



Secretary of State for Transport
National Transport Casework Team
Tyneside House,
Skinnerburn Road,
Newcastle upon Tyne, NE4 7AR

By email only to nationalcasework@dft.gov.uk

22 March 2023

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

Matthew Trigg

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Stantec UK Limited
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Waterman Place
Reading RG1 8DN

14th April 2022

Project/File: HIF1 Application (R3.0138/21)

Emily Catcheside
Oxfordshire County Council
Planning Department
County Hall
New Road
Oxford
OX1 1ND

Dear Emily,

Reference: R3.0138/21

I am writing on behalf of our client RWE Generation UK in response to the Science Bridge proposals submitted by Oxfordshire County Council (OCC) as part of the Didcot Garden Town Infrastructure project (planning app. ref. no. R3.0138/21) (known as 'HIF1').

The proposed Science Bridge Road Link (SBRL), which forms part of the HIF1 application, runs through RWE's Didcot Power Station Site, located to the northwest of Didcot. As your colleagues are aware from the pre-application discussion RWE is currently finalising a hybrid planning application for the proposed redevelopment of the element of the wider site that historically accommodated the former Didcot A Power station site, known as Didcot Data Campus. For the avoidance of doubt, a plan showing the location of the proposed Didcot Data campus site and wider RWE site has been appended to this letter.

Our comments are based on a review of the following application documents:

- Didcot Garden Town Housing Infrastructure Fund (HIF1) Transport Assessment – hereafter referred to as 'TA';
- Road Safety Audit Stage 1 – hereafter referred to as 'RSA'; and
- Application Drawings:
 - Highways General Arrangement Sheets 5 and 6 out of 19;
 - Visibility Splays Sheets 5 and 6 of 19; and
 - Highways Swept Path Analysis Sheet 17 of 39.

General comments on the Transport Assessment (TA)

Based on our review of the submitted TA, it is unclear whether the former Didcot A Power Station has been accounted for in the baseline assessment and whether the proposed SBRL scheme allows for the currently permitted operations or the continued use of the site as an element of the nationally important power generation infrastructure.

Reference: R3.0138/21

The base junction capacity assessments presented in Table 3.4 of the TA appear to be based upon traffic surveys carried out in 2016 and 2017, when the active use of Didcot A had ceased, and the demolition of Didcot A Power Station had already started. With the information provided, it is clear that unfortunately no consideration has been given to traffic flows with the Didcot A Power Station site operating under its permitted development rights, which allow for the following:

RWE Generation UK Plc ("RWE") holds an electricity generation licence under Section 6(1) of the Electricity Act 1989 and is entitled to exercise powers conferred by Schedules 3 and 4 of that Act. As such, RWE is a statutory undertaker as defined in S262(6) of the T&CPA 1990. RWE holds its interest in the site of Didcot A Power Station for the purposes of its statutory undertaking and as such the Didcot A Power Station site is classed as operational land in accordance with S263 of the T&CPA. The site predates 1968 and has been subject of specific planning consents for the purposes of energy generation for several decades. Schedule 2, Part 15, Class B of the T&CP (GPD) (England) Order 2015, as amended, sets out the permitted development rights that exist in relation to RWE's undertaking at Didcot A. These rights are wide ranging and allow for many types of development uses. Consequently, the Didcot A site has the ability to generate traffic movements without the need for planning permission. The 2011 surveys provide a reasonable reflection of traffic flows with the site operating under its permitted use.

In our view, for the baseline assessment to be robust it is critical that the 2011 surveys should be incorporated into the Paramics model in order to accurately reflect the baseline operational performance of local junctions around Didcot A Power Station. Without consideration to these, the results of the base junction capacity assessments are an underrepresentation of the current operation of the road network around the site, and therefore inappropriate for the purpose of carrying a net impact assessment. We therefore request that an updated assessment is carried out using the 2011 survey data, which can be made available to OCC upon request.

Additionally, we are concerned about the following issues with regard to the A4130/ Science Bridge Junction (referred to as 'SCH6' in the TA) Assessment:

HIF1 TA Results	Comments
The applicant suggests that there is an alternative route via the Southmead industrial estate (turning into Hawksworth Road) for traffic heading north or east, with capacity to accommodate re-routing traffic.	Although it is accepted that the improved A4130/ New Thames River Crossing/ Collet roundabout (SCH7) has spare capacity to accommodate re-routing traffic, no evidence is presented in the TA to suggest that the Hawksworth Road/ Collet junction can accommodate this traffic. Without testing this, it is not possible to understand whether traffic would route this way or would carry on using the SCH6 and potentially impact traffic along the SBLR and the former Didcot A Power site (or possible future Didcot Data Campus) access.
The applicant's view is that one of the main ways to prioritise mainline flow is by discouraging traffic from using the existing A4130 between the Mendip Heights and Purchas Road roundabouts by creating a priority junction instead of a roundabout where the existing A4130 meets the new A4130 (SCH3).	The effects of a priority junction at SCH3 instead of roundabout on the SBLR junctions have not been tested.

Reference: R3.0138/21

HIF1 TA Results	Comments
The Paramics model assumptions account for 400 dwellings at the former coal yard for the Didcot A site. However, it is understood that this is no longer likely, therefore, if the 400 units do not come forward, the model is assuming too many trips in the area.	It is accepted that a residential development at Didcot A site would assume too many general traffic movements in the area. A sensitivity test should be carried to understand the capacity/operational benefits of testing Amazon and Cloud HQ data centres, which have now been permitted and are under construction.

Comments on Road Safety Audit (Stage 1)

Additionally, there are a number of concerns with regard to issues raised in the RSA Stage 1 that could have an impact on the operation and safety users of the former Didcot A Power Site, if left unresolved:

- The change of speed limit to the east of the TOUCAN crossing should be implemented at least at the desirable minimum sight stopping distance (SSD) for the lower speed limit from the crossing, in line with the RSA.
- Side road junctions along the SBLR:
 - Give way line should be moved back to the bottom of the raised entry treatment ramp and visibility splays checked.
 - Junction warning signs with sub-plates bearing the legend “give way to cyclists” should be provided.
- Warning signs should be located closer to the parallel crossings.
- Upright signs should be provided for the segregated cycleway/ footways along SBLR.
- Street lighting should be provided to the west of the Old A4130 junction, only at the junction and approaches.

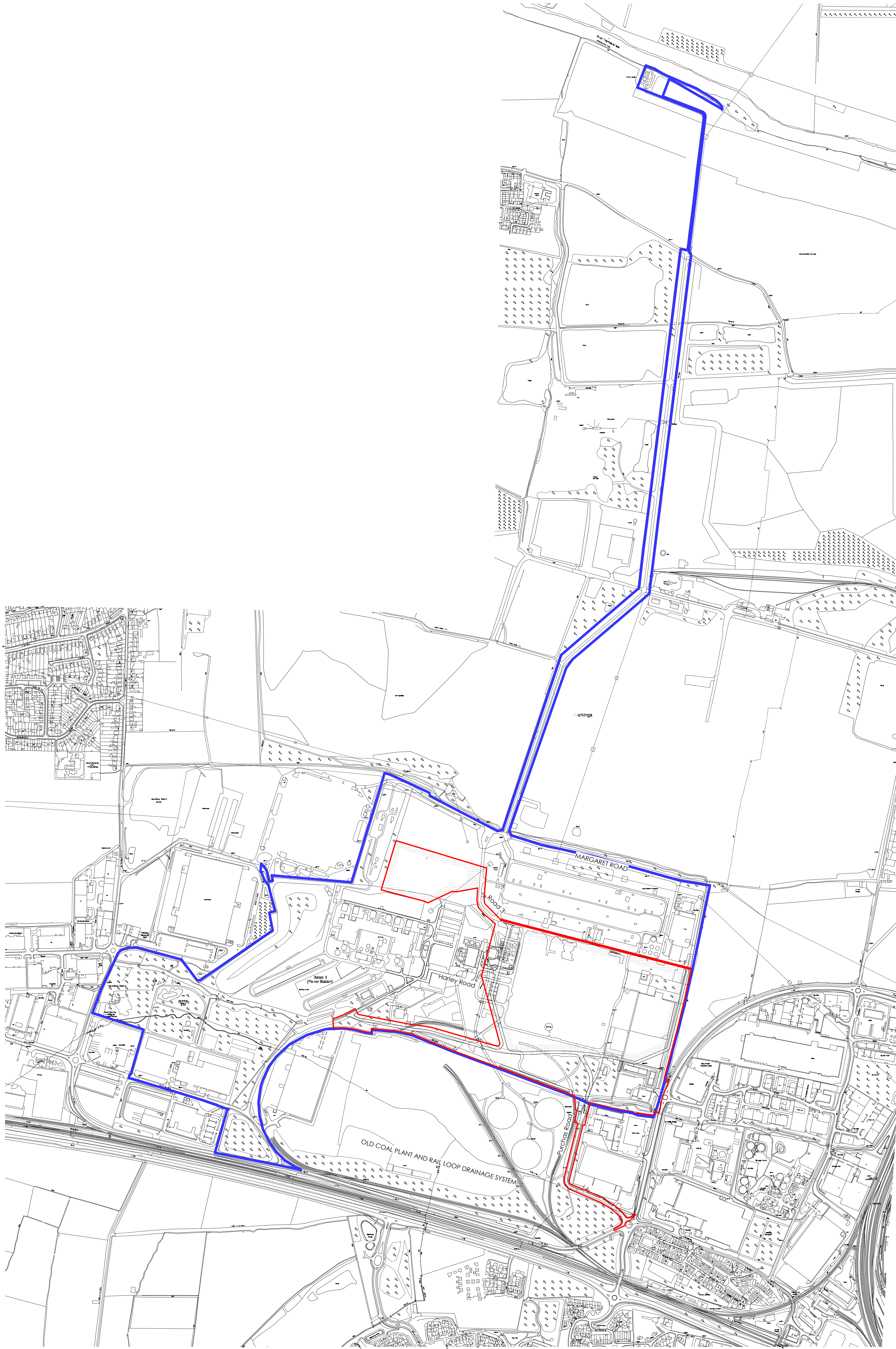
We would appreciate confirmation that the above will be addressed as part of the detailed design stage and RSA Stage 2.

Sincerely,

Sarah Matthews

Director Transport Planning
Sarah.matthews@stantec.com

Attachment: [Attachment]



1 LOCATION PLAN -SITE PLAN
1 : 5500

NOTES:
1. All rights reserved. All drawings and written material appearing herein constitute original and confidential works of ARC:MC, containing not to be disclosed, used or distributed without written consent.
2. All dimensions shown are in millimeters.
3. This drawing shall be read in conjunction with all Specifications and schedules.
4. All dimensions shall be checked by Contractor prior to any works commencing on site.
5. The contractor shall comply with all relevant British standards, regulations, standards, codes of practice, methods of working, and good practice.
6. Dimensions shall not be scaled from the drawing and the contractor shall be responsible for obtaining all dimensions and levels on site for the actual setting out of the works.

SITE BOUNDARY
OWNERSHIP RWE BOUNDARY

REV	DATE	ISSUED FOR COMMENT	BY	CHK
1	10/05/2021			

PROJECT: T. 0000000000
S0 WORK IN PROGRESS

ARC:MC
140-142 St John Street, London EC1V 4UB T 020 34112571
REGISTERED IN ENGLAND COMPANY REG. NO. 7883249

CLIENT: **RWE**

PROJECT: DIDCOT CAMPUS
LAND EAST OF SUTTON COURTENAY LANE AND
WEST OF DIDCOT POWER STATION, SUTTON
COURTENAY
PROJECT NO: L3118/00
DESCRIPTION: Site Location Plan

SCALE: As Indicated @ A0
DRAWING NO: RWE-ARC- ZZ-ZZ-DR-A-1001
REVISION: #

From: Matthew.Trigg@rwe.com
Sent: 30 April 2020 12:37
To: HIF1project@oxfordshire.gov.uk
Subject: Didcot and Surrounding Area Infrastructure Improvement Update Consultation

Dear Sir/Madam,

RWE Generation UK plc (RWE) writes in response to the Didcot and Surrounding Area Infrastructure Improvement Update online consultation. RWE owns Didcot Power Station which is directly affected by the Science Bridge proposal (Scheme B). RWE is generally supportive of the Science Bridge proposal but it remains concerned about the need for further engagement from Oxfordshire County Council (the Council) as well as the impact of the road alignment on its existing landholding, in particular:

1. The impact on RWE's existing access to Didcot A Power Station which also accommodates heavy and wide loads for Didcot B Power Station and the National grid substation;
2. The loss of the security gatehouse at the entrance to Didcot A Power Station;
3. The loss of one or both of Didcot A's settling lagoons which form an integral part of Didcot A power station's Environmentally Permitted site drainage system; and,
4. The segregation of RWE's Technical Support Centre from the Didcot A site by the proposed road.

RWE retains land at Didcot A Power Station for future power generation development. RWE is a holder of an electricity generation licence under Section 6 of the Electricity Act 1989 and a deemed statutory undertaker under the Planning Act 2018. RWE, therefore, requests that its operational land interests at Didcot A and B Power Station sites are protected and that alternatives are fully explored by the Council in order to minimize impacts to RWE. RWE also requires protection to ensure it retains the ability to maintain uninterrupted access and operations at its Power Station sites and to develop the Didcot A site in the short to medium term for power generation and other development uses. This requires the Science Bridge scheme to ensure that future access arrangements to the Didcot A site 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 development on the Didcot A site.

A suitable replacement for the existing security gatehouse at Didcot A will also need to be provided because the proposed road alignment will require its removal. The current security gatehouse also accommodates telecommunication and electricity services for the Didcot A and Technical Support Centre sites which will need to be replaced without disruption to the security of RWE's site and to the functioning of that Centre

The Didcot A site is still operated/managed under an Environment Agency (EA) Environmental Permit and any changes to the drainage system are likely to require EA approval and formal variation of the site permit. The current proposal crosses Didcot A's settling lagoons which form an integral part of the Didcot A site drainage system and are required for the foreseeable future. A suitable alternative drainage system will need to be provided to both RWE's and the EA's satisfaction to maintain the site's drainage and compliance needs.

RWE's Technical Support Centre forms part of the Didcot A Power Station site and is used for operational purposes relevant to Didcot and wider Company business. The proposal will segregate the Technical Support Centre from the main site and potentially make it unsuitable for its current purpose. RWE requires continued use of its Technical Support Centre and invites the Council to engage in discussions with RWE without delay so that suitable alternatives or possible replacement land can be agreed.

It is requested that the Council continues to engage with RWE to ensure that the development of the Science Bridge scheme suitably accommodates the ongoing operational and development needs of the Power Station sites (in particular the most affected, Didcot A) and to ensure the impacts on RWE's land are kept to an absolute minimum by consideration of suitable alternatives, appropriate protection and compensation.

If you have any queries please do not hesitate to contact me.

Kind regards

Matthew Trigg
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