

The Planning Inspectorate

Sent via email to:

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Our ref: RHA/115040.01603

25 April 2024

Dear Joanna

Oxford-Didcot Conjoined Inquiries : CASE REF: APP/U3100/V/23/3326625 & CASE REF: NATTRAN/SE/HAO/286 (DPI/U3100/23/12)

We write on behalf of Network Rail Infrastructure Limited (Network Rail), in respect of their objection to the Order(s).

Network Rail and Oxfordshire County Council (OCC) have been in discussion over the terms of a framework agreement and relevant subsidiary documents. The draft framework agreement provides for OCC not to implement powers over Network Rail land, and instead to provide access to the land and any necessary rights that OCC requires for delivery of the HIF1 Scheme by agreement, and to seek to modify the CPO to remove NR land in order to resolve NR's objection to the Orders and to ensure adequate protection for NR's operational assets.

The terms of the framework agreement provide for Modifications to the Orders to remove Network Rail land. The framework agreement negotiations are well advanced, but completion of the document is not going to be capable prior to the Modifications session on Friday, which means that these Modifications are not able to be tabled at that time. It is anticipated that it may be possible to present these Modifications prior to the close of Inquiries. However, the framework agreement also provides for OCC not to implement powers over Network Rail land prior to the legal documentation being in place, which secures OCC's necessary requirements for the delivery of the HIF1 Scheme. Pursuant to the terms of the draft framework agreement, once it is in place, and OCC have sought to modify the CPO to remove Network Rail's land, Network Rail will withdraw its objection to the Scheme. Network Rail confirms, however, that it is not anticipated that Network Rail will need to appear at the Inquiries but reserves its ability to do so if required and relies on its statement of case.

As noted in Network Rail's statement of case, Network Rail considers that if the CPO was confirmed without modification, it would give OCC the power to carry out works and acquire land without securing appropriate protections for Network Rail and its railway undertaking.

Network Rail made representations under section 16 and Schedule 3 part II of the Acquisition of Land Act 1981 on 3 February 2023 to the Department for Transport. Section 16 provides special protection for the operational land of statutory undertakers. Section 16(2) states that compulsory purchase orders shall not be confirmed unless the Secretary of State, in this case the Department for Transport, is satisfied that the land can be purchased and not replaced without serious detriment to the carrying on of the undertaking, or that if

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purchased it can be replaced by other land belonging to or available for acquisition by the undertaker without serious detriment, and certifies accordingly.

Unfortunately, at this point in time, Network Rail cannot remove their objection until the framework agreement is in place and OCC have sought to modify the CPO to remove NR's land. However, it is anticipated that this will be possible prior to the close of the Inquiries and we will provide a further update at that point.

Yours faithfully



Dentons UK and Middle East LLP