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**Date:** 15/01/2024

Sent via email only: [kelly.schrocksnadel@dft.gov.uk](mailto:kelly.schrocksnadel@dft.gov.uk)

Dear Kelly

**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 Order).**

The Acquisition of Land Act 1981 (AQA) contains a provision within section 16 which enables Ministers to prevent land owned by a statutory undertaker from being acquired via compulsory purchase. The above-mentioned order pertains to the acquisition of land from Thames Water (a statutory undertaker) by Oxfordshire County Council.

Thames Water submitted a representation to the Department for Transport on 17 March 2023. The representation was not accepted under section 16 as it was made to the Transport Secretary and not the Secretary of State for Environment, Food and Rural Affairs, it also did not clearly state that the representation was being made under Section 16.

Defra officials are of the belief that this was a procedural error, so I would therefore ask you to consider the below details before deciding whether to make the order:

The AQA states that land belonging to a statutory undertaker cannot be acquired, unless the appropriate minister gives a certificate in the terms stated in section 16(2). These are either that:

- the land can be taken without serious detriment to the carrying on of the undertaking (section 16(2)(a)); or
- if taken it can be replaced by other land without serious detriment to the undertaking 106 (section 16(2)(b)).

**Defra officials agree with Thames Water's assertion that neither of the terms can be qualified and proceeding to make the order would impact Thames Water's ability to carry out its operational activities. The reasons are set out below.**

Whilst the land included in the proposed order does not currently contain any operational equipment, (excluding plot 17/11i which contains monitoring equipment and is already required as part of Thames Water's daily operational activity) the land has been identified for the expansion of the Culham Sewage Treatment Works (Culham Works) and is therefore essential for performance of the undertaker's activity.

Thames Water are aware of two developments which will increase the total number of homes in the catchment area by 5,200. The expansion of the Culham Works has been included by Thames Water as part of its draft business plan as a response to the projected population growth associated with the new developments. The business plan was submitted to OFWAT in October 2023.

The additional new homes mean that the population within the Culham Works catchment area is expected to increase by 46% by 2031. Therefore, work must begin within the next 2 to 5 years so this additional demand can be met. Thames Water does not own any other suitable land for the completion of this work so if the Order is confirmed, Thames Water would need to acquire additional land to make the required upgrades. If no land was available, Thames Water would have to rely on its compulsory purchasing powers which could create a delay of 2 to 2.5 years.

Failure to make the required improvements on time would impact Thames Water's operations for reasons including impacts on:

- Its ability to manage the increased volume of treated, final effluent being discharged to the environment and compliance with its associated Permit.
- The number and duration of Storm Overflow Events.

This would have an impact on the local environment and could result in:

- Flooding of land surrounding the Culham Works.
- Internal and external property flooding.
- Breaches of the site's statutory permits and non-compliance with its quality parameters.

Thames Water have stated that confirmation of the Order will result in serious detriment to the carrying on of its undertaking at Culham Works.

For these reasons, I would like to request that you do not proceed to make the Order whilst it includes the land required by Thames Water for expansion of the Culham Works and the land in parcel 17/11i which is already required as part of Thames Water's daily operational activity.

Please let me know if you require any further information.

Yours sincerely

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