have given my evidence impartially and objectively, and that I will continue to comply with that duty as required.
- 6.4 I confirm that I am not instructed under any conditional or other success-based fee arrangement.
- 6.5 I confirm that I have no conflicts of interest.
- 6.6 I confirm that I am aware of and have complied with the requirements of the rules, protocols and directions of the Tribunal.
- 6.7 I confirm that my proof of evidence complies with the requirements of RICS – Royal Institution of Chartered Surveyors, as set down in the RICS practice statement Surveyors acting as expert witnesses.

Statement of Truth

- 6.8 I confirm that I have made clear which facts and matters referred to in this report are within my own knowledge and which are not. Those that are within my own knowledge I confirm to be true. The opinions I have expressed represent my true and complete professional opinions on the matters to which they refer.

STEVEN JOHN MOON BSC (HONS) MRICS

30 JANUARY 2024