



Secretary of State for Transport
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THE OXFORDSHIRE COUNTY COUNCIL (DIDCOT GARDEN TOWN HIGHWAYS INFRA-STRUCTURE - A4130 IMPROVEMENT (MILTON GATE TO COLLETT ROUNDABOUT), A4197 DIDCOT TO CULHAM LINK ROAD, AND A415 CLIFTON HAMPDEN BYPASS) SIDE ROADS ORDER 2022 ("THE SIDE ROADS ORDER") and,

THE OXFORDSHIRE COUNTY COUNCIL (DIDCOT GARDEN TOWN HIGHWAYS INFRA-STRUCTURE-A4130 IMPROVEMENT (MILTON GATE TO COLLETT ROUNDABOUT), A4197 DIDCOT TO CULHAM LINK ROAD, AND A415 CLIFTON HAMPDEN BYPASS) COMPULSORY PURCHASE ORDER 2022 ("THE COMPULSORY PURCHASE ORDER")

Dear Sir / Madam,

RWE Generation UK plc (RWE) writes to object to The Side Roads Order and The Compulsory Purchase Order referenced above in so far as it relates to apparatus and land owned by RWE at Didcot A and B Power Stations (Didcot Power Station). RWE is the freehold owner and operator of Didcot Power Station.

RWE is the holder of an electricity generation licence under Section 6 of the Electricity Act 1989 (entitled to exercise the powers under Schedule 3 of the Act) and a deemed statutory undertaker under section 8(1) of the Acquisition of Land Act 1981. RWE is also a statutory undertaker under section 262(6) of the Town and Country Planning Act 1990 and Didcot Power Station is operational land as defined under section 263 of that Act.

Although RWE is generally supportive of the Housing Infrastructure Fund (HIF1) improvements proposed at Didcot it objects, as a statutory undertaker, to the use of compulsory acquisition powers to acquire land and rights either temporarily or permanently across RWE's Didcot Power Station. RWE has previously responded to the HIF 1 planning application (attached) and a consultation undertaken by Oxfordshire County Council (OCC) in 2020 (attached) raising concerns about the potential impacts on its land at Didcot, particularly in relation to new access and drainage arrangements.

Although OCC has developed the HIF 1 scheme to take account of the majority of the access and drainage requirements for Didcot Power Station, there are still elements that have not been agreed and which will, if not managed properly, have a detrimental impact on RWE's statutory

undertaking. RWE requires access to Didcot Power Station on a 24 hours and 7 day a week basis for operational and safety reasons. Access through the Didcot A Power Station site entrance is also required for heavy goods and wide loads on a 24/7 basis. Additionally, Didcot A Power Station's drainage system will be adversely affected if the proposed replacement drainage pond is not implemented at the appropriate time. These matters which primarily relate to sequencing and agreement of temporary closure of roads at agreed times are better dealt with through private agreement rather than the through the compulsory acquisition of land and rights.

The Compulsory Purchase Order (CPO) seeks to acquire land and temporary and permanent rights on land across the following plots: 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. It also seeks to acquire rights on Plot 4/3a, 4/3b, 4/3c and 13/6c. RWE is the freehold owner of all of those plots.

Compulsory purchase should only be used as a last resort, when negotiations have failed. The Guidance on Compulsory purchase process and The Crichel Down Rules (2018) clearly specifies, at paragraphs 17-19, the need for early engagement on negotiations with private landowners. However, although RWE has been in consultation with OCC since 2020 about the design of the HIF 1 scheme, there has been no discussions or negotiations in relation to the land rights needed for its delivery. RWE is willing to enter into an appropriate negotiated agreement with OCC and consequently the use of compulsory purchase powers and direct interference with RWE's land rights is not justified.

In addition to the in-principle objection to the use of compulsory purchase powers over its land and apparatus, RWE also objects in relation to the impacts of the acquisition and proposed works. RWE has detailed comments on the land plans, as follows:

1. Plot 4/3a – This is the main access point to Didcot B Power Station and construction traffic should be kept to a minimum.
2. Plot 5/2d – The permanent acquisition should end as a bell mouth by Plot 5/2c. This road will form the private access to Didcot Power Station and should not be adopted, there will be a requirement for a security gate and gatehouse;
3. Plot 5/2h - This plot 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;
4. Plot 6/1d – RWE has no objection to OCC 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;
5. Plot 6/1 e, f and h - RWE needs to maintain the remaining drainage lagoon for operational purposes and co-ordination between OCC and RWE will be required to ensure appropriate access is provided;
6. Plot 6/1 l – It is not clear from the proposals why this land is required for the HIF 1 scheme;
7. Plot 6/1 j – This 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 OCC for the construction of its scheme.
8. RWE is also concerned about its apparatus or utility services that is located under the roads to be stopped up and that serve Didcot Power station. Those should be fully protected to ensure there is no disruption or operational impacts to the power station.

RWE also notes a number of inaccuracies on the acquisition documents, in particular on the table included on the proposed plans showing the "Land Take Requirement" which doesn't

coincide with the colouring of the plans for the following parcels (resulting in confusion about whether they relate to permanent or temporary acquisitions):

- Plot 5/2b is shown green on the plan, but the table on the plan states “permanent”; RWE thinks this should be shown as “temporary” and seeks such clarification.
- Plot 6/1a shown green on the plan, but the table on the plan states “permanent”; RWE thinks this should be shown as “temporary” and seeks such clarification.
- Plot 6/1c shown green on the plan, but the table on the plan states “permanent”; RWE thinks this should be shown as “permanent” and seeks such clarification.
- Plot 6/1f shown green on the plan, but the table on the plan states “permanent”; RWE seeks confirmation that this is correct.
- Plot 6/1h shown green on the plan, but the table on the plan states “permanent”; RWE thinks this should be shown as “temporary” and seeks such clarification.

The land affected in **The Side Roads Order** is defined on Site Plan 5 (5/d, 5/e and 5/1 to 5/7) and Site Plan 6 (6/1, 6/2 and 6/3). It should be noted that the stopping up of private roads and the granting of compulsory rights will segregate RWE’s existing security gatehouse (South of stopped up road 5/1, Site Plan 5) making it obsolete and removing RWE’s ability to control access into Didcot Power Station. The stopping up of private roads and the grant of new rights for the benefit of OCC should not be approved until a voluntary agreement has been signed with RWE for the development of the HIF 1 scheme across its Didcot Power Station site. The proposed exercise of compulsory purchase powers in relation to land owned by RWE is disproportionate and unnecessary in light of the strong likelihood that a private agreement will be reached with OCC.

RWE must retain the ability to maintain uninterrupted access and operations at its Didcot Power Station site. This requires the HIF 1 scheme to ensure that future access arrangements to the Didcot A and B sites are equivalent to those that already exist in terms of heavy and wide loads and that there is sufficient capacity within any junction design to accommodate future development. RWE wishes to enter into a suitable voluntary agreement to achieve this objective.

On the basis that the land affected is operational land, that operational lagoons and drainage system remains *in situ*, that services run under land to be acquired or stopped up and the land is also required by RWE for continuous and permanent access to Didcot A and Didcot B Power Stations for operational reasons, and there are alternatives to the proposed compulsory acquisition by way of private agreement, RWE does not accept that a compelling case in the public interest has been demonstrated by OCC.

Yours sincerely

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