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The Planning Inspectorate  
Via the Programme Officer for the Oxford to Didcot Conjoined Inquiries

Email [joanna.vincent@gateleyhamer.com](mailto:joanna.vincent@gateleyhamer.com)

Dear Sir/Madam

**The Oxfordshire County Council (Didcot Garden Town Highways Infrastructure A1430 Improvement (Milton Gate to Collett Roundabout) A4197 Dicot To Culham Link Road and A415 Clifton to Hampden Bypass Compulsory Purchase Order 2022 ("the CPO") and the Oxfordshire County Council (Didcot Garden Town Highways Infrastructure A1430 Improvement (Milton Gate to Collett Roundabout) A4197 Dicot To Culham Link Road and A415 Clifton to Hampden Bypass Side Roads Order ("the Side Roads Order") together ("the Orders"))**

- 1 We act for National Grid Electricity Transmission Plc ("NGET") who have objected to the above orders. NGET have assets within and adjoining the Order Lands and the land affected by the Side Roads Order. If the Orders are made as currently proposed without an Asset Protection Agreement in place between the parties to regulate and control the powers under the respective Orders, the Orders would have an unacceptable impact on the apparatus of NGET. The reasons for this are explained in paragraphs 2 to 5 below. Accordingly NGET have asked Oxfordshire County Council to enter into an Asset Protection Agreement between the parties to provide legal certainty that any potentially unacceptable impacts of the Order powers are mitigated. Provided that an Asset Protection Agreement is put in place, NGET will then be able to remove their objection to the Orders.
- 2 NGET's current road access to Didcot Substation is taken from the adopted public highway and then over plot 4/3a which is currently owned by RWE. Plot 4/3a is currently included in the CPO as a pink full acquisition plot meaning in future, if OCC exercise the powers as permitted in the CPO, it will be owned by OCC. This could potentially legally (and practically depending on the works undertaken by OCC on this plot) obstruct NGET's main HGV access to their Didcot Substation. This is clearly unacceptable. In reality we understand that it is not OCC's intention to do this but nonetheless the CPO gives them the legal power to do so unless otherwise restrained by legal agreements between the parties. Accordingly NGET require an Asset Protection Agreement to be put in place which includes provisions as follows:
  - (a) Prior to the service of any general vesting declaration to acquire plot 4/3a the OCC will agree the form of an easement for the benefit of the NGET to grant NGET all reasonably necessary access rights across Plot 4/3a from the adopted public highway to Didcot Substation.
  - (b) Following the vesting of Plot 4/3a the OCC shall simultaneously grant the Undertaker the easement agreed above to ensure continued access rights to Didcot Substation.

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- (c) The OCC undertakes not to execute a Notice to Treat in relation to plot 4/3a in order to have sufficient title to simultaneously grant the necessary access easement in accordance with the clause above.
  - (d) In the circumstances where the Promoter does not acquire plot 4/3a because they secure a voluntary access right across plot 4/3a to ensure that the Promoters use of Plot 4/3a does not conflict with the Undertakers use and
  - (e) to ensure that appropriate access for all vehicle types is maintained at all times to enable the NGET to take access from the adopted highway to Didcot Substation via plot 4/3a
- 3 NGET have Apparatus in close proximity to the works which will be undertaken under the Orders. Whilst NGET do not have an in principle objection to the works under the Orders being carried out for safety reasons, NGET do require that an Asset Protection Agreement is put in place in order to ensure that OCC is legally required to keep Plant Protection adequately informed of all works in the vicinity of NGET's apparatus at all stages and also to ensure that an indemnity for any damage arising to NGET's assets as a result of the works taken under the Orders is provided and backed up with insurance. As well as generally requiring protection for NGET's assets from the Works, NGET also need to ensure that all existing land rights will remain in situ for NGET to retain and access their existing apparatus which is remaining in situ whilst OCC's scheme is being carried out around it. Without this protection NGET's property rights to reach its assets could potentially be affected by the scheme and the powers under the Orders which is a key safety concern of NGET's. In particular there are specific issues to be addressed in respect of two key interactions between the Order powers and NGET's infrastructure as addressed in paragraphs 4 and 5.
- 4 NGET's access to its 400kV Overhead Line (Bramley to Dicot circuits) Pylon 4YG003 is required to be re-provided both temporarily (during works) and then permanently thereafter. It is essential for safe operation of the network that NGET has legal rights to access all it's Assets in order to maintain them and for emergency access. Accordingly notwithstanding the Scheme and the powers under both Orders, NGET require legal certainty that OCC will allow NGET access:
- (a) At all times during construction of the Scheme to ensure that the Undertaker can utilise their exiting land rights to access Pylon 4YG003 or provide alternative from the adopted highway which is first agreed with NGET.
  - (b) The Promoter will ensure that any alternative access route to Tower 4YG003 provided during the construction phase is maintained at all times until the permanent future access to Tower 4YG003 is adopted as public highway and will ensure that the Side Roads Order enables the Undertaker to access Tower 4YG003 with all necessary vehicles at all times. Finally temporary closure of the cycleway will be necessary at anytime that NGET needs to do works to the tower for safety reasons and OCC need to confirm in the APA that this will be delivered by them in order to make this design solution acceptable to NGET. We have also asked OCC to confirm both the temporary and permanent access solution by reference to the relevant plans, so that NGET can check this is acceptable and this information is still awaited. In addition to the legal access points NGET require the Asset

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Protection Agreement to be in place for the reasons set out in paragraph 3, as the works are being carried out in close proximity to their assets.

- 5 NGET also has 132kV High Voltage Underground Cables (Dicot to Foxhall) and Joint Box as well as Fibre Optic Cables running within the vicinity of the underground cables which form an essential part of the electricity transmission network and are affected by the works being carried out by the Council and is in land which is included in the Side Roads Order including for stopping up as well as the CPO. We have asked OCC to provide an overlay plan of the assets with the Side Roads Order and CPO plans in order to identify exactly what legal and access rights need to be secured in the future. This is still awaited. Once the interaction with the legal impacts of the Orders on NGET's assets is fully understood this will need to be protected in the Asset Protection Agreement to ensure that NGET can both retain their apparatus under necessary land rights in any areas which are being stopped up and also to ensure access from the adopted public highway is possible at all times to the Joint Box which is a key concern for NGET. These assets all also need to benefit from the protection under the Asset Protection Agreement set out in paragraph 3 above.
- 6 National Grid's objection is capable of being resolved by way of putting an Asset Protection Agreement in place. A meeting was held with the Council on the 2<sup>nd</sup> November and the Council indicated that they understood the need for the Asset Protection Agreement. The Asset Protection Agreement was sent to the Council on the 12<sup>th</sup> December 2023 once a costs undertaking had been received from OCC. No response from the OCC was received on the Asset Protection Agreement until the 18<sup>th</sup> January 2024, following the instruction of external solicitors and accordingly the Asset Protection Agreement is neither agreed nor in place yet. Whilst solicitors have exchanged correspondence, NGET is still awaiting full comments on the APA from OCC's solicitors. NGET will continue to liaise with OCC to put the Asset Protection Agreement in place to resolve NGET's concerns with the Orders. However NGET would request that they are scheduled to appear on one of the last hearing dates at the back end of the examination in May or June (or whenever the latest hearing date is) in order that NGET can reserve the right to appear and make representations in relation to their objection, if OCC have not by that stage protected NGET's position by entering into a Asset Protection Agreement. NGET would obviously hope that no appearance at the inquiry is necessary, however at this stage as negotiations are not yet progressed, NGET make this request to protect their position.

Yours faithfully



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