

**RE: 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) CPO 2022**

CASE REF: NATTRAN/SE/HAO/286 (DPI/U3100/23/12)

OPENING SUBMISSIONS ON BEHALF OF

THAMES WATER UTILITIES LIMITED

1. Thames Water Utilities Limited ('TWUL') is a statutory water and sewerage undertaker. TWUL owns and operates the Culham Sewage Treatment Works, Abingdon Road, Culham, Abingdon, OX14 3DD ('the Culham Works') as part of its statutory undertaking.
2. TWUL is a statutory objector to the 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')
3. TWUL is the freehold owner of plots contained within the Order Land. If confirmed, the Order would authorise *inter alia* the compulsory purchase of operational land comprising part of the Culham Works. This includes land that has been identified as required in order to accommodate future growth (plots 17/11a, 17/11b, 17/11c, 17/11d, 17/11e, 17/11f, 17/11g, 17/11h, 17/14a and 17/14b) and land that currently contained TWUL's operational assets (plot 17/11i).
4. For the purposes of opening, there are four key points to note.
5. First, the land identified for acquisition is essential for the future expansion of the Culham Works. The Culham Works currently treats the flow of an approximate population equivalent ('PE') of 4,000 from the villages of Berinsfield, Culham and Clifton Hampden, as well as the Culham Science Centre. The Culham Works currently operates with sufficient headroom for the PE which it serves so as to meet the key sanitary parameters

set out in its operating Permit TH/CSSC.2374 ("the Permit"). TWUL's Process Model for the Culham Works, which considers capacity in five year increments, indicates that between 2021 and 2026, which is the start of Asset Management Plan Period 8 ("AMP8"), the Culham Works currently has enough treatment capacity to remain compliant with the sanitary parameters for the projected growth up to 2026.

6. The expansion of the Culham Works will be required, however, in order to meet projected growth within the catchment of the Culham Works. This arises principally as a result of two large development locations within the catchment, namely, Culham Science Centre and Berinsfield Garden Village. Both development sites have been allocated within the Local Plan for housing development. The population within the Culham Works catchment area is expected, therefore, to increase by approximately 46% by 2031. This means that the PE for the Culham Works will increase from circa 4,000 PE to over 5,800. The planned growth in the population of the catchment is projected to further increase during Asset Management Plan Period 9. The PE for the Culham Works is expected, therefore, to be circa 10,500 by 2036.
7. TWUL has carried out a process of designing solutions to meet the projected growth as part of producing its AMP8 Business Plan (PR24 (Price Review 2024)). For reasons that will be explored in evidence, the preferred solution is for an extension of the existing equipment at the Culham Works. This expansion would provide sufficient capacity up to 2036. This upgrade has been included in the draft business plan submitted by TWUL to the Water Services Regulation Authority (Ofwat) in October 2023.
8. In order to accommodate the projected growth, the proposed upgrades will commence within the next 2 to 5 years in order to ensure that the upgrades are delivered ahead of 2031.
9. If the Order is confirmed and land at the Culham Works acquired, TWUL will be unable to implement the upgrade of the Works using that land. This would necessitate the acquisition of further land at the Culham Works which, for reasons that are explained in evidence, would not provide sufficient certainty that the necessary upgrades can be delivered within the required timeframe.

10. The inability to upgrade the Works on time would detrimentally affect TWUL's ability to ensure an adequate sewerage system for the Culham Works catchment area. This could result in a range of impacts, including flooding of land surrounding the Works; internal and external property flooding as a result of foul water flows surcharging the network; storm overflow events; and a breach of the site's statutory permits and quality parameters, resulting in financial penalties for TWUL.
11. TWUL as the statutory undertaker, has a responsibility to provide upgrades to the Culham Works to accommodate increased demand and growth.
12. Second, the impact on TWUL was not properly understood by the Acquiring Authority until some considerable time after it had designed the scheme, submitted an application for planning permission and made the Order. TWUL does not accept that the Acquiring Authority has been in 'regular correspondence' with the landowner's agent since February 2022 regarding its concerns.¹ It was not until after TWUL submitted its objection to the Order in March 2023 that meaningful engagement with the Acquiring Authority began. By this point, the red line of the Order was fixed. The lateness of the engagement meant that the Acquiring Authority was constrained to offering a 'light touch' re-design of the Scheme,² which was unable to mitigate the impact on TWUL's undertaking.
13. Third, the Acquiring Authority has offered no technical highways reason why the alignment of the scheme could not be amended so as to reduce or avoid the need to acquire land from TWUL. The Acquiring Authority relies solely on the fact that moving the alignment to the north west to exclude TWUL's land would "*require the Scheme to extend beyond the Scheme Boundary hence it is not deemed feasible*".³ The fact that the redline boundary as currently drawn does not permit a re-design of the scheme is a product of the failure to engage with TWUL at an early stage. TWUL's position remains that there is other more suitable land available for the scheme, which would avoid the detrimental impact on TWUL's undertaking.

¹ Steve Moon, Proof of Evidence, para 3.18.20.

² As shown in Figure 31, Karl Chan, Proof of Evidence, pdf page 36.

³ Karl Chan, Proof of Evidence, para 3.60.

14. Fourth, whilst TWUL's objection was not submitted to the Department for the Environment, Food and Rural Affairs ('Defra') within the necessary period to be formally considered as an objection under section 16 of the Acquisition of Land Act 1981, Defra has considered the evidence submitted by TWUL and agrees that the land cannot be acquired without resulting in a serious detriment to TWUL's undertaking.⁴ TWUL will, in due course, invite the Inspector and Secretary of State to give significant weight to the request from Defra that the Order is not confirmed whilst it includes the land required by TWUL for the expansion of the Culham Works and the land parcel which contains operational equipment (plot 17/11i).⁵

15. In conclusion, whilst TWUL welcomes the ongoing engagement with the Acquiring Authority, at present, TWUL's position is that the compulsory acquisition of its land as proposed in the Order is unjustified in circumstances where it would result in a serious detriment to its undertaking. The impact results at least in part from the failure of the Acquiring Authority to engage in meaningful negotiations at an early stage, as required by the CPO Guidance, and could have been avoided by a realignment of the scheme.

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25 April 2024

⁴ Robert Smith, Proof of Evidence, Apx 6 (pdf page 159).

⁵ Robert Smith, Proof of Evidence, Apx 6 (pdf page 159).